
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 462 (Borgeas) - Disaster relief: Creek Fire: allocation to local agencies

Version: February 16, 2021

Urgency: No

Hearing Date: March 22, 2021

Policy Vote: G.O. 14 - 0

Mandate: No

Consultant: Janelle Miyashiro

Bill Summary: SB 462 requires the state share be up to 100% of total state eligible costs associated with the Creek Fire that started on September 4, 2020 in the Counties of Fresno and Madera.

Fiscal Impact: One-time cost of \$4.9 million to increase the state share of eligible expenses.

Background: The Creek Fire began on September 4, 2020, and would go on to burn almost 380,000 acres in the Counties of Fresno and Madera before being 100% contained on December 24, 2020. The fire burned mostly in the Sierra National Forest, and is the largest single fire not part of a greater complex, and the fourth-largest wildfire in modern California history. On September 6, 2020, Governor Newsom issued an emergency proclamation for the counties of Fresno, Madera, and Mariposa due to the Creek Fire. Over nearly four months, the Creek Fire caused 26 confirmed injuries of fire personnel and civilians, destroyed 856 structures, and damaged an additional 71 structures. The cause of the fire is still under investigation.

The California Disaster Assistance Act (CDAA) reimburses local governments for debris removal, emergency work, and repair or replacement of public facilities damaged by a disaster upon a Governor's proclamation. The state share of eligible expenses is 75%, and local jurisdictions are responsible for the remaining 25%. When there is a federal declaration, the Federal Emergency Management Agency (FEMA) pays 75%, and the State pays 75% of the remaining 25% of eligible costs for any state-declared emergency (18.75% of the total). For some statutorily specified disasters, the State has paid 100% of the non-federal eligible disaster mitigation costs. Existing law, AB 2140 (Hancock, Chapter 739, Statutes of 2006), prohibits the state share for any eligible project from exceeding 75% of state eligible costs unless the local agency has adopted a local hazard mitigation plan as part of the safety element of its general plan.

However, prior to 2006, the state share of disaster related local agency costs had been statutorily increased to 100% for the following disasters:

- a) The October 17, 1989, Loma Prieta earthquake.
- b) The October 20, 1991, East Bay fire.
- c) The fires that occurred in southern California from October 1, 1993, to November 30, 1993, inclusive.
- d) The January 17, 1994 Northridge, earthquake.

- e) Storms that occurred in California during the periods commencing January 3, 1995, and February 13, 1995, as specified.
- f) The storms that occurred in California in December of 1996, and early January of 1997, as specified.
- g) The winter storms and flooding that occurred from February 1, 1998, to April 30, 1998, inclusive, as specified.
- h) The wildfires that occurred in southern California commencing October 21, 2003, as specified.
- i) The December 22, 2003, Sam Simeon earthquake, as specified.
- j) The severe storms, flooding, debris flows, and mudslides that occurred during December 27, 2004, to January 11, 2005, inclusive, in southern California, as specified.
- k) The severe storms, flooding, landslides, and mud and debris flows that occurred in southern California during the period from February 16, 2005, to February 23, 2005, inclusive, as specified.
- l) The severe storms, flooding, mudslides, and landslides that occurred in northern California during the period from December 17, 2005, to January 3, 2006, inclusive, as specified.
- m) The severe storms and flooding that occurred in northern and central California during the period from March 29, 2006, to April 16, 2006, inclusive, as specified.
- n) The Middle River levee break in San Joaquin County that occurred in June of 2004.

Proposed Law: This bill:

- Adds the Creek Fire that started on September 4, 2020 in the Counties of Fresno and Madera to the list of disasters requiring the state share of eligible costs be up to 100%.
- Makes technical changes.

Related Legislation: AB 41 (Gallagher, 2019) would have required the State of California to fully reimburse local agencies for eligible costs incurred as a result of the Camp Fire that started on November 8, 2018, in the County of Butte. AB 41 was held in the Senate Appropriations Committee.

AB 247 (Dahle, 2019) would have required the State to fully reimburse local agencies for eligible costs incurred as a result of the Carr and Klamathon Fires of 2018, as specified. AB 247 was held in the Senate Appropriations Committee.

AB 1375 (Bigelow, 2019) would have increased, from 75% to 90%, the State's share of disaster-related costs connected with the tree removal in high hazard zones pursuant to a governor-declared emergency in 2015. AB 1376 was held in the Assembly Appropriations Committee.

SB 937 (McGuire, 2016) would have added the forest fires that occurred in the County of Lake in 2015 to the list of events for which the state share of state eligible costs is up to 100% under the CDAA. SB 937 was held in the Senate Appropriations Committee.

AB 18 (Dodd, 2015) would have added the South Napa earthquake that occurred in Napa County on August 24, 2014 to the list of disaster events for which the State share of state eligible costs is 100%. AB 18 was held in the Senate Appropriations Committee.

AB 1429 (Chesbro, 2011) would have added the tsunami that occurred in Del Norte County on March 2011 to the list of disaster events for which the State share of state eligible costs is 100%. AB 1429 was vetoed.

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