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**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
CHAIR**

VICE CHAIR
CUNNINGHAM, JORDAN

MEMBERS
CARRILLO, WENDY
CERVANTES, SABRINA
FRIEDMAN, LAURA
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MAYES, CHAD
NAZARIAN, ADRIAN
SALAS, JR. RUDY
WALDRON, MARIE

FONG, VINCE (R-ALT)
LEVINE, MARC (D-ALT)
REYES, ELOISE GÓMEZ (D-ALT)

Monday, June 4, 2018
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

2. ACR-246 (Calderon) Relative to World Oceans Day. (refer/hear)

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REQUEST TO ADD URGENCY CLAUSE

3. SB-495 (Vidak) Endangered species: blunt-nosed leopard lizard: taking or possession.

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ELOISE GÓMEZ REYES (D-ALT.)
VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 6/1/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, ACR 246 has been added to the referrals.

REFERRAL OF BILLS TO COMMITTEE

06/04/2018

Pursuant to the Assembly Rules, the following bills were referred to committee:

| Assembly Bill No. | Committee: |
|-------------------|-----------------|
| <u>ACR 246</u> | RLS. |
| <u>AJR 41</u> | P.E.,R., & S.S. |
| <u>SB 833</u> | G.O. |
| <u>SB 835</u> | W., P., & W. |
| <u>SB 836</u> | W., P., & W. |
| <u>SB 880</u> | INS. |
| <u>SB 895</u> | ED. |
| <u>SB 896</u> | PUB. S. |
| <u>SB 923</u> | PUB. S. |
| <u>SB 940</u> | HIGHER ED. |
| <u>SB 942</u> | APPR. |
| <u>SB 957</u> | TRANS. |
| <u>SB 987</u> | TRANS. |
| <u>SB 1007</u> | REV. & TAX. |
| <u>SB 1021</u> | HEALTH |
| <u>SB 1028</u> | U. & E. |
| <u>SB 1034</u> | HEALTH |
| <u>SB 1100</u> | PUB. S. |
| <u>SB 1155</u> | JUD. |
| <u>SB 1166</u> | P.E.,R., & S.S. |
| <u>SB 1200</u> | PUB. S. |
| <u>SB 1246</u> | REV. & TAX. |
| <u>SB 1255</u> | HEALTH |
| <u>SB 1283</u> | G.O. |
| <u>SB 1287</u> | HEALTH |
| <u>SB 1288</u> | HEALTH |
| <u>SB 1338</u> | U. & E. |
| <u>SB 1339</u> | U. & E. |
| <u>SB 1347</u> | U. & E. |
| <u>SB 1348</u> | HIGHER ED. |
| <u>SB 1375</u> | HEALTH |
| <u>SB 1386</u> | B. & P. |
| <u>SB 1395</u> | REV. & TAX. |
| <u>SB 1423</u> | HEALTH |
| <u>SB 1447</u> | B. & P. |
| <u>SB 1457</u> | HEALTH |
| <u>SB 1480</u> | B. & P. |
| <u>SB 1482</u> | B. & P. |
| <u>SB 1483</u> | B. & P. |
| <u>SCR 92</u> | TRANS. |
| <u>SCR 124</u> | TRANS. |
| <u>SCR 140</u> | RLS. |
| <u>SCR 144</u> | RLS. |
| <u>SJR 24</u> | PUB. S. |

Assembly Concurrent Resolution

No. 246

Introduced by Assembly Member Calderon

May 31, 2018

Assembly Concurrent Resolution No. 246—Relative to World Oceans Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 246, as introduced, Calderon. World Oceans Day.

This measure would recognize June 8th as World Oceans Day, and would declare that the Legislature intends to act decisively in 2018 in regard to passing legislation aimed at reducing plastic pollution in California rivers, beaches, and oceans, and would further declare that the State of California is determined to seek additional ways to curb plastic pollution on those waterways and beaches, and in other natural spaces and communities.

Fiscal committee: no.

- 1 WHEREAS, World Oceans Day 2018 is celebrated worldwide
2 on June 8th; and
3 WHEREAS, The United Nations General Assembly passed a
4 resolution in December 2008 officially recognizing World Oceans
5 Day on June 8th each year; and
6 WHEREAS, California is an environmental leader in
7 conservation, and is enriched with a beautiful Pacific coastline and
8 ocean that contributes largely to the state’s economy; and
9 WHEREAS, The main focus for World Oceans Day 2018 is to
10 inform the public of the impact of human actions on the ocean, to

1 prevent plastic pollution, and to encourage solutions to maintain
2 a healthy ocean; and

3 WHEREAS, Plastic is made from fossil fuels, both of which
4 pose a major threat to our oceans; and

5 WHEREAS, Every piece of plastic ever made still exists today,
6 and with only 9 percent of plastic waste having been recycled,
7 much of it has ended up in the ocean; and

8 WHEREAS, The amount of plastic pollution in the ocean is
9 increasing at an alarming rate, and plastic will eventually outweigh
10 the number of fish in the ocean by 2050; and

11 WHEREAS, The current equivalent of one dump truck of plastic
12 enters our ocean every minute, and 80 percent of the ocean's plastic
13 comes from land-based sources; and

14 WHEREAS, A plastic bag was recently discovered in the
15 world's deepest ocean trench; and

16 WHEREAS, Microplastics, which are small particles of plastic
17 including microbeads and microfibers, are now being found
18 ubiquitously in waterways and oceans around the world; and

19 WHEREAS, Research now shows how plastic and associated
20 toxins are being found throughout the ocean's ecosystem, including
21 in seafood sold for human consumption; and

22 WHEREAS, Most of the plastic pollution in our communities,
23 waterways, and oceans comes from single-use items, such as
24 cigarette butts, straws, plastic bottles and bottle caps, and takeaway
25 items, including containers, cups, and utensils; and

26 WHEREAS, Local governments throughout California spend
27 approximately \$428 million each year to prevent litter in streets,
28 storm drains, waterways, and beaches; and

29 WHEREAS, Source reduction is a less expensive and more
30 effective way to minimize plastic pollution than cleaning it up or
31 otherwise mitigating its impact; and

32 WHEREAS, World Oceans Day is a worldwide movement of
33 citizens on behalf of the ocean to mobilize and unite the world's
34 population on a project for the sustainable management of the
35 world's oceans; and

36 WHEREAS, World Oceans Day celebrates the beauty, wealth,
37 and promise of the ocean; now, therefore, be it

38 *Resolved by the Assembly of the State of California, the Senate*
39 *thereof concurring*, That the Legislature hereby recognizes June
40 8th as World Oceans Day; and be it further

- 1 *Resolved*, That the Legislature intends to act decisively in 2018
- 2 in regard to passing legislation aimed at reducing plastic pollution
- 3 in California rivers, beaches, and oceans; and be it further
- 4 *Resolved*, That the State of California is determined to seek
- 5 additional ways to curb plastic pollution in our waterways, rivers,
- 6 beaches, and oceans, and in all California natural spaces and
- 7 communities; and be it further
- 8 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 9 to the author for appropriate distribution.

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Date of Hearing: June 4, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 246 (Calderon) – As Introduced May 31, 2018

SUBJECT: World Oceans Day.

SUMMARY: Recognizes June 8, 2018 as World Oceans Day. Specifically, **this resolution** makes the following legislative findings:

- 1) World Oceans Day 2018 is celebrated worldwide on June 8th; and the United Nations General Assembly passed a resolution in December 2008 officially recognizing World Oceans Day on June 8th each year.
- 2) California is an environmental leader in conservation, and is enriched with a beautiful Pacific coastline and ocean that contributes largely to the state's economy.
- 3) The main focus for World Oceans Day 2018 is to inform the public of the impact of human actions on the ocean, to prevent plastic pollution, and to encourage solutions to maintain a healthy ocean.
- 4) Research now shows how plastic and associated toxins are being found throughout the ocean's ecosystem, including in seafood sold for human consumption; and, most of the plastic pollution in our communities, waterways, and oceans comes from single-use items, such as cigarette butts, straws, plastic bottles and bottle caps, and takeaway items, including containers, cups, and utensils.
- 5) Local governments throughout California spend approximately \$428 million each year to prevent litter in streets, storm drains, waterways, and beaches.
- 6) World Oceans Day is a worldwide movement of citizens on behalf of the ocean to mobilize and unite the world's population on a project for the sustainable management of the world's oceans.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 9, 2018

SENATE BILL

No. 495

Introduced by Senator Vidak

February 16, 2017

An act to amend Section ~~19601.4 of the Business and Professions Code, relating to horse racing: 5050 of, and to add Section 2081.12 to, the Fish and Game Code, relating to endangered species.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 495, as amended, Vidak. ~~Horse racing: wagering: fairs: facilities maintenance and improvement funds. Endangered species: blunt-nosed leopard lizard: taking or possession.~~

Existing law prohibits the taking or possession of a fully protected reptile or amphibian, except as provided, and designates the blunt-nosed leopard lizard as a fully protected reptile. The California Endangered Species Act prohibits the taking of an endangered or threatened species, except as specified. Under that act, the Department of Fish and Wildlife is permitted to authorize, by permit, the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would permit the department to authorize, under the California Endangered Species Act, the take or possession of the blunt-nosed leopard lizard resulting from impacts attributable to or otherwise related to the Allensworth Community Services District Safe Drinking Water Project to drill a new water well for the community of Allensworth and the Colonel Allensworth State Historic Park, if specified conditions are met. The bill would also make a conforming change.

~~Existing law, the Horse Racing Law, authorizes a fair, a combination of fairs, or an association conducting racing at a fair, after approval~~

~~from the California Horse Racing Board, to contribute 1% of the total amount handled daily in conventional and exotic pools for facilities maintenance and improvements at a fair's racetrack inclosure, for those fairs that contribute or those fairs where an association conducting racing at that fair contributes. Existing law requires that the money raised be deposited into the Inclosure Facilities Improvement Fund, which is created as a special fund in the State Treasury, and that money be made available upon appropriation by the Legislature in the annual Budget Act. Existing law requires the Secretary of Food and Agriculture to appoint a committee to advise on the administration of the funds, and requires the secretary to include in the annual expenditure plan any allocations made pursuant to these provisions, as specified.~~

~~This bill would remove the requirement that the secretary include in the annual expenditure plan any allocations made pursuant to these provisions.~~

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 2081.12 is added to the Fish and Game
- 2 Code, to read:
- 3 2081.12. (a) The department may authorize, under this chapter,
- 4 the take or possession of the blunt-nosed leopard lizard (*Gambelia*
- 5 *sila*) resulting from impacts attributable to or otherwise related
- 6 to the Allensworth Community Services District Safe Drinking
- 7 Water Project to drill a new water well for the community of
- 8 Allensworth and the Colonel Allensworth State Historic Park, if
- 9 all of the following conditions are met:
- 10 (1) The department determines the authorized take will not
- 11 jeopardize the continued existence of the blunt-nosed leopard
- 12 lizard.
- 13 (2) The impacts of the authorized take are minimized.
- 14 (3) The take authorization provides for the development and
- 15 implementation of an adaptive management plan, approved by the
- 16 department, for monitoring the effectiveness of, and adjusting as
- 17 necessary, the measures to minimize the impacts of the authorized
- 18 take.
- 19 (b) This section shall not be construed to exempt the project
- 20 described in subdivision (a) from any other law.

1 *SEC. 2. Section 5050 of the Fish and Game Code is amended*
2 *to read:*

3 5050. (a) (1) Except as provided in this section, *or* Section
4 2081.7, ~~Section 2081.9, 2081.12, or Section 2835~~, a fully protected
5 reptile or amphibian may not be taken or possessed at any time.
6 No provision of this code or any other law shall be construed to
7 authorize the issuance of a permit or license to take a fully
8 protected reptile or amphibian, and no permit or license previously
9 issued shall have any force or effect for that purpose. However,
10 the department may authorize the taking of a fully protected reptile
11 or amphibian for necessary scientific research, including efforts
12 to recover fully protected, threatened, or endangered species.
13 Before authorizing the take of a fully protected reptile or
14 amphibian, the department shall make an effort to notify all
15 affected and interested parties to solicit information and comments
16 on the proposed authorization. The notification shall be published
17 in the California Regulatory Notice Register and be made available
18 to each person who has notified the department, in writing, of his
19 or her interest in fully protected species and who has provided an
20 email address, if available, or postal address to the department.
21 Affected and interested parties shall have 30 days after notification
22 is published in the California Regulatory Notice Register to provide
23 relevant information and comments on the proposed authorization.

24 (2) As used in this subdivision, “scientific research” does not
25 include an action taken as part of specified mitigation for a project,
26 as defined in Section 21065 of the Public Resources Code.

27 (3) A legally imported fully protected reptile or amphibian may
28 be possessed under a permit issued by the department.

29 (b) The following are fully protected reptiles and amphibians:

30 (1) Blunt-nosed leopard lizard (~~Crotaphytus wislizenii silus~~).
31 (*Gambelia sila*).

32 (2) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

33 (3) Santa Cruz long-toed salamander (*Ambystoma*
34 *macrodactylum croceum*).

35 (4) Limestone salamander (*Hydromantes brunus*).

36 (5) Black toad (*Bufo boreas exsul*).

37 ~~SECTION 1. Section 19601.4 of the Business and Professions~~
38 ~~Code is amended to read:~~

39 ~~19601.4. (a) Notwithstanding any other law, a fair,~~
40 ~~combination of fairs, or an association conducting racing at a fair,~~

1 may, after approval from the board, deduct an additional 1 percent
2 from the total amount handled daily in its conventional and exotic
3 pools. The additional 1 percent shall be deposited into the Inclosure
4 Facilities Improvement Fund, which is hereby created as a special
5 fund in the State Treasury, the moneys of which are available upon
6 appropriation by the Legislature in the annual Budget Act. Any
7 moneys deducted from the handle pursuant to this section shall be
8 used solely for the purpose of facilities maintenance and
9 improvements at a fair's racetrack inclosure for those fairs that
10 contribute to, or for those fairs where an association conducting
11 racing at that fair contributes to, the Inclosure Facilities
12 Improvement Fund.

13 (b) The secretary shall appoint a committee of not more than
14 five and no fewer than three individuals with expertise in financing,
15 constructing, and managing horse racing facilities to advise in the
16 administration of the funds. The secretary shall have oversight
17 over the committee. The secretary shall adhere to the same
18 oversight responsibilities as outlined in Section 19620 when
19 administering the funds contributed and disbursed pursuant to this
20 section.

21 (c) For purposes of this section, "secretary" means the Secretary
22 of Food and Agriculture.

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California State Senate

SENATOR
ANDY VIDAK

FOURTEENTH SENATE DISTRICT



COMMITTEES
VICE CHAIR
BANKING AND
FINANCIAL INSTITUTIONS
EDUCATION
ENERGY, UTILITIES
AND COMMUNICATIONS
GOVERNMENTAL
ORGANIZATION
NATURAL RESOURCES
AND WATER

April 9, 2018

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Re: SB 495 Urgency Request Explanation

Dear Assemblymember Cooley,

I write to respectfully request urgency be added to my SB 495 which relates to the community of Allensworth and Colonel Allensworth State Historic Park.

The community of Allensworth requires a new water well as theirs has unsafe levels of arsenic in the water. They have acquired a site and completed a successful test well, but the property has been found to have blunt-nose leopard lizard burrows. These lizards are considered fully protected species as defined under FGC Chapter 2, Section 5050. For these lizards any annoyance or observation, even to check the burrows for the lizard's presence, would be considered take.

The community has asked to create a temporary exemption to authorize incidental take of the blunt-nose leopard lizards for this particular well. The bill is urgently needed as the blunt-nose leopard lizard is only active in August, thus observations must be completed this summer to comply with CEQA requirements and keep the project on schedule.

Thank you for your consideration of this measure. Please don't hesitate to contact me or Lyndsay Mitchell with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Vidak", written over a light blue circular stamp that partially overlaps the signature.

Andy Vidak