

California Native Plant Society Legislative Status Report – 9/8/2016

AB 197 Garcia, Eduardo

Topic: State Air Resources Board: greenhouse gases: regulations.

Status: 9/8/2016 - Signed by the Governor

Position: Watch

Summary: Existing law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would add 2 Members of the Legislature to the state board as ex officio, nonvoting members. The bill would create the Joint Legislative Committee on Climate Change Policies and would require the committee to ascertain facts and make recommendations to the Legislature concerning the state's programs, policies, and investments related to climate change. This bill is a companion to SB 32 (which sets a new 2030 GHG reduction goal) containing increased Legislative oversight of the Air Board.

AB 1613 Committee on Budget

Topic: Budget Act of 2016 – Cap & Trade Funds.

Status: 8/31/2016 – Pending Governor's signature.

Position: Watch

Summary: Appropriates \$900m of the Cap & Trade revenues to various programs intended to reduce emissions, including \$80m for urban greening projects, \$25m for healthy forest improvements (generally brush clearance/thinning), \$15m for urban forests, and \$7.5 for healthy soils (generally composting).

AB 1749 Mathis

Topic: CEQA exemption: City of Porterville.

Status: 7/1/2016 - Failed Deadline

Position: Oppose

Summary: The California Environmental Quality Act requires a lead agency to prepare 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. The act exempts, until January 1, 2017, from its requirements projects consisting of the construction or expansion of recycled water pipeline within existing rights of way, if the project does not affect wetlands or sensitive habitat, and undertaken for the purpose of mitigating drought conditions. This bill, until January 1, 2021, would exempt from the act's requirements a water treatment project determined by the City of Porterville as the best option based on a certain feasibility study, as provided.

AB 1833 Linder

Topic: Transportation projects: environmental mitigation.

Status: 5/27/2016 - Failed Deadline

Position: Watch

Summary: The California Environmental Quality Act requires a lead agency to prepare 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, subject to certain exceptions. The bill would create the Advanced Mitigation Program in the Department of Transportation to implement environmental mitigation measures in advance of future transportation projects. The bill, by February 1, 2017, would require the department to establish a steering committee to advise the department in that regard.

AB 1958 Wood

Topic: Forestry: timberlands: restoration and conservation of oak woodlands

Status: Pending Governor's signature

Position: Support

Summary: The Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The bill authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in oak woodland (California black or Oregon white oak) restoration/conservation activities. The bill would require the department to evaluate the effects of this act and make recommendations to the Legislature.

AB 2002 Stone, Mark

Topic: Political Reform Act of 1974: California Coastal Commission: communications.

Status: Failed passage

Position: Support

Summary: Existing law establishes the California Coastal Commission and designates the commission as the state coastal zone planning and management agency for all purposes. Existing law prohibits a commission member or an interested person from conducting an ex parte communication unless the commission member fully discloses and makes public that communication within 7 days after the communication. This bill would require a commission member to fully disclose in writing 24 hours before a commission hearing any ex parte communication conducted within 7 days of the commission hearing relating to a matter that will be discussed at the hearing, and would prohibit a commission member or an interested person from conducting such an ex parte communication within 24 hours before the commission hearing.

AB 2029 Dahle

Topic: Timber harvesting plans: exemptions.

Status: Pending Governors signature

Position: Oppose

Summary: The Forest Practices Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan has been submitted to and approved by the Department of Forestry. The act authorizes the State Board of Forestry to exempt from some or all of those provisions of the act a person cutting or removing trees in compliance with existing

law relating to defensible space. In this regard, the act authorizes, until 3 years after the effective date of regulations adopted by the board, the Forest Fire Prevention Pilot Project Exemption if specified conditions are met, including that only trees less than 24 inches in stump diameter, measured at 8 inches above ground level, shall be removed, no new road construction or reconstruction shall occur, and the activities shall be conducted in designated portions of 28 counties. This bill would authorize the exemption until January 1, 2021, and would expand the exemption to instead permit the removal of trees less than 26 inches in stump diameter, and report to the Legislature on the affect of the exemption.

AB 2040 Melendez

Topic: Outdoor Water Efficiency Act of 2016: personal income tax credits.

Status: Failed passage

Position: Watch

Summary: The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill, for taxable years beginning on or after January 1, 2016, and before January 1, 2019, would allow a credit equal to 25% of the amount paid or incurred by a qualified taxpayer for water-efficiency improvements on qualified real property in this state. The bill would limit the cumulative amount of the credit to \$2,500 for each qualified real property for all taxable years. The bill would require a qualified taxpayer to obtain and retain a certification of the water-efficiency improvements from the appropriate regional or local water agency after completion of the improvements and to provide a copy to the Franchise Tax Board.

AB 2087 Levine

Topic: Regional conservation investment strategies.

Status: Pending Governor's signature.

Position: Watch

Summary: Under existing law, the Department of Fish & Wildlife has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The California Endangered Species Act prohibits the taking of an endangered, threatened, or candidate species, except as specified and existing law prohibits an entity from diverting or obstructing the natural flow of, or using any material from the bed, channel, or bank of, any river, stream, or lake without first entering into a lake or streambed alteration agreement. This bill would authorize the department, or any other public agency, to propose a regional conservation investment strategy that would be required to contain specified information, including a regional conservation assessment. The bill would authorize the department to approve a regional conservation investment strategy for an initial period of up to 10 years after public meetings and a public comment period and after it finds that the strategy meets certain requirements. The bill would authorize a conservation action or a habitat enhancement that measurably advances the conservation objectives of an approved investment strategy, to be used to create mitigation credits to compensate for take or other adverse impacts of activities authorized pursuant existing law. To create, use, sell or transfer these mitigation credits, a person or entity would need to enter into a mitigation credit agreement with the department. The authority to approve regional conservation strategies is effective until January 1, 2020, and only eight regional strategies can be approved.

AB 2146 Patterson

Topic: Forestry and fire protection: greenhouse gas emissions.

Status: Failed Deadline

Position: Watch

Summary: Existing law requires the Department of Forestry to implement various fire prevention programs intended to protect forest resources and prevent uncontrollable wildfires. The California Global Warming Solutions Act of 2006 (AB 32) creates the Greenhouse Gas Reduction Fund for revenues from the Cap & Trade Program. This bill would provide that an amount not to exceed \$200,000,000 from the fund shall be made available to CDF for specified activities that reduce greenhouse gas emissions in the state caused by uncontrolled forest fires, including (1) payments to local governmental entities that carry out fire prevention activities; (2) incentives for actions by private parties to reduce the risk or intensity of wildfires; and (3) funding for the creation and implementation of partnerships between the department and the federal government to reduce the risk or intensity of wildfires.

AB 2162 Chu

Topic: Oak Woodlands Protection Act.

Status: Failed Deadline

Position: Watch

Summary: The Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan has been submitted to and approved by the Department of Forestry and Fire Protection. This bill would enact the Oak Woodlands Protection Act, which would prohibit a person from removing from an oak woodland, as defined, specified oak trees, unless an oak removal plan and oak removal permit application for the oak tree removal has been submitted to and approved by the Director of Fish and Wildlife.

AB 2243 Wood

Topic: Medical cannabis: taxation: cannabis production and environment mitigation.

Status: Failed Deadline

Position: Support

Summary: The Medical Marijuana Regulation and Safety Act, administered by the director of the Bureau of Medical Marijuana Regulation, provides for the licensure of persons engaged in specified activities relating to medical cannabis, including cultivation and distribution. This bill would impose a tax upon the distribution of medical cannabis flower, immature medical cannabis plant, and medical cannabis product. The bill would require a distributor to register for a permit with the FTB and would allow the Board to suspend or revoke a permit. The bill would require all moneys, less refunds and costs of administration, to be deposited into the Cannabis Production and Environmental Mitigation Fund, created by this bill.

AB 2438 Waldron

Topic: CEQA exemption: recycled water pipelines.

Status: Failed Deadline

Position: Oppose

Summary: The California Environmental Quality Act requires a lead agency to prepare 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 exempts specified pipeline projects from these requirements. This bill would, until January 1, 2020, additionally exempt from CEQA a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way. The bill would require the lead agency, before determining the applicability of the exemption, to hold a noticed public hearing to consider and adopt mitigation measures for potential traffic impacts of the project.

AB 2444 Garcia, Eduardo

Topic: Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018.

Status: Failed deadline

Position: Support

Summary: Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. This bill would enact the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,497,500,000 pursuant to the State General Obligation Bond Law to finance a parks, water, climate, and coastal protection and outdoor access for all program.

AB 2525 Holden

Topic: Water-efficient landscaping.

Status: Failed Deadline

Position: Support Seek Amendments

Summary: The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law requires each local agency to adopt either the updated the state model water-efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. This bill would require the department, upon identification of a funding source, to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and support and enhance water inefficient grass replacement.

AB 2616 Burke

Topic: California Coastal Commission: environmental justice.

Status: Pending Governor's signature

Position: Watch

Summary: Existing law, the California Coastal Act of 1976, establishes the California Coastal

Commission and prescribes the membership and functions and duties of the commission. Existing law provides that the commission consists of 15 members. This bill would increase the membership of the commission to 18 by requiring 3 additional members to be appointed, one each by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, who represent and work directly with communities in the state that are most burdened by, and vulnerable to, high levels of pollution and issues of environmental justice, as defined.

AB 2628 Levine

Topic: Political Reform Act of 1974: employment restrictions.

Status: Failed passage

Position: Support (prompted by concerns regarding the CA Coastal Commission)

Summary: The Political Reform Act of 1974 generally prohibits a public official from making, participating in making, or using his or her official position to influence a governmental decision in which the official has a financial interest. The act imposes certain restrictions on post-governmental employment of specified public officials of state and local agencies. This bill would require each state agency and each local agency to make publicly available on its Internet Web site the statements of economic interests filed by the specified public officials.

SB 32 Pavley

Topic: California Global Warming Solutions Act of 2006: emissions limit.

Status: 9/8/2016 - Signed by the Governor

Position: Watch

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases and to adopt rules and regulations to limit statewide greenhouse gas emissions to the level of emissions in 1990 by 2020. This bill would require the state board to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030.

SB 122 Jackson

Topic: CEQA record of proceedings.

Status: Pending Governor's signature

Position: Watch

Summary: The California Environmental Quality Act requires a lead agency, as defined, to prepare an environmental impact report (EIR) 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 establishes a procedure for the preparation and certification of the record of proceedings upon the filing of a legal action challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, EIR, or other environmental document for projects.

SB 859 Committee on Budget and Fiscal Review

Topic: Public resources: greenhouse gas emissions and biomass.

Status: Pending Governor's signature

Position: Watch

Summary: The California Global Warming Solutions Act of 2006 (AB 32) designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Existing law requires the Department of Finance, in consultation with the state board and other relevant state agencies, to develop a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund to reduce greenhouse gas emissions. This bill is a companion to AB 1613 which appropriates GHG Reduction Fund revenues in that it specifies policy guidance related to numerous funded programs, including the healthy soils program, urban greening, forest health, organic waste, and bioenergy. Late amendments clarified that not more than 20% of 125 megawatt goal for bioenergy could come from clear cut forest lands, consistent with a recent decision of CDF.

SB 1190 Jackson

Topic: California Coastal Commission: ex parte communications

Status: Failed Deadline

Position: Support

Summary: The California Coastal Act of 1976, establishes the California Coastal Commission, and prescribes the membership and functions and duties of the commission. The act requires the Commission to meet at locations convenient to the public. This bill would, in addition, require the Commission to also provide for public participation at commission meetings via telephone and the Internet. The bill also elevates the disclosure requirements for ex parte communications between Commission members and parties interested in matters before the Commission.

SB 1340 Wolk

Topic: Water Conservation in Landscaping Act.

Status: Pending Governor's signature

Position: Support

Summary: Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update a model water efficient landscape ordinance and requires each local agency to adopt either the updated model ordinance or an ordinance that is at least as effective in conserving water as the model ordinance. Currently the provisions of the model ordinance are only applicable when a local permit is required for some type of development. This bill would require a local agency to require a permit for upgrading or expanding automatic irrigation systems to increase the irrigated area by 25% or more, for a landscape project not related to new development. The bill would fill a large gap in the effectiveness of the model ordinance, increasing water conservation via in part by increased use of native plants.