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AB-2605 State government: Office of Permit Assistance. (2015-2016)

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Assembly Bill No. 2605

CHAPTER 78

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.

[Approved by Governor July 22, 2016. Filed with Secretary of State July 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2605, 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 Permit Assistance Program within the Governor's Office of Business and Economic Development. The bill would require the program to, among other things, provide 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 4.5 (commencing with Section 12097) is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 4.5. California Permit Assistance

12097. (a) The Permit Assistance Program is hereby created within the Governor's Office of Business and Economic Development.

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

- (1) Provide permitting and regulatory compliance assistance to businesses.
- (2) Assist businesses in accessing information and resources related to permitting and regulatory compliance.
- (3) Provide mediation and third-party neutral facilitation to resolve conflicts between applicants and permitting and regulatory entities.
- (4) Work with federal, state, regional, and local permitting and regulatory entities to exchange best practices and implement improvements to modernize permitting processes.
- (5) Manage and regularly update the office's Internet Web site pursuant to Section 12097.1.

(c) The program shall work cooperatively with local, regional, federal, and other state public agencies and private sector business and economic development organizations.

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

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

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

- (1) Assists individuals with identifying the type of applications, forms, or other similar documents an applicant may need.
- (2) Provides a direct link to a digital copy of all state licensing, permitting, and registration applications, forms, or other similar documents where made available for download.
- (3) Instructs individuals on how and where to submit applications, forms, or other similar documents.

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

- (1) Assists individuals with identifying the types of fees and their due dates.
- (2) Provides direct links to the fee requirements and fee schedules for all state agencies, where made available for download.
- (3) Instructs individuals on how and where to submit payments.

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

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

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

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

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

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

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

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

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

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

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

25199.7. (a) At least 90 days before filing an application for a land use decision for a specified hazardous waste facility project with a local agency, the proponent shall file a notice of intent to make the application with the Department of Toxic Substances Control and with the applicable city or county. The notice of intent shall specify the location to which the notice of intent is applicable and shall contain a complete description of the nature, function, and scope of the project. The Department of Toxic Substances Control shall immediately notify affected state agencies of the notice of intent. The local agency shall publish a notice in a newspaper of general circulation in the area affected by the proposed project, shall post notices in the location where the proposed project is located, and shall notify, by a direct mailing, the owners of contiguous property, as shown in the latest equalized assessment roll. A notice of intent filed with a local agency shall be accompanied by a fee which shall be set by the local agency in an amount equal to the local agency's cost of processing the notice of intent and carrying out the notification requirements of this subdivision. A notice of intent is not transferable to a location other than the location specified in the notice and shall remain in effect for one year from the date it is filed with a local agency or until it is withdrawn by the proponent, whichever is earlier.

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

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

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

(1) The membership of the committee shall be broadly constituted to reflect the makeup of the community, and shall include three representatives of the community at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of local assessment committees selected pursuant to this subdivision shall have no direct financial interest, as defined in Section 87103 of the Government Code, in the proposed specified hazardous waste facility project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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