

Introduced by Senator Kehoe

February 26, 2009

An act to amend Sections 65302 and 65302.5 of the Government Code, and to add Sections 4128.5, 21083.01, and 21096.5 to the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as introduced, Kehoe. Local planning: fire hazard impacts.

(1) The Planning and Zoning Law requires that a city or county general plan consist of various elements, including, among other things, land use, circulation, housing, open space, conservation, and safety elements, which are required to meet specified requirements. The safety element is for the protection of the community from unreasonable risks associated with, among other things, the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, dam failure, and wild land and urban fires. The safety element includes requirements for state responsibility areas and very high fire hazard severity zones. The procedures for adopting a safety element require that both the draft element or draft amendment to the safety element pursuant to a specified schedule and that an existing safety element pursuant to a specified schedule be submitted to the State Board of Forestry and Fire Protection and to local agencies that provide fire protection to territory in the city or county.

This bill would revise the safety element requirements for state responsibility areas and very high fire hazard severity zones, as specified. The procedures for adopting a safety element would include the Department of Forestry and Fire Protection as one of the specified agencies that both the draft element or draft amendment to the safety element is required to be submitted to pursuant to a specified schedule

by a city or county and that an existing safety element be submitted to pursuant to a specified schedule. By imposing new duties on local officials for the adoption of a general plan, the bill would create a state-mandated local program.

(2) Existing law requires the State Board of Forestry and Fire Protection to make and enforce regulations that are necessary and proper for the organization, maintenance, government, and direction of the fire protective system for the prevention and suppression of forest fires.

This bill would require the board to adopt regulations, in consultation with various entities, defining minimum state standards for the level of service provided by local agencies for structural fire suppression in state responsibility areas. The regulations would not supersede local regulations that equal or exceed these minimum standards.

(3) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires the Office of Planning and Research (OPR) to prepare and develop proposed guidelines for the implementation of CEQA by public agencies.

This bill would require OPR, on or after January 1, 2010, at the time of the next update of guidelines implementing CEQA, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the Natural Resources Agency guidelines recommending changes to the initial study checklist for the inclusion of questions related to fire hazard impacts for projects located on lands in state responsibility areas, as defined, and on lands classified as very high fire hazard severity zones, as defined. The Natural Resources Agency would be required to certify and adopt guidelines prepared and developed by the OPR in accordance with these provisions.

The bill would require a lead agency to consult with responsible agencies and submit notices to the department and the State Board of Forestry and Fire Protection for specified projects located in state responsibility areas and very high fire hazard severity zones. Because this bill would impose new duties on local government with respect to consultation and notice requirements, the bill would create a state-mandated local program.

(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:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

1 (c) A housing element as provided in Article 10.6 (commencing
2 with Section 65580).

3 (d) (1) A conservation element for the conservation,
4 development, and utilization of natural resources including water
5 and its hydraulic force, forests, soils, rivers and other waters,
6 harbors, fisheries, wildlife, minerals, and other natural resources.
7 The conservation element shall consider the effect of development
8 within the jurisdiction, as described in the land use element, on
9 natural resources located on public lands, including military
10 installations. That portion of the conservation element including
11 waters shall be developed in coordination with any countywide
12 water agency and with all district and city agencies, including
13 flood management, water conservation, or groundwater agencies
14 that have developed, served, controlled, managed, or conserved
15 water of any type for any purpose in the county or city for which
16 the plan is prepared. Coordination shall include the discussion and
17 evaluation of any water supply and demand information described
18 in Section 65352.5, if that information has been submitted by the
19 water agency to the city or county.

20 (2) The conservation element may also cover all of the
21 following:

22 (A) The reclamation of land and waters.

23 (B) Prevention and control of the pollution of streams and other
24 waters.

25 (C) Regulation of the use of land in stream channels and other
26 areas required for the accomplishment of the conservation plan.

27 (D) Prevention, control, and correction of the erosion of soils,
28 beaches, and shores.

29 (E) Protection of watersheds.

30 (F) The location, quantity and quality of the rock, sand and
31 gravel resources.

32 (3) Upon the next revision of the housing element on or after
33 January 1, 2009, the conservation element shall identify rivers,
34 creeks, streams, flood corridors, riparian habitats, and land that
35 may accommodate floodwater for purposes of groundwater
36 recharge and stormwater management.

37 (e) An open-space element as provided in Article 10.5
38 (commencing with Section 65560).

39 (f) (1) A noise element that shall identify and appraise noise
40 problems in the community. The noise element shall recognize the

1 guidelines established by the Office of Noise Control and shall
2 analyze and quantify, to the extent practicable, as determined by
3 the legislative body, current and projected noise levels for all of
4 the following sources:

5 (A) Highways and freeways.

6 (B) Primary arterials and major local streets.

7 (C) Passenger and freight on-line railroad operations and ground
8 rapid transit systems.

9 (D) Commercial, general aviation, heliport, helistop, and military
10 airport operations, aircraft overflights, jet engine test stands, and
11 all other ground facilities and maintenance functions related to
12 airport operation.

13 (E) Local industrial plants, including, but not limited to, railroad
14 classification yards.

15 (F) Other ground stationary noise sources, including, but not
16 limited to, military installations, identified by local agencies as
17 contributing to the community noise environment.

18 (2) Noise contours shall be shown for all of these sources and
19 stated in terms of community noise equivalent level (CNEL) or
20 day-night average level (L_{dn}). The noise contours shall be prepared
21 on the basis of noise monitoring or following generally accepted
22 noise modeling techniques for the various sources identified in
23 paragraphs (1) to (6), inclusive.

24 (3) The noise contours shall be used as a guide for establishing
25 a pattern of land uses in the land use element that minimizes the
26 exposure of community residents to excessive noise.

27 (4) The noise element shall include implementation measures
28 and possible solutions that address existing and foreseeable noise
29 problems, if any. The adopted noise element shall serve as a
30 guideline for compliance with the state's noise insulation standards.

31 (g) (1) A safety element for the protection of the community
32 from any unreasonable risks associated with the effects of
33 seismically induced surface rupture, ground shaking, ground
34 failure, tsunami, seiche, and dam failure; slope instability leading
35 to mudslides and landslides; ~~subsidence, liquefaction, subsidence;~~
36 *liquefaction*; and other seismic hazards identified pursuant to
37 Chapter 7.8 (commencing with Section 2690) of Division 2 of the
38 Public Resources Code, and other geologic hazards known to the
39 legislative body; flooding; and ~~wildland~~ *wild land* and urban fires.
40 The safety element shall include mapping of known seismic and

1 other geologic hazards. It shall also address evacuation routes,
2 military installations, peakload water supply requirements, and
3 minimum road widths and clearances around structures, as those
4 items relate to identified fire and geologic hazards.

5 (2) The safety element, upon the next revision of the housing
6 element on or after January 1, 2009, shall also do the following:

7 (A) Identify information regarding flood hazards, including,
8 but not limited to, the following:

9 (i) Flood hazard zones. As used in this subdivision, “flood
10 hazard zone” means an area subject to flooding that is delineated
11 as either a special hazard area or an area of moderate or minimal
12 hazard on an official flood insurance rate map issued by the Federal
13 Emergency Management Agency. The identification of a flood
14 hazard zone does not imply that areas outside the flood hazard
15 zones or uses permitted within flood hazard zones will be free
16 from flooding or flood damage.

17 (ii) National Flood Insurance Program maps published by
18 FEMA.

19 (iii) Information about flood hazards that is available from the
20 United States Army Corps of Engineers.

21 (iv) Designated floodway maps that are available from the
22 Central Valley Flood Protection Board.

23 (v) Dam failure inundation maps prepared pursuant to Section
24 8589.5 that are available from the Office of Emergency Services.

25 (vi) Awareness Floodplain Mapping Program maps and 200-year
26 flood plain maps that are or may be available from, or accepted
27 by, the Department of Water Resources.

28 (vii) Maps of levee protection zones.

29 (viii) Areas subject to inundation in the event of the failure of
30 project or nonproject levees or floodwalls.

31 (ix) Historical data on flooding, including locally prepared maps
32 of areas that are subject to flooding, areas that are vulnerable to
33 flooding after wildfires, and sites that have been repeatedly
34 damaged by flooding.

35 (x) Existing and planned development in flood hazard zones,
36 including structures, roads, utilities, and essential public facilities.

37 (xi) Local, state, and federal agencies with responsibility for
38 flood protection, including special districts and local offices of
39 emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) For land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177, the safety element, upon the next revision of the housing element on or after January 1, 2010, shall also do all of the following:

(A) Identify information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.

(ii) Historical data on wildfires, including locally prepared maps of areas that are subject to wildfires, areas that are vulnerable to wildfires, and sites that have been repeatedly damaged by wildfires.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) Existing and planned development in fire hazard zones, including structures, roads, utilities, and essential public facilities.

1 (v) Local, state, and federal agencies with responsibility for fire
2 protection, including special districts and local offices of
3 emergency services.

4 (B) Establish a set of comprehensive goals, policies, and
5 objectives based on the information identified pursuant to
6 subparagraph (A) for the protection of the community from the
7 unreasonable risk of wildfire, including, but not limited to, all of
8 the following:

9 (i) Avoiding or minimizing the risks of wildfire to new
10 development.

11 (ii) Evaluating whether new development should be located in
12 state responsibility areas or very high fire hazard severity zones
13 and identifying construction methods or other methods to minimize
14 damage if new development is located in a state responsibility
15 area or very high fire hazard severity zone.

16 (iii) Maintaining the structural and operational integrity of
17 essential public facilities during wildfire.

18 (iv) Locating, when feasible, new essential public facilities
19 outside of high fire risk areas, including, but not limited to,
20 hospitals and health care facilities, emergency shelters, fire
21 stations, emergency command centers, and emergency
22 communications facilities, or identifying construction methods or
23 other methods to minimize damage if these facilities are located
24 in a state responsibility area or very high fire hazard severity zone.

25 (v) Establishing cooperative working relationships among public
26 agencies with responsibility for fire protection.

27 (C) Establish a set of feasible implementation measures designed
28 to carry out the goals, policies, and objectives established pursuant
29 to subparagraph (B).

30 ~~(3)~~

31 (4) After the initial revision of the safety element pursuant to
32 ~~paragraph~~ paragraphs (2) and (3), upon each revision of the
33 housing element, the planning agency shall review and, if
34 necessary, revise the safety element to identify new information
35 that was not available during the previous revision of the safety
36 element.

37 ~~(4)~~

38 (5) Cities and counties that have flood plain management
39 ordinances that have been approved by FEMA that substantially
40 comply with this section, or have substantially equivalent

1 provisions to this subdivision in their general plans, may use that
2 information in the safety element to comply with this subdivision,
3 and shall summarize and incorporate by reference into the safety
4 element the other general plan provisions or the flood plain
5 ordinance, specifically showing how each requirement of this
6 subdivision has been met.

7 ~~(5)~~

8 (6) Prior to the periodic review of its general plan and prior to
9 preparing or revising its safety element, each city and county shall
10 consult the California Geological Survey of the Department of
11 Conservation, the Central Valley Flood Protection Board, if the
12 city or county is located within the boundaries of the Sacramento
13 and San Joaquin Drainage District, as set forth in Section 8501 of
14 the Water Code, and the Office of Emergency Services for the
15 purpose of including information known by and available to the
16 department, the office, and the board required by this subdivision.

17 ~~(6)~~

18 (7) To the extent that a county's safety element is sufficiently
19 detailed and contains appropriate policies and programs for
20 adoption by a city, a city may adopt that portion of the county's
21 safety element that pertains to the city's planning area in
22 satisfaction of the requirement imposed by this subdivision.

23 SEC. 2. Section 65302.5 of the Government Code is amended
24 to read:

25 65302.5. (a) At least 45 days prior to adoption or amendment
26 of the safety element, each county and city shall submit to the
27 California Geological Survey of the Department of Conservation
28 one copy of a draft of the safety element or amendment and any
29 technical studies used for developing the safety element. The
30 division may review drafts submitted to it to determine whether
31 they incorporate known seismic and other geologic hazard
32 information, and report its findings to the planning agency within
33 30 days of receipt of the draft of the safety element or amendment
34 pursuant to this subdivision. The legislative body shall consider
35 the division's findings prior to final adoption of the safety element
36 or amendment unless the division's findings are not available
37 within the above prescribed time limits or unless the division has
38 indicated to the city or county that the division will not review the
39 safety element. If the division's findings are not available within
40 those prescribed time limits, the legislative body may take the

1 division's findings into consideration at the time it considers future
2 amendments to the safety element. Each county and city shall
3 provide the division with a copy of its adopted safety element or
4 amendments. The division may review adopted safety elements
5 or amendments and report its findings. All findings made by the
6 division shall be advisory to the planning agency and legislative
7 body.

8 (1) The draft element of or draft amendment to the safety
9 element of a county or a city's general plan shall be submitted to
10 the *Department of Forestry and Fire Protection*, the State Board
11 of Forestry and Fire Protection, and to every local agency that
12 provides fire protection to territory in the city or county at least
13 90 days prior to either of the following:

14 (A) The adoption or amendment to the safety element of its
15 general plan for each county that contains state responsibility areas.

16 (B) The adoption or amendment to the safety element of its
17 general plan for each city or county that contains a very high fire
18 hazard severity zone as defined pursuant to subdivision (b) of
19 Section 51177.

20 (2) A county that contains state responsibility areas and a city
21 or county that contains a very high fire hazard severity zone as
22 defined pursuant to subdivision (b) of Section 51177 shall submit
23 for review the safety element of its general plan to the *Department*
24 *of Forestry and Fire Protection*, the State Board of Forestry and
25 Fire Protection, and to every local agency that provides fire
26 protection to territory in the city or county in accordance with the
27 following dates, as specified, unless the local government submitted
28 the element within five years prior to that date:

29 (A) Local governments within the regional jurisdiction of the
30 San Diego Association of Governments: December 31, 2010.

31 (B) Local governments within the regional jurisdiction of the
32 Southern California Association of Governments: December 31,
33 2011.

34 (C) Local governments within the regional jurisdiction of the
35 Association of Bay Area Governments: December 31, 2012.

36 (D) Local governments within the regional jurisdiction of the
37 Council of Fresno County Governments, the Kern County Council
38 of Governments, and the Sacramento Area Council of
39 Governments: June 30, 2013.

1 (E) Local governments within the regional jurisdiction of the
2 Association of Monterey Bay Area Governments: December 31,
3 2014.

4 (F) All other local governments: December 31, 2015.

5 (3) The *Department of Forestry and Fire Protection and the*
6 State Board of Forestry and Fire Protection shall, and a local
7 agency may, review the draft or an existing safety element and
8 report its written recommendations to the planning agency within
9 60 days of its receipt of the draft or existing safety element. The
10 *Department of Forestry and Fire Protection, the* State Board of
11 Forestry and Fire Protection, and *the* local agency shall review the
12 draft or existing safety element *within 60 days of its receipt* and
13 may offer written recommendations for changes to the draft or
14 existing safety element regarding both of the following:

15 (A) Uses of land and policies in state responsibility areas and
16 very high fire hazard severity zones that will protect life, property,
17 and natural resources from unreasonable risks associated with
18 wildland fires.

19 (B) Methods and strategies for wildland fire risk reduction and
20 prevention within state responsibility areas and very high hazard
21 severity zones.

22 (b) Prior to the adoption of its draft element or draft amendment,
23 the board of supervisors of the county or the city council of a city
24 shall consider the recommendations made by the *Department of*
25 *Forestry and Fire Protection, the* State Board of Forestry and Fire
26 Protection, and any local agency that provides fire protection to
27 territory in the city or county. If the board of supervisors or city
28 council determines not to accept all or some of the
29 recommendations, if any, made by the *Department of Forestry*
30 *and Fire Protection, State Board of Forestry and Fire Protection,*
31 or local agency, the board of supervisors or city council shall
32 communicate in writing to the *Department of Forestry and Fire*
33 *Protection, the* State Board of Forestry and Fire Protection, or to
34 the local agency, its reasons for not accepting the
35 recommendations.

36 (c) If the *Department of Forestry and Fire Protection, the* State
37 Board of Forestry and Fire Protection, or local agency's
38 recommendations are not available within the time limits required
39 by this section, the board of supervisors or city council may act
40 without those recommendations. The board of supervisors or city

1 council shall take the recommendations into consideration at the
2 next time it considers amendments ~~pursuant to paragraph (1) of~~
3 ~~subdivision (a) to the safety element.~~

4 SEC. 3. Section 4128.5 is added to the Public Resources Code,
5 to read:

6 4128.5. (a) On or before January 1, 2011, the board shall adopt
7 regulations defining minimum state standards for the level of
8 service provided by local agencies for structural fire suppression
9 in state responsibility areas. The regulations shall be developed in
10 consultation with counties, cities, special districts, local structural
11 fire protection agencies, both urban and rural, the FIRESCOPE
12 Board of Directors, the State Board of Fire Services, the California
13 Emergency Management Agency, fire experts, environmental
14 groups, and other interested stakeholders. The regulations shall
15 take into account, but not be limited to, all of the following factors:

16 (1) Building standards.

17 (2) Defensible space around structures.

18 (3) Fuels management.

19 (4) Fire inspection, protection, and prevention programs.

20 (5) Fire suppression capabilities.

21 (b) These regulations shall not supersede local regulations that
22 equal or exceed the minimum standards adopted by the state.

23 SEC. 4. Section 21083.01 is added to the Public Resources
24 Code, to read:

25 21083.01. (a) On or after January 1, 2010, at the time of the
26 next update of the guidelines implementing this division, the Office
27 of Planning and Research, in cooperation with the Department of
28 Forestry and Fire Protection, shall prepare, develop, and transmit
29 to the Natural Resources Agency, guidelines recommending
30 changes to the initial study checklist of the guidelines implementing
31 this division for the inclusion of questions related to fire hazard
32 impacts for projects located on lands classified as state
33 responsibility areas, as defined in Section 4102, and on lands
34 classified as very high fire hazard severity zones, as defined in
35 subdivision (i) of Section 51177 of the Government Code.

36 (b) Upon receipt and review, the Natural Resources Agency
37 shall certify and adopt guidelines prepared and developed by the
38 Office of Planning and Research pursuant to subdivision (a).

39 SEC. 5. Section 21096.5 is added to the Public Resources Code,
40 to read:

1 21096.5. (a) A lead agency shall consult with the Department
2 of Forestry and Fire Protection and the State Board of Forestry
3 and Fire Protection for projects identified pursuant to subdivision
4 (c) that are located within a state responsibility area, as defined in
5 Section 4102, or a very high fire hazard severity zone, as defined
6 in subdivision (i) of Section 51177 of the Government Code.
7 Consultation shall be conducted in the same manner as for
8 responsible agencies pursuant to this division, including Sections
9 21080.3, 21080.4, 21104, and 21153.

10 (b) A lead agency shall submit notices, as required by Sections
11 21080.4 and 21092, to the Department of Forestry and Fire
12 Protection and the State Board of Forestry and Fire Protection for
13 projects identified pursuant to subdivision (c) that are located
14 within a state responsibility area, as defined in Section 4102, or a
15 very high fire hazard severity zone, as defined in subdivision (i)
16 of Section 51177 of the Government Code.

17 (c) Projects that are subject to the requirements of this section
18 are all of the following:

19 (1) Development agreements pursuant to Article 2.5
20 (commencing with Section 65864) of Chapter 4 of Division 1 of
21 Title 7 of the Government Code.

22 (2) Tentative maps and vesting tentative maps pursuant to the
23 Subdivision Map Act (Division 2 (commencing with Section
24 66410) of Title 7 of the Government Code).

25 (3) Projects of sufficient statewide, regional, or areawide
26 environmental significance, as determined pursuant to subdivision
27 (d) of Section 21083.

28 SEC. 6. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 a local agency or school district has the authority to levy service
31 charges, fees, or assessments sufficient to pay for the program or
32 level of service mandated by this act, within the meaning of Section
33 17556 of the Government Code.