

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2360

Introduced by Assembly Member Chesbro

February 19, 2010

An act to amend Section 4799.13 of the Public Resources Code, relating to forest resources, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2360, as amended, Chesbro. Forest resources: Forest Resources Improvement Fund.

(1) Existing law authorizes money in the Forest Resources Improvement Fund (the fund) to be expended, upon appropriation by the Legislature, for the cost of operations associated with the management of state lands operated as demonstration state forests by the Department of Forestry and Fire Protection.

The bill would authorize money in the fund to be used to implement approved management plans and to fund public education, restoration, research, and monitoring activities related to a demonstration forest.

(2) Existing law requires the fund to be the depository for all revenue derived from the repayment of certain loans made or interest received, and the receipts from the sale of forest products to support certain operations.

This bill would also require all revenue originating from activities within the state forest boundaries, including revenue from leases, rent, fees, firewood, and permits to be deposited into the fund.

(3) Existing law requires all excess money in the fund to be deposited in the General Fund.

This bill would instead require all excess money in the fund to accrue ~~in any year in which revenue deposited in the fund exceeds expenditures when fund balances exceed appropriated expenditures.~~ This bill would require this money to be used, as determined by the director and upon appropriation by the Legislature, to fund specified programs if those programs do not receive General Fund revenue at the same or a higher level than in the previous budget year. ~~The bill would require the money in the fund to accrue until it is equal to the sum of the previous 2 fiscal years' appropriations for the programs and activities authorized to receive money from the fund and at the end of a fiscal year in which the balance in the fund exceeds the maximum reserve amount, the bill would require the money to be deposited into the General Fund.~~

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 4799.13 of the Public Resources Code is
 2 amended to read:
 3 4799.13. (a) There is hereby created in the State Treasury, the
 4 Forest Resources Improvement Fund. ~~The~~ *Except as provided in*
 5 *subdivision (e), the money in the Forest Resources Improvement*
 6 Fund may only be expended, upon appropriation by the Legislature,
 7 for the cost of operations *and related administrative costs,*
 8 associated with management of lands held in trust by the state and
 9 operated as demonstration state forests by the department pursuant
 10 to Section 4646, ~~including~~ *to implement approved forest*
 11 *management plans of the demonstration state forests, and to fund*
 12 *public education, restoration, research, and monitoring activities*
 13 *related to demonstration state forests.*
 14 (b) The Forest Resources Improvement Fund shall be the
 15 depository for all revenue *originating from activities within state*
 16 *forest boundaries, including revenue from leases, rent, fees,*
 17 *firewood, and permits, as well as all revenue* derived from the
 18 repayment of loans made or interest received pursuant to Chapter
 19 1 (commencing with Section 4790), and the receipts from the sale
 20 of forest products, as defined in Section 4638, from the state forests
 21 to support the ~~operations described in~~ *activities authorized by*
 22 subdivision (a). ~~Money in the fund in excess of the amount needed~~
 23 to support those operations shall be deposited in the General Fund.

1 (c) The director may accept grants and donations of equipment,
2 seedlings, labor, materials, or funds from any source, *including*
3 *funds received as mitigation for adverse environmental impacts*
4 *caused by a party responsible for causing the illegal ignition of*
5 *wildfires*, for the purpose of supporting or facilitating activities
6 undertaken pursuant to this part. Any funds received shall be
7 deposited by the director in the Forest Resources Improvement
8 Fund.

9 (d) Each proposed expenditure by the department of money
10 from the Forest Resources Improvement Fund shall be included
11 as a separate item and scheduled individually in the Budget Bill
12 for each fiscal year for consideration by the Legislature. These
13 appropriations shall be subject to all of the limitations contained
14 in the Budget Bill and to all other fiscal procedures prescribed by
15 law with respect to the expenditure of state funds.

16 (e) (1) *If in a budget year, the General Fund does not provide*
17 *funding to the department for programs, as specified in paragraph*
18 *(2), at the same level or higher than the previous budget year, the*
19 *program funding shortfall may be made whole with money from*
20 *the Forest Resources Improvement Fund reserve, created in*
21 *subdivision (f), as determined by the director, and upon*
22 *appropriation by the Legislature through the annual Budget Act.*

23 (2) *The following programs are eligible for funding from the*
24 *Forest Resources Improvement Fund reserve:*

25 (A) *Pest management.*

26 (B) *State nurseries and seed banks.*

27 (C) *Forest improvement.*

28 (D) *Urban forestry.*

29 (E) *Vegetation management.*

30 (F) *Fire and resource assessment.*

31 (G) *Conservation projects, including, but not limited to, the*
32 *Forest Legacy Program, administered by the department.*

33 (f) *A reserve shall accrue in the Forest Resources Improvement*
34 *Fund when balances exceed appropriated expenditures.*

35 ~~SECTION 1. Section 4799.13 of the Public Resources Code~~
36 ~~is amended to read:~~

37 ~~4799.13. (a) There is hereby created in the State Treasury, the~~
38 ~~Forest Resources Improvement Fund. Except as provided in~~
39 ~~subdivision (e), the money in the Forest Resources Improvement~~
40 ~~Fund may only be expended, upon appropriation by the Legislature,~~

1 for the cost of operations and related administrative costs,
2 associated with management of lands held in trust by the state and
3 operated as demonstration state forests by the department pursuant
4 to Section 4646, to implement approved forest management plans
5 of the demonstration state forests, and to fund public education,
6 restoration, research, and monitoring activities related to
7 demonstration state forests.

8 (b) The Forest Resources Improvement Fund shall be the
9 depository for all revenue originating from activities within state
10 forest boundaries, including revenue from leases, rent, fees,
11 firewood, and permits, as well as all revenue derived from the
12 repayment of loans made or interest received pursuant to Chapter
13 1 (commencing with Section 4790), and the receipts from the sale
14 of forest products, as defined in Section 4638, from the state forests
15 to support the activities authorized by subdivision (a).

16 (c) The director may accept grants and donations of equipment,
17 seedlings, labor, materials, or funds from any source, including
18 funds received as mitigation for adverse environmental impacts
19 caused by a party responsible for causing the illegal ignition of
20 wild fires, for the purpose of supporting or facilitating activities
21 undertaken pursuant to this part. Any funds received shall be
22 deposited by the director in the Forest Resources Improvement
23 Fund.

24 (d) Each proposed expenditure by the department of money
25 from the Forest Resources Improvement Fund shall be included
26 as a separate item and scheduled individually in the Budget Bill
27 for each fiscal year for consideration by the Legislature. These
28 appropriations shall be subject to all of the limitations contained
29 in the Budget Bill and to all other fiscal procedures prescribed by
30 law with respect to the expenditure of state funds.

31 (e) (1) If in a budget year, the General Fund does not provide
32 funding to the department for programs, as specified in paragraph
33 (2), at the same level or higher than the previous budget year, the
34 program funding shortfall may be made whole with money from
35 the Forest Resources Improvement Fund reserve, created in
36 subdivision (f), as determined by the director, and upon
37 appropriation by the Legislature through the annual Budget Act.

38 (2) The following programs are eligible for funding from the
39 Forest Resources Improvement Fund reserve:

40 (A) Pest management.

- 1 ~~(B) State nurseries and seed banks.~~
- 2 ~~(C) Forest investment.~~
- 3 ~~(D) Urban forestry.~~
- 4 ~~(E) Vegetation management.~~
- 5 ~~(F) Fire and resource assessment.~~
- 6 ~~(f) A reserve shall accrue in the Forest Resources Improvement~~
- 7 ~~Fund in any year in which revenue deposited in the fund exceeds~~
- 8 ~~expenditures appropriated to implement this section. The reserve~~
- 9 ~~shall accrue until it is equal to the sum of the previous two fiscal~~
- 10 ~~years' appropriations for the programs authorized to receive funds~~
- 11 ~~from the Forest Resources Improvement Fund pursuant to this~~
- 12 ~~section. At the end of the fiscal year in which the balance in the~~
- 13 ~~Forest Resources Improvement Fund exceeds the maximum reserve~~
- 14 ~~amount imposed by this subdivision, all excess money above that~~
- 15 ~~amount shall be deposited in the General Fund.~~