
CONSENT

Bill No: AB 35
Author: Alvarez (D), et al.
Amended: 6/11/26 in Senate
Vote: 27 - Urgency

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/9/26
AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Reyes

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 1/26/26 - See last page for vote

SUBJECT: Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedure Act: exemption: program guidelines and selection criteria

SOURCE: Author

DIGEST: This bill exempts the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, approved by the voters as Proposition 4, from the Administrative Procedures Act, as provided.

ANALYSIS:

Existing law:

- 1) Establishes Proposition 4, which authorizes the sale of \$10 billion in general obligation bonds, if approved by voters, for various purposes including safe drinking water, drought, flood, and water resilience programs, among others. (Public Resources Code (PRC) §§ 90000 *et seq.*)
- 2) Authorizes the Legislature to enact legislation necessary to implement programs funded by Proposition 4. (PRC § 90115)
- 3) Authorizes an emergency regulation for purposes of developing and adopting program guidelines and criteria to effectuate or implement Proposition 4

programs, and requires the emergency regulation to remain in effect until repealed or amended by the adopting state agency. (PRC § 90135(e))

- 4) Pursuant to the Administrative Procedures Act (APA)(Government Code §§11340 *et seq.*)
 - a) Establishes the Office of Administrative Law (OAL), and charges them with the orderly review of adopted regulations.
 - b) Prohibits any state agency from issuing, utilizing, enforcing, or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to the APA.
 - c) Authorizes any interested person to petition a state agency requesting the adoption, amendment, or repeal of a regulation, as provided.
 - d) Requires OAL to review all regulations adopted, amended, or repealed and submitted to it for publication in the California Code of Regulations Supplement, transmittal to the Secretary of State, and to make determinations using specified standards. Establishes timeframes by which OAL must approve or disapprove a regulation after it has been submitted to OAL for review.
- 5) Pursuant to Proposition 68, exempts the development and adoption of program guidelines and selection criteria adopted pursuant to Proposition 68 from the APA, and provides a non-APA public process for the adoption of program guidelines and selection criteria, as specified. (PRC §80010)

This bill:

- 1) Authorizes the adoption of a regulation for the purpose of developing and adopting program guidelines and selection criteria needed to effectuate or implement Proposition 4 programs, as provided.
- 2) Exempts the development and adoption of program guidelines and selection criteria needed to effectuate or implement Proposition 4 programs from the APA, as provided.
 - a) Requires a state entity using the APA exemption before disbursing Proposition 4 grants to do the following:
 - i) Develop draft project solicitation and evaluation guidelines.
 - ii) Transmit copies of the draft solicitation and evaluation guidelines to relevant legislative committees. Publish the draft solicitation and evaluation guidelines on its internet website for a public comment period

- of at least 30 days. Hold a noticed public meeting on the draft solicitation and evaluations guidelines. Require all written public comments to be posted on its internet website, as provided. Require the state entity to respond to each public comment in writing.
- iii) Offer opportunity for tribal consultation to impacted tribes.
 - iv) Require the state entity to finalize project solicitation and evaluation guidelines after completing i), ii) and iii) above.
 - v) Require the state entity, with the exception of the State Water Resources Control Board, to submit the final guidelines to the Secretary of the Natural Resources Agency. Require the Secretary to verify that the guidelines are consistent with applicable statutes and the purposes of Proposition 4. Require the Secretary to post an electronic form of the guidelines and subsequent verification on the Natural Resources Agency's internet website. Upon adoption, transmit the final guidelines to relevant legislative committees, as provided..
- 3) Provides that the use of existing project solicitation and evaluation guidelines that comply with the requirements of 1) and 2) above and that were developed and adopted prior to the effective date of this act comply with this act.
- 4) States this bill is an urgency statute necessary for the immediate preservation of the public peace, health, or safety for specified reasons.
- 5) Makes minor and technical changes to statute.

[For additional background and information about this bill, see the Senate Natural Resources and Water Committee bill analysis.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/22/26)

Agricultural Institute of Marin
Alliance of Regional Collaboratives for Climate Adaptation
American Canyon Community & Parks Foundation
Associated General Contractors of California
Association of California Water Agencies
Audubon California
Bay Area Climate Adaptation Network
Bay Area Council
Bay Area Ridge Trail Council
Bay Planning Coalition

Bellflower Somerset Mutual Water Company
Big Sur Land Trust
Blue Forest
Bolsa Chica Land Trust
CalDesal
California Local Conservation Corps Foundation
California Association of Local Conservation Corps
California Association of Recreation and Parks Districts
California Association of Resource Conservation Districts
California Association of Sanitation Agencies
California Central Valley Flood Control Association
California Climate and Agriculture Network
California Council of Land Trusts
California Fire Chiefs Association
California Fire Safe Councils
California Forestry Association
California Groundwater Coalition
California Habitat Conservation Planning Coalition
California Invasive Plant Council
California Mountain Biking Coalition
California Municipal Utilities Association
California Outdoor Recreation Partnership
California State Association of Counties
California State Parks Foundation
California Stormwater Quality Association
California Tahoe Alliance
California Water Association
California Water Efficiency Partnership
Calleguas Municipal Water District
Carbon Cycle Institute
Central Basin Water Association
Central California Environmental Justice Network
Central Coast Climate Collaborative
Cesar Chavez Environmental Corps
City of Carlsbad
City of Los Angeles
City of Moorpark
City of Rancho Cucamonga
City of Redwood City
City of Roseville

City of Sacramento
City of San Diego
City of South Lake Tahoe
City of Thousand Oaks
Civicorps
Clean Water Action
Climate Resolve
Coachella Valley Association of Governments
Coachella Valley Conservation Commission
Coastal Corridor Alliance
Collaborate Action Program
Community Nature Connection
Community Water Center
Conservation Corps North Bay
Conservation Corps of Long Beach
County of El Dorado
County of Marin
County of Monterey
County of Nevada
County of Orange
County of Placer
County of Riverside
County of San Bernardino
County of San Diego
County of Sonoma
County of Ventura
Crescenta Valley Water District
Cucamonga Valley Water District
Desert Water Agency
Ducks Unlimited
East Bay Regional Park District
East Contra Costa County Habitat Conservancy
Eastern Municipal Water District
Eastern Sierra Land Trust
El Dorado Irrigation District
El Dorado Water Agency
Elsinore Valley Municipal Water District
Endangered Habitats League
Feather River Land Trust
Fire District Association of California

Fresno EOC Local Conservation Corps
Friends of Harbors, Beaches and Parks
Greater Valley Conservation Corps
Hi-Desert Water District
Inland Empire Community Foundation
Inland Empire Utilities Agency
Irvine Ranch Conservancy
Irvine Ranch Water District
Jurupa Community Services District
Kern County Water Agency
Kings River Conservation District
Kings River Water Association
Land Trust of Santa Cruz County
Lake Tahoe Community College
Latino Outdoors
League of California Cities
League to Save Lake Tahoe
Living Classroom
Los Angeles Conservation Corps
Los Angeles Neighborhood Land Trust
Los Angeles Regional Collaborative for Climate Action & Sustainability
Marin Community Foundation
Megafire Action
Mesa Water District
Metropolitan Water District of Southern California
Midpeninsula Regional Open Space District
Mission Springs Water District
Mojave Water Agency
Monterey One Water
Monterey Regional Stormwater Management Program
Mountain Counties Water Resources Association
Napa County Regional Park and Open Space District
North Tahoe Public Utility District
Northern California Water Association
Northern Sierra Partnership
Olivenhain Municipal Water District
Orange County Conservation Corps
Otay Water District
Outdoor Outreach
Outward Bound Adventures

Pacific Forest Trust
Padre Dam Municipal Water District
Palmdale Water District
Pathways for Wildlife
Peninsula Open Space Trust
Petaluma River Park
Pico Water District
Placer County Water Agency
Placer Land Trust
Port of San Diego
Puente Basin Water Agency
Rails to Trails Conservancy
Rancho California Water District
RCD of Greater San Diego County
Regenerative Forest Solutions
Rowland Water District
Rural County Representatives of California
Sacramento Area Sewer District
Sacramento Regional Conservation Corps
Salted Roots
San Diego County Air Pollution Control District
San Diego County Water Authority
San Diego Regional Chamber of Commerce
San Diego Regional Climate Collaborative
San Diego Zoo Wildlife Alliance
San Gabriel Basin Water Quality Authority
San Geronio Pass Water Agency
San Joaquin Valley Water Collaborative Action Program
San Jose Conservation Corps
San Juan Water District
San Luis and Delta Mendota Water Authority
SanDiego350
Santa Clara County FireSafe Council
Santa Clara Valley Open Space Authority
Santa Clara Valley Water District
Santa Margarita Water District
Save Mount Diablo
Save the Redwoods League
Sempervirens Fund
Sequoia Community Corps

Shafter-Wasco Irrigation District
Sierra Business Council
Sierra Climate Adaptation and Mitigation Partnership
Sierra Club California
Sierra Commons
Sierra County Land Trust
Sierra Foothill Conservancy
Sierra Nevada Alliance
Sierra Service Project
Sloughouse Resource Conservation District
Solano Beach Eco Rotary Club
Sonoma County Ag + Open Space
Sonoma Land Trust
Sonoma Water
Soquel Creek Water District
South Lake Tahoe Public Utility District
Southern California Mountains Foundation
Southern California Water Coalition
Stockton East Water District
Surfrider Foundation
Surfrider Foundation, San Diego County Chapter
Sustainable Conservation
Sweetwater Authority
Tahoe City Public Utility District
Tahoe Fund
Tahoe Regional Planning Agency
Tahoe Resource Conservation District
Tahoe Transportation District
TEAMRCD
The Conservation Fund
The Freshwater Trust
The Nature Conservancy
The San Diego Natural History Museum
The Wilderness Society
The Wildlands Conservancy
Tijuana River Coalition
TOGETHER Bay Area
Town of Windsor
TreePeople
Truckee Donner Land Trust

Un Mar de Colores
United Water Conservation District
Upper San Gabriel Valley Municipal Water District
Upper San Luis Rey Resource Conservation District
Urban Corps of San Diego County
Urban Counties of California
Valley Ag Water Coalition
Walnut Valley Water District
Washoe Tribe of California and Nevada
Water Blueprint for the San Joaquin Valley Advocacy Fund
Water Replenishment District
WaterReuse California
West Valley Water District
Western Municipal Water District
WILDCOAST
Wildlife Conservation Network
YMCA of San Diego County
Yosemite Rivers Alliance

OPPOSITION: (Verified 6/22/26)

None received

ARGUMENTS IN SUPPORT: According to the author, “Proposition 4 reflects a clear mandate from California voters to accelerate investments in climate resilience, water quality, natural resources, and community protection. Voters approved these funds with the expectation that they would be deployed efficiently to address urgent environmental and public health challenges, including drinking water safety, flood protection, ecosystem restoration, and climate adaptation.”

“However, without an exemption from the Administrative Procedure Act (APA), implementation of Proposition 4 funding faces unnecessary delays. Many administering agencies already operate established, transparent, and well-vetted guidelines, such as Intended Use Plans, competitive grant criteria, and public oversight processes that are routinely used to deploy similar bond funds. Requiring a duplicative APA rulemaking process would force agencies to create entirely new programs, divert staff resources, and delay funding for projects that are ready to move forward.”

“The Legislature has a long-standing precedent of authorizing APA exemptions for voter-approved bond measures, such as for all three recent climate bonds, and for

complex infrastructure programs when timely deployment is essential. These exemptions do not eliminate accountability or public input; instead, they rely on existing statutory safeguards, board oversight, and reporting requirements to ensure transparency and responsible use of public funds.”

“AB 35 simply ensures Proposition 4 implementation as voters intended: swiftly, responsibly, and based on sound science and established practices. This APA exemption will allow state agencies to deliver critical investments to communities without delay, maximize the impact of bond funds, and respond effectively to California’s pressing wildfire, climate infrastructure and clean water challenges.”

ASSEMBLY FLOOR: 76-0, 1/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Papan, Celeste Rodriguez, Ta

Prepared by: Katharine Moore / N.R. & W. / (916) 651-4116
6/24/26 16:28:29

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