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AB-2966 Conservation easements: forest lands: California Conservation Corps. (2021-2022)

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Assembly Bill No. 2966

CHAPTER 131

An act to repeal Section 815.11 of the Civil Code, and to amend Sections 14306, 14315, 14403, and 14405 of, to add Article 10 (commencing with Section 4751) to Chapter 10 of Part 2 of Division 4 of, and to repeal Section 14317 of, the Public Resources Code, relating to resource conservation.

[Approved by Governor July 19, 2022. Filed with Secretary of State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2966, Committee on Natural Resources. Conservation easements: forest lands: California Conservation Corps.

(1) Existing law establishes conservation easements as interests in real property that are voluntarily created and freely transferable and that are created to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. Existing law requires for any conservation easement purchased with state funds on or after January 1, 2019, wherein land subject to the easement includes some forest lands, or consists completely of forest lands, to the extent not in conflict with federal law, the terms of any applicable bond, or the requirements of any other funding source, that the landowner agree, as part of the easement management plan, to maintain and improve forest health through promotion of a more natural tree density, species composition, structure, and habitat function, to make improvements that increase the land's ability to provide resilient, long-term carbon sequestration and net carbon stores as well as watershed functions, to provide for the retention of larger trees and a natural range of age classes, and to ensure the growth and retention of the larger trees over time.

This bill would revise and recast the above law relating to conservation easements on forest lands by limiting the above provisions to the purchase of conservation easements on or after January 1, 2019, to December 31, 2022, inclusive.

The bill would require, for any conservation easement contracted for purchase with state funds on or after January 1, 2023, wherein land subject to the easement is composed of existing forest lands, as defined, covering at least 40 acres, except as provided, to the extent not in conflict with federal law, with the terms of any applicable bond, or with the requirements of any other funding source, that the landowner agree, as part of the easement management plan, to maintain and improve forest health through promotion of a more natural tree density, species composition, structure, and habitat function, among other things.

(2) Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program. Existing law authorizes the Director of the California Conservation Corps to do certain things, including executing contracts for furnishing the services of the corps to, and being reimbursed by, a list of specified entities, as provided.

This bill would include California Native American tribes as part of these lists of specified entities.

(3) Existing law requires a state agency that is considering the use of contracted labor to give priority to the corps when the mission of the corps and the nature of the state agency's project are substantially consistent. Existing law authorizes the corps to

contract with any state agency, as provided. Existing law authorizes the Controller, upon appropriation by the Legislature and execution of a contract, to transfer money to the Collins-Dugan California Conservation Corps Reimbursement Account from other funds under the control of the contracting state agency, including, but not limited to, specified accounts, including the Solid Waste Disposal Site Cleanup and Maintenance Account in the General Fund. Existing law requires expenditures from the Collins-Dugan California Conservation Corps Reimbursement Account in amounts transferred from the specified funds and accounts to be consistent with the requirements of each fund or account contributing each amount to the Collins-Dugan California Conservation Corps Reimbursement Account.

This bill would delete the reference to the Solid Waste Disposal Site Cleanup and Maintenance Account and would include, as part of the list of specified accounts, the Greenhouse Gas Reduction Fund, the California Cannabis Tax Fund, and the Good Neighborhood Authority Fund.

(4) Existing law authorizes the Sacramento Local Conservation Corps, certified by the California Conservation Corps, to sell a specified parcel of land located in the County of Sacramento, as provided.

This bill would delete this law.

(5) Existing law requires the California Conservation Corps to cooperate with, and seek the cooperation of, state and local workforce investment boards and youth councils, designated pursuant to the federal Workforce Investment Act, to secure employment and training services for corpsmembers, as provided. Existing law authorizes these employment and training services to include, among other things, any services provided under the federal Workforce Investment Act, as provided. Existing law requires that implementation of the educational component of a nonresidential program be contingent on the corps receiving sufficient funding from any source, including the federal Jobs Training Partnership Act, as provided.

This bill would instead require the corps to cooperate with and seek the cooperation of state and local workforce investment boards and youth councils, designated pursuant to any federal workforce development or investment act, to secure employment and training services for corpsmembers. The bill would authorize these employment and training services to include, among other things, any services provided under any federal workforce development or investment act. The bill would require that implementation of the educational component of a nonresidential program be contingent on the corps receiving sufficient funding from any source, including any federal workforce development or investment act.

(6) Existing law authorizes employment and training services to be provided to corpsmembers as a component of their work with the corps or upon their termination from the corps.

This bill would instead authorize employment and training services to be provided to corpsmembers as a component of their work with the corps or upon their separation from the corps.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 815.11 of the Civil Code is repealed.

SEC. 2. Article 10 (commencing with Section 4751) is added to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, to read:

Article 10. Conservation Easements on Forested Lands

4751. (a) (1) Except as provided in Section 4752, this section shall apply to any conservation easement, as defined in Section 815.1 of the Civil Code, contracted for purchase with state funds on or after January 1, 2023, wherein land subject to the easement is composed of existing forest lands, as defined in subdivision (g) of Section 12220, covering at least 40 acres, except as provided in paragraph (2).

(2) The 40-acre minimum in paragraph (1) shall not apply if the land subject to the easement has been zoned as a timberland production zone pursuant to Section 51112 or 51113 of the Government Code, and as defined in subdivision (g) of Section 51104 of the Government Code.

(3) This section shall not apply to a conservation trail easement when the primary purpose is for public access to a trail.

(b) To the extent not in conflict with federal law, the terms of any applicable bond, or the requirements of any other funding source, the landowner shall agree, as part of the easement management plan, to maintain and improve forest health through promotion of a more natural tree density, species composition, structure, and habitat function, to make improvements that increase the land's ability to provide resilient, long-term carbon sequestration and net carbon stores as well as watershed

functions, to provide for the retention of larger trees and a natural range of age classes, and to ensure the growth and retention of these larger trees over time.

4752. For any conservation easement purchased with state funds on or after January 1, 2019, to December 31, 2022, inclusive, wherein land subject to the easement includes some forest lands, or consists completely of forest lands, to the extent not in conflict with federal law, the terms of any applicable bond, or the requirements of any other funding source, the landowner shall agree, as part of the easement management plan, to maintain and improve forest health through promotion of a more natural tree density, species composition structure, and habitat function, to make improvements that increase the land's ability to provide resilient, long-term carbon sequestration and net carbon stores as well as watershed functions, to provide for the retention of larger trees and a natural range of age classes, and to ensure the growth and retention of these larger trees over time.

SEC. 3. Section 14306 of the Public Resources Code is amended to read:

14306. To implement this division, the director may do all of the following:

- (a) Recruit and enroll corpsmembers and special corpsmembers.
- (b) Adopt criteria for selecting applicants for enrollment in the corps' program, including criteria for individuals convicted of a crime described in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code). The director shall take into account, when adopting this criteria, the health, safety, and welfare of the public and the corps' program participants and staff.
- (c) Execute contracts containing the terms and conditions that are deemed necessary and desirable for the enrollment of corpsmembers.
- (d) Authorize the use of the corps for emergency projects occasioned by natural disasters, fire prevention and suppression, rescue of lost or injured persons, and any other activity or project necessary or desirable to carry out the purposes of this division.
- (e) Apply for and accept grants or contributions of funds from any public or private source.
- (f) Purchase, rent, or otherwise acquire or obtain necessary property, supplies, instruments, tools, equipment, and conveniences.
- (g) Execute contracts for furnishing the services of the corps to any federal, state, or local public agency; any California Native American tribe; any local or statewide private organization concerned with the objectives of the corps' program, as specified in Sections 14000 and 14300; and any person, firm, partnership, or corporation concerned with these objectives.
- (h) Procure insurance.
- (i) Be reimbursed by the federal government, any state or local public agency, any California Native American tribe, or any private organization for actual expenses incurred by the corps for any project undertaken for any such entity pursuant to subdivision (d) or (g) or pursuant to Section 14307.
- (j) To the extent permitted by Article VII of the California Constitution, execute contracts with any person, natural or corporate, for the purpose of implementing the objectives of the corps, as specified in Sections 14000 and 14300.
- (k) Use any services, material, or property of any agency of the state, and may make agreements with any agency of the state or take other actions that are reasonable and necessary.
- (l) Contract with public or private nonprofit entities to provide services for the corps.
- (m) Contract with the University of California, the California State University, the community college districts, and private institutions for the creation of special admission and tuition credit programs for corpsmembers.

SEC. 4. Section 14315 of the Public Resources Code is amended to read:

14315. (a) Subject to the availability of assistance from the corps, a state agency that is considering the use of contracted labor shall give priority to the corps when the mission of the corps and the nature of the state agency's project are substantially consistent.

(b) State agencies shall notify the corps of potential contracts for services that fit within the parameters of the legislative intent set forth in Section 14000 and shall use the corps to the maximum extent feasible to carry out projects that promote the legislative intent as set forth in Section 14000. Because of the corps' commitment to the state's youth, in the exercise of a state agency's discretion when considering contracts for services, strong consideration shall be given to the use of corpsmembers over the use of other contracted labor.

(c) The corps may contract with any state agency for the performance of activities consistent with this division.

(d) Upon appropriation by the Legislature and execution of a contract pursuant to subdivision (b), the Controller may transfer money to the Collins-Dugan California Conservation Corps Reimbursement Account from other funds under the control of the contracting state agency, including, but not limited to, the following funds and accounts:

(1) Hazardous Waste Control Account in the General Fund.

(2) State Highway Account in the State Transportation Fund.

(3) Transportation Planning and Development Account in the State Transportation Fund.

(4) California Environmental License Plate Fund.

(5) Fish and Game Preservation Fund.

(6) Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.

(7) Unallocated Account in the Cigarette and Tobacco Products Surtax Fund.

(8) Habitat Conservation Fund.

(9) Motor Vehicle Fuel Account in the Transportation Tax Fund pursuant to Section 8352.6 of the Revenue and Taxation Code (OMV Fund).

(10) Oil Spill Prevention and Administration Fund.

(11) Integrated Waste Management Account in the Integrated Waste Management Fund.

(12) State Parks and Recreation Fund.

(13) Greenhouse Gas Reduction Fund.

(14) Employment Training Fund.

(15) Harbors and Watercraft Revolving Fund.

(16) California Beverage Container Recycling Fund.

(17) California Cannabis Tax Fund.

(18) Good Neighbor Authority Fund.

(e) Expenditures from the Collins-Dugan California Conservation Corps Reimbursement Account of amounts transferred pursuant to subdivision (d) shall be limited to purposes that are consistent with the requirements of each fund or account contributing each amount to the Collins-Dugan California Conservation Corps Reimbursement Account.

SEC. 5. Section 14317 of the Public Resources Code is repealed.

SEC. 6. Section 14403 of the Public Resources Code is amended to read:

14403. (a) The corps shall cooperate with, and seek the cooperation of, state and local workforce investment boards and youth councils, designated pursuant to any federal workforce development or investment act to secure employment and training services for corpsmembers.

(b) These employment and training services may include job search assistance, skills training, transitional employment, or any other services provided under a federal workforce development or investment act that would lead to employment for the corpsmember.

(c) Employment and training services may be provided to corpsmembers as a component of their work with the corps or upon their separation from the corps.

SEC. 7. Section 14405 of the Public Resources Code is amended to read:

14405. Implementation of the educational component of the nonresidential program established pursuant to this chapter shall be contingent on the California Conservation Corps receiving sufficient funding from any source, including any federal workforce development or investment act.