

# The California Legislative 2013 REPORT CARD



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October 2013

## 2013: Year of Division in the Capitol

It would be unlikely for anyone reading this to ever again witness a year like 2013 in the State Capitol.

The year began with 39 new members of the legislature, 38 of those in the 80-member Assembly. That was the largest freshman class since 1966. And Democrats began the year with a two-thirds majority in both houses, something that hadn't happened in 130 years.

Additionally, the freshman class represented the first group to start their career in Sacramento after winning in open primaries. The open primary system tends to favor moderates.

Finally, that freshman class was the first to benefit from a new law allowing legislators to serve a full 12 years in one house. After term limits were passed in 1990, assembly members had to give up their seats after 6 years and senators were out after 8 years. The prospect of spending a full 12 years in a single office seemed to calm the sense of urgency to act that has followed other recent classes into office.

So how did the environment fare amid this weird alignment of rare events?

### So-So State of Environmental Legislation

Bills to give the Coastal Commission, the regulatory agency responsible for enforcing the Coastal Act, modest new enforcement powers failed. Bills designed to protect public health and the environment from oil industry fracking pollution failed or got hijacked by the oil industry before passing. Bills that put millions of acres of forest land at greater risk of mismanagement and irresponsible logging passed.

On the brighter side, a couple of energy bills passed that add up to new rooftop and shared solar. Bills passed that build on long-time efforts to ensure that every Californian has clean water to drink. A bill to protect bobcats from certain kinds of trapping passed, as did one to require hunters to get the lead out of their bullets.

What does this so-so state of environmental legislation say about the power of environmental advocacy in the legislature?

### Financial Power Counts

The financial power of regulated industries is strong in the Capitol, and environmentalists begin each year at a disadvantage. The regulated industries have more lobbyists to develop relationships with legislators and staff and to cover a range of issues. They also have more money to spend on advertising and other communication tools to get their message across.

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*According to figures collected by the Secretary of State, in the first six months of this year the oil and gas industry spent more than \$6 million on lobbying, the real estate industry spent more than \$3 million, and utilities spent about \$6 million.*

*In contrast, the four environmental groups most active in the capitol spent a combined total of about \$360,000 during that same period. That's all together.*

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According to figures collected by the Secretary of State, in the first six months of this year, the oil and gas industry spent more than \$6 million on lobbying, the real estate industry spent more than \$3 million, and utilities spent about \$6 million.

In contrast, the four environmental groups most active in the capitol spent a combined total of about \$360,000 during that same period. That's all together.

That financial advantage was evident as the oil industry, especially, managed to eliminate the good bills governing fracking. Then industry interests hijacked the last bill standing, SB4, driving away even the most ardent environmental supporters in the last days of the legislative session.

It was also evident when farm trade associations teamed with the logging industry to jam through a late-session gut-and-amend (AB 744) that will help loggers circumvent timber harvest planning requirements under the guise of fire prevention. Oddly, logging larger trees—the bill's core provision—takes out many of the most fire-resistant trees from the forest.

### **Public Support Counts, Too**

To our advantage, environmental advocates have public support. Public opinion surveys consistently show that Californians care about the environment. They want strong regulation. They don't think their elected officials are doing enough to stop climate change's effects.

But we haven't been as effective as needed in translating that public sentiment into district-level pressure. District-level constituent contact is our best weapon. It helps ambitious legislators remember their constituents when faced with pressure or enticement from a polluting industry.

The Great Recession has certainly played a role in the limited success of environmental measures. Polluting industries have played on nervous electeds' lack of solutions to the bad economy. They have successfully argued to weaken environmental protections, pretending that only by polluting could we create enough jobs in California.

### **Disappointing Willingness to Settle**

But something else has been at play: The willingness to settle. Legislators have been willing to settle for less, even as all the science suggests we have to do more and do it now if we are to save this state from the worst effects of climate disruption.

Too many environmental advocates have also been willing to settle for small wins and big compromises when the state of the world suggests that time is running out.

This year the averages on Sierra Club California's scorecard are disappointingly low. That's largely because we have included three bills on the list that split the environmental community.

Sierra Club California carried out the mission of the national organization and the state volunteers who lead us by opposing AB 904, AB 744 and SB 4. Built around the seed of good ideas, each was ultimately so flawed that they promised to leave unfixable damage in their wake.

In the end, the environmental community—including the Sierra Club—is not responsible for how legislators vote. We are not responsible for how the governor responds with vetoes and signatures. Elected officials are responsible for their own actions. This scorecard reports their actions on the environmental bills we think matter most.

## **Brown's Paddling Leaves the Environment Behind**

Governor Jerry Brown is often quoted saying that he likes to govern just as one would paddle a canoe: paddling to the right, and then to the left to keep the craft on course.

This year, Brown paddled more to the right on the bills that counted the most to the environment. Of the seven bills on this year's report card that made it to the governor's desk, Brown acted in a way consistent with Sierra Club California's position on just three of them. For 2013, he receives a score of 43 percent. That's down from 73 percent last year, and 55 percent in 2011.

This year Brown aligned with the Club's support for wildlife by signing AB 711 (Rendon), a bill banning lead bullets in hunting, and AB 1213 (Bloom), which adds new protections for bobcats. He also signed SB 43 (Wolk), a bill Sierra Club supported and that will increase access to solar energy.

### **To the Right**

However, on issues that involved challenging the oil industry and timber companies, Brown failed to come through for the environment. He vetoed a bill by environmental champion Senator Mark Leno that would have laid the groundwork for limiting oil price manipulation. He also signed a bill addressing fracking regulation, but only after he participated in inserting into the bill amendments that could make it harder for fracking to be reviewed and regulated until 2015.

The governor's gift to timber companies included signing AB 904 (Chesbro), the industry-driven revision of the lifetime timber harvest planning process. He also signed AB 744 (Dahle and Gordon) the bill allowing bigger trees to be harvested without harvest plans under the guise of fire prevention. That bill was pushed by some of timber's giants, including Sierra Pacific Industries, the largest private timber

## 2013 Bill Summaries

Sierra Club California staff policy advocates select the limited number of bills that appear on this report card. The selection is based on factors that include a bill's overall importance to the state's environmental quality, the precedent it sets for good or bad impacts, and the bill's importance to fulfilling the Club's mission. This year, we scored 11 bills. One of those bills, SB 405, did not make it off the Senate floor, and so was not included in the scoring for the Assembly. Another bill, SB 750, passed in the Senate, but failed in an Assembly committee before the bill could get to the Assembly floor. Senators were scored based on 10 bills that came to the Senate floor. In the Assembly, some Assembly members were scored based on nine bills that came to the floor, and some also were scored on the bill that came to their committees. Here are summaries of the bills:

**AB 711 (Rendon):** Would help put an end to the detrimental effects of lead on the environment. It would require that hunters use non-lead ammunition in any firearm when hunting all wildlife in this state. **SUPPORT-Signed**

**AB 744 (Dahle and Gordon):** Would allow regulatory exemptions for logging of larger trees under the guise of fire prevention. Removing larger trees actually increases fire hazards. **OPPOSE-Signed**

**AB 904 (Chesbro):** Would expand eligibility for lifetime plans to forests of up to 15,000 acres in size, a six-fold increase in size over current law. However, it provides no new funding for the additional workload and staff requirements for the larger lifetime planning program. **OPPOSE-Signed**

**AB 976 (Atkins):** Would give the Coastal Commission a much-needed tool to enforce the law and protect coastal resources. It would allow the Commission to impose reasonable penalties for intentional violations of the Coastal Act. **SUPPORT- Failed in Assembly Concurrence**

**AB 1213 (Bloom):** Would make it illegal to trap Bobcats in the area surrounding Joshua Tree National Park or on property that does not belong to the trapper without written consent from the property owner. It would also require the Fish and Game commission to amend its regulations to prohibit trapping within and around state and national parks as well as in national wildlife refuges. **SUPPORT-Signed**

**AB 1323 (Mitchell):** Would define "hydraulic fracturing" in oil and gas operations and would prohibit hydraulic fracturing until adopted hydraulic fracturing regulations take effect. **SUPPORT- Failed on Assembly Floor**

**SB 4 (Pavley):** Would allow fracking fluid makers to deny public access to information about chemical quantities, which is essential to do independent assessment of environmental and public health impacts of fracking sites. Additionally, it would delay regulation of fracking until 2015 and may give fracking sites freedom from CEQA review, including by local agencies, until at least 2015. **OPPOSE-Signed**

**SB 43 (Wolk):** Would increase solar energy in the state by allowing power utilities to request Public Utilities Commission approval for participation in a green tariff shared renewables program, which would enable utility customers to tap into a local off-site renewable energy generation facility and receive a bill credit. **SUPPORT-Signed**

**SB 405 (Padilla):** Would reduce plastic bag litter by prohibiting grocery stores, pharmacies, and convenience stores from distributing single-use plastic bags while allowing them to sell recyclable paper and durable reusable bags. **SUPPORT-Failed on Senate Floor**

**SB 448 (Leno):** Would help develop information about petroleum pricing practices and oil price manipulation. **SUPPORT-Vetoed**

**SB 750 (Wolk):** Would require new multi-unit residential buildings to have submeters to help residents monitor their own water usage. **SUPPORT-Failed in Assembly Water, Parks and Wildlife Committee**

lands owner in the state, best known for its aggressive clear-cutting practices.

### To the Left

The governor also signed and vetoed a number of other environmental bills that didn't make it onto our report card. He signed clean water bills that had broad support from environmental and environmental justice groups. He also signed bills that will help improve access to electric vehicle infrastructure.

In all, he signed 33 bills the Club supported and signed 16 we opposed. He also vetoed three we supported and vetoed two we opposed. Had we scored all of those bills, he would have received a 65 percent.

Many environmentally positive bills that made it through the process this year provide incremental improvements. Others were of greater significance. They would make changes that would either do long-term damage or long-term improvement to the state's environment and environmental policy.

In this report card, we focus on bills that are of greater significance. On that measure—when the actions really counted the most—the governor earned 43 percent. He shied away from overtly bucking some very powerful industry interests.



SIERRA CLUB CALIFORNIA ASSEMBLY REPORT CARD	Vote Count	Supported Measures										Opposed Measures				
		SCORE	AB 711	AB 976	AB 1213	AB 1323	SB 43	SB 448	SB 750	AB 744	AB 904	SB 4				
			Non-lead Ammunition	Coastal Act: Enforcement Penalties	Bobcat Pro- tection Act of 2013	Hydraulic Fracturing Moratorium	Green Tariff Shared Re- newables	Petroleum Supply and Pricing	Water Meters: Multi-unit Structures (Did not come to the floor.)	Exempt Tim- ber Har- vesting Plans	Working For- est Manage- ment Plans	Oil and Gas: Well Stimu- lation				
Hernandez, Roger (D-48)	3/9	33%	+	NV-	+	NV-	+									
Holden, Chris (D-41)	6/8	75%	+	+	+	E	+									NV+
Jones, Brian (R-71)	1/9	11%	-	-	-	-	-									+
Jones-Sawyer, Reginald (D-59)	5/9	56%	+	+	+	NV-	+									-
Levine, Marc (D-10)	5/9	56%	+	NV-	+	+	+									-
Linder, Eric (R-60)	1/9	11%	-	-	-	-	-									-
Logue, Dan (R-3)	2/9	22%	-	-	-	-	+									+
Lowenthal, Bonnie (D-70)	8/9	89%	+	+	+	+	+									-
Maienschein, Brian (R-77)	2/10	20%	-	-	-	-	-									+
Mansoor, Allan (R-74)	1/9	11%	-	-	NV-	-	-									+
Medina, Jose (D-61)	3/9	33%	NV-	+	+	-	+									-
Melendez, Melissa (R-67)	1/9	11%	-	+	-	-	-									+
Mitchell, Holly (D-54)	6/9	67%	+	+	+	+	+									-
Morrill, Mike (R-40)	1/9	11%	-	-	-	-	-									+
Mullin, Kevin (D-22)	6/10	60%	+	+	+	NV-	+									-
Muratsuchi, Al (D-66)	6/9	67%	+	+	+	+	+									-
Nazarian, Adrin (D-46)	6/9	67%	+	+	+	+	+									-
Nestande, Brian (R-42)	0/9	0%	-	-	NV-	-	-									-
Olsen, Kristin (R-12)	1/9	11%	-	-	-	-	-									+
Pan, Richard (D-9)	5/9	56%	+	+	+	NV-	+									-
Patterson, Jim (R-23)	1/10	10%	-	-	-	-	-									+
Perea, Henry (D-31)	2/9	22%	NV-	+	+	-	+									-
Perez, John (D-53)	5/9	56%	+	NV-	+	+	+									-
Perez, V. Manuel (D-56)	4/9	44%	+	NV-	+	-	+									-
Quirk, Bill (D-20)	5/9	56%	+	+	+	NV-	+									-
Quirk-Silva, Sharon (D-65)	5/10	50%	+	-	+	NV-	+									-
Rendon, Anthony (D-63)	7/10	70%	+	+	+	+	+									+
Salas Jr., Rudy (D-32)	2/9	22%	-	-	-	-	+									-
Skinner, Nancy (D-15)	7/9	78%	+	+	+	+	+									NV+
Stones, Mark (D-29)	7/9	78%	+	+	+	+	+									NV+
Ting, Philip (D-19)	6/9	67%	+	+	+	+	+									-
Wagner, Donald (R-68)	1/9	11%	-	-	-	-	-									-
Waldron, Marie (R-75)	1/9	11%	-	-	-	-	NV-									+
Weber, Shirley (D-79)	5/9	56%	+	+	+	-	+									-
Wieckowski, Bob (D-25)	5/9	56%	+	+	+	NV-	+									-
Wilk, Scott (R-38)	1/9	11%	-	-	-	-	NV-									+
Williams, Das (D-37)	7/10	70%	+	+	+	+	+									-
Yamada, Mariko (D-04)	6/10	60%	+	+	+	+	+									-

NOTE: Assembly member Bob Blumenfeld was not scored because most of these votes occurred after he left the Assembly to join the Los Angeles City Council.

Founded in 1986, Sierra Club California is the legislative and regulatory advocacy arm of Sierra Club's 13 California chapters. This report was developed by Sierra Club California Director Kathryn Phillips, Policy Advocate Edward Moreno, Operations Coordinator Meg Johnson, Intern Tatitana Meza de la Torre, and dedicated volunteers.

SIERRA CLUB CALIFORNIA SENATE REPORT CARD	VOTE COUNT	Supported Measures										Opposed Measures				
		SCORE	AB 711 Non-lead Ammunition	AB 976 Coastal Act: Enforcement Penalties	AB 1213 Bobcat Pro- tection Act of 2013	SB 43 Green Tariff Shared Re- newables	SB 405 Single-use Carryout Bags	SB 448 Petroleum Supply and Pricing	SB 750 Water Me- ters: Multi- unit Struc- tures	AB 744 Exempt Tim- ber Har- vesting Plans	AB 904 Working For- est Manage- ment Plans	SB 4				
Anderson, Joel (R-36)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	+
Beall, Jim (D-15)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Berryhill, Tom (R-14)	0/10	0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Block, Marty (D-39)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Calderon, Ron (D-30)	4/10	40%	+	-	-	-	-	-	-	-	-	-	-	-	-	-
Cannella, Anthony (R-12)	0/10	0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corbett, Ellen (D-10)	8/10	80%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Correa, Lou (D-34)	5/10	50%	-	NV-	+	+	+	+	+	+	+	+	NV+	-	-	-
de Leon, Kevin (D-22)	7/10	70%	+	+	+	+	+	+	+	+	+	+	NV+	-	-	-
DeSaulnier, Mark (D-7)	8/10	80%	+	+	+	+	+	+	+	+	+	+	NV+	-	-	-
Emmerson, Bill (R-23)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	NV+
Evans, Noreen (D-2)	8/10	80%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Fuller, Jean (R-18)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	+
Gaines, Ted (R-1)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	+
Galgiani, Cathleen (D-5)	4/10	40%	NV-	+	+	+	+	+	+	+	+	+	+	+	+	-
Hancock, Loni (D-9)	9/10	90%	+	+	+	+	+	+	+	+	+	+	+	+	NV+	-
Hernandez, Ed (D-24)	7/10	70%	+	+	+	+	+	+	+	+	+	+	NV+	-	-	-
Hill, Jerry (D-13)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Hueso, Ben (D-40)	5/10	50%	+	-	+	+	+	+	+	NV-	+	+	+	+	+	-
Huff, Bob (R-29)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jackson, Hannah-Beth (D-19)	8/10	80%	+	+	+	+	+	+	+	+	+	+	+	+	+	NV+
Knight, Steve (R-21)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lara, Ricardo (D-33)	7/10	70%	+	+	+	+	+	+	+	+	+	+	NV+	-	-	-
Leno, Mark (D-11)	8/10	80%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Lieu, Ted (D-28)	9/10	90%	+	+	+	+	+	+	+	+	+	+	NV+	+	+	-
Liu, Carol (D-25)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Monning, William (D-17)	9/10	90%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Nielsen, Jim (R-4)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	+
Padilla, Alex (D-20)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Pavley, Fran (D-27)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Roth, Richard (D-31)	6/10	60%	-	+	+	+	+	+	+	+	+	+	+	+	+	-
Steinberg, Darrell (D-6)	7/10	70%	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Torres, Norma (D-32)	4/10	40%	+	-	-	-	-	-	-	-	-	-	NV+	-	-	-
Vidak, Andy (R-16)	1/8	13%	+	-	-	-	-	-	-	-	-	-	NV-	-	-	+
Walters, Mimi (R-37)	1/10	10%	-	-	-	-	-	-	-	-	-	-	E	-	-	+
Wolk, Lois (D-3)	6/10	60%	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Wright, Roderick (D-35)	3/10	30%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wyland, Mark (R-38)	1/10	10%	-	-	-	-	-	-	-	-	-	-	-	-	-	+
Yee, Leland (D-8)	6/10	60%	+	+	+	+	+	+	+	+	+	+	+	+	NV+	-

NOTE: Senator Curran Price was not scored because most of these votes occurred after he left the Senate to join the Los Angeles City Council.

### A NOTE ABOUT VOTING:

The Senate and Assembly have different rules for voting on bills. In the Senate, a member must be present at the time that a vote for a bill is called. If a member is not present for any reason, including a committee hearing, and the roll is closed, they can no longer record a vote on a bill. In the Assembly, if an Assemblymember is not present and misses a vote during the daily session, they have the opportunity at the end of the day's session to vote on any bill they didn't vote on or even change their vote on a bill from earlier in the day. Because of the Senate Rules, some Senators may have missed floor votes that may have improved their score on our scorecard had they been present at the time of the vote and voted. We recognize the difference in voting rules between the houses but we are unable to reconcile the difference or verify how a Senator would have voted if they had been present at the time of the vote for purposes of our scorecard.