



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time Change

**LEGISLATIVE/ HUMAN RESOURCES
COMMITTEE**

Tuesday, April 14, 2026

10:30 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

Notice is hereby given that the Tuesday, April 14, 2026 Legislative/Human Resources Committee meeting of the Board of Directors has been rescheduled from 10:00 a.m. to 10:30 a.m. The meeting will be held in the Administration Building Boardroom at 375 11th Street, Oakland, California.

Dated: April 9, 2026



Rischa S. Cole

Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Legislative/Human Resources Committee
Tuesday, April 14, 2026
10:30 a.m.
Boardroom
375 11th Street
Oakland, CA 94607**

***** Please see appendix for public participation instructions*****

Committee Members: Directors Joey D. Smith {Chair}, April Chan, and Jim Oddie

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update (Viatella)
 - Receive Legislative Report No. 02-26 and consider positions on the following bills: AB 1891 (Connolly) Forestry: Beneficial Fire Capacity Program; AB 2045 (Connolly) Habitat Restoration and Enhancement Act; AB 2157 (Connolly) Workforce Development: Displaced Oil and Gas Worker Pilot Program: Extension and Assessment; AB 2180 (Ward) Local Government: Proposition 218 Omnibus Implementation Act: Proportional Cost of Service; SB 1393 (McGuire) Commercial Fishing: Steelhead Trout: Dungeness Crab; SB 1440, SB 1441, SB 1442 (Committee on Local Government) Validations.

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.



APPENDIX

Legislative/Human Resources Committee Meeting

*EBMUD Board committee meetings will be conducted in person and via Zoom.
These meetings are recorded and live-streamed.*

Online* Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

Webinar ID: 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

Webinar ID: 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 9, 2026
MEMO TO: Board of Directors
THROUGH: Clifford C. Chan, General Manager *CCC*
FROM: Kathy Viatella, Manager of Legislative Affairs *KW*
SUBJECT: Legislative Report No. 02-26

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on April 14, 2026.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 1891 (Connolly) Forestry: Beneficial Fire Capacity Program; 2) Support AB 2045 (Connolly) Habitat Restoration and Enhancement Act; 3) Support and Amend AB 2157 (Connolly) Workforce development: Displaced Oil and Gas Worker Pilot Program: extension and assessment; 4) Support AB 2180 (Ward) Local government: Proposition 218 Omnibus Implementation Act: proportional cost of service; 5) Support SB 1393 (McGuire) Commercial fishing: steelhead trout: Dungeness crab; and 6) Support SB 1440, SB 1441, SB 1442 (Committee on Local Government) Validations.

<u>STATE LEGISLATION</u>	<u>RECOMMENDED POSITION</u>
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AB 1891 (Connolly)	FORESTRY: BENEFICIAL FIRE CAPACITY PROGRAM	SUPPORT
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Existing law authorizes a person that owns or controls brush-covered land, forest lands, woodland, grassland, and shrubland within a state responsibility area to apply to the Department of Forestry and Fire Protection (CAL FIRE) for permission to use prescribed burning for certain public purposes. Existing law authorizes the Director of CAL FIRE to enter into an agreement for prescribed burning with a person to conduct prescribed burning operations for certain purposes. Existing law requires CAL FIRE to develop a training program for prescribed fire users to certify professionals as burn bosses.

AB 1891 (Connolly), as introduced on February 12, 2026, would establish the Beneficial Fire Capacity Program (Program) at CAL FIRE to expand training, organizational capacity, and support for community-led beneficial fire programs, including those developed by California Native American tribes, nongovernmental organizations, universities and colleges, resource conservation districts, volunteer fire districts, and other local or special districts. The bill would use funding from

the Greenhouse Gas Reduction Fund to support and implement community-led beneficial fire programs and to create a competitive grant program for beneficial fire implementation, capacity building, research, innovation, and training. The bill specifies that at least 25% of the funding for the Program would be awarded to California Native American tribes, or tribally led or indigenous-led organizations.

CAL FIRE would be required to provide technical assistance to enhance capacity and assist in the development of projects, assist grantees in identifying potential funding sources for additional beneficial fire projects, reduce grant application and reporting requirements, and reduce reliance on acres treated metrics to the maximum extent feasible.

AB 1891 would also require CAL FIRE to publish and update on its website information related to the implementation of the Program, including a list of entities funded, outcomes of block grants, and a description of the estimated need for additional funding for similar work to help meet the state's beneficial fire goals over time.

According to the author, "AB 1891 sets aside 10% of the Greenhouse Gas Reduction Fund allocated to CAL FIRE for wildfire resiliency and forest health to support beneficial fire, with 25% of that dedicated specifically to tribes and tribal organizations. Beneficial fire has been a proven practice utilized by California's first peoples for thousands of years. The evidence is clear, beneficial fire projects help our ecosystems foster biodiversity, reduce wildfire risk, and preserve natural habitats and forests. It is time we expand these practices and give California another tool to help make our state more resilient to wildfires and natural disasters." The bill is co-sponsored by the Karuk Tribe and the Watershed Research and Training Center.

A catastrophic wildfire in the watershed could have significant impacts on the District's water quality and operations. The District uses prescribed burns to help manage fuel loads, particularly upcountry. The bill could benefit the District by making funding available for implementation and training related to prescribed fire on District-owned land. It could also benefit the District if it leads to increased use of beneficial fire on watershed land not owned by the District.

The District has previously supported bills that increase wildfire prevention and forest health efforts. The District supported AB 3023 (Papan, 2024) which would have required the Wildfire and Forest Resilience Task Force to develop an interagency funding strategy to promote integrated, multiple benefit projects to achieve outcomes more aligned with an ecosystem-based approach, and would have required the California Natural Resources Agency (CNRA) to review and update relevant grant guidelines for specified programs to encourage multi-benefit projects. AB 3023 was vetoed. The District supported AB 388 (Connolly, 2023) which would have required the Department of Conservation to establish guidelines and regional investment strategies to support the goals and key actions identified in California's Wildfire and Forest Resilience Action Plan and would have authorized the CNRA and its conservancies, departments, and boards to award regional block grants. The bill was held on the Senate Suspense File. Another District-supported bill, SB 63 (Stern, Chapter 382, Statutes of 2021), made multiple changes to state law to enhance fire prevention efforts by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply. The District supported AB

697 (Chau, Chapter 232, Statutes of 2021) which required the CNRA to establish a Good Neighbor Authority Program for the purposes of conducting ecological restoration and fire resiliency projects on national forest lands.

The official support and opposition list to AB 1981 is shown below.

Support

All Hands Ecology
Amah Mutsun Tribal Band
American Rivers
Audubon California
Biswell Forestry
Briceland Volunteer Fire Department
California Association of Local
Conservation Corps
California Cattlemen's Association
California Environmental Voters
California Forward
California Indian Environmental Alliance
California Native Plant Society
Calwild
Campfire Restoration Project
Camptonville Community Partnership
Central Coast Prescribed Burn Association
Colusa County Resource Conservation
District
Community Environmental Council
Community Wildfire Planning Center
County of Yuba - Office of Emergency
Services
Cross Contour LLC
Cultural Fire Management Council
Ecoflight
El Dorado Amador Prescribed Fire
Association
Environmental Defense Fund
Environmental Protection Information
Center
Fave Trainings
Feather River College
Fire Resilience Institute
Firefighters United for Safety, Ethics, and
Ecology (FUSEE)
Firegeneration Collaborative

First Rain Land Stewardship Services
Forestscapes LLC
Forevergreen Forestry
Friends of Plumas Wilderness
Friends of the Inyo
Friends of the Lost Coast
Friends of the River Hamey Woods
Humboldt County Prescribed Burn
Association
Humboldt Fire Resilience Institute
Hybrid Incident Support
Klamath Forest Alliance
Mak-warép Ohlone Land Conservancy
Mattole Restoration Council
Mid Klamath Watershed Council
Mount Hermon Northwest
Mount Madonna Center
Mt. Madonna Challenge
National Audubon Society
Nevada County Resource Conservation
District
Nourishing Futures
Pacific Forest Trust
Plumas County Fire Safe Council
Plumas Underburn Cooperative
Prometheus Fire Consulting LLC
Rain
Resource Conservation District of Monterey
County
Resource Renewal Institute
Rural Voices for Conservation Coalition
Salmon River Restoration Council
San Benito Resource Conservation District
San Luis Obispo Prescribed Burn
Association
Sandhills of Quail Hollow Firewise
Santa Clara County Firesafe Council
Santa Clara Valley Habitat Agency

Support continued

Santa Monica Mountains Fire Safe Council
Save Mount Diablo
Save the Redwoods League
Scott River Watershed Council
Semillas for Safe Soil
Sierra Business Council
Sierra Nevada Alliance
Sonoma Land Trust
South Bay Prescribed Burn Association
Spey Conservation INC.
Storm King Mountain Technologies, INC.
Sustainable Tahoe
Terra Fuego Resource Foundation
The Adidam Holy Domains

The Fire Restoration Group
The Hatchet Emergency Response INC.
The Lookout
The Wilderness Society
Transition Habitat Conservancy
Tribal Ecorestoration Alliance
Trinity County Resource Conservation
District
Trout Unlimited
Tuolumne Prescribed Burn Association
Ventura County Resource Conservation
District
Volcano Land Company
Yosemite Gateway Prescribed Burn
Cooperative

Opposition

None on file

**AB 2045
(Connolly)**

**HABITAT RESTORATION AND
ENHANCEMENT ACT**

SUPPORT

Existing law establishes the Habitat Restoration and Enhancement Act (HREA), with a sunset date of January 1, 2027. Under the act, project proponents may submit an eligible habitat restoration or enhancement project to the Director of the California Department of Fish and Wildlife (CDFW) for approval, and the Director must approve the project within 60 days if specified requirements are met. For purposes of the HREA, a habitat restoration or enhancement project means a project with the primary purpose of improving fish and wildlife habitat. The Director's approval is in lieu of any other permit, agreement, license, or other approval issued by CDFW. The Act also makes moneys in the Habitat Restoration and Enhancement Account available to CDFW, upon appropriation by the legislature, for the purposes of administering and implementing the HREA.

AB 2045 (Connolly), as introduced on February 17, 2026, is intended to allow continued expediting of small voluntary habitat restoration and enhancement projects. Specifically, by repealing the HREA's sunset date, AB 2045 would extend the operation of the HREA indefinitely.

According to CDFW, the HREA established permitting efficiencies for any person, public agency, or nonprofit organization seeking to implement a habitat restoration or enhancement project. Projects permitted under the HREA do not require additional permits from CDFW such

as Lake and Streambed Alteration agreements or California Endangered Species Act permits. To qualify for HREA permitting, projects must primarily be for improving fish and wildlife habitat not associated with compensatory mitigation, must meet specified eligibility requirements including being no more than 5 acres or 500 cumulative linear feet in size, and be consistent with best available restoration and enhancement methodologies.

EBMUD recently completed an HREA project, the Tomato Stand Fish Passage Project on Pinole Creek, that removed the last remaining barrier to upstream spawning and rearing habitat for the creek's steelhead population. AB 2045 helps facilitate voluntary habitat restoration and enhancement projects that agencies, such as EBMUD, may undertake in the future. There are no costs to EBMUD contained in the bill.

EBMUD has historically taken positions on legislation to facilitate habitat and fishery enhancement. In 2022, the Board adopted a "support" position on SB 1392 (McGuire) that would have extended the sunset of the steelhead trout fishing report-restoration card program to allow the program to continue operating until January 1, 2028. While SB 1392 was subsequently amended to address a different issue, the steelhead trout fishing sunset extension language was ultimately included in a budget trailer bill, AB 203. AB 203 was signed into law (Chapter 60 of 2022) though EBMUD did not have a position on AB 203. In 2010, the Board adopted a "support in concept" position on AB 2063 (Huffman), which urged more collaboration between state and federal agencies to restore Chinook salmon populations. AB 2063 was vetoed. In 2009, the Board adopted a support position on AB 1189 (Skinner) that would have facilitated Caltrans' remediation of fish passage barriers. This measure failed to advance out of the legislature.

AB 2045 is sponsored by Sustainable Conservation. An official support/opposition list for AB 2045 is not currently available.

AB 2157
(Connolly)

**WORKFORCE DEVELOPMENT:
DISPLACED OIL AND GAS WORKER
PILOT PROGRAM: EXTENSION AND
ASSESSMENT**

**SUPPORT
AND AMEND**

Existing law establishes the Displaced Oil and Gas Worker Pilot Program (Program) under the administration of the Employment Development Department (EDD) to address employment dislocations associated with oil, gas, and related industries. The Program requires EDD to use funds appropriated by the Legislature for purposes of the program and to award grants on a competitive basis to qualified applicants, as specified, for eligible activities. Under existing law, the Program is repealed (sunsets) as of July 1, 2027.

AB 2157 (Connolly), as introduced on February 18, 2026, is intended to help address the needs of displaced oil and gas workers. The bill would extend the Program indefinitely by removing the July 1, 2027 repeal date. AB 2157 would also require EDD, upon appropriation by the Legislature, to contract with the University of California, Berkeley Center for Labor Research and Education (UC Berkeley Center) to complete an assessment analyzing the success of the program, as described. In addition, as part of the assessment EDD and the UC Berkeley Center

would be required to develop a recommended program design for turning the pilot Program into a permanent Program able to support displaced fossil fuel workers during the clean energy transition.

Under AB 2157 the Program design must include the following:

- Review of best practices from other federal, state, and regional models in supporting displaced fuel workers;
- Design of wage replacement and bridge to retirement strategies in addition to individual assessment, career navigation, training, credentialing and skills certifications, wraparound services, and other in-demand services;
- Design worker transition pathways by identifying industries best suited to utilize displaced workers' skill sets and development of policy and programmatic strategies to support worker transitions into these aligned industries statewide;
- Design of criteria for future program grantees; and,
- Estimate of how many workers in the state are likely to require the services needed by the Program, potential costs, and the timeline of need.

According to the author's office, SB 191 (Committee on Budget and Fiscal Review, 2022), a state budget trailer bill, established the Program and provided nearly \$40 million in grants to help displaced oil and gas workers transition into jobs that match their skills, expertise, and offer comparable wages. However, funds were not distributed until early 2024, limiting the time available for grantees to assist workers facing layoffs. Many affected workers remain unemployed or underemployed, and the Political Economy Research Institute estimates California could lose approximately 57,000 fossil fuel jobs over the next decade. The author contends the Program will be needed for the foreseeable future.

In 2024, the Contra Costa Workforce Development Board was awarded a \$3.8 million grant to pilot a transition model combining training, supportive services, and employer partnerships to help displaced oil and gas workers move into stable, well-paying jobs in five high-growth job sectors. Those sectors include transportation, healthcare, advanced manufacturing, clean energy and construction. The initiative is expected to run for two years and provide opportunities for at least 200 displaced workers. To date, staff is not aware of reports or data regarding outcomes of the grant.

The intent of AB 2157 to continue providing workforce development assistance to displaced oil and gas workers is consistent with EBMUD's own workforce development objectives. EBMUD engages in and supports a range of collaborative efforts to strengthen the pipeline of qualified workers in the water and wastewater industries. For example, EBMUD is a founding member of BAYWORK, a collaboration of Bay Area water and wastewater agencies, which promotes workforce development in the water sector. BAYWORK builds a regional talent pipeline, supports training, education and career pathways, provides resources and coordination for water and wastewater agencies, and raises awareness and access to water careers.

Staff recommends a “support and amend” position, as the bill could be strengthened by including language to encourage the Program assessment and design to include career pathways beyond the clean energy sector – such as water and wastewater – and to promote partnerships with public agencies and utilities. This would help ensure that training and certifications align with local workforce needs and hiring requirements.

EBMUD has previously supported workforce-related legislation. In 2023, EBMUD supported AB 735 (Berman), which would have established the High Road Utility Careers program under the California Workforce Development Board (CWDB) to connect individuals from underserved and unrepresented communities with training programs and careers in the utility sector. AB 735 did not advance out of the legislature. In 2021, EBMUD supported SB 61 (Hurtado), which would have authorized the CWDB to expand supportive service programs to help low-income workers complete job training programs. SB 61 also did not advance out of the legislature.

AB 2157 is sponsored by United Steelworkers. An official support/opposition list for AB 2157 is not currently available.

AB 2180 (Ward)	LOCAL GOVERNMENT: PROPOSITION 218 OMNIBUS IMPLEMENTATION ACT: PROPORTIONAL COST OF SERVICE	SUPPORT
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The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. Existing law, known as the Proposition 218 Omnibus Implementation Act (Act), prescribes specific procedures and parameters for local jurisdictions to comply with these requirements, including an agency providing water, wastewater, sewer, or refuse collection services.

AB 2180 (Ward), as amended on March 11, 2026, would authorize a local government to demonstrate the proportional cost of the service attributable to the parcel by any method that reasonably allocates the ascertainable cost of providing service to all parcels for any fee or charge adopted under Article XIII D of the California Constitution. The bill would provide that for water or sewer service fee or charge impositions, a local government is not required to provide an exact measure of the cost of the service at each parcel and may instead impose uniform or tiered fees or charges to parcel or customer classes that are defined based on common characteristics indicative of likely water or sewer use. The bill would provide that the proportional cost of service within each tier of water service may be substantiated by using any reasonable basis for allocating costs attributed to the tier.

AB 2180 would amend the Proposition 218 Omnibus Implementation Act to provide clarity and consistency for water agencies in setting proportional rates that comply with Proposition 218. The bill would provide a practical framework consistent with industry best practices for establishing tiered water rates that allocate costs proportionally to usage, while meeting constitutional requirements. The bill is sponsored by the Association of California Water

Agencies (ACWA) to codify conclusions from a recent court decision in *Dreher v. Los Angeles Department of Water and Power* (2025) 116 CalApp.5th 977.

Recent legal challenges have resulted in courts reaching different conclusions regarding what evidence is sufficient to support tiered rates challenged under Proposition 218. In *Coziahr v. Otay Water District* (2024), the court found that Otay's evidence did not withstand independent review to demonstrate compliance with Proposition 218, and that the trial court properly concluded that a reasonableness standard was insufficient to meet Otay's burden of proof. Similarly, in *Patz v. City of San Diego* (2025) the court imposed a rigid interpretation of Proposition 218's proportionality requirements, holding the city to a high level of precision in calculating water rates and finding that its tiered rate structure also failed to meet the requirements of Proposition 218. By contrast, the court in *Dreher v. City of Los Angeles Department of Water and Power* (2025) upheld budget-based tiered rates based on customers' water usage and rejected the *Coziahr* and *Patz* courts' more stringent burden of proof necessary to satisfy Proposition 218's requirements. The *Dreher* court also diverged from the *Coziahr* and *Patz* decisions in holding that the city did not need a cost-based or other justification when establishing its tier breakpoints. On March 11, 2026, the California Supreme Court granted review of the *Dreher* decision.

According to the author, "The strict interpretations in the *Patz* and *Coziahr* cases impose impractical requirements on water agencies. For example, water agencies could be forced to trace the flow of water from each source of supply to each parcel, molecule by molecule, even when water supplies are commingled in the distribution system. These requirements are both costly to implement and very technically challenging to achieve. The resulting legal uncertainty exposes agencies to expensive litigation and makes long-term financial planning difficult, ultimately threatening the ability to fund essential water system operations, maintenance, and improvements."

AB 2180 would benefit water agencies, including EBMUD, by helping to support the methods and factors used in the adoption of rates for water service. AB 2180 would not result in additional costs to EBMUD but could provide greater insulation from any future Proposition 218 challenges.

EBMUD previously supported AB 1827 (Papan, Chapter 359, Statutes of 2024) which made clarifications to the Proposition 218 Omnibus Implementation Act to provide that fees or charges for property-related water service can include the incrementally higher costs of water service due to higher water usage demand, maximum potential water use, projected peak water usage, or any combination of those factors. EBMUD also supported SB 1386 (Moorlach, Chapter 240, Statutes of 2020) which confirmed the authority of cities and water agencies to use property-related service charges for funding water services related to fire protection, thereby helping to insulate public agencies from future litigation.

The official support and opposition list to AB 2180 is shown below.

Support

Association of California Water Agencies
[SPONSOR]
Bear Valley Water District
Bella Vista Water District
Burbank Water and Power
Calaveras County Water District
California Coastkeeper Alliance
California Council for Environmental &
Economic Balance
California Municipal Utilities Association
California Special Districts Association
California State Association of Counties
California Water Efficiency Partnership
Camrosa Water District
City of Roseville
City of Ventura
Coachella Valley Water District
Coastside County Water District
Contra Costa Water District
Crescenta Valley Water District
Crestline-Lake Arrowhead Water Agency
Cucamonga Valley Water District
Desert Water Agency
Eastern Municipal Water District
El Dorado Irrigation District
El Toro Water District
Georgetown Divide Public Utility District
Helix Water District
Irvine Ranch Water District
Jurupa Community Services District
Kings River Conservation District
Kings River Water Association
Laguna Beach County Water District
Las Virgenes Municipal Water District
League of California Cities
Los Angeles County Sanitation Districts
Marin Water
Marina Coast Water District

Opposition

California Association of Realtors
California Building Industry Association
California Taxpayers Association
Howard Jarvis Taxpayers Association

McKinleyville Community Services District
McMullin Area Groundwater Sustainability
Agency
Mission Springs Water District
Monte Vista Water District
Monterey County Water Resources Agency
Monterey Peninsula Water Management
District
North Marin Water District
Olivenhain Municipal Water District
Otay Water District
Orange County Sanitation District
Padre Dam Municipal Water District
Palmdale Water District
Paradise Irrigation District
Regional Water Authority
Rio Linda Elverta Community Water
District
Rowland Water District
San Diego County Water Authority
San Joaquin Valley Water Collaborative
Action Program
San Juan Water District
Santa Clarita Valley Water Agency
Santa Fe Irrigation District
South Tahoe Public Utility District
Stockton East Water District
Tahoe City Public Utility District
Tehachapi-Cummings County Water District
Three Valleys Municipal Water District
Tri-County Water Authority
Union Public Utility District
Valley Center Municipal Water District
Vista Irrigation District
Walnut Valley Water District
West Valley Water District
Western Municipal Water District

**SB 1393
(McGuire)**

**COMMERCIAL FISHING: STEELHEAD
TROUT: DUNGENESS CRAB**

SUPPORT

Existing law, until July 1, 2027, requires a person taking steelhead trout in inland waters to purchase a steelhead trout fishing report-restoration card annually, complete the card with certain information when catching steelhead trout, and return the card to the California Department of Fish and Wildlife (CDFW) the following January. Revenue from the purchase of the report-restoration cards may only be expended, upon appropriation by the legislature, to monitor, restore, or enhance steelhead trout resources and to administer the fishing report-restoration card program. Existing law required CDFW to report to the legislature on or before July 1, 2025, regarding the steelhead trout projects undertaken using these revenues, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. Existing law also requires CDFW to adopt regulations related to Dungeness Crab and provides for the development and administration of a Dungeness Crab task force.

SB 1393, as introduced on February 20, 2026, would extend the sunset of the steelhead trout fishing report-restoration card program and allow the program to continue operating until January 1, 2037. SB 1393 would also require CDFW to provide a report on the program to the legislature on or before July 1, 2031, and again on or before July 1, 2036. The bill also contains other provisions related to Dungeness Crab that are not expected to impact EBMUD.

SB 1393 would implement the recommendation in CDFW's March 2025 report to the legislature titled "Steelhead Report and Restoration Card Program Report to the legislature 2022-2023" to continue the steelhead trout fishing report-restoration card program. According to CDFW, the steelhead trout fishing report-restoration card is used to gather fishing data that is then used in making management and regulatory decisions. The revenue generated from the sales of the report-restoration cards is used to administer the program and fund projects that contribute to the conservation, monitoring, or recovery of steelhead populations. CDFW noted that prior to implementation of the program in 1993, steelhead seldom received funding for habitat restoration and monitoring projects. For 2022 and 2023 a total of 92,767 cards were sold, generating approximately \$800,000 in revenue. That revenue combined with an allocation from a reserve balance provided approximately \$1 million to projects that directly or indirectly benefited steelhead populations.

With regard to EBMUD, the Mokelumne River's steelhead population and the Mokelumne River Fish Hatchery population are both part of the Central Valley Evolutionary Significant Unit (ESU) of steelhead and are listed as Federally Threatened. EBMUD's efforts to preserve and enhance the fisheries on the Mokelumne River include management for both steelhead and fall run Chinook salmon.

By extending the sunset provision in existing law, SB 1393 would enable CDFW to continue the steelhead trout fishing report-restoration card program and is consistent with EBMUD's efforts to preserve and enhance the fisheries on the Mokelumne River. Continuing to collect data to

inform management of steelhead trout statewide could be beneficial to the Mokelumne steelhead trout populations. In addition, SB 1393 could provide potential funding opportunities for steelhead habitat improvement or enhancement projects and would not impose costs on EBMUD.

EBMUD has previously supported legislation to facilitate fishery enhancement. In 2022, the Board adopted a “support” position on SB 1392 (McGuire) that would have extended the sunset of the steelhead trout fishing report-restoration card program to allow the program to continue operating until January 1, 2028. While SB 1392 was subsequently amended to address a different issue, the steelhead trout fishing sunset extension language was ultimately included in a budget trailer bill, AB 203. AB 203 was signed into law (Chapter 60 of 2022) though EBMUD did not have a position on AB 203. In 2010, the Board adopted a “support in concept” position on AB 2063 (Huffman), which urged more collaboration between state and federal agencies to restore Chinook salmon populations. AB 2063 was vetoed. In 2009, the Board adopted a support position on AB 1189 (Skinner) that would have facilitated Caltrans’ remediation of fish passage barriers. This measure failed to advance out of the legislature.

An official support/opposition list for SB 1393 is not currently available.

**SB 1440, SB 1441
SB 1442
(Committee on
Local Government)**

VALIDATIONS

SUPPORT

SB 1440, SB 1441, and SB 1442 (Committee on Local Government), as introduced on March 11, 2026, would enact the Validating Acts of 2026. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond’s legal integrity, bond counsel would be reluctant to certify public agencies’ bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

The Validating Acts could benefit EBMUD by protecting investors from any minor procedural mistakes in bond issuances or other official acts. These measures are not expected to impose additional cost burdens on EBMUD ratepayers.

EBMUD has historically supported the Validating Acts. Most recently, in 2025, EBMUD's Board adopted a "support" position on the Validating Acts of 2025, SB 735, SB 736, and SB 737, which were signed into law (Chapter 54, Chapter 55, and Chapter 56 of 2025, respectively).

An official support/opposition list for SB 1440, SB 1441, and SB 1442 is not currently available.

CCC:KV/dm/jw

Attachments

I:\Sec\2026 Board Related Items\04142026 Board Agenda Items\LegHRCmte and Regular Mtg\OGM - Legislative Report No. 02-26.docx

ASSEMBLY BILL

No. 1891

**Introduced by Assembly Member Connolly
(Coauthor: Assembly Member Rogers)**

February 12, 2026

An act to add Chapter 6.5 (commencing with Section 4450) to Part 2 of Division 4 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1891, as introduced, Connolly. Forestry: Beneficial Fire Capacity Program.

Existing law authorizes a person that owns or controls brush-covered land, forest lands, woodland, grassland, and shrubland within a state responsibility area to apply to the Department of Forestry and Fire Protection for permission to use prescribed burning for certain public purposes. Existing law authorizes the Director of Forestry and Fire Protection to enter into an agreement for prescribed burning with a person to conduct the prescribed burning operations for certain purposes. Existing law requires the department to develop a training program for prescribed fire users to certify professionals as burn bosses. Existing law requires the department to conduct an experimental program of wildland resources management through prescribed burning and other methods in 2 areas of wildlands.

This bill would establish in the department the Beneficial Fire Capacity Program to expand training, organizational capacity, and support for community-led beneficial fire programs, including those developed by California Native American tribes, nongovernmental organizations, universities and colleges, resources conservation districts, volunteer fire districts, and other local or special districts, and would

require the program to provide competitive grants for beneficial fire implementation, capacity building, research, innovation, and training. The bill would require the department to take certain actions to maximize the benefits of the program. The bill would require the department to publish and update on its internet website certain information related to implementation of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Beneficial Fire Capacity Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) California has taken extraordinary actions to protect residents
5 from catastrophic wildfire in recent years, because effective,
6 ecologically appropriate management of public and private lands
7 across our state is critical to limit dangerous wildfire conditions
8 that threaten life and property and to ensure healthy, resilient
9 ecosystems.

10 (b) California’s landscapes evolved with both natural ignitions
11 and indigenous use of fire, and past policies that attempted to
12 eradicate wildfire from these landscapes resulted in unintended
13 adverse consequences, including overly dense vegetation and
14 conditions that exacerbate risks of ignitions becoming large,
15 dangerous fires.

16 (c) Beneficial fire includes practices known as “cultural fire,”
17 “cultural burning,” “prescribed fire,” “prescribed burning,” “good
18 fire,” and “managed fire,” which are practices that enable many
19 types of landscapes to benefit from fire to protect communities
20 and safeguard natural and cultural resources.

21 (d) Beneficial fire has a proven track record of restoring the
22 health and resilience of California’s fire-adapted landscapes, and
23 limiting the intensity and severity of subsequent wildfires, thereby
24 reducing the risk of large, catastrophic wildfires.

25 (e) California’s use of beneficial fire has expanded in recent
26 years, and beneficial fire treatments doubled between 2021 and
27 2024 thanks to tribal, state, federal, local, and nonprofit partners.
28 However, to reach state goals for both initial treatment and
29 maintenance, significantly more beneficial fire is needed.

1 (f) In light of the landscape conditions and risk of catastrophic
2 fires, it is critical that the state take more actions to further expedite
3 and expand beneficial fire projects, where appropriate, enabling
4 practitioners to more effectively implement safe and effective
5 beneficial fire projects. Recognizing this need to increase pace and
6 scale, the funding allocated to the Beneficial Fire Capacity Program
7 created by this act is intended to be additive and complementary
8 to existing funding programs that support but do not focus on
9 beneficial fire.

10 SEC. 3. Chapter 6.5 (commencing with Section 4450) is added
11 to Part 2 of Division 4 of the Public Resources Code, to read:

12
13 CHAPTER 6.5. BENEFICIAL FIRE CAPACITY PROGRAM

14
15 4450. The Legislature finds and declares that increased use of
16 beneficial fire is an essential component of reducing the risk of
17 catastrophic wildfire and related emissions of greenhouse gases
18 from the state’s forests and other ecosystems. Investment in
19 training, organizational capacity, and project implementation is
20 critical to meeting and sustaining this longer term goal, regardless
21 of the immediate quantification of emission reductions.

22 4451. (a) There is hereby established in the department the
23 Beneficial Fire Capacity Program to expand training, organizational
24 capacity, and support for community-led beneficial fire programs,
25 including those developed by California Native American tribes,
26 nongovernmental organizations, universities and colleges, resources
27 conservation districts, volunteer fire districts, and other local or
28 special districts.

29 (b) The department shall use not less than 10 percent of funding
30 continuously appropriated to the department from the Greenhouse
31 Gas Reduction Fund pursuant to paragraph (4) of subdivision (b)
32 of Section 39719 of, or subparagraph (E) of paragraph (1) of
33 subdivision (c) of Section 39719.4 of, the Health and Safety Code
34 to implement the Beneficial Fire Capacity Program.

35 4452. (a) The Beneficial Fire Capacity Program shall do both
36 of the following:

37 (1) Support and implement community-led beneficial fire
38 programs, including training, building and maintaining capacity,
39 and implementing beneficial fire projects. Those programs shall
40 be funded using direct awards from the department, including

1 block grants, and may involve subawards. Organizations with
2 demonstrated effectiveness developing or leading beneficial fire
3 programs shall be prioritized.

4 (2) Establish a competitive grant program for beneficial fire
5 implementation, capacity building, research, innovation, and
6 training.

7 (b) At least 25 percent of the Beneficial Fire Capacity Program
8 funds shall be awarded to California Native American tribes or
9 tribally led or indigenous-led organizations.

10 4453. The department shall collaborate with other relevant
11 state agencies, beneficial fire practitioners, and organizations
12 currently engaged in beneficial fire programs to establish guidelines
13 governing the program and the administration of the funding.

14 4454. To maximize the benefits of the Beneficial Fire Capacity
15 Program, the department shall do all of the following:

16 (a) Provide technical assistance to enhance capacity and assist
17 in the development of projects.

18 (b) Assist grantees in identifying potential funding sources for
19 additional beneficial fire projects.

20 (c) Reduce grant application and reporting requirements and
21 reduce reliance on acres treated metrics to the maximum extent
22 feasible.

23 (d) Use grant terms of five years or more.

24 4456. The department shall publish and update on its internet
25 website all of the following information related to implementation
26 of the Beneficial Fire Capacity Program:

27 (a) A list of entities funded by the Beneficial Fire Capacity
28 Program.

29 (b) The outcomes of any block grant, including a summary of
30 the benefits, such as the number of people trained or certified or
31 both trained and certified to engage in prescribed fire, cultural
32 burning, and wildfire managed for resource benefit; the number
33 of project plans developed; the number of projects conducted; and
34 how increasing capacity has facilitated increased burn-day
35 utilization and larger or higher priority projects, as applicable.

36 (c) A description of the estimated need for additional funding
37 for similar work to help meet the state’s goals for beneficial fire
38 as they change and increase over time.

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ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Connolly

February 17, 2026

An act to repeal Section 1657 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Connolly. Habitat Restoration and Enhancement Act.

The Habitat Restoration and Enhancement Act authorizes a project proponent to submit a habitat restoration or enhancement project to the Director of Fish and Wildlife for approval. Under the act, a habitat restoration or enhancement project is a project with the primary purpose of improving fish and wildlife habitat. The act requires the director to approve a habitat restoration or enhancement project if the director determines that specified conditions are met. Under the act, the director's approval of a habitat restoration or enhancement project is in lieu of any other permit, agreement, license, or other approval issued by the Department of Fish and Wildlife. The act makes moneys in the Habitat Restoration and Enhancement Account available to the department, upon appropriation by the Legislature, for the purposes of administering and implementing the act. Existing law repeals the act on January 1, 2027.

This bill would extend the operation of the act indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1657 of the Fish and Game Code is
- 2 repealed.
- 3 ~~1657. This chapter shall remain in effect only until January 1,~~
- 4 ~~2027, and as of that date is repealed.~~

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ASSEMBLY BILL

No. 2157

Introduced by Assembly Members Connolly and Bryan

February 18, 2026

An act to repeal and add Section 9925 of the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2157, as introduced, Connolly. Workforce development: Displaced Oil and Gas Worker Pilot Program: extension and assessment.

Existing law establishes, until July 1, 2027, the Displaced Oil and Gas Worker Pilot Program, to be administered by the Employment Development Department (department), for the purpose of addressing employment dislocations associated with oil, gas, and related industries. That program requires the department, using funds to be appropriated by the Legislature for purposes of the program, to award grants on a competitive basis to qualified applicants, as specified, for specified eligible activities.

This bill would extend the program indefinitely by removing the July 1, 2027, repeal date. The bill would also require the department, upon appropriation by the Legislature, to contract within 120 days with the University of California, Berkeley Center for Labor Research and Education (labor center) to complete an assessment analyzing the success of the program, as described. The bill would also require the department to work with the labor center to develop a recommended program design for turning the program from a pilot into a permanent program able to support displaced fossil fuel workers during the clean energy transition, as described. The bill would require the assessment

to be submitted to the Legislature no later than 18 months after the execution of the contract.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The economic threats facing oil and gas workers are immense
4 as refineries shut down across the state.

5 (2) In 2020 and 2021, the closure of Marathon’s Martinez
6 Refinery and the closure of the Phillips 66 Santa Maria Refinery
7 displaced over 600 full-time workers and between 250 and 2,500
8 contract workers.

9 (3) More than 300 full-time workers experienced layoffs after
10 the Phillips 66 refinery closure in Los Angeles at the end of 2025.

11 (4) Additionally, the Valero Benicia refinery closure in 2026
12 stands to impact hundreds of additional workers.

13 (5) Surveys of impacted workers reveal that, more than a year
14 after their layoffs, many remain unemployed or underemployed
15 and struggle to pay basic bills.

16 (6) Oil and gas workers are best positioned to understand the
17 needs of impacted communities and craft effective responses.

18 (b) Therefore, it is the intent of the Legislature to do both of the
19 following:

20 (1) Provide urgent and practical solutions for oil and gas workers
21 to remain full and active participants in California’s economy as
22 an increasing number face industry closure and layoffs.

23 (2) Establish a program that will provide the comprehensive
24 approach needed to successfully transition workers into new,
25 secure, high-skill careers, while maintaining economic stability
26 for workers, their families, and their communities.

27 SEC. 2. Section 9925 of the Unemployment Insurance Code
28 is repealed.

29 ~~9925. This article shall remain in effect only until July 1, 2027,~~
30 ~~and as of that date is repealed.~~

31 SEC. 3. Section 9925 is added to the Unemployment Insurance
32 Code, to read:

1 9925. (a) (1) Upon appropriation by the Legislature, the
2 department shall contract within 120 days with the University of
3 California, Berkeley Center for Labor Research and Education to
4 complete an assessment analyzing the success of the pilot program
5 and make recommendations on policies the state shall use to turn
6 the pilot program into a permanent program that is able to support
7 displaced fossil fuel workers during the clean energy transition.

8 (2) (A) The assessment shall specifically analyze how the
9 program met or did not meet the most urgent needs of the state's
10 displaced oil workers during the pilot period by evaluating certain
11 benchmarks.

12 (B) The benchmarks shall include, but are not limited to, the
13 number of workers supported, speed of service delivery, and quality
14 of comprehensive support provided in order to maintain economic
15 well-being, including, but not limited to, career navigation, wage
16 replacement, retirement assistance, wraparound services, access
17 to training, and access to certifications.

18 (b) (1) The department, as part of its assessment under
19 subdivision (a), shall work with the University of California,
20 Berkeley Center for Labor Research and Education to develop a
21 recommended program design for turning the pilot program into
22 a permanent program that is able to support displaced fossil fuel
23 workers during the clean energy transition.

24 (2) At minimum, the program design shall include all of the
25 following:

26 (A) Review of best practices from other federal, state, and
27 regional models in supporting displaced fossil fuel workers.

28 (B) Design of wage replacement and bridge to retirement
29 strategies that can be incorporated into the structure of the program,
30 in addition to individual assessment, career navigation, training,
31 credentialing and skills certifications, wraparound services, and
32 other in-demand services.

33 (C) Design worker transition pathways for the most at-risk fossil
34 fuel occupations by identifying industries best suited to utilize
35 displaced workers' skill sets, and by developing policy and
36 programmatic strategies to support worker transitions into these
37 aligned industries statewide.

38 (D) Design of criteria for future program grantees based on the
39 assessment of pilot program success.

1 (E) Estimate of how many workers in the state are likely to
2 require the services provided by this program, potential costs, and
3 the timeline of need.

4 (F) Implementation recommendations for program structure
5 and staffing to accomplish program objectives, including, but not
6 limited to, strategies for leveraging stakeholder expertise on an
7 ongoing basis.

8 (c) The assessment required by this section shall be submitted,
9 in compliance with Section 9795 of the Government Code, to the
10 Legislature no later than 18 months after the execution of the
11 contract.

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AMENDED IN ASSEMBLY MARCH 11, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2180

Introduced by Assembly Member Ward

February 19, 2026

An act to add Section 53751.5 to the Government Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2180, as amended, Ward. Local government: Proposition 218 Omnibus Implementation Act: proportional cost of service.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. As part of those requirements, the California Constitution mandates that such fees or charges that are extended, imposed, or increased satisfy certain requirements, including, but not limited to, that the amount of the fee or charge imposed upon any parcel or person as an incident of property ownership not exceed the proportional cost of the service attributable to the parcel.

Existing law, known as the Proposition 218 Omnibus Implementation Act (act), prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances.

This bill would authorize a local government to demonstrate the proportional cost of the service attributable to the parcel by any method

that reasonably allocates the ascertainable cost of providing service to all parcels, if substantiated as provided. The bill would, however, provide that for water or sewer service fee or charge impositions, a local government is not required to provide an exact measure of the cost of the service at each parcel and may instead impose uniform or tiered ~~fees or charges~~ rates to parcel or customer classes that are defined based on common characteristics indicative of likely water or sewer use. The bill would provide that the proportional cost of service within each tier of water service may be substantiated by using any reasonable basis for allocating costs attributed to the tier, ~~as described:~~ *described, and would provide a local government discretion to determine the costs allocated to each tier as long as the rate for each tier does not exceed the proportional cost of service reasonably allocated to parcels subject to that tier.*

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53751.5 is added to the Government
- 2 Code, to read:
- 3 53751.5. (a) For any fee or charge adopted under Section 6 of
- 4 Article XIII D of the California Constitution, “the proportional
- 5 cost of the service attributable to the parcel” may be demonstrated
- 6 by any method that reasonably allocates the ascertainable cost of
- 7 providing service to all parcels. That allocation shall be
- 8 substantiated by ~~existing or reasonably estimated~~ *historic, existing,*
- 9 *estimated,* or projected data that reasonably captures the cost of
- 10 the service to be provided.
- 11 (b) Notwithstanding subdivision (a), when imposing a fee or
- 12 charge for water or sewer service, an agency is not required to
- 13 provide an exact measure of the cost of the service at each parcel
- 14 and an agency may impose uniform or tiered ~~fees or charges~~ rates
- 15 to parcel or customer classes that are defined based on common
- 16 characteristics indicative of likely water or sewer use, including,
- 17 but not limited to, the nature and size of improvements to a parcel,
- 18 land use, the nature or number of plumbing fixtures, *meter size,*
- 19 or peak use characteristics.
- 20 (c) (1) When imposing a ~~fee or charge~~ *tiered rate* for water
- 21 service, an agency may substantiate the proportional cost of the

1 service within each tier by using any reasonable basis for allocating
2 costs attributed to the tier, including, but not limited to, the
3 following:

- 4 (A) The cost of water from various sources.
- 5 (B) Facilities operation, maintenance, or construction costs.
- 6 (C) Contribution to systemwide peak demand projections.
- 7 (D) *Costs that an agency incurs as a result of the use of water*
8 *at various tiers or to implement water conservation or demand*
9 *management measures, or incremental costs, as that term is used*
10 *in Chapter 3.4 (commencing with Section 370) of Division 1 of the*
11 *Water Code.*

12 (2) *An agency is not required to have a cost-based, or any other,*
13 *justification for establishing any tier breakpoint. For purposes of*
14 *this paragraph, “tier breakpoint” means the point where a*
15 *customer leaves one tier and enters another tier.*

16 (2)

17 (3) An agency has discretion to determine the ~~service~~ costs
18 allocated to each tier. ~~That allocation is consistent with subdivision~~
19 ~~(b) of Section 6 of Article XIII D of the California Constitution if~~
20 *tier, provided that the rate assigned to each tier reasonably reflects*
21 *the cost of providing service for does not exceed the proportional*
22 *cost of service reasonably allocated to parcels subject to that tier.*

Introduced by Senator McGuireFebruary 20, 2026

An act to amend Sections 7380, 7381, 7382, 8276.1, 8276.2, 8276.3, 8276.4, 8276.5, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.6, and 9002.5 of, and to add Sections 8276.6 and 8286 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as introduced, McGuire. Commercial fishing: steelhead trout: Dungeness crab.

(1) Existing law requires a person taking steelhead trout in inland waters, in addition to a valid California sport fishing license and any applicable sport license stamp, to have in their possession a valid nontransferable steelhead trout fishing report-restoration card issued by the Department of Fish and Wildlife. Existing law set the base fee for the card at \$5 for the 2004 license year, subject to adjustment for inflation, as specified. Existing law requires revenues from the card to be deposited in the Fish and Game Preservation Fund and to be available for expenditure, upon appropriation by the Legislature, to monitor, restore, or enhance steelhead trout resources consistent with specified law, and to administer the fishing report-restoration card program. Existing law requires the department to report to the Legislature on or before July 1, 2025, regarding the steelhead trout fishing report-restoration card program's projects undertaken using these revenues derived pursuant to that program, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. These provisions are repealed as of January 1, 2027. Under existing law, any violation of the Fish and Game Code, or of any

rule, regulation, or order made or adopted under that code, is a misdemeanor, except as provided.

This bill would increase the base fee for a steelhead trout fishing report-restoration card to \$15 for the 2027 license year. The bill would require the department to report to the Legislature regarding the fishing report-restoration card program's projects on or before July 1, 2031, and on or before July 1, 2036, and would extend the operation of the program until January 1, 2037. Because this bill would extend the operation of the fishing report-restoration card requirements, the violation of which would be a crime, it would impose a state-mandated local program.

(2) Existing law requires the department, in consultation with the California Dungeness Crab Fishing Gear Working Group and other stakeholders, to adopt regulations establishing criteria and protocols to evaluate and respond to potential risk of marine life entanglement, as prescribed. Existing law authorizes the Director of Fish and Wildlife to restrict the take of Dungeness crab pursuant to the criteria and protocols. Existing law makes it unlawful to take or possess Dungeness crab from any waters closed, or otherwise violate any restriction on take imposed, pursuant to these provisions. Existing law repeals these provisions on January 1, 2030.

This bill would extend the operation of these, and related, Dungeness crab provisions until January 1, 2040. By extending the operation of existing provisions, a violation of which is a crime, the bill would impose a state-mandated local program. The bill would authorize a vessel to transit closed waters with Dungeness crab traps and Dungeness crab on board the vessel if specified conditions are met, as provided.

(3) Existing law provides for the development and administration of a Dungeness crab task force. Existing law imposes various duties on the task force, including making specified recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the Fish and Game Commission. Existing law establishes the Dungeness Crab Account in the Fish and Game Preservation Fund. Existing law requires, through the 2029 fiscal year, a specified sum to be allocated to the Ocean Protection Council to support the administration and facilitation of the Dungeness crab task force. Existing law repeals these provisions on January 1, 2030.

This bill would extend the operation of those task force provisions until January 1, 2040. The bill would establish the Dungeness Crab Fleet Subaccount within the Dungeness Crab Account. The bill would

require the moneys in the subaccount to be managed and overseen by the Pacific States Marine Fisheries Commission and, upon an appropriation by the Legislature, would require the moneys to be used to implement a spending plan that the bill would require the Dungeness crab task force to develop, as provided.

(4) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7380 of the Fish and Game Code is
2 amended to read:

3 7380. (a) In addition to a valid California sport fishing license
4 and any applicable sport license stamp issued pursuant to this code,
5 after January 1, 1993, a person taking steelhead trout in inland
6 waters shall have in ~~his or her~~ *their* possession a valid
7 nontransferable steelhead trout fishing report-restoration card
8 issued by the department. The cardholder shall record certain
9 fishing information on the card as designated by the department.
10 The month, day, and location fished shall be recorded before the
11 cardholder begins fishing for the day and when the cardholder
12 moves to another location listed on the back of the
13 report-restoration card. The cardholder shall immediately record
14 catch information upon keeping a steelhead trout and immediately
15 record catch information regarding released steelhead trout
16 whenever the cardholder finishes fishing for the day, or moves to
17 another location listed on the back of the report-restoration card.
18 The cardholder shall return the card to the department on a schedule
19 or date established by the department.

20 (b) The base fee for the card shall be ~~five dollars (\$5) for the~~
21 ~~2004~~ *fifteen dollars (\$15) for the 2027* license year, which may
22 be adjusted annually thereafter pursuant to Section 713. The funds
23 received by the department from the sale of the card shall be
24 deposited in the Fish and Game Preservation Fund and shall be
25 available for expenditure upon appropriation by the Legislature.

1 The department shall maintain the internal accountability necessary
2 to ensure that all restrictions and requirements pertaining to the
3 expenditure of these funds are met.

4 (c) The commission shall adopt regulations necessary to
5 implement this section. These regulations shall include, but not be
6 limited to, procedures necessary to obtain appropriate steelhead
7 trout resources management information, a requirement that the
8 card contain a statement explaining potential uses of the funds
9 received as authorized by Section 7381, and a requirement that
10 the cards be returned to the department.

11 SEC. 2. Section 7381 of the Fish and Game Code is amended
12 to read:

13 7381. (a) Revenue received pursuant to Section 7380 may be
14 expended, upon appropriation by the Legislature, only to monitor,
15 restore, or enhance steelhead trout resources consistent with
16 Sections 6901 and 6902, and to administer the fishing
17 report-restoration card program. The department shall submit all
18 proposed expenditures, including proposed expenditures for
19 administrative purposes, to the Advisory Committee on Salmon
20 and Steelhead Trout for review and comment before submitting a
21 request for inclusion of the appropriation in the annual Budget
22 Act. The committee may recommend revisions in any proposed
23 expenditure to the Legislature and the commission.

24 (b) The department shall report to the Legislature on or before
25 July 1, ~~2025~~, 2031, and on or before July 1, 2036, regarding the
26 steelhead trout fishing report-restoration card program’s projects
27 undertaken using revenues derived pursuant to that program, the
28 benefits derived, and its recommendations for revising the fishing
29 report-restoration card requirement, if any. The report submitted
30 pursuant to this subdivision shall be submitted in compliance with
31 Section 9795 of the Government Code.

32 SEC. 3. Section 7382 of the Fish and Game Code is amended
33 to read:

34 7382. This article shall remain in effect only until January 1,
35 ~~2027~~, 2037, and as of that date is repealed.

36 SEC. 4. Section 8276.1 of the Fish and Game Code is amended
37 to read:

38 8276.1. (a) For purposes of this section, the following
39 definitions apply:

1 (1) “California Dungeness Crab Fishing Gear Working Group”
2 means the California Dungeness Crab Fishing Gear Working Group
3 established by the department, in partnership with the Ocean
4 Protection Council and the National Marine Fisheries Service, on
5 September 21, 2015, and as defined by its most recent charter as
6 it may be amended from time to time.

7 (2) “Risk assessment and mitigation program” means the
8 program developed by the California Dungeness Crab Fishing
9 Gear Working Group, as that program may be amended from time
10 to time until the regulations are adopted pursuant to subdivision
11 (b), to identify and assess elevated levels of entanglement risk and
12 determine the need for management options to reduce the risk of
13 entanglement.

14 (b) The department, in consultation with the California
15 Dungeness Crab Fishing Gear Working Group and other
16 stakeholders, shall adopt regulations establishing criteria and
17 protocols to evaluate and respond to the potential risk of marine
18 life entanglement. The regulations shall include, but are not limited
19 to, the risk assessment and mitigation program, and the use of
20 alternative gear only after the season is open pursuant to the risk
21 assessment and mitigation program that may otherwise be
22 prohibited as prescribed by the department. Upon the effective
23 date of the regulations, the director may restrict the take of
24 Dungeness crab pursuant to the protocols and criteria.

25 (c) Unless otherwise prescribed by regulation, it is unlawful to
26 take or possess Dungeness crab from any waters closed, or
27 otherwise violate any restriction on take imposed, pursuant to this
28 section.

29 (d) This section shall remain in effect only until January 1, ~~2030~~,
30 ~~2040~~, and as of that date is repealed.

31 SEC. 5. Section 8276.2 of the Fish and Game Code is amended
32 to read:

33 8276.2. (a) The director may order a delay in the opening of
34 the Dungeness crab fishery after December 1 in Districts 6, 7, 8,
35 and 9 in any year. The delay in the opening shall not be later than
36 January 15 of any year.

37 (b) (1) On or about November 1 of each year, the director may
38 authorize one or more operators of commercial fishing vessels to
39 take and land a limited number of Dungeness crab for the purpose
40 of quality testing according to a testing program conducted by, or

1 on behalf of, the Pacific States Marine Fisheries Commission or
2 an entity approved by the department.

3 (2) (A) The meat extracted from Dungeness crab tested pursuant
4 to paragraph (1) may be sold by the entity approved by the
5 department and revenues from that sale may be used for purposes
6 of managing the testing program. Revenues shall be deposited in
7 an account managed and overseen by the Pacific States Marine
8 Fisheries Commission.

9 (B) For purposes of the testing program, the department shall
10 develop guidelines after consulting with representatives of the
11 California Dungeness crab industry, which shall include California
12 delegates to the Tri-State Dungeness Crab Commission or members
13 of the California Dungeness Crab Task Force, or both. The
14 guidelines shall include the following:

15 (i) Suggested guidelines for the management of the funds
16 received from, but not limited to, the sale of the crab meat pursuant
17 to subparagraph (A), including the suggested guideline that funds
18 in excess of the program costs may be donated for charitable
19 purposes.

20 (ii) Guidelines for the testing program.

21 (iii) Guidelines that establish measures to track crab caught for
22 purposes of the testing program, including, but not limited to, the
23 guideline that all crab caught and sold for the testing program shall
24 be canned.

25 (c) The director shall order the opening of the Dungeness crab
26 season in Districts 6, 7, 8, and 9 on December 1 if the quality tests
27 authorized in subdivision (b) indicate the Dungeness crabs are not
28 soft-shelled or low quality. The entity authorized to conduct the
29 approved testing program may test, or cause to be tested, crabs
30 taken for quality and soft shells pursuant to the approved testing
31 program. If the tests are conducted on or about November 1 and
32 result in a finding that Dungeness crabs are soft-shelled or low
33 quality, the director shall authorize a second test to be conducted
34 on or about November 15 pursuant to the approved testing program.
35 If the second test results in a finding that Dungeness crabs are
36 soft-shelled or low quality, the director may order the season
37 opening delayed for a period of 15 days and may authorize a third
38 test to be conducted on or about December 1. If the third test results
39 in a finding that Dungeness crabs remain soft-shelled or of low
40 quality, the director may order the season opening delayed for a

1 period of an additional 15 days and authorize a fourth test to be
2 conducted. This procedure may continue to be followed, except
3 that tests shall not be conducted after January 15 for that season,
4 and the season opening shall not be delayed by the director later
5 than January 15.

6 (d) This section shall become inoperative on April 1, ~~2029~~,
7 2039, and, as of January 1, ~~2030~~, 2040, is repealed, unless a later
8 enacted statute, that becomes operative on or before January 1,
9 2030, 2040, deletes or extends the dates on which it becomes
10 inoperative and is repealed.

11 SEC. 6. Section 8276.3 of the Fish and Game Code is amended
12 to read:

13 8276.3. (a) If there is any delay ordered by the director
14 pursuant to Section 8276.2 in the opening of the Dungeness crab
15 fishery in Districts 6, 7, 8, and 9, a vessel shall not take or land
16 crab within Districts 6, 7, 8, and 9 during any closure.

17 (b) If there is any delay in the opening of the Dungeness crab
18 season pursuant to Section 8276.2, the opening date in Districts
19 6, 7, 8, and 9 shall be preceded by a 64-hour gear setting period,
20 as ordered by the director.

21 (c) This section shall become inoperative on April 1, ~~2029~~,
22 2039, and, as of January 1, ~~2030~~, 2040, is repealed, unless a later
23 enacted statute, that becomes operative on or before January 1,
24 2030, 2040, deletes or extends the dates on which it becomes
25 inoperative and is repealed.

26 SEC. 7. Section 8276.4 of the Fish and Game Code is amended
27 to read:

28 8276.4. (a) The Ocean Protection Council shall make a grant,
29 upon appropriation of funding by the Legislature, for the
30 development and administration of a Dungeness crab task force.
31 The membership of the Dungeness crab task force shall be
32 comprised of all of the following:

33 (1) Two nonvoting members representing the department,
34 appointed by the department.

35 (2) One nonvoting representative of the University of California
36 Sea Grant, appointed by the University of California Sea Grant.

37 (3) Seven members appointed by the Chair of the Ocean
38 Protection Council following a public solicitation for nominations,
39 as follows:

- 1 (A) One voting and one nonvoting member representing sport
2 fishing interests.
- 3 (B) Two voting members representing crab processing interests.
- 4 (C) One voting member representing commercial passenger
5 fishing vessel interests.
- 6 (D) Two nonvoting members representing nongovernmental
7 organization interests.
- 8 (4) Seventeen voting members representing commercial fishery
9 interests, elected by licensed persons possessing valid Dungeness
10 crab permits in their respective ports and production levels, as
11 follows:
- 12 (A) Three members from Crescent City.
- 13 (B) One member from Trinidad.
- 14 (C) Two members from Eureka.
- 15 (D) Two members from Fort Bragg.
- 16 (E) Two members from Bodega Bay.
- 17 (F) Two members from San Francisco.
- 18 (G) Two members from Half Moon Bay.
- 19 (H) Two members from ports south of Half Moon Bay.
- 20 (I) One member who has a valid California nonresident crab
21 permit.
- 22 (b) (1) Elected members in each port shall represent the
23 following production levels:
- 24 (A) For ports with one elected member, the member shall
25 represent both the upper and lower production levels.
- 26 (B) For ports with two elected members, one member shall
27 represent the upper production level and one member shall
28 represent the lower production level.
- 29 (C) For ports with three elected members, one member shall
30 represent the upper production level, one member shall represent
31 the lower production level, and one member shall represent both
32 the upper and lower production levels.
- 33 (2) Upper and lower production levels shall be determined in
34 relation to the average landing, during the five-year period before
35 the beginning of an election cycle, of valid crab permitholders who
36 landed a minimum of 25,000 pounds of crab during that period.
- 37 (c) Elections shall be held every three years in each port, on a
38 staggered basis across ports, in coordination with the department
39 or the Ocean Protection Council and with support from an
40 administrative team of the Dungeness crab task force. In an election

1 year, all elected members in a port shall be subject to reelection.
2 There is no limit on the number of terms that may be served by
3 any person.

4 (d) (1) Each member appointed pursuant to paragraph (1), (2),
5 or (3) of subdivision (a) shall select an alternate to serve and, if
6 applicable, vote in the member's place in case of the member's
7 absence from, or disqualification from participating in, a meeting
8 of the task force. If the position of a member appointed pursuant
9 to one of those paragraphs becomes vacant, the alternate member
10 shall serve until the position is filled as required pursuant to that
11 paragraph.

12 (2) Each elected member shall select an alternate in the same
13 port and production level to serve and vote in the member's place
14 in case of the member's absence from, or disqualification from
15 participating in, a meeting of the task force. If the position of the
16 member becomes vacant, the alternate shall serve and vote in the
17 member's place until the next election is held in the port pursuant
18 to subdivision (c).

19 (e) The Dungeness crab task force shall do all of the following:

20 (1) Review and evaluate the commercial Dungeness crab
21 management measures described in Section 8276.5, and make
22 recommendations to the Joint Committee on Fisheries and
23 Aquaculture, the department, and the commission, no later than
24 January 15, 2022, and by January 15 of every third year thereafter
25 through ~~2028~~. 2038.

26 (2) Make recommendations by the dates specified in paragraph
27 (1) on all of the following: the need for a permanent Dungeness
28 crab advisory committee, the economic impact of the program
29 described in Section 8276.5 on permitholders of different tiers and
30 the economies of different ports, the cost of the program to the
31 department, including enforcement costs, the viability of a buyout
32 program for the permitholders described in subparagraph (G) of
33 paragraph (1) of subdivision (a) of Section 8276.5, refining
34 commercial Dungeness crab management, and the need for
35 statutory changes to accomplish task force objectives.

36 (3) In considering commercial Dungeness crab management
37 options, prioritize the review of pot limit restriction options, current
38 and future commercial fishery effort, season modifications,
39 essential fishery information needs, and short- and long-term
40 objectives for improved management.

1 (f) The task force may establish subcommittees of specific user
2 groups from the task force membership to focus on issues specific
3 to commercial harvest or crab processing. The subcommittees shall
4 report their recommendations, if any, to the task force.

5 (g) The Ocean Protection Council may include in a grant funding
6 to cover department staffing costs, as well as travel costs for task
7 force participants as specified in paragraph (1) of subdivision (a).

8 (h) Except as otherwise provided in Section 8276.5, a
9 recommendation shall be forwarded to the Joint Committee on
10 Fisheries and Aquaculture, the department, and the commission
11 upon an affirmative vote of at least two-thirds of the voting
12 members of the task force.

13 (i) Eligibility to take crab in state waters and offshore for
14 commercial purposes may be subject to restrictions, including, but
15 not limited to, restrictions on the number of traps utilized by that
16 person, if either of the following occurs:

17 (1) A person holds a California Dungeness crab permit with
18 California landings of less than 5,000 pounds between November
19 15, 2003, and July 15, 2008, inclusive, as reported in California
20 landings receipts.

21 (2) A person has purchased a Dungeness crab permit on or after
22 July 15, 2008, from a permitholder whose California landings were
23 less than 5,000 pounds between November 15, 2003, and July 15,
24 2008, inclusive, as reported in California landings receipts.

25 (j) This section shall become inoperative on April 1, ~~2029~~, 2039,
26 and, as of January 1, ~~2030~~, 2040, is repealed, unless a later enacted
27 statute, that becomes operative on or before January 1, ~~2030~~, 2040,
28 deletes or extends the dates on which it becomes inoperative and
29 is repealed.

30 SEC. 8. Section 8276.5 of the Fish and Game Code is amended
31 to read:

32 8276.5. (a) In consultation with the Dungeness crab task force,
33 or its appointed representatives, the director shall adopt a program,
34 ~~by~~ *on or before* March 31, 2013, for Dungeness crab trap limits
35 for all California permits. Unless the director finds that there is
36 consensus in the Dungeness crab industry that modifications to
37 the following requirements are more desirable, with evidence of
38 consensus, including, but not limited to, the record of the
39 Dungeness crab task force, the program shall include all of the
40 following requirements:

1 (1) The program shall contain seven tiers of Dungeness crab
2 trap limits based on California landings receipts under California
3 permits between November 15, 2003, and July 15, 2008, as follows:

4 (A) The 55 California permits with the highest California
5 landings shall receive a maximum allocation of 500 trap tags.

6 (B) The 55 California permits with the next highest California
7 landings to those in subparagraph (A) shall receive a maximum
8 allocation of 450 trap tags.

9 (C) The 55 California permits with the next highest California
10 landings to those in subparagraph (B) shall receive a maximum
11 allocation of 400 trap tags.

12 (D) The 55 California permits with the next highest California
13 landings to those in subparagraph (C) shall receive a maximum
14 allocation of 350 trap tags.

15 (E) The 55 California permits with the next highest California
16 landings to those in subparagraph (D) shall receive a maximum
17 allocation of 300 trap tags.

18 (F) The remaining California permits with the next highest
19 California landings to those in subparagraph (E), which are not
20 described in paragraph (1) or (2) of subdivision (i) of Section
21 8276.4, shall receive a maximum allocation of 250 trap tags.

22 (G) The California permits described in paragraphs (1) and (2)
23 of subdivision (i) of Section 8276.4 shall receive a maximum
24 allocation of 175 trap tags.

25 (2) ~~Participants~~ *A participant* in the program shall meet all of
26 the following requirements:

27 (A) Unless a participant receives a waiver pursuant to paragraph
28 (3), pay a biennial fee for each trap tag issued pursuant to this
29 section to pay the pro rata share of costs of the program, including,
30 but not limited to, informing permit holders of the program,
31 collecting fees, acquiring and sending trap tags to permit holders,
32 paying for a portion of enforcement costs, and monitoring the
33 results of the program. The fee shall not exceed five dollars (\$5)
34 per trap, per two-year period. All of the trap tags allocated to each
35 permit pursuant to subdivision (a) shall be purchased by the
36 permit holder or the permit shall be void.

37 (B) Purchase a biennial crab trap limit permit of not more than
38 one thousand dollars (\$1,000) per two-year period to pay for the
39 department's reasonable regulatory costs.

1 (C) Not lease a crab trap tag, and transfer a tag only as part of
2 a transaction to purchase a California permitted crab vessel.

3 (D) A Dungeness crab trap that is fished shall contain a trap tag
4 that is fastened to the main buoy, and an additional tag provided
5 by the permitholder attached to the trap. The department shall
6 mandate the information that is required to appear on both buoy
7 and trap tags.

8 (3) The department shall issue a participant a waiver from the
9 biennial fee for each trap tag described in subparagraph (A) of
10 paragraph (2) if the participant is unable to fish due to mandatory
11 military service and the participant submits a request for a waiver
12 to the department at the same time that the participant renews the
13 permit issued pursuant to subparagraph (B) of paragraph (2). A
14 participant who receives a waiver pursuant to this paragraph shall
15 not apply to the department to fish for Dungeness crab during the
16 first year of the waiver, but may apply to fish for Dungeness crab
17 during the second year of the waiver if the participant pays the full
18 cost of the biennial fee for each trap tag. The department shall not
19 limit the number of times a participant may request a waiver.

20 (4) Notwithstanding subparagraph (D) of paragraph (2), a vessel
21 may transit state waters with Dungeness crab traps that are not
22 tagged pursuant to subparagraph (D) of paragraph (2) if the traps
23 contain either a valid Oregon or Washington trap tag, ~~no crab~~
24 ~~species are onboard the vessel, and the traps are not deployed in~~
25 ~~state waters.~~ *waters, or all of the conditions required pursuant to*
26 *Section 8285 are met.*

27 (5) The department shall annually provide an accounting of all
28 costs associated with the crab trap limit program. The department
29 shall use excess funds collected to reduce the cost of the crab trap
30 limit permit fee or tag fee in subsequent years of the program.

31 (6) ~~Permitholders~~—*A permitholder* may replace lost tags by
32 application to the department and payment of a fee not to exceed
33 the reasonable costs incurred by the department. The department
34 may waive or reduce a fee in the case of catastrophic loss of tags.

35 (b) (1) In addition to criminal penalties authorized by law, a
36 violation of the requirements of the program created pursuant to
37 this section shall be subject to the following civil penalties:

38 (A) Conviction of a first offense shall result in a fine of not less
39 than two hundred fifty dollars (\$250) and not more than one
40 thousand dollars (\$1,000) per illegal trap or fraudulent tag.

1 (B) Conviction of a second offense shall result in a fine of not
2 less than five hundred dollars (\$500) and not more than two
3 thousand five hundred dollars (\$2,500) per illegal trap or fraudulent
4 tag, and the permit may be suspended for one year.

5 (C) Conviction of a third offense shall result in a fine of not less
6 than one thousand dollars (\$1,000) and not more than five thousand
7 dollars (\$5,000) per illegal trap or fraudulent tag, and the permit
8 may be permanently revoked.

9 (2) The severity of a penalty within the ranges described in this
10 subdivision shall be based on a determination whether the violation
11 was willful or negligent and other factors.

12 (3) The portion of monetary judgments for noncompliance that
13 are paid to the department shall be deposited in the Dungeness
14 Crab Account created pursuant to subdivision (e).

15 (c) For the purposes of this section, a proposed recommendation
16 that receives an affirmative vote of at least two-thirds of the voting
17 members of the Dungeness crab task force may be transmitted to
18 the director or the Legislature as a recommendation, shall be
19 considered to be the consensus of the task force, and shall be
20 considered to be evidence of consensus in the Dungeness crab
21 industry. Any proposed recommendation that does not receive a
22 vote sufficient to authorize transmittal to the director or Legislature
23 as a recommendation shall be evidence of a lack of consensus by
24 the Dungeness crab task force, and shall be considered to be
25 evidence of a lack of consensus in the crab industry.

26 (d) The director may modify the program adopted pursuant to
27 subdivision (a), if consistent with the requirements of this section,
28 after consultation with the Dungeness crab task force or its
29 representatives and after the task force has had 60 days or more
30 to review the proposed modifications and recommend any proposed
31 changes. The director may implement the modifications earlier
32 than 60 days after it is sent to the Dungeness crab task force for
33 review, if recommended by the task force.

34 (e) The Dungeness Crab Account is hereby established in the
35 Fish and Game Preservation Fund and the fees collected pursuant
36 to this section shall be deposited in that account. ~~The money~~
37 *moneys* in the account shall be used as follows:

38 (1) By the department, upon appropriation by the Legislature,
39 for administering and enforcing the program.

1 (2) In each fiscal year through the ~~2029~~ 2039 fiscal year, upon
2 appropriation by the Legislature, of the amount remaining in the
3 account after an allocation pursuant to paragraph (1), the sum of
4 one hundred fifty thousand dollars (\$150,000), if available, shall
5 be allocated to the council to support the administration and
6 facilitation of the Dungeness crab task force.

7 (3) *Beginning in fiscal year 2027, and every two fiscal years*
8 *thereafter through fiscal year 2039, the amount remaining in the*
9 *account after the allocations pursuant to paragraphs (1) and (2)*
10 *are made shall be deposited into the Dungeness Crab Fleet*
11 *Subaccount established pursuant to section 8276.6.*

12 (f) For purposes of meeting the necessary expenses of initial
13 organization and operation of the program until fees may be
14 collected, or other funding sources may be received, the department
15 may borrow ~~money moneys~~ as needed for these expenses from the
16 council. The borrowed ~~money moneys~~ shall be repaid within one
17 year from the fees collected or other funding sources received.
18 The council shall give high priority to providing funds or services
19 to the department, in addition to loans, to assist in the development
20 of the program, including, but not limited to, the costs of convening
21 the Dungeness crab task force, environmental review, and the
22 department's costs of attending meetings with task force members.

23 (g) (1) It is the intent of the Legislature that the department,
24 the council, and the Dungeness crab task force work with the
25 Pacific States Marine Fisheries Commission and the Tri-State
26 Dungeness Crab Commission to resolve any issues pertaining to
27 moving the fair start line south to the border of California and
28 Mexico.

29 (2) For purposes of this subdivision, the resolution of issues
30 pertaining to the fair start line shall be limited to assessing the
31 positive and negative implications of including District 10 in the
32 tri-state agreement, including working with the Tri-State Dungeness
33 Crab Commission to amend Oregon and Washington laws to
34 include District 10 in the regular season fair start clause, and
35 discussion of providing different rules for District 10 with regard
36 to preseason quality testing.

37 (h) For purposes of this section, "council" means the Ocean
38 Protection Council established pursuant to Section 35600 of the
39 Public Resources Code.

1 (i) This section shall become inoperative on April 1, ~~2029~~, 2039,
2 and, as of January 1, ~~2030~~, 2040, is repealed, unless a later enacted
3 statute, that becomes operative on or before January 1, ~~2030~~, 2040,
4 deletes or extends the dates on which it becomes inoperative and
5 is repealed.

6 SEC. 9. Section 8276.6 is added to the Fish and Game Code,
7 to read:

8 8276.6. (a) (1) The Dungeness Crab Fleet Subaccount is
9 hereby established in the Dungeness Crab Account established
10 pursuant to Section 8276.5. Funds shall be deposited into the
11 subaccount in accordance with paragraph (3) of subdivision (e) of
12 Section 8276.5.

13 (2) The moneys deposited into the subaccount shall be managed
14 and overseen by the Pacific States Marine Fisheries Commission.

15 (3) The moneys in the subaccount shall be available, upon
16 appropriation by the Legislature, to implement the spending plan
17 developed by the California Dungeness crab task force pursuant
18 to subdivision (b).

19 (b) (1) The California Dungeness crab task force shall, on or
20 before December 31, 2027, and by December 31 annually thereafter
21 until December 31, 2039, develop and submit to the Legislature a
22 spending plan for the funds in the subaccount.

23 (2) The task force shall submit the plan pursuant to paragraph
24 (1) in accordance with Section 9795 of the Government Code.

25 SEC. 10. Section 8279.1 of the Fish and Game Code is
26 amended to read:

27 8279.1. (a) A person shall not take, possess onboard, or land
28 Dungeness crab for commercial purposes from a vessel in ocean
29 waters for 30 days after the opening of those waters for the
30 commercial Dungeness crab fishing season, if both of the following
31 events have occurred:

32 (1) The opening of the season has been delayed in those waters.

33 (2) The same vessel was used to take, possess onboard, or land
34 Dungeness crab for commercial purposes, from ocean waters
35 outside of the delayed waters, before the opening of the delayed
36 waters for the season.

37 (b) For purposes of this section, a delay in the opening of ocean
38 waters for the commercial Dungeness crab fishing season has
39 occurred in either of the following circumstances:

1 (1) The opening of those waters for the season has been delayed
2 pursuant to Section 5523 or 8276.2 or the regulations adopted
3 pursuant to Section 8276.1.

4 (2) The opening of those waters for the season has been delayed
5 in Oregon or Washington due to the tri-state quality testing program
6 or by a closure to prevent a risk to human health or a risk of marine
7 life entanglement.

8 (c) A violation of this section does not constitute a misdemeanor.
9 Pursuant to Section 7857, the commission shall revoke the
10 Dungeness crab vessel permit that was issued for use on the vessel
11 that was used in violation of this section.

12 (d) This section shall become inoperative on April 1, ~~2029~~,
13 ~~2039~~, and, as of January 1, ~~2030~~, ~~2040~~, is repealed, unless a later
14 enacted statute, that becomes operative on or before January 1,
15 ~~2030~~, ~~2040~~, deletes or extends the dates on which it becomes
16 inoperative and is repealed.

17 SEC. 11. Section 8280.1 of the Fish and Game Code is
18 amended to read:

19 8280.1. (a) A person shall not use a vessel to take, possess, or
20 land Dungeness crab for commercial purposes using Dungeness
21 crab traps authorized pursuant to Section 9011, unless the owner
22 of that vessel has a Dungeness crab vessel permit for that vessel
23 that has not been suspended or revoked.

24 (b) A person shall not be issued a new, original Dungeness crab
25 vessel permit. A Dungeness crab vessel permit may be issued only
26 pursuant to a renewal or transfer of an existing permit as provided
27 in Section 8280.2 or 8280.3.

28 (c) A permit issued pursuant to paragraph (3) of subdivision (b)
29 of this section, as this section read on August 1, 2018, or any prior
30 version of that paragraph, shall become immediately null and void
31 upon the death of the permittee.

32 (d) In addition to criminal penalties authorized by law, a person
33 who fishes without a Dungeness crab vessel permit, or who uses
34 a Dungeness crab vessel permit to fish illegally on another vessel
35 other than the permitted one, shall be subject to a fine not more
36 than twenty thousand dollars (\$20,000) and, at the discretion of
37 the department, revocation of the person’s fishing license for a
38 period not to exceed five years and revocation of the commercial
39 boat registration license for a period not to exceed five years.

1 (e) This section shall become inoperative on April 1, ~~2029,~~
2 2039, and, as of January 1, ~~2030, 2040,~~ is repealed, unless a later
3 enacted statute, that becomes operative on or before January 1,
4 2030, 2040, deletes or extends the dates on which it becomes
5 inoperative and is repealed.

6 SEC. 12. Section 8280.2 of the Fish and Game Code is
7 amended to read:

8 8280.2. (a) The owner of a Dungeness crab vessel, for purposes
9 of this section, may include a person with a bona fide contract for
10 the purchase of a vessel who otherwise meets all other
11 qualifications for a Dungeness crab vessel permit. If a contract is
12 found to be fraudulent or written or entered into for the purposes
13 of circumventing qualification criteria for the issuance of a permit,
14 the applicant shall be permanently ineligible for a Dungeness crab
15 vessel permit.

16 (b) A Dungeness crab vessel permit shall be issued only to the
17 person owning the vessel at the time of application for that permit.
18 A person shall not be issued more than one permit for each vessel
19 owned by that person and qualifying for a permit pursuant to this
20 article.

21 (c) A Dungeness crab vessel permit shall be issued only to the
22 owner of a vessel taking crab by traps. A permit shall not be issued
23 to the owner of a vessel using trawl or other nets unless the owner
24 of that vessel qualifies for a permit pursuant to paragraph (1) of
25 subdivision (b) of Section 8280.1, as that section read on August
26 1, 2018, or any prior version of that paragraph. A trawl or other
27 net vessel authorized under this code to take Dungeness crab
28 incidental to the taking of fish in trawl or other nets shall not be
29 required to possess a Dungeness crab vessel permit.

30 (d) Dungeness crab vessel permits shall not be combined or
31 otherwise aggregated for the purpose of replacing smaller vessels
32 in the fishery with a larger vessel, and a permit shall not be divided
33 or otherwise separated for the purpose of replacing a vessel in the
34 fishery with two or more smaller vessels.

35 (e) Applications for renewal of ~~all a~~ a Dungeness crab vessel
36 ~~permits~~ permit shall be received by the department, or, if mailed,
37 postmarked, by April 30 of each year. In order for a vessel to retain
38 eligibility, a permit shall be obtained each year subsequent to the
39 initial permit year and the vessel shall be registered pursuant to
40 Section 7881. The vessel owner shall have a valid commercial

1 fishing license issued to that person pursuant to Section 7852 that
2 has not been suspended or revoked. Minimum landings of
3 Dungeness crab shall not be required annually to be eligible for a
4 Dungeness crab vessel permit.

5 (f) This section shall become inoperative on April 1, ~~2029~~, 2039,
6 and, as of January 1, ~~2030~~, 2040, is repealed, unless a later enacted
7 statute, that becomes operative on or before January 1, ~~2030~~, 2040,
8 deletes or extends the dates on which it becomes inoperative and
9 is repealed.

10 SEC. 13. Section 8280.3 of the Fish and Game Code is
11 amended to read:

12 8280.3. (a) For purposes of this section, the term “length
13 overall” means the horizontal distance between the forward-most
14 and after-most points on the hull of a vessel. The length overall of
15 a vessel does not include attachments fixed to the stern and bow.

16 (b) Notwithstanding Article 9 (commencing with Section 8100)
17 of Chapter 1 and except as provided in this section, a Dungeness
18 crab vessel permit shall not be transferred.

19 (c) (1) The owner of a vessel to whom a Dungeness crab vessel
20 permit has been issued shall transfer the permit for the use of that
21 vessel upon the sale of the vessel by the permitholder to the person
22 purchasing the vessel, except that the permit shall not be transferred
23 if the vessel is more than five feet longer in length overall, as
24 determined by a licensed marine surveyor, than the baseline length
25 on the permit. Thereafter, upon notice to the department, the person
26 purchasing the vessel may use the vessel for the taking and landing
27 of Dungeness crab for any and all of the unexpired portion of the
28 permit year, and that person is eligible for a permit pursuant to
29 this article for the use of that vessel in subsequent years. The person
30 purchasing the vessel shall not transfer the permit for use of that
31 vessel in the Dungeness crab fishery to another replacement vessel
32 during the same permit year.

33 (2) A permit described in subdivision (c) of Section 8280.1 shall
34 not be transferred pursuant to this subdivision.

35 (d) The owner of a vessel to whom the Dungeness crab vessel
36 permit has been issued may transfer the permit to a replacement
37 vessel of equivalent capacity, except as specified in this section.
38 Thereafter, upon notice to the department and payment of the
39 transfer fee specified in Section 8280.6, the replacement vessel
40 may be used for the taking and landing of Dungeness crab for any

1 and all of the unexpired portion of the permit year and that person
2 is eligible for a permit pursuant to this article for the use of that
3 replacement vessel in subsequent years.

4 (e) (1) The owner of a permitted vessel may transfer the permit
5 to a vessel of greater capacity as follows:

6 (A) If the person the permit is to be transferred to purchased
7 the vessel of greater capacity on or before November 15, 1995,
8 the vessel of greater capacity ~~may~~ shall not be more than 10 feet
9 longer in length overall than the baseline length on the permit.

10 (B) If the person the permit is to be transferred to purchased the
11 vessel of greater capacity after November 15, 1995, the vessel of
12 greater capacity ~~may~~ shall not be more than five feet longer in
13 length overall than the baseline length on the permit.

14 (2) A permit described in subdivision (c) of Section 8280.1 shall
15 not be transferred pursuant to this subdivision.

16 (f) (1) The department may authorize the owner of a permitted
17 vessel to transfer the permit to a replacement vessel that was owned
18 by the person the permit is to be transferred to on or before April
19 1, 1996, that does not fish with trawl nets that is greater than five
20 feet longer in length overall than the baseline length on the permit,
21 if all of the following conditions are satisfied:

22 (A) A vessel of a larger size is essential to the proposed
23 permit holder for participation in another fishery other than a trawl
24 net fishery.

25 (B) The owner of the permitted vessel held a permit on or before
26 January 1, 1995, for the fishery for which a larger vessel is needed
27 and has participated in that fishery.

28 (C) The permit for the vessel from which the permit is to be
29 transferred qualified pursuant to paragraph (1) of subdivision (b)
30 of Section 8280.1, as that section read on August 1, 2018, or any
31 prior version of that paragraph.

32 (D) The vessel to which the permit is to be transferred does not
33 exceed 20 feet longer in length overall than the baseline length on
34 the permit and the vessel to which the permit is to be transferred
35 does not exceed 60 feet in length overall.

36 (E) A permit was not previously transferred to the same
37 replacement vessel.

38 (2) A permit described in subdivision (c) of Section 8280.1 shall
39 not be transferred pursuant to this subdivision.

1 (g) A transfer of a permit to a larger vessel shall not be allowed
2 more than one time. If a permit is transferred to a larger vessel,
3 any Dungeness crab vessel permit for that permit year or any
4 subsequent permit years for that larger vessel shall not be
5 transferred to another larger vessel. The department shall not
6 thereafter issue a Dungeness crab vessel permit for the use of the
7 original vessel from which the permit was transferred, except that
8 the original vessel may be used to take or land Dungeness crab
9 after that transfer if its use is authorized pursuant to another
10 Dungeness crab vessel permit subsequently transferred to that
11 vessel pursuant to subdivision (d), (e), or (f).

12 (h) (1) Upon the written approval of the department, the owner
13 of a vessel to whom the Dungeness crab vessel permit has been
14 issued, which has California Dungeness crab landings made with
15 trap gear documented on department electronic fish tickets and
16 which has had California Dungeness crab landings amounting to
17 not less than 5,000 pounds cumulative for the past two Dungeness
18 crab seasons, may temporarily transfer the permit to a replacement
19 vessel for which use in the Dungeness crab fishery is not permitted
20 pursuant to this article that is of equivalent size and capacity of
21 the originally permitted vessel, no greater than 10 feet longer in
22 length overall than the vessel from which the permit is transferred,
23 for a period of not more than six months during the current permit
24 year if the vessel for which the permit was issued is seriously
25 damaged, suffers major mechanical breakdown, or is lost or
26 destroyed, as determined by the department, upon approval of the
27 director. The owner of the vessel shall submit proof that the
28 department may reasonably require to establish the existence of
29 the conditions of this paragraph. Only the permittee at the time of
30 the loss, theft, damage, breakdown, or destruction of the vessel
31 may apply for the transfer of the vessel permit. Proof of loss or
32 destruction shall be documented by submission of a copy of the
33 report filed with the United States Coast Guard or any other law
34 enforcement or fire agency that investigated the loss. In the case
35 of mechanical breakdown, the request shall include an estimate of
36 the costs to repair the vessel from a marine surveyor or boat repair
37 yard. The department shall not issue a permit for a replacement
38 vessel pursuant to this subdivision if the permitted vessel was
39 reported lost, stolen, mechanically broken down, destroyed, or
40 damaged for fraudulent purposes. Upon approval by the director,

1 the owner of a vessel granted a six-month temporary transfer under
2 this section may be granted an additional six-month extension of
3 the temporary transfer.

4 (2) Notwithstanding subdivision (e) of Section 8280.2, in the
5 event of loss or destruction of a vessel for which a Dungeness crab
6 vessel permit was issued, or serious damage that renders the vessel
7 inoperable, and upon written approval of the department, the owner
8 of the vessel to whom the permit was issued may retain the permit
9 and may transfer the permit to another vessel of equivalent size
10 and capacity of the vessel that was lost or damaged during the
11 period of two years after the loss or damage of the vessel for which
12 the permit was originally issued. The owner of the lost or damaged
13 vessel shall submit proof that the department may reasonably
14 require to establish the loss or damage of the vessel. Only the
15 permittee at the time of the loss, theft, damage, or destruction of
16 the vessel may apply for the transfer of the vessel permit. Proof
17 of loss or destruction shall be documented by submission of a copy
18 of the report filed with the United States Coast Guard or any other
19 law enforcement or fire agency that investigated the loss. In the
20 case of mechanical breakdown, the request shall include an estimate
21 of the costs to repair the vessel from a marine surveyor or boat
22 repair yard. The department shall not issue a permit for a
23 replacement vessel pursuant to this paragraph if the lost or damaged
24 vessel was reported lost, stolen, destroyed, mechanically broken
25 down, or damaged for fraudulent purposes. The department shall
26 only transfer a permit pursuant to this paragraph if the lost or
27 damaged vessel has a current permit and the owner of the lost or
28 damaged vessel makes assurances in the application that any
29 renewal of the permit that becomes due during the application
30 processing period will be made. If the permit is not permanently
31 transferred to another vessel within two years of the loss or damage,
32 the permit shall become void by operation of law.

33 (i) Upon written approval of the department, the owner of a
34 vessel to whom the Dungeness crab vessel permit has been issued
35 may retain that permit upon the sale of that permitted vessel for
36 the purpose of transferring the permit to another vessel if the
37 requirements of this section are satisfied, including the payment
38 of transfer fees. If the permit is not transferred to a new vessel
39 within one year of the sale of the permitted vessel, the permit shall
40 become void by operation of law.

1 (j) Except as provided in subdivision (c) of Section 8280.1, in
2 the event of the death or incapacity of a permitholder, the permit
3 shall be transferred, upon application, to the heirs or assigns, or to
4 the working partner, of the permitholder, together with the transfer
5 of the vessel for which the permit was issued, and the new owner
6 may continue to operate the vessel under the permit, renew the
7 permit, or transfer the permit upon sale of the vessel pursuant to
8 subdivision (b). The estate of the holder of a transferable
9 Dungeness crab vessel permit may renew that permit as provided
10 for in statute if needed to keep it valid. The estate of the decedent
11 may transfer that permit pursuant to these regulations no later than
12 two years from the date of death of the permitholder as listed on
13 the death certificate.

14 (k) (1) For purposes of this section, the baseline length on a
15 Dungeness crab vessel permit shall be equal to the length overall
16 of the vessel for which the permit was originally issued, as
17 originally documented on the permit, unless updated pursuant to
18 paragraph (2).

19 (2) (A) If, on or before March 31, 2020, the owner of a vessel
20 to whom a Dungeness crab vessel permit has been issued submits
21 to the department a survey reflecting a current length overall of
22 the vessel that is greater than the length overall described in
23 paragraph (1), the baseline length on the permit shall be equal to
24 that current length overall.

25 (B) A survey submitted pursuant to subparagraph (A) shall be
26 conducted by a licensed marine surveyor.

27 (l) This section shall become inoperative on April 1, ~~2029~~, 2039,
28 and, as of January 1, ~~2030~~, 2040, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, ~~2030~~, 2040,
30 deletes or extends the dates on which it becomes inoperative and
31 is repealed.

32 SEC. 14. Section 8280.4 of the Fish and Game Code is
33 amended to read:

34 8280.4. (a) The commission may revoke the commercial
35 fishing license issued pursuant to Section 7852 of any person
36 owning a fishing vessel engaging in the taking or landing of
37 Dungeness crab by traps for which that person has not obtained a
38 Dungeness crab vessel permit, and the commission may revoke
39 the registration, issued pursuant to Section 7881, for that vessel.

1 (b) This section shall become inoperative on April 1, ~~2029,~~
2 2039, and, as of January 1, ~~2030,~~ 2040, is repealed, unless a later
3 enacted statute, that becomes operative on or before January 1,
4 2030, 2040, deletes or extends the dates on which it becomes
5 inoperative and is repealed.

6 SEC. 15. Section 8280.6 of the Fish and Game Code is
7 amended to read:

8 8280.6. (a) The department shall charge a fee for each
9 Dungeness crab vessel permit of two hundred dollars (\$200) for
10 a resident of California and four hundred dollars (\$400) for a
11 nonresident of California, for the reasonable regulatory costs of
12 the department.

13 (b) The department shall charge a nonrefundable fee of two
14 hundred dollars (\$200) for each transfer of a permit authorized
15 pursuant to Section 8280.3, for the reasonable regulatory costs of
16 the department.

17 (c) A vessel owner shall sign an application for transfer and
18 certify that the information included in the application is true to
19 the best of ~~his or her~~ *the owner's* information and belief.

20 (d) This section shall become inoperative on April 1, ~~2029,~~
21 2039, and, as of January 1, ~~2030,~~ 2040, is repealed, unless a later
22 enacted statute, that becomes operative on or before January 1,
23 2030, 2040, deletes or extends the dates on which it becomes
24 inoperative and is repealed.

25 SEC. 16. Section 8286 is added to the Fish and Game Code,
26 immediately following Section 8285, to read:

27 8286. (a) A vessel may transit waters closed pursuant to this
28 section with Dungeness crab traps and Dungeness crab onboard
29 the vessel if all the following conditions are met:

30 (1) The vessel shall submit a notice of intent to the department
31 at least 72 hours before entering a closed area. The notice shall
32 include all of the following:

33 (A) The vessel's name.

34 (B) The vessel's captain's name and phone number.

35 (C) The port of landing.

36 (D) The number of trips anticipated where the vessel will enter
37 a closed area.

38 (E) The requested start and end date of closed area transit.

39 (F) The procedures the vessel will follow in case of mechanical
40 failure or breakdown during transit.

1 (2) The vessel maintains continuous transit through the closed
2 waters.

3 (3) The vessel possesses an electronic monitoring system
4 approved by the department. The system shall remain fully
5 operational during transit through closed areas.

6 (4) All gear is secured so that no traps are rendered unusable.

7 (b) The department shall provide an exemption from the
8 requirements of subdivision (a) for a vessel experiencing
9 mechanical issues during transit.

10 (c) For purposes of this section, “continuous transit” means
11 transiting through an area closed to take of Dungeness crab on a
12 heading as close as practicable to a direct route, without stopping
13 or delaying, and maintaining speeds greater than three knots at all
14 times during transit.

15 SEC. 17. Section 9002.5 of the Fish and Game Code is
16 amended to read:

17 9002.5. (a) Notwithstanding Section 9002, the department, in
18 consultation with the Dungeness crab task force, shall establish a
19 retrieval program to provide for the retrieval of lost or abandoned
20 commercial Dungeness crab traps by June 30, 2019.

21 (b) The retrieval program developed pursuant to subdivision
22 (a) shall be consistent with all of the following:

23 (1) (A) The department shall establish a retrieval permit that
24 grants a person who obtains a retrieval permit the authority to
25 retrieve Dungeness crab traps located in ocean waters belonging
26 to another person without written permission from that person
27 during both of the following periods of time:

28 (i) The closed season of the Dungeness crab commercial fishery,
29 as described in Section 8276.

30 (ii) A period of time other than the time period described in
31 clause (i) in which the director restricts the take of Dungeness crab
32 pursuant to Section 8276.1 or regulations adopted pursuant to that
33 section, if the director authorizes retrieval permitholders to retrieve
34 traps during that time period.

35 (B) The department may establish any qualifications it deems
36 necessary for a person to obtain a retrieval permit.

37 (C) The department shall require a permit fee in an amount
38 necessary to fully recover, but not exceed, all reasonable
39 administrative and implementation costs to the department of the
40 retrieval program.

1 (2) Notwithstanding Chapter 4 (commencing with Section 2080)
2 of Title 6 of Part 4 of Division 3 of the Civil Code or any other
3 law, any Dungeness crab trap retrieved under the authority of a
4 retrieval permit shall become the property of the retrieval
5 permitholder.

6 (3) The department shall require a retrieval permitholder to
7 notify the former trap owner of the retrieval of a Dungeness crab
8 trap and to offer to sell the trap to the former owner for a reasonable
9 recovery fee, as determined by the retrieval permitholder, based
10 on the cost of trap retrieval and storage of the trap. The department
11 shall impose per-trap fees on any former trap owner who refuses
12 to pay the recovery fee to the retrieval permitholder. The
13 department shall set the rate of these per-trap fees at a level
14 sufficient to recover any costs to the department from handling
15 noncompliance with the gear retrieval program and to reimburse
16 the retrieval permitholder for the reasonable cost of trap retrieval,
17 storage, and disposal of crab traps belonging to a former owner
18 who refuses to pay the recovery fees for those traps and, upon
19 appropriation by the Legislature, shall use the proceeds of the
20 per-trap fees for these purposes. The department shall annually
21 adjust the per-trap fees pursuant to Section 713.

22 (4) Notwithstanding Section 8022, the department may release
23 contact information to a retrieval permitholder for purposes of the
24 retrieval program under terms and conditions as the department
25 deems necessary to preserve the confidentiality of the information
26 released. Any release of information pursuant to this section does
27 not constitute a waiver of any applicable exemptions from
28 disclosure under the California Public Records Act (Division 10
29 (commencing with Section 7920.000) of Title 1 of the Government
30 Code).

31 (5) The department may deny an application for renewal or
32 transfer of a Dungeness crab vessel permit until the applicant pays
33 any fees imposed pursuant to paragraph (3).

34 (6) The department shall submit the proposed retrieval program
35 developed pursuant to this section to the Dungeness crab task force
36 for review, and shall not implement the retrieval program until the
37 task force has had 60 days or more to review the proposed retrieval
38 program and recommend any proposed changes. The director may
39 implement the retrieval program earlier than 60 days after it is

1 submitted to the Dungeness crab task force for review, if
2 recommended by the task force.

3 (c) This section shall become inoperative on April 1, ~~2029~~,
4 2039, and, as of January 1, ~~2030~~, 2040, is repealed, unless a later
5 enacted statute, that becomes operative on or before January 1,
6 2030, 2040, deletes or extends the dates on which it becomes
7 inoperative and is repealed.

8 SEC. 18. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

SB 1440, as introduced, Committee on Local Government. Validations.

This bill would enact the First Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 First Validating Act of 2026.
- 3 SEC. 2. As used in this act:
- 4 (a) “Public body” means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Affordable housing authorities.

10 Air pollution control districts of any kind.

11 Air quality management districts.

12 Airport districts.

13 Assessment districts, benefit assessment districts, and special
14 assessment districts of any public body.

15 Bridge and highway districts.

16 California water districts.

17 Citrus pest control districts.

18 City maintenance districts.

19 Climate resilience districts.

20 Community college districts.

21 Community development commissions in their capacity to act
22 as a housing authority for other community development purposes
23 of the jurisdiction in which the commission operates, except for
24 any action taken with respect to the commission’s authority to act
25 as a community redevelopment agency.

26 Community facilities districts.

27 Community rehabilitation districts.

28 Community revitalization and investment authorities.

29 Community services districts.

30 Conservancy districts.

31 Cotton pest abatement districts.

32 County boards of education.

33 County drainage districts.

34 County flood control and water districts.

35 County free library systems.

36 County maintenance districts.

37 County sanitation districts.

38 County service areas.

39 County transportation commissions.

40 County water agencies.

- 1 County water authorities.
- 2 County water districts.
- 3 County waterworks districts.
- 4 Department of Water Resources and other agencies acting
- 5 pursuant to Part 3 (commencing with Section 11100) of Division
- 6 of the Water Code.
- 7 Distribution districts of any public body.
- 8 Districts acting pursuant to Section 53395.82 of the Government
- 9 Code.
- 10 Drainage districts.
- 11 Enhanced infrastructure financing districts.
- 12 Fire protection districts.
- 13 Flood control and water conservation districts.
- 14 Flood control districts.
- 15 Garbage and refuse disposal districts.
- 16 Garbage disposal districts.
- 17 Geologic hazard abatement districts.
- 18 Harbor districts.
- 19 Harbor improvement districts.
- 20 Harbor, recreation, and conservation districts.
- 21 Health care authorities.
- 22 Highway districts.
- 23 Highway interchange districts.
- 24 Highway lighting districts.
- 25 Housing authorities.
- 26 Improvement districts or improvement areas of any public body.
- 27 Industrial development authorities.
- 28 Infrastructure financing districts.
- 29 Integrated financing districts.
- 30 Irrigation districts.
- 31 Joint highway districts.
- 32 Levee districts.
- 33 Library districts.
- 34 Library districts in unincorporated towns and villages.
- 35 Local agency formation commissions.
- 36 Local health care districts.
- 37 Local health districts.
- 38 Local hospital districts.
- 39 Local transportation authorities or commissions.
- 40 Maintenance districts.

- 1 Memorial districts.
- 2 Metropolitan transportation commissions.
- 3 Metropolitan water districts.
- 4 Mosquito abatement and vector control districts.
- 5 Multifamily improvement districts.
- 6 Municipal improvement districts.
- 7 Municipal utility districts.
- 8 Municipal water districts.
- 9 Nonprofit corporations.
- 10 Nonprofit public benefit corporations.
- 11 Open-space maintenance districts.
- 12 Parking and business improvement areas.
- 13 Parking authorities.
- 14 Parking districts.
- 15 Permanent road divisions.
- 16 Pest abatement districts.
- 17 Police protection districts.
- 18 Port districts.
- 19 Property and business improvement areas.
- 20 Protection districts.
- 21 Public cemetery districts.
- 22 Public utility districts.
- 23 Rapid transit districts.
- 24 Reclamation districts.
- 25 Recreation and park districts.
- 26 Regional housing finance authorities.
- 27 Regional justice facility financing agencies.
- 28 Regional park and open-space districts.
- 29 Regional planning districts.
- 30 Regional transportation commissions.
- 31 Resort improvement districts.
- 32 Resource conservation districts.
- 33 River port districts.
- 34 Road maintenance districts.
- 35 Sanitary districts.
- 36 School districts of any kind or class.
- 37 School facilities improvement districts.
- 38 Separation of grade districts.
- 39 Service authorities for freeway emergencies.
- 40 Sewer districts.

- 1 Sewer maintenance districts.
- 2 Small craft harbor districts.
- 3 Special municipal tax districts.
- 4 Stone and pome fruit pest control districts.
- 5 Storm drain maintenance districts.
- 6 Storm drainage districts.
- 7 Storm drainage maintenance districts.
- 8 Stormwater districts.
- 9 Toll tunnel authorities.
- 10 Traffic authorities.
- 11 Transit development boards.
- 12 Transit districts.
- 13 Unified and union school districts' public libraries.
- 14 Vehicle parking districts.
- 15 Water agencies.
- 16 Water authorities.
- 17 Water conservation districts.
- 18 Water districts.
- 19 Water replenishment districts.
- 20 Water storage districts.
- 21 Watermaster districts.
- 22 Wine grape pest and disease control districts.
- 23 Zones, improvement zones, or service zones of any public body.
- 24 (2) Notwithstanding paragraph (1), a "public body" does not
- 25 include any of the following:
 - 26 (A) A community redevelopment agency formed pursuant to
 - 27 the Community Redevelopment Law (Part 1 (commencing with
 - 28 Section 33000) of Division 24 of the Health and Safety Code).
 - 29 (B) A community development commission, with respect to its
 - 30 exercise of the powers of a community redevelopment agency.
 - 31 (C) A joint powers authority that includes a community
 - 32 redevelopment agency or a community development commission
 - 33 as a member, with respect to its exercise of the powers of a
 - 34 community redevelopment agency.
- 35 (3) "Public body" includes both of the following:
 - 36 (A) The successor agency to the Redevelopment Agency of the
 - 37 City and County of San Francisco, solely for the purpose of issuing
 - 38 bonds or incurring other indebtedness pursuant to the provisions
 - 39 of Section 34177.7 of the Health and Safety Code.

1 (B) A successor agency, as defined in subdivision (j) of Section
2 34171 of the Health and Safety Code, solely for the purpose of
3 issuing bonds or incurring other indebtedness pursuant to the
4 provisions of Section 34177.5 of the Health and Safety Code.

5 (b) “Bonds” means all instruments evidencing an indebtedness
6 of a public body incurred or to be incurred for any public purpose,
7 all leases, installment purchase agreements, or similar agreements
8 wherein the obligor is one or more public bodies, all instruments
9 evidencing the borrowing of money in anticipation of taxes,
10 revenues, or other income of that body, all instruments payable
11 from revenues or special funds of those public bodies, all
12 certificates of participation evidencing interests in the leases,
13 installment purchase agreements, or similar agreements, and all
14 instruments funding, refunding, replacing, or amending any thereof
15 or any indebtedness.

16 (c) “Hereafter” means any time subsequent to the effective date
17 of this act.

18 (d) “Heretofore” means any time prior to the effective date of
19 this act.

20 (e) “Now” means the effective date of this act.

21 SEC. 3. All public bodies heretofore organized or existing
22 under any law, or under color of any law, are hereby declared to
23 have been legally organized and to be legally functioning as those
24 public bodies. Every public body, heretofore described, shall have
25 all the rights, powers, and privileges, and be subject to all the duties
26 and obligations, of those public bodies regularly formed pursuant
27 to law.

28 SEC. 4. The boundaries of every public body as heretofore
29 established, defined, or recorded, or as heretofore actually shown
30 on maps or plats used by the assessor, are hereby confirmed,
31 validated, and declared legally established.

32 SEC. 5. All acts and proceedings heretofore taken by any public
33 body or bodies under any law, or under color of any law, for the
34 annexation or inclusion of territory into those public bodies or for
35 the annexation of those public bodies to any other public body or
36 for the detachment, withdrawal, or exclusion of territory from any
37 public body or for the consolidation, merger, or dissolution of any
38 public bodies are hereby confirmed, validated, and declared legally
39 effective. This shall include all acts and proceedings of the
40 governing board of any public body and of any person, public

1 officer, board, or agency heretofore done or taken upon the question
2 of the annexation or inclusion or of the withdrawal or exclusion
3 of territory or the consolidation, merger, or dissolution of those
4 public bodies.

5 SEC. 6. (a) All acts and proceedings heretofore taken by or
6 on behalf of any public body under any law, or under color of any
7 law, for, or in connection with, the authorization, issuance, sale,
8 execution, delivery, or exchange of bonds of any public body for
9 any public purpose are hereby authorized, confirmed, validated,
10 and declared legally effective. This shall include all acts and
11 proceedings of the governing board of public bodies and of any
12 person, public officer, board, or agency heretofore done or taken
13 upon the question of the authorization, issuance, sale, execution,
14 delivery, or exchange of bonds.

15 (b) All bonds of, or relating to, any public body heretofore issued
16 shall be, in the form and manner issued and delivered, the legal,
17 valid, and binding obligations of the public body. All bonds of, or
18 relating to, any public body heretofore awarded and sold to a
19 purchaser and hereafter issued and delivered in accordance with
20 the contract of sale and other proceedings for the award and sale
21 shall be the legal, valid, and binding obligations of the public body.
22 All bonds of, or relating to, any public body heretofore authorized
23 to be issued by ordinance, resolution, order, or other action adopted
24 or taken by or on behalf of the public body and hereafter issued
25 and delivered in accordance with that authorization shall be the
26 legal, valid, and binding obligations of the public body. All bonds
27 of, or relating to, any public body heretofore authorized to be issued
28 at an election and hereafter issued and delivered in accordance
29 with that authorization shall be the legal, valid, and binding
30 obligations of the public body. Whenever an election has heretofore
31 been called for the purpose of submitting to the voters of any public
32 body the question of issuing bonds for any public purpose, those
33 bonds, if hereafter authorized by the required vote and in
34 accordance with the proceedings heretofore taken, and issued and
35 delivered in accordance with that authorization, shall be the legal,
36 valid, and binding obligations of the public body.

37 SEC. 7. (a) This act shall operate to supply legislative
38 authorization as may be necessary to authorize, confirm, and
39 validate any acts and proceedings heretofore taken pursuant to

1 authority the Legislature could have supplied or provided for in
2 the law under which those acts or proceedings were taken.

3 (b) This act shall be limited to the validation of acts and
4 proceedings to the extent that the same can be effectuated under
5 the California Constitution and the United States Constitution.

6 (c) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter being legally contested
8 or inquired into in any legal proceeding now pending and
9 undetermined or that is pending and undetermined during the
10 period of 30 days from and after the effective date of this act.

11 (d) This act shall not operate to authorize, confirm, validate, or
12 legalize any act, proceeding, or other matter that has heretofore
13 been determined in any legal proceeding to be illegal, void, or
14 ineffective.

15 (e) This act shall not operate to authorize, confirm, validate, or
16 legalize a contract between any public body and the United States.

17 SEC. 8. Any action or proceeding contesting the validity of
18 any action or proceeding heretofore taken under any law, or under
19 color of any law, for the formation, organization, or incorporation
20 of any public body, or for any annexation thereto, detachment or
21 exclusion therefrom, or other change of boundaries thereof, or for
22 the consolidation, merger, or dissolution of any public bodies, or
23 for, or in connection with, the authorization, issuance, sale,
24 execution, delivery, or exchange of bonds thereof upon any ground
25 involving any alleged defect or illegality not effectively validated
26 by the prior provisions of this act and not otherwise barred by any
27 statute of limitations or by laches shall be commenced within six
28 months of the effective date of this act, otherwise each and all of
29 those matters shall be held to be valid and in every respect legal
30 and incontestable. This act shall not extend the period allowed for
31 legal action beyond the period that it would be barred by any
32 presently existing valid statute of limitations.

33 SEC. 9. Nothing contained in this act shall be construed to
34 render the creation of any public body, or any change in the
35 boundaries of any public body, effective for purposes of assessment
36 or taxation unless the statement, together with the map or plat,
37 required to be filed pursuant to Chapter 8 (commencing with
38 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
39 Code, is filed within the time and substantially in the manner
40 required by those sections.

1 SEC. 10. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to validate the organization, boundaries, acts,
6 proceedings, and bonds of public bodies as soon as possible, it is
7 necessary that this act take immediate effect.

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Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

SB 1441, as introduced, Committee on Local Government. Validations.

This bill would enact the Second Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Second Validating Act of 2026.
- 3 SEC. 2. As used in this act:
- 4 (a) “Public body” means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in

- 1 paragraph (2), “public body” also means all cities, counties, cities
- 2 and counties, districts, authorities, agencies, boards, commissions,
- 3 and other entities, whether created by a general statute or a special
- 4 act, including, but not limited to, the following:
- 5 Agencies, boards, commissions, or entities constituted or
- 6 provided for under or pursuant to the Joint Exercise of Powers Act
- 7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
- 8 1 of the Government Code).
- 9 Affordable housing authorities.
- 10 Air pollution control districts of any kind.
- 11 Air quality management districts.
- 12 Airport districts.
- 13 Assessment districts, benefit assessment districts, and special
- 14 assessment districts of any public body.
- 15 Bridge and highway districts.
- 16 California water districts.
- 17 Citrus pest control districts.
- 18 City maintenance districts.
- 19 Climate resilience districts.
- 20 Community college districts.
- 21 Community development commissions in their capacity to act
- 22 as a housing authority for other community development purposes
- 23 of the jurisdiction in which the commission operates, except for
- 24 any action taken with respect to the commission’s authority to act
- 25 as a community redevelopment agency.
- 26 Community facilities districts.
- 27 Community rehabilitation districts.
- 28 Community revitalization and investment authorities.
- 29 Community services districts.
- 30 Conservancy districts.
- 31 Cotton pest abatement districts.
- 32 County boards of education.
- 33 County drainage districts.
- 34 County flood control and water districts.
- 35 County free library systems.
- 36 County maintenance districts.
- 37 County sanitation districts.
- 38 County service areas.
- 39 County transportation commissions.
- 40 County water agencies.

- 1 County water authorities.
- 2 County water districts.
- 3 County waterworks districts.
- 4 Department of Water Resources and other agencies acting
- 5 pursuant to Part 3 (commencing with Section 11100) of Division
- 6 of the Water Code.
- 7 Distribution districts of any public body.
- 8 Districts acting pursuant to Section 53395.82 of the Government
- 9 Code.
- 10 Drainage districts.
- 11 Enhanced infrastructure financing districts.
- 12 Fire protection districts.
- 13 Flood control and water conservation districts.
- 14 Flood control districts.
- 15 Garbage and refuse disposal districts.
- 16 Garbage disposal districts.
- 17 Geologic hazard abatement districts.
- 18 Harbor districts.
- 19 Harbor improvement districts.
- 20 Harbor, recreation, and conservation districts.
- 21 Health care authorities.
- 22 Highway districts.
- 23 Highway interchange districts.
- 24 Highway lighting districts.
- 25 Housing authorities.
- 26 Improvement districts or improvement areas of any public body.
- 27 Industrial development authorities.
- 28 Infrastructure financing districts.
- 29 Integrated financing districts.
- 30 Irrigation districts.
- 31 Joint highway districts.
- 32 Levee districts.
- 33 Library districts.
- 34 Library districts in unincorporated towns and villages.
- 35 Local agency formation commissions.
- 36 Local health care districts.
- 37 Local health districts.
- 38 Local hospital districts.
- 39 Local transportation authorities or commissions.
- 40 Maintenance districts.

- 1 Memorial districts.
- 2 Metropolitan transportation commissions.
- 3 Metropolitan water districts.
- 4 Mosquito abatement and vector control districts.
- 5 Multifamily improvement districts.
- 6 Municipal improvement districts.
- 7 Municipal utility districts.
- 8 Municipal water districts.
- 9 Nonprofit corporations.
- 10 Nonprofit public benefit corporations.
- 11 Open-space maintenance districts.
- 12 Parking and business improvement areas.
- 13 Parking authorities.
- 14 Parking districts.
- 15 Permanent road divisions.
- 16 Pest abatement districts.
- 17 Police protection districts.
- 18 Port districts.
- 19 Property and business improvement areas.
- 20 Protection districts.
- 21 Public cemetery districts.
- 22 Public utility districts.
- 23 Rapid transit districts.
- 24 Reclamation districts.
- 25 Recreation and park districts.
- 26 Regional housing finance authorities.
- 27 Regional justice facility financing agencies.
- 28 Regional park and open-space districts.
- 29 Regional planning districts.
- 30 Regional transportation commissions.
- 31 Resort improvement districts.
- 32 Resource conservation districts.
- 33 River port districts.
- 34 Road maintenance districts.
- 35 Sanitary districts.
- 36 School districts of any kind or class.
- 37 School facilities improvement districts.
- 38 Separation of grade districts.
- 39 Service authorities for freeway emergencies.
- 40 Sewer districts.

- 1 Sewer maintenance districts.
- 2 Small craft harbor districts.
- 3 Special municipal tax districts.
- 4 Stone and pome fruit pest control districts.
- 5 Storm drain maintenance districts.
- 6 Storm drainage districts.
- 7 Storm drainage maintenance districts.
- 8 Storm water districts.
- 9 Toll tunnel authorities.
- 10 Traffic authorities.
- 11 Transit development boards.
- 12 Transit districts.
- 13 Unified and union school districts' public libraries.
- 14 Vehicle parking districts.
- 15 Water agencies.
- 16 Water authorities.
- 17 Water conservation districts.
- 18 Water districts.
- 19 Water replenishment districts.
- 20 Water storage districts.
- 21 Watermaster districts.
- 22 Wine grape pest and disease control districts.
- 23 Zones, improvement zones, or service zones of any public body.
- 24 (2) Notwithstanding paragraph (1), a "public body" does not
- 25 include any of the following:
 - 26 (A) A community redevelopment agency formed pursuant to
 - 27 the Community Redevelopment Law (Part 1 (commencing with
 - 28 Section 33000) of Division 24 of the Health and Safety Code).
 - 29 (B) A community development commission, with respect to its
 - 30 exercise of the powers of a community redevelopment agency.
 - 31 (C) A joint powers authority that includes a community
 - 32 redevelopment agency or a community development commission
 - 33 as a member, with respect to its exercise of the powers of a
 - 34 community redevelopment agency.
- 35 (3) "Public body" includes both of the following:
 - 36 (A) The successor agency to the Redevelopment Agency of the
 - 37 City and County of San Francisco, solely for the purpose of issuing
 - 38 bonds or incurring other indebtedness pursuant to the provisions
 - 39 of Section 34177.7 of the Health and Safety Code.

1 (B) A successor agency, as defined in subdivision (j) of Section
2 34171 of the Health and Safety Code, solely for the purpose of
3 issuing bonds or incurring other indebtedness pursuant to the
4 provisions of Section 34177.5 of the Health and Safety Code.

5 (b) “Bonds” means all instruments evidencing an indebtedness
6 of a public body incurred or to be incurred for any public purpose,
7 all leases, installment purchase agreements, or similar agreements
8 wherein the obligor is one or more public bodies, all instruments
9 evidencing the borrowing of money in anticipation of taxes,
10 revenues, or other income of that body, all instruments payable
11 from revenues or special funds of those public bodies, all
12 certificates of participation evidencing interests in the leases,
13 installment purchase agreements, or similar agreements, and all
14 instruments funding, refunding, replacing, or amending any thereof
15 or any indebtedness.

16 (c) “Hereafter” means any time subsequent to the effective date
17 of this act.

18 (d) “Heretofore” means any time prior to the effective date of
19 this act.

20 (e) “Now” means the effective date of this act.

21 SEC. 3. All public bodies heretofore organized or existing
22 under any law, or under color of any law, are hereby declared to
23 have been legally organized and to be legally functioning as those
24 public bodies. Every public body, heretofore described, shall have
25 all the rights, powers, and privileges, and be subject to all the duties
26 and obligations, of those public bodies regularly formed pursuant
27 to law.

28 SEC. 4. The boundaries of every public body as heretofore
29 established, defined, or recorded, or as heretofore actually shown
30 on maps or plats used by the assessor, are hereby confirmed,
31 validated, and declared legally established.

32 SEC. 5. All acts and proceedings heretofore taken by any public
33 body or bodies under any law, or under color of any law, for the
34 annexation or inclusion of territory into those public bodies or for
35 the annexation of those public bodies to any other public body or
36 for the detachment, withdrawal, or exclusion of territory from any
37 public body or for the consolidation, merger, or dissolution of any
38 public bodies are hereby confirmed, validated, and declared legally
39 effective. This shall include all acts and proceedings of the
40 governing board of any public body and of any person, public

1 officer, board, or agency heretofore done or taken upon the question
2 of the annexation or inclusion or of the withdrawal or exclusion
3 of territory or the consolidation, merger, or dissolution of those
4 public bodies.

5 SEC. 6. (a) All acts and proceedings heretofore taken by or
6 on behalf of any public body under any law, or under color of any
7 law, for, or in connection with, the authorization, issuance, sale,
8 execution, delivery, or exchange of bonds of any public body for
9 any public purpose are hereby authorized, confirmed, validated,
10 and declared legally effective. This shall include all acts and
11 proceedings of the governing board of public bodies and of any
12 person, public officer, board, or agency heretofore done or taken
13 upon the question of the authorization, issuance, sale, execution,
14 delivery, or exchange of bonds.

15 (b) All bonds of, or relating to, any public body heretofore issued
16 shall be, in the form and manner issued and delivered, the legal,
17 valid, and binding obligations of the public body. All bonds of, or
18 relating to, any public body heretofore awarded and sold to a
19 purchaser and hereafter issued and delivered in accordance with
20 the contract of sale and other proceedings for the award and sale
21 shall be the legal, valid, and binding obligations of the public body.
22 All bonds of, or relating to, any public body heretofore authorized
23 to be issued by ordinance, resolution, order, or other action adopted
24 or taken by or on behalf of the public body and hereafter issued
25 and delivered in accordance with that authorization shall be the
26 legal, valid, and binding obligations of the public body. All bonds
27 of, or relating to, any public body heretofore authorized to be issued
28 at an election and hereafter issued and delivered in accordance
29 with that authorization shall be the legal, valid, and binding
30 obligations of the public body. Whenever an election has heretofore
31 been called for the purpose of submitting to the voters of any public
32 body the question of issuing bonds for any public purpose, those
33 bonds, if hereafter authorized by the required vote and in
34 accordance with the proceedings heretofore taken, and issued and
35 delivered in accordance with that authorization, shall be the legal,
36 valid, and binding obligations of the public body.

37 SEC. 7. (a) This act shall operate to supply legislative
38 authorization as may be necessary to authorize, confirm, and
39 validate any acts and proceedings heretofore taken pursuant to

1 authority the Legislature could have supplied or provided for in
2 the law under which those acts or proceedings were taken.

3 (b) This act shall be limited to the validation of acts and
4 proceedings to the extent that the same can be effectuated under
5 the California Constitution and the United States Constitution.

6 (c) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter being legally contested
8 or inquired into in any legal proceeding now pending and
9 undetermined or that is pending and undetermined during the
10 period of 30 days from and after the effective date of this act.

11 (d) This act shall not operate to authorize, confirm, validate, or
12 legalize any act, proceeding, or other matter that has heretofore
13 been determined in any legal proceeding to be illegal, void, or
14 ineffective.

15 (e) This act shall not operate to authorize, confirm, validate, or
16 legalize a contract between any public body and the United States.

17 SEC. 8. Any action or proceeding contesting the validity of
18 any action or proceeding heretofore taken under any law, or under
19 color of any law, for the formation, organization, or incorporation
20 of any public body, or for any annexation thereto, detachment or
21 exclusion therefrom, or other change of boundaries thereof, or for
22 the consolidation, merger, or dissolution of any public bodies, or
23 for, or in connection with, the authorization, issuance, sale,
24 execution, delivery, or exchange of bonds thereof upon any ground
25 involving any alleged defect or illegality not effectively validated
26 by the prior provisions of this act and not otherwise barred by any
27 statute of limitations or by laches shall be commenced within six
28 months of the effective date of this act, otherwise each and all of
29 those matters shall be held to be valid and in every respect legal
30 and incontestable. This act shall not extend the period allowed for
31 legal action beyond the period that it would be barred by any
32 presently existing valid statute of limitations.

33 SEC. 9. Nothing contained in this act shall be construed to
34 render the creation of any public body, or any change in the
35 boundaries of any public body, effective for purposes of assessment
36 or taxation unless the statement, together with the map or plat,
37 required to be filed pursuant to Chapter 8 (commencing with
38 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
39 Code, is filed within the time and substantially in the manner
40 required by those sections.

1 SEC. 10. This act shall become operative on September 1,
2 2026.

3 SEC. 11. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety within
5 the meaning of Article IV of the Constitution and shall go into
6 immediate effect. The facts constituting the necessity are:

7 In order to validate the organization, boundaries, acts,
8 proceedings, and bonds of public bodies as soon as possible, it is
9 necessary that this act take immediate effect.

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Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 1442, as introduced, Committee on Local Government. Validations.

This bill would enact the Third Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Third Validating Act of 2026.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in
- 7 paragraph (2), "public body" also means all cities, counties, cities
- 8 and counties, districts, authorities, agencies, boards, commissions,

- 1 and other entities, whether created by a general statute or a special
2 act, including, but not limited to, the following:
- 3 Agencies, boards, commissions, or entities constituted or
4 provided for under or pursuant to the Joint Exercise of Powers Act
5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
6 1 of the Government Code).
- 7 Affordable housing authorities.
8 Air pollution control districts of any kind.
9 Air quality management districts.
10 Airport districts.
11 Assessment districts, benefit assessment districts, and special
12 assessment districts of any public body.
13 Bridge and highway districts.
14 California water districts.
15 Citrus pest control districts.
16 City maintenance districts.
17 Climate resilience districts.
18 Community college districts.
19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission's authority to act
23 as a community redevelopment agency.
24 Community facilities districts.
25 Community rehabilitation districts.
26 Community revitalization and investment authorities.
27 Community services districts.
28 Conservancy districts.
29 Cotton pest abatement districts.
30 County boards of education.
31 County drainage districts.
32 County flood control and water districts.
33 County free library systems.
34 County maintenance districts.
35 County sanitation districts.
36 County service areas.
37 County transportation commissions.
38 County water agencies.
39 County water authorities.
40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Districts acting pursuant to Section 53395.82 of the Government
- 7 Code.
- 8 Drainage districts.
- 9 Enhanced infrastructure financing districts.
- 10 Fire protection districts.
- 11 Flood control and water conservation districts.
- 12 Flood control districts.
- 13 Garbage and refuse disposal districts.
- 14 Garbage disposal districts.
- 15 Geologic hazard abatement districts.
- 16 Harbor districts.
- 17 Harbor improvement districts.
- 18 Harbor, recreation, and conservation districts.
- 19 Health care authorities.
- 20 Highway districts.
- 21 Highway interchange districts.
- 22 Highway lighting districts.
- 23 Housing authorities.
- 24 Improvement districts or improvement areas of any public body.
- 25 Industrial development authorities.
- 26 Infrastructure financing districts.
- 27 Integrated financing districts.
- 28 Irrigation districts.
- 29 Joint highway districts.
- 30 Levee districts.
- 31 Library districts.
- 32 Library districts in unincorporated towns and villages.
- 33 Local agency formation commissions.
- 34 Local health care districts.
- 35 Local health districts.
- 36 Local hospital districts.
- 37 Local transportation authorities or commissions.
- 38 Maintenance districts.
- 39 Memorial districts.
- 40 Metropolitan transportation commissions.

- 1 Metropolitan water districts.
- 2 Mosquito abatement and vector control districts.
- 3 Multifamily improvement districts.
- 4 Municipal improvement districts.
- 5 Municipal utility districts.
- 6 Municipal water districts.
- 7 Nonprofit corporations.
- 8 Nonprofit public benefit corporations.
- 9 Open-space maintenance districts.
- 10 Parking and business improvement areas.
- 11 Parking authorities.
- 12 Parking districts.
- 13 Permanent road divisions.
- 14 Pest abatement districts.
- 15 Police protection districts.
- 16 Port districts.
- 17 Property and business improvement areas.
- 18 Protection districts.
- 19 Public cemetery districts.
- 20 Public utility districts.
- 21 Rapid transit districts.
- 22 Reclamation districts.
- 23 Recreation and park districts.
- 24 Regional housing finance authorities.
- 25 Regional justice facility financing agencies.
- 26 Regional park and open-space districts.
- 27 Regional planning districts.
- 28 Regional transportation commissions.
- 29 Resort improvement districts.
- 30 Resource conservation districts.
- 31 River port districts.
- 32 Road maintenance districts.
- 33 Sanitary districts.
- 34 School districts of any kind or class.
- 35 School facilities improvement districts.
- 36 Separation of grade districts.
- 37 Service authorities for freeway emergencies.
- 38 Sewer districts.
- 39 Sewer maintenance districts.
- 40 Small craft harbor districts.

- 1 Special municipal tax districts.
- 2 Stone and pome fruit pest control districts.
- 3 Storm drain maintenance districts.
- 4 Storm drainage districts.
- 5 Storm drainage maintenance districts.
- 6 Storm water districts.
- 7 Toll tunnel authorities.
- 8 Traffic authorities.
- 9 Transit development boards.
- 10 Transit districts.
- 11 Unified and union school districts' public libraries.
- 12 Vehicle parking districts.
- 13 Water agencies.
- 14 Water authorities.
- 15 Water conservation districts.
- 16 Water districts.
- 17 Water replenishment districts.
- 18 Water storage districts.
- 19 Watermaster districts.
- 20 Wine grape pest and disease control districts.
- 21 Zones, improvement zones, or service zones of any public body.
- 22 (2) Notwithstanding paragraph (1), a "public body" does not
- 23 include any of the following:
 - 24 (A) A community redevelopment agency formed pursuant to
 - 25 the Community Redevelopment Law (Part 1 (commencing with
 - 26 Section 33000) of Division 24 of the Health and Safety Code).
 - 27 (B) A community development commission, with respect to its
 - 28 exercise of the powers of a community redevelopment agency.
 - 29 (C) A joint powers authority that includes a community
 - 30 redevelopment agency or a community development commission
 - 31 as a member, with respect to its exercise of the powers of a
 - 32 community redevelopment agency.
- 33 (3) "Public body" includes both of the following:
 - 34 (A) The successor agency to the Redevelopment Agency of the
 - 35 City and County of San Francisco, solely for the purpose of issuing
 - 36 bonds or incurring other indebtedness pursuant to the provisions
 - 37 of Section 34177.7 of the Health and Safety Code.
 - 38 (B) A successor agency, as defined in subdivision (j) of Section
 - 39 34171 of the Health and Safety Code, solely for the purpose of

1 issuing bonds or incurring other indebtedness pursuant to the
2 provisions of Section 34177.5 of the Health and Safety Code.

3 (b) “Bonds” means all instruments evidencing an indebtedness
4 of a public body incurred or to be incurred for any public purpose,
5 all leases, installment purchase agreements, or similar agreements
6 wherein the obligor is one or more public bodies, all instruments
7 evidencing the borrowing of money in anticipation of taxes,
8 revenues, or other income of that body, all instruments payable
9 from revenues or special funds of those public bodies, all
10 certificates of participation evidencing interests in the leases,
11 installment purchase agreements, or similar agreements, and all
12 instruments funding, refunding, replacing, or amending any thereof
13 or any indebtedness.

14 (c) “Hereafter” means any time subsequent to the effective date
15 of this act.

16 (d) “Heretofore” means any time prior to the effective date of
17 this act.

18 (e) “Now” means the effective date of this act.

19 SEC. 3. All public bodies heretofore organized or existing
20 under any law, or under color of any law, are hereby declared to
21 have been legally organized and to be legally functioning as those
22 public bodies. Every public body, heretofore described, shall have
23 all the rights, powers, and privileges, and be subject to all the duties
24 and obligations, of those public bodies regularly formed pursuant
25 to law.

26 SEC. 4. The boundaries of every public body as heretofore
27 established, defined, or recorded, or as heretofore actually shown
28 on maps or plats used by the assessor, are hereby confirmed,
29 validated, and declared legally established.

30 SEC. 5. All acts and proceedings heretofore taken by any public
31 body or bodies under any law, or under color of any law, for the
32 annexation or inclusion of territory into those public bodies or for
33 the annexation of those public bodies to any other public body or
34 for the detachment, withdrawal, or exclusion of territory from any
35 public body or for the consolidation, merger, or dissolution of any
36 public bodies are hereby confirmed, validated, and declared legally
37 effective. This shall include all acts and proceedings of the
38 governing board of any public body and of any person, public
39 officer, board, or agency heretofore done or taken upon the question
40 of the annexation or inclusion or of the withdrawal or exclusion

1 of territory or the consolidation, merger, or dissolution of those
2 public bodies.

3 SEC. 6. (a) All acts and proceedings heretofore taken by or
4 on behalf of any public body under any law, or under color of any
5 law, for, or in connection with, the authorization, issuance, sale,
6 execution, delivery, or exchange of bonds of any public body for
7 any public purpose are hereby authorized, confirmed, validated,
8 and declared legally effective. This shall include all acts and
9 proceedings of the governing board of public bodies and of any
10 person, public officer, board, or agency heretofore done or taken
11 upon the question of the authorization, issuance, sale, execution,
12 delivery, or exchange of bonds.

13 (b) All bonds of, or relating to, any public body heretofore issued
14 shall be, in the form and manner issued and delivered, the legal,
15 valid, and binding obligations of the public body. All bonds of, or
16 relating to, any public body heretofore awarded and sold to a
17 purchaser and hereafter issued and delivered in accordance with
18 the contract of sale and other proceedings for the award and sale
19 shall be the legal, valid, and binding obligations of the public body.
20 All bonds of, or relating to, any public body heretofore authorized
21 to be issued by ordinance, resolution, order, or other action adopted
22 or taken by or on behalf of the public body and hereafter issued
23 and delivered in accordance with that authorization shall be the
24 legal, valid, and binding obligations of the public body. All bonds
25 of, or relating to, any public body heretofore authorized to be issued
26 at an election and hereafter issued and delivered in accordance
27 with that authorization shall be the legal, valid, and binding
28 obligations of the public body. Whenever an election has heretofore
29 been called for the purpose of submitting to the voters of any public
30 body the question of issuing bonds for any public purpose, those
31 bonds, if hereafter authorized by the required vote and in
32 accordance with the proceedings heretofore taken, and issued and
33 delivered in accordance with that authorization, shall be the legal,
34 valid, and binding obligations of the public body.

35 SEC. 7. (a) This act shall operate to supply legislative
36 authorization as may be necessary to authorize, confirm, and
37 validate any acts and proceedings heretofore taken pursuant to
38 authority the Legislature could have supplied or provided for in
39 the law under which those acts or proceedings were taken.

1 (b) This act shall be limited to the validation of acts and
2 proceedings to the extent that the same can be effectuated under
3 the California Constitution and the United States Constitution.

4 (c) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter being legally contested
6 or inquired into in any legal proceeding now pending and
7 undetermined or that is pending and undetermined during the
8 period of 30 days from and after the effective date of this act.

9 (d) This act shall not operate to authorize, confirm, validate, or
10 legalize any act, proceeding, or other matter that has heretofore
11 been determined in any legal proceeding to be illegal, void, or
12 ineffective.

13 (e) This act shall not operate to authorize, confirm, validate, or
14 legalize a contract between any public body and the United States.

15 SEC. 8. Any action or proceeding contesting the validity of
16 any action or proceeding heretofore taken under any law, or under
17 color of any law, for the formation, organization, or incorporation
18 of any public body, or for any annexation thereto, detachment or
19 exclusion therefrom, or other change of boundaries thereof, or for
20 the consolidation, merger, or dissolution of any public bodies, or
21 for, or in connection with, the authorization, issuance, sale,
22 execution, delivery, or exchange of bonds thereof upon any ground
23 involving any alleged defect or illegality not effectively validated
24 by the prior provisions of this act and not otherwise barred by any
25 statute of limitations or by laches shall be commenced within six
26 months of the effective date of this act, otherwise each and all of
27 those matters shall be held to be valid and in every respect legal
28 and incontestable. This act shall not extend the period allowed for
29 legal action beyond the period that it would be barred by any
30 presently existing valid statute of limitations.

31 SEC. 9. Nothing contained in this act shall be construed to
32 render the creation of any public body, or any change in the
33 boundaries of any public body, effective for purposes of assessment
34 or taxation unless the statement, together with the map or plat,
35 required to be filed pursuant to Chapter 8 (commencing with
36 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
37 Code, is filed within the time and substantially in the manner
38 required by those sections.

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