

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2605

Introduced by Assembly Member Nazarian

February 19, 2016

An act to amend Sections 65460.5 and 65923.8 of, to amend and renumber Section 12019.5 of, to add Article 4.5 (commencing with Section 12097) to Chapter 1.6 of Part 2 of Division 3 of Title 2 to, and to repeal Section 66033 of, the Government Code, to amend Section 25199.7 of, and to repeal Section 25199.4 of, the Health and Safety Code, and to amend Section 25616 of the Public Resources Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2605, as amended, Nazarian. State government: Office of Permit Assistance.

Previously existing law established the Office of Permit Assistance within the Trade and Commerce Agency to, among other things, provide information to developers relating to the permit approval process. Under existing law, a state agency which is the lead agency for a development project is required to inform the applicant for a permit that the Office of Permit Assistance has been created for this purpose.

This bill would instead require a state agency that is a lead agency for a development project to inform the applicant for a permit that the Governor's Office of Business and Economic Development has been

created for this purpose. The bill would also delete various obsolete provisions relating to the Office of Permit Assistance.

Existing law establishes procedures for a land use decision by a local agency concerning a specified hazardous waste facility project, as defined. Existing law requires the Office of Permit Assistance to take specified actions with regard to land use decisions regarding a proposed hazardous waste facility project.

This bill would transfer these duties to the Department of Toxic Substances Control.

Existing law requires the Director of the Governor’s Office of Business and Economic Development to ensure that the office’s Internet Web site contains information to assist an individual with the licensing, permitting, and registration requirements necessary to start a business, including fee requirements and fee schedules of state agencies.

This bill would establish the ~~California~~ Permit Assistance Program within the Governor’s Office of Business and Economic ~~Development~~ *Development* under the authority of the director. The bill would require the program to, among other things, provide ~~direct~~ permitting and regulatory compliance assistance to businesses and provide mediation and 3rd-party neutral facilitation to resolve conflicts between applicants and permitting *and regulatory* entities. The bill would require the program to manage and regularly update the tools provided on the office’s Internet Web site. The bill would require the office to report annually on the activities and outcomes 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. Article 4.5 (commencing with Section 12097) is
2 added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the
3 Government Code, to read:

4
5 Article 4.5. California Permit Assistance
6

7 12097. (a) The ~~California~~ Permit Assistance Program is hereby
8 created within the Governor’s Office of Business and Economic
9 ~~Development under the authority of the director.~~ *Development.*

10 (b) The program shall do all of the following:

1 (1) Provide ~~direct~~ permitting and regulatory compliance
2 assistance to businesses.

3 (2) Assist businesses in accessing information and resources
4 related to permitting and regulatory compliance.

5 (3) Provide mediation and third-party neutral facilitation to
6 resolve conflicts between applicants and permitting *and regulatory*
7 entities.

8 (4) Work with federal, state, regional, and local permitting and
9 regulatory entities to exchange best practices and implement
10 improvements to modernize permitting processes.

11 (5) Manage and regularly update the office's Internet Web site
12 pursuant to Section 12097.1.

13 (c) ~~In implementing the program, the director~~ *The program* shall
14 work cooperatively with local, regional, federal, and other state
15 public agencies and private sector business and economic
16 development organizations.

17 (d) Notwithstanding Section 10231.5, the Governor's Office of
18 Business and Economic Development shall report to the Governor
19 and the Legislature annually on the activities and outcomes of the
20 program.

21 SEC. 2. Section 12019.5 of the Government Code is amended
22 and renumbered to read:

23 12097.1. (a) The director shall ensure that the office's Internet
24 Web site contains information on the licensing, permitting, and
25 registration requirements of state agencies, and shall include, but
26 not be limited to, information that does all of the following:

27 (1) Assists individuals with identifying the type of applications,
28 forms, or other similar documents an applicant may need.

29 (2) Provides a direct link to a digital copy of all state licensing,
30 permitting, and registration applications, forms, or other similar
31 documents where made available for download.

32 (3) Instructs individuals on how and where to submit
33 applications, forms, or other similar documents.

34 (b) The director shall ensure that the office's Internet Web site
35 contains information on the fee requirements and fee schedules of
36 state agencies, and shall include, but not be limited to, information
37 that does all of the following:

38 (1) Assists individuals with identifying the types of fees and
39 their due dates.

1 (2) Provides direct links to the fee requirements and fee
2 schedules for all state agencies, where made available for
3 download.

4 (3) Instructs individuals on how and where to submit payments.

5 (c) The office shall ensure that the Internet Web site is
6 user-friendly and provides accurate, updated information.

7 (d) (1) Each state agency that has licensing, permitting, or
8 registration authority shall provide direct links to information about
9 its licensing, permitting, and registration requirements and fee
10 schedule to the office.

11 (2) A state agency shall not use the Internet Web site established
12 under this section as the exclusive source of information for the
13 public to access licensing requirements and fees for that agency.

14 (e) The office may impose a reasonable fee, not to exceed the
15 actual cost to provide the service, as a condition of accessing
16 information on the Internet Web site established under subdivisions
17 (a) and (b).

18 SEC. 3. Section 65460.5 of the Government Code is amended
19 to read:

20 65460.5. A city or county establishing a district and preparing
21 a plan pursuant to this article shall be eligible for available
22 transportation funding.

23 SEC. 4. Section 65923.8 of the Government Code is amended
24 to read:

25 65923.8. Any state agency which is the lead agency for a
26 development project shall inform the applicant for a permit that
27 the Governor’s Office of Business and Economic Development
28 has been created to assist, and provide information to, developers
29 relating to the permit approval process.

30 SEC. 5. Section 66033 of the Government Code is repealed.

31 SEC. 6. Section 25199.4 of the Health and Safety Code is
32 repealed.

33 SEC. 7. Section 25199.7 of the Health and Safety Code is
34 amended to read:

35 25199.7. (a) At least 90 days before filing an application for
36 a land use decision for a specified hazardous waste facility project
37 with a local agency, the proponent shall file a notice of intent to
38 make the application with the Department of Toxic Substances
39 Control and with the applicable city or county. The notice of intent
40 shall specify the location to which the notice of intent is applicable

1 and shall contain a complete description of the nature, function,
2 and scope of the project. The Department of Toxic Substances
3 Control shall immediately notify affected state agencies of the
4 notice of intent. The local agency shall publish a notice in a
5 newspaper of general circulation in the area affected by the
6 proposed project, shall post notices in the location where the
7 proposed project is located, and shall notify, by a direct mailing,
8 the owners of contiguous property, as shown in the latest equalized
9 assessment roll. A notice of intent filed with a local agency shall
10 be accompanied by a fee which shall be set by the local agency in
11 an amount equal to the local agency's cost of processing the notice
12 of intent and carrying out the notification requirements of this
13 subdivision. A notice of intent is not transferable to a location
14 other than the location specified in the notice and shall remain in
15 effect for one year from the date it is filed with a local agency or
16 until it is withdrawn by the proponent, whichever is earlier.

17 (b) A notice of intent is not effective and a proponent may not
18 file an application for a land use decision for a specified hazardous
19 waste facility project with a local agency unless the proponent has
20 first complied with subdivision (a).

21 (c) Within 90 days after a notice of intent is filed with the
22 Department of Toxic Substances Control pursuant to subdivision
23 (a), the department shall convene a public meeting in the affected
24 city or county to inform the public on the nature, function, and
25 scope of the proposed specified hazardous waste facility project
26 and the procedures that are required for approving applications for
27 the project.

28 (d) The legislative body of the affected local agency shall
29 appoint a seven member local assessment committee to advise it
30 in considering an application for a land use decision for a specified
31 hazardous waste facility project. The members of the local
32 assessment committee may be appointed at any time after the notice
33 of intent is filed with the local agency but shall be appointed not
34 later than 30 days after the application for the land use decision is
35 accepted as complete by the local agency. The local agency shall
36 charge the project proponent a fee to cover the local agency's costs
37 of establishing and convening the local assessment committee.
38 The fee shall accompany the application for a land use decision.

39 (1) The membership of the committee shall be broadly
40 constituted to reflect the makeup of the community, and shall

1 include three representatives of the community at large, two
2 representatives of environmental or public interest groups, and
3 two representatives of affected businesses and industries. Members
4 of local assessment committees selected pursuant to this
5 subdivision shall have no direct financial interest, as defined in
6 Section 87103 of the Government Code, in the proposed specified
7 hazardous waste facility project.

8 (2) The local assessment committee shall, as its primary
9 function, advise the appointing legislative body of the affected
10 local agency of the terms and conditions under which the proposed
11 hazardous waste facility project may be acceptable to the
12 community. To carry out this function, the local assessment
13 committee shall do all of the following:

14 (A) Enter into a dialogue with the proponent for the proposed
15 hazardous waste facility project to reach an understanding with
16 the proponent on both of the following:

17 (i) The measures that should be taken by the proponent in
18 connection with the operation of the proposed hazardous waste
19 facility project to protect the public health, safety, and welfare,
20 and the environment of the city or county.

21 (ii) The special benefits and remuneration the facility proponent
22 will provide the city or county as compensation for the local costs
23 associated with the operation of the facility.

24 (B) Represent generally, in meetings with the project proponent,
25 the interests of the residents of the city or county and the interests
26 of adjacent communities.

27 (C) Receive and expend any technical assistance grants made
28 available pursuant to subdivision (g).

29 (D) Adopt rules and procedures which are necessary to perform
30 its duties.

31 (E) Advise the legislative body of the city or county of the terms,
32 provisions, and conditions for project approval which have been
33 agreed upon by the committee and the proponent, and of any
34 additional information which the committee deems appropriate.
35 The legislative body of the city or county may use this advice for
36 its independent consideration of the project.

37 (3) The legislative body of the affected jurisdiction shall provide
38 staff resources to assist the local assessment committee in
39 performing its duties.

1 (4) A local assessment committee established pursuant to this
2 subdivision shall cease to exist after final administrative action by
3 state and local agencies has been taken on the permit applications
4 for the project for which the committee was convened.

5 (e) A local agency shall notify the Department of Toxic
6 Substances Control within 10 days after an application for a land
7 use decision for a specified hazardous waste facility project is
8 accepted as complete by the local agency and, within 60 days after
9 receiving this notice, the Department of Toxic Substances Control
10 shall convene a meeting of the lead and responsible agencies for
11 the project, the proponent, the local assessment committee, and
12 the interested public, for the purpose of determining the issues
13 which concern the agencies that are required to approve the project
14 and the issues which concern the public. The meeting shall take
15 place in the jurisdiction where the application has been filed.

16 (f) Following the meeting required by subdivision (e), the
17 proponent and the local assessment committee appointed pursuant
18 to subdivision (d) shall meet and confer on the specified hazardous
19 waste facility project proposal for the purpose of establishing the
20 terms and conditions under which the project will be acceptable
21 to the community.

22 (g) (1) If the local assessment committee finds that it requires
23 assistance and independent advice to adequately review a proposed
24 hazardous waste facility project, it may request technical assistance
25 grants from the local agency to enable the committee to hire a
26 consultant. The committee may use technical assistance grant funds
27 made available to it to hire a consultant to do either, or both, of
28 the following:

29 (A) Assist the committee in reviewing and evaluating the
30 application for the project, the environmental documents prepared
31 for the project pursuant to the California Environmental Quality
32 Act (Division 13 (commencing with Section 21000) of the Public
33 Resources Code) and any other documents, materials, and
34 information that are required by a public agency in connection
35 with the application for a land use decision or a permit.

36 (B) Advise the local assessment committee in its meetings and
37 discussions with the facility proponent to seek agreement on the
38 terms and conditions under which the project will be acceptable
39 to the community.

1 (2) The local agency shall require the proponent of the proposed
2 hazardous waste facility project to pay a fee equal to the amount
3 of any technical assistance grant provided the local assessment
4 committee under paragraph (1). The funds received as a result of
5 the imposition of the fee shall be used to make technical assistance
6 grants exclusively for the purposes described in paragraph (1).

7 (3) The local agency shall deposit any fee imposed pursuant to
8 paragraph (2) in an account created in the city or county treasury,
9 maintain records of all expenditures from the account, and return
10 any unused funds and accrued interest to the project proponent
11 upon completion of the review of the proposed hazardous waste
12 facility project.

13 (h) This section applies only to a specified hazardous waste
14 facility project.

15 SEC. 8. Section 25616 of the Public Resources Code is
16 amended to read:

17 25616. (a) It is the intent of the Legislature to encourage local
18 agencies to expeditiously review permit applications to site energy
19 projects, and to encourage energy project developers to consider
20 all cost-effective and environmentally superior alternatives that
21 achieve their project objectives.

22 (b) Subject to the availability of funds appropriated therefor,
23 the commission shall provide technical assistance and grants-in-aid
24 to assist local agencies to do either or both of the following:

25 (1) Site energy production or transmission projects which are
26 not otherwise subject to the provisions of Chapter 6 (commencing
27 with Section 25500).

28 (2) Integrate into their planning processes, and incorporate into
29 their general plans, methods to achieve cost-effective energy
30 efficiency.

31 (c) The commission shall provide assistance at the request of
32 local agencies.

33 (d) As used in this section, an energy project is any project
34 designed to produce, convert, or transmit energy as one of its
35 primary functions.