

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2146

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Bigelow, Brough, and Olsen
***Chávez, Jones, Olsen, and Steinorth*)**

February 17, 2016

An act to amend Section 39719 of the Health and Safety Code, and to add Section 4599 to the Public Resources Code, relating to forestry and fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2146, as amended, Patterson. Forestry and fire protection: greenhouse gas emissions.

Existing law requires the Department of Forestry and Fire Prevention to implement various fire prevention programs intended to protect forest resources and prevent uncontrollable wildfires. The California Global Warming Solutions Act of 2006 requires that all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available, upon appropriation by the Legislature, for greenhouse gas emissions reduction activities.

This bill would ~~provide that~~ *continuously appropriate* \$200,000,000 from the *annual proceeds of the fund* ~~shall be made available annually, upon appropriation in the annual Budget Act,~~ to the department for activities that reduce greenhouse gas emissions in the state caused by uncontrolled forest fires. *The bill would authorize the department to use these funds to provide payments to local governmental entities that*

carry out fire prevention activities and incentives for actions by private parties to reduce the risk or intensity of wildfires or improve the resiliency of lands prone to wildfires.

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. The Legislature finds and declares all of the
2 following:

3 (a) California continues to experience catastrophic wildfires of
4 a magnitude previously unknown. Unlike traditional regenerative
5 forest fires, modern forest fires are extremely destructive with
6 devastating economic and environmental consequences, including
7 loss of life and property destruction, job losses, erosion,
8 downstream drinking water quality degradation, proliferation of
9 nonnative and invasive species, nonnative species choking out
10 reemerging native vegetation, soil sterilization, ecosystem
11 destruction, and tremendous amounts of greenhouse gas emissions.

12 (b) While the state focuses its climate change efforts on reducing
13 greenhouse gas emissions from industrial sources, it is turning a
14 blind eye to the equally significant greenhouse gas and short-lived
15 climate pollutant emissions resulting from forest fires.

16 (c) The 2015 calendar year brought disastrous fires of high
17 intensity, including the Rough Fire, which burned over 150,000
18 acres over a two-months period, injuring 12 people; the 2015
19 Valley Fire, which caused four civilian casualties, four injured
20 firefighters, over 1,000 destroyed homes, 27 destroyed multifamily
21 structures, and over 600 other structures destroyed, prompting the
22 declaration of a major disaster from the President of the United
23 States; and the Butte Fire that continued for over a month, resulting
24 in two deaths and destroying 475 homes and over 350 other
25 structures.

26 (d) The 2013 Rim Fire burned over 250,000 acres over 69 days
27 and caused hundreds of millions of dollars in economic and
28 environmental damage; destroyed significant habitat for a number
29 of California’s rarest species; and demanded more than \$125
30 million in firefighting resources. It is estimated that the Rim Fire
31 released over 11 million metric tons of greenhouse gases, which
32 is equivalent to the annual emissions of 2.3 million cars. Experts

1 have attributed the fire’s exponential growth to a century’s worth
2 of fuel left behind due to historical fire suppression policies and
3 practices.

4 (e) The 2007 Angora Fire resulted in roughly 143,000 tons of
5 greenhouse gas emissions, or approximately 46.2 tons per acre.
6 Studies indicate that those emissions could have been lowered to
7 12 tons per acre if the tree density were reduced from
8 approximately 273 trees per acre to the natural 60 trees per acre
9 level.

10 *SEC. 2. Section 39719 of the Health and Safety Code is*
11 *amended to read:*

12 39719. (a) The Legislature shall appropriate the annual
13 proceeds of the fund for the purpose of reducing greenhouse gas
14 emissions in this state in accordance with the requirements of
15 Section 39712.

16 (b) To carry out a portion of the requirements of subdivision
17 (a), annual proceeds are continuously appropriated for the
18 following:

19 (1) Beginning in the 2015–16 fiscal year, and notwithstanding
20 Section 13340 of the Government Code, 35 percent of annual
21 proceeds are continuously appropriated, without regard to fiscal
22 years, for transit, affordable housing, and sustainable communities
23 programs as ~~following~~ follows:

24 (A) Ten percent of the annual proceeds of the fund is hereby
25 continuously appropriated to the Transportation Agency for the
26 Transit and Intercity Rail Capital Program created by Part 2
27 (commencing with Section 75220) of Division 44 of the Public
28 Resources Code.

29 (B) Five percent of the annual proceeds of the fund is hereby
30 continuously appropriated to the Low Carbon Transit Operations
31 Program created by Part 3 (commencing with Section 75230) of
32 Division 44 of the Public Resources Code. Funds shall be allocated
33 by the Controller, according to requirements of the program, and
34 pursuant to the distribution formula in subdivision (b) or (c) of
35 Section 99312 of, and Sections 99313 and 99314 of, the Public
36 Utilities Code.

37 (C) Twenty percent of the annual proceeds of the fund is hereby
38 continuously appropriated to the Strategic Growth Council for the
39 Affordable Housing and Sustainable Communities Program created
40 by Part 1 (commencing with Section 75200) of Division 44 of the

1 Public Resources Code. Of the amount appropriated in this
 2 subparagraph, no less than 10 percent of the annual proceeds, shall
 3 be expended for affordable housing, consistent with the provisions
 4 of that program.

5 (2) Beginning in the 2015–16 fiscal year, notwithstanding
 6 Section 13340 of the Government Code, 25 percent of the annual
 7 proceeds of the fund is hereby continuously appropriated to the
 8 High-Speed Rail Authority for the following components of the
 9 initial operating segment and Phase I Blended System as described
 10 in the 2012 business plan adopted pursuant to Section 185033 of
 11 the Public Utilities Code:

- 12 (A) Acquisition and construction costs of the project.
- 13 (B) Environmental review and design costs of the project.
- 14 (C) Other capital costs of the project.
- 15 (D) Repayment of any loans made to the authority to fund the
 16 project.

17 (c) *Beginning in the 2016–17 fiscal year, and notwithstanding*
 18 *Section 13340 of the Government Code, two hundred million*
 19 *dollars (\$200,000,000) of the annual proceeds of the fund is hereby*
 20 *continuously appropriated to the Department of Forestry and Fire*
 21 *Protection for activities as described in Section 4599 of the Public*
 22 *Resources Code.*

23 (e)
 24 (d) In determining the amount of annual proceeds of the fund
 25 for purposes of the calculation in subdivision (b), the funds subject
 26 to Section 39719.1 shall not be included.

27 ~~SEC. 2.~~

28 SEC. 3. Section 4599 is added to the Public Resources Code,
 29 to read:

30 4599. (a) ~~The sum of two hundred million dollars~~
 31 ~~(\$200,000,000) from the Greenhouse Gas Reduction Fund, created~~
 32 ~~pursuant to Section 16428.8 of the Government Code, shall be~~
 33 ~~made available annually to the department, upon appropriation in~~
 34 ~~the annual Budget Act, for department shall use moneys~~
 35 ~~appropriated pursuant to subdivision (c) of Section 39719 of the~~
 36 ~~Health and Safety Code to fund activities that reduce greenhouse~~
 37 ~~gas emissions in the state caused by uncontrolled forest fires,~~
 38 ~~including, but not limited to, vegetation management, forest~~
 39 ~~overgrowth reduction, and measures to ensure that future fires are~~
 40 ~~more consistent with the historic regenerative fire regime.~~

1 ***(b) The department may, and is encouraged to, use funds***
2 ***appropriated pursuant to subdivision (c) of Section 39719 of the***
3 ***Health and Safety Code to provide both of the following:***

4 ***(A) Payments to local governmental entities that carry out fire***
5 ***prevention activities.***

6 ***(B) Incentives for actions by private parties to reduce the risk***
7 ***or intensity of wildfires or improve the resiliency of lands prone***
8 ***to wildfires.***

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