

CONCURRENCE IN SENATE AMENDMENTS

AB 35 (Alvarez)

As Amended June 11, 2026

2/3 vote. Urgency

SUMMARY

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 (APA) with specified conditions.

Senate Amendments

- 1) Require a state entity that receives funding to additionally administer a competitive grant program established using the APA exemption to transmit copies of those guidelines to the fiscal committees and to the appropriate policy committees of the Legislature and to hold a noticed public meeting on those guidelines.
- 2) Require, upon adoption of the guidelines, the state entity to transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.
- 3) Provide that specified requirements do not apply to the development and adoption of program guidelines and selection criteria needed to effectuate or implement any program that is funded by any appropriation made in the Budget Act of 2025, or in any bill identified in Section 39.00 of the Budget Act of 2025, from Proposition 4.

COMMENTS

Proposition 4 was approved by the voters on the November 5, 2024, statewide general election, authorizing \$10 billion in general obligation bonds to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs.

The APA establishes rulemaking procedures and standards for state agencies in California. The average timeline for APA rulemaking varies but generally requires about 12-18 months to complete a rulemaking, depending on complexity, public input, and Office of Administrative Law efficiency.

This bill adds an APA exemption to Proposition 4 to mirror the APA exemption provided in the past natural resource general obligation bonds for the development and adoption of program guidelines and selection criteria needed to effectuate or implement the programs included in the bond.

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 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.

[This bill] 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.

Arguments in Support

A sign-on letter with more than 90 organizations writes that a full APA exemption would enable funds to be deployed more quickly and efficiently, ensuring that protracted administrative processes do not hold up vital community projects, and explains, "Importantly, an exemption from the APA does not eliminate transparency, consultation, or public engagement. Agencies will continue to follow robust fiscal, reporting, and oversight requirements. Many agencies have already gone through extensive public processes for these existing programs. Instead, the exemption will streamline implementation, maintain consistency across programs, and avoid creating barriers to delivering critical funding where it is most needed."

Arguments in Opposition

None on file

FISCAL COMMENTS

The Senate Appropriations Committee approved this measure pursuant to Senate Rule 28.8 in recognition that the bill has negligible state costs.

VOTES:

ASM NATURAL RESOURCES: 13-0-1

YES: Bryan, Alanis, Connolly, Ellis, Garcia, Haney, Hoover, Kalra, Macedo, Muratsuchi, Pellerin, Schultz, Zbur

ABS, ABST OR NV: Wicks

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-4

YES: 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

ABS, ABST OR NV: Arambula, Papan, Celeste Rodriguez, Ta

SENATE FLOOR: 36-0-4

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Dahle, Jones, Reyes

UPDATED

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