

Assembly Bill No. 137

CHAPTER 972

An act to add Sections 2099 and 2100 to the Fish and Game Code, relating to endangered and threatened species, and making an appropriation therefor.

[Approved by Governor September 27, 1996. Filed
with Secretary of State September 27, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 137, Olberg. Candidate, endangered, and threatened species.

(1) Existing law establishes the California Endangered Species Act for the protection of various species.

This bill would require the Governor to establish a commission composed of persons with specified qualifications to study the economic impact of protecting candidate, threatened, and endangered species under the act. The study would be required to include, but not be limited to, an examination of the public and private cost of regulatory activities, the cost of taking private property, and the cost of species and habitat decline or loss and the value and economic benefit or cost of species protection, as described. The bill would require the commission to prepare majority and, if necessary, minority reports of the study and would require those reports to be submitted to the Legislature by December 31, 1997. The bill would also require the California Research Bureau of the California State Library to provide staffing for the commission.

(2) Existing law requires the Department of Fish and Game to pay the cost of administration of the act from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund, a continuously appropriated fund.

Because this bill would impose new administrative duties under the act, the bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 2099 is added to the Fish and Game Code, to read:

2099. (a) On or before July 1, 1997, the Governor shall establish a commission as specified in Section 2100 to study the economic impact of protecting candidate, threatened, and endangered species under this chapter.

(b) The study conducted pursuant to subdivision (a) shall include, but not be limited to, an examination of the cost of regulatory activities, the cost of providing just compensation for any actual or potential taking of private property, and the cost of species and habitat decline or loss. The cost shall include both public and private costs.

(c) The assessment of economic impact shall include the added value and economic benefit or cost of species protection and the effect of that economic impact on tourism, recreational, scientific, biomedical, and agricultural revenues.

(d) The commission shall seek counsel from a wide range of economists, environmentalists, ecologists, and other persons who are developing economic and other models that calculate the cost of environmental regulations, including the benefits of environmental protection and the cost of environmental degradation.

(e) The commission shall attempt to identify areas of agreement among the members of the commission and shall clearly identify any areas of disagreement.

(f) The commission shall prepare a majority report and, if necessary, a dissenting or minority report of the study conducted pursuant to subdivision (a), which shall be submitted to the Legislature by December 31, 1997.

SEC. 2. Section 2100 is added to the Fish and Game Code, to read:

2100. (a) The commission established pursuant to Section 2099 shall represent the full range of opinions and viewpoints regarding the protection of candidate, endangered, and threatened species and the regulatory taking of private property. The membership of the commission shall consist of equal numbers of persons meeting each of the following criteria:

(1) Persons who advocate the primacy of the market. This group shall include advocates of the free market philosophy and representatives of regulated industries and landowners, including the extractive industries.

(2) Persons who advocate that natural resources and endangered species are public trust resources, the protection of which should be regulated. This group shall include conservation biologists, environmental economists, historic preservationists, and others who advocate that the market should take full account of the claims of public trust values associated with protection of the public's natural heritage and the cost of environmental degradation.

(b) The California Research Bureau shall provide staffing for the commission.

