

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 135

Introduced by Assembly Member Jeffries

January 20, 2009

An act to amend Sections 4799.04 and 4799.12 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Jeffries. Public resources: forest resource improvement: urban forestry: cost sharing.

(1) Existing law authorizes the Department of Forestry and Fire Protection to enter into agreements and make loans to encourage private and public investment in, and improved management of, forest lands and resources within the state to ensure adequate future high-quality timber supplies, related employment and other economic benefits, and the protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations. The Director of Forestry and Fire Protection is authorized to enter into agreements for forest resource improvement work with eligible landowners that require cost sharing on the part of the landowner *and required to deposit into the Forest Resource Improvement Fund funds from any source for forest resource improvement purposes.*

This bill would allow the department to waive the cost sharing requirement when the funding source for the authorized forest resource improvement work prohibits cost sharing requirements. *The bill would exempt funds received pursuant to the federal American Recovery and*

Reinvestment Act of 2009 from a requirement that those funds be deposited by the Director of Forestry and Fire Protection in the Forest Resources Improvement Fund.

(2) Existing law, the California Urban Forestry Act of 1978, authorizes the Department of Forestry and Fire Protection to implement a program in urban forestry to, among other things, encourage better management and planting of trees in urban areas and assist cities in innovative solutions to problems, including greenhouse gas emissions, urban heat island effect, stormwater management, lack of green space, and vandalism. The director, with advice from other appropriate state agencies and interested parties, is authorized to make grants to provide assistance of ~~25%~~ 25 to 90% of costs for projects meeting guidelines established by the State Board of Forestry and Fire Protection, upon recommendation by the director.

This bill would allow the director to waive the cost sharing requirement when the funding source for a grant prohibits cost sharing requirements.

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 4799.04 of the Public Resources Code
- 2 is amended to read:
- 3 4799.04. To effectuate the purposes of this chapter, the
- 4 department is authorized to:
- 5 (a) Collect or contract for adequate supplies of high-quality seed
- 6 and take whatever steps are necessary to insure to the maximum
- 7 degree feasible that seeds or seedlings planted as part of forest
- 8 resource improvement projects undertaken pursuant to this chapter
- 9 are adapted to the planting site and measures are taken to assure
- 10 appropriate diversity of forest species.
- 11 (b) Contract for seedling production and, in cooperation with
- 12 other state, local, and federal agencies, encourage the production
- 13 of seedlings needed to accomplish reforestation in the state by
- 14 small business entities in or near areas where planting will be
- 15 carried out.
- 16 (c) Provide technical assistance to private seedling nurseries
- 17 and conduct a program for certification of the quality and

1 adaptability of seeds and tree seedlings supplied for forest resource
2 improvement projects undertaken pursuant to this chapter.

3 (d) Increase availability of genetically improved seed and
4 planting stock by expansion of seed orchards or other recognized
5 tree improvement techniques.

6 (e) In cooperation with other public and private entities or
7 persons:

8 (1) Conduct necessary research and take other appropriate
9 measures to protect the genetic integrity and diversity of forest
10 tree species, including, but not limited to, a seed depository.

11 (2) Conduct research and make grants or enter into contracts or
12 cooperative agreements with public and private entities or persons
13 concerning measures to increase the contribution of trees to
14 improve the natural environment and economy of the state and
15 measures to otherwise accomplish the purposes of this chapter.

16 (f) Purchase necessary equipment or materials and, in
17 accordance with the State Civil Service Act (commencing with
18 Section 18570 of the Government Code), appoint such deputies,
19 officers, and other employees as may be necessary.

20 (g) In cooperation with other public and private entities and
21 persons, establish such training and educational programs as may
22 be appropriate to increase the number of workers with necessary
23 skills to carry out seed collection, seedling production, and forest
24 resource improvement projects.

25 (h) To accept grants and donations of equipment, seedlings,
26 materials, or funds from any source for the purpose of supporting
27 or facilitating forest resource improvement work undertaken
28 pursuant to the provisions of this chapter. Any funds received,
29 *except funds received pursuant to the federal American Recovery*
30 *and Reinvestment Act of 2009* shall be deposited by the director
31 in the Forest Resource Improvement Fund established pursuant to
32 Chapter 3 (commencing with Section 4799.13) of this part.

33 (i) Waive the landowner cost-share *sharing* requirements of this
34 chapter when the funding source for the authorized forest resource
35 improvement work prohibits cost-share *sharing* requirements.

36 SEC. 2. Section 4799.12 of the Public Resources Code is
37 amended to read:

38 4799.12. The director, with advice from other appropriate state
39 agencies and interested parties, may make grants to provide
40 assistance of 25 to 90 percent of costs for projects meeting

1 guidelines established by the board upon recommendation by the
2 director. The director may waive the cost-share *sharing* requirement
3 for projects that are in disadvantaged and severely disadvantaged
4 communities. The director may also waive the cost-share *sharing*
5 requirement when the funding source for a grant prohibits cost
6 share *sharing* requirements. Grants may be made to cities, counties,
7 districts, and nonprofit organizations. Contributions required as a
8 condition of grants made pursuant to this section may be made in
9 the form of material, services, or equipment, or funds. Authorized
10 assistance may include, but is not limited to, any of the following
11 needs:

12 (a) Funding for development of urban tree plans that include
13 coordination of local agency efforts and citizen involvement.

14 (b) Funding for development of urban tree plans that include
15 coordination of multiple jurisdictions, multiple agency efforts, and
16 citizen involvement.

17 (c) Funding for development of urban forest master plans or
18 similar plans designed to provide comprehensive protection,
19 maintenance, and management of the urban forest.

20 (d) Provision of seedling and tree stock.

21 (e) Tree planting projects.

22 (f) Funding and other assistance to local agencies and nonprofit
23 organizations for partnerships as follows:

24 (1) Energy saving urban forest programs similar to the Los
25 Angeles Department of Water and Power's Trees for Green LA
26 program and the Sacramento Municipal Utility District's
27 Sacramento Shade Tree program.

28 (2) Developing projects or programs that use urban forests for
29 water conservation, improving water quality, or stormwater capture.

30 (3) Developing projects or programs that use urban forests for
31 air quality improvement, reduction in greenhouse gas emissions,
32 or reduction of *urban* heat island effect.

33 (4) Developing community education and engagement programs
34 on the benefits and proper care of trees.

35 (g) Funding for the development of training and educational
36 materials on the benefits of the urban forest.

37 (h) Funding for the development of training and educational
38 materials on proper care and maintenance of trees and the urban
39 forest, including young and mature tree care.

1 (i) Funding and other assistance, based on criteria developed
2 by the department, for management of urban forests to ensure their
3 survival and ability to optimize the benefits that urban forests
4 provide the community and the environment.

5 (j) Funding and other assistance for demonstration projects in
6 urban forestry with special attention given to projects or programs
7 assisting the state in meeting the requirements of the Global
8 Warming Solutions Act of 2006 (Division 25.5 (commencing with
9 Section 38500) of the Health and Safety Code), improving energy
10 and water conservation, capturing and filtering urban stormwater,
11 improving water quality, reducing the urban heat island effect,
12 improving air quality, and wood and fiber utilization projects,
13 including, but not limited to, biofuel and bioenergy.

14 (k) Other categories of projects recommended by the director
15 and approved by the board.