

AMENDED IN SENATE JANUARY 3, 2018

**SENATE BILL**

**No. 532**

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**Introduced by Senator Dodd**

February 16, 2017

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An act to ~~repeal and add Section 2089.26 of the Fish and Game Code, relating to fish and wildlife; amend Section 8558 of the Government Code, relating to emergency services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Dodd. ~~California State Safe Harbor Agreement Program Act: tricolored blackbird. Emergency services: state of emergency: cyberterrorism.~~

Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency, and local officials and local governments to declare a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law defines the term "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot.

This bill would additionally include cyberterrorism within those conditions constituting a state of emergency and a local emergency.

The California State Safe Harbor Agreement Program Act establishes a program to encourage landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species without being subject to additional regulatory restrictions as a

~~result of their conservation efforts. The California State Safe Harbor Agreement Program Act authorizes the department to authorize specified acts that are otherwise prohibited pursuant to the California Endangered Species Act by entering into a safe harbor agreement. Under existing law, the California State Safe Harbor Agreement Program Act remains in effect until January 1, 2020.~~

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project 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 also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements.~~

~~This bill would extend the California State Safe Harbor Agreement Program Act indefinitely and would exempt the approval of a safe harbor agreement covering only tricolored blackbird from CEQA.~~

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 8558 of the Government Code is amended  
2     to read:  
3     8558. Three conditions or degrees of emergency are established  
4     by this chapter:  
5     (a) “State of war emergency” means the condition ~~which~~ *that*  
6     exists immediately, with or without a proclamation thereof by the  
7     Governor, whenever this state or nation is attacked by an enemy  
8     of the United States, or upon receipt by the state of a warning from  
9     the federal government indicating that such an enemy attack is  
10    probable or imminent.  
11    (b) “State of emergency” means the duly proclaimed existence  
12    of conditions of disaster or of extreme peril to the safety of persons  
13    and property within the state caused by ~~such~~ conditions *such* as  
14    air pollution, fire, flood, storm, epidemic, riot, drought,  
15    *cyberterrorism*, sudden and severe energy shortage, plant or animal

1 infestation or disease, the Governor’s warning of an earthquake  
2 or volcanic prediction, or an earthquake, or other conditions, other  
3 than conditions resulting from a labor controversy or conditions  
4 causing a “state of war emergency,” which, by reason of their  
5 magnitude, are or are likely to be beyond the control of the services,  
6 personnel, equipment, and facilities of any single county, city and  
7 county, or city and require the combined forces of a mutual aid  
8 region or regions to combat, or with respect to regulated energy  
9 utilities, a sudden and severe energy shortage requires extraordinary  
10 measures beyond the authority vested in the California Public  
11 Utilities Commission.

12 (c) “Local emergency” means the duly proclaimed existence of  
13 conditions of disaster or of extreme peril to the safety of persons  
14 and property within the territorial limits of a county, city and  
15 county, or city, caused by ~~such~~ conditions *such* as air pollution,  
16 fire, flood, storm, epidemic, riot, drought, *cyberterrorism*, sudden  
17 and severe energy shortage, plant or animal infestation or disease,  
18 the Governor’s warning of an earthquake or volcanic prediction,  
19 or an earthquake, or other conditions, other than conditions  
20 resulting from a labor controversy, which are or are likely to be  
21 beyond the control of the services, personnel, equipment, and  
22 facilities of that political subdivision and require the combined  
23 forces of other political subdivisions to combat, or with respect to  
24 regulated energy utilities, a sudden and severe energy shortage  
25 requires extraordinary measures beyond the authority vested in  
26 the California Public Utilities Commission.

27 ~~SECTION 1. Section 2089.26 of the Fish and Game Code is~~  
28 ~~repealed.~~

29 ~~SEC. 2. Section 2089.26 is added to the Fish and Game Code,~~  
30 ~~to read:~~

31 ~~2089.26. The approval of an agreement covering only tricolored~~  
32 ~~blackbird (*Agelaius tricolor*) is not subject to Division 13~~  
33 ~~(commencing with Section 21000) of the Public Resources Code.~~