

2016 Report Card

www.sierraclubcalifornia.org

October 2016

Surprising Environmental Wins Followed by Unexpected Losses

The legislative year began with surprises and ended with surprises in 2016.

And once the surprises were over, it was business as usual, with the oil and gas industry once again wielding an outsize level of power in the Capitol Building.

Nobody anticipated the giant methane gas leak at an underground gas storage facility in northern Los Angeles County that began in October 2015 and wasn't finally stopped until February 2016. But the incident opened an unexpected chance to improve regulatory oversight of gas pipes and gas storage facilities.

In This Issue

By early May—in the Capitol equivalent of lightning speed—the legislature had passed and the governor had signed emergency legislation, Senate Bill 380, by Senator Fran Pavley to address regulatory changes needed to protect the public—and the environment—from future leaks.

SB 32 and AB 197

Then, in August, a bill that appeared to have no life left, Senate Bill 32, was surprisingly reborn and the environment scored another big win. Pavley pushed Senate Bill 32 to codify goals for reducing greenhouse gas emissions by 2030 and to make it clear that the California Legislature's commitment to addressing climate disruption remains firm. The Assembly's Moderate Caucus killed the bill last year after heavy oil industry opposition surfaced.

This year, Pavley joined her bill to a bill the more independent members of the Moderate Caucus found hard to resist, Assembly Bill 197 by Assembly member Eduardo Garcia. AB 197 opened the way for more involvement by the legislature in regulatory decision making on climate change.

Because the two bills were joined, both needed to be signed into law before either could take effect. In essence, the two-bill package laid out to members that if they wanted more involvement in climate policy regulations, they would have to vote to continue effective climate policy.

The package cleared the legislature on August 24, seven days before the legislature was set to adjourn. The passage was a great achievement worth celebrating. However, it also seemed to unleash the oil and gas industry's lobbyists.

Other Bills Torpedoed in the Final Week

During the last week of the legislative session, the oil and gas industry torpedoed important environmental bills that previously seemed likely to pass. One of those was Senate Bill 1441 by Senator Mark Leno, a comSB 32, SB 1387, and SB 1441: the votes on just these three show a distinctive difference among legislators

monsense bill that would have prohibited gas companies from charging ratepayers for gas that leaked before reaching customers. Another was SB 1387 by Senate Pro Tem Kevin de León, which would have added environmental justice representatives to the board of the air pollution control district in the Los Angeles air basin.

(Continued on Page 2)

Governor's Signing Score Gives Incomplete Picture

This year, seven measures on our scorecard made it to Governor Jerry Brown's desk. He signed all seven.

Those seven measures were just a small sampling of more than 54 bills on which we took positions that made it to the governor's desk. Of those 54, Brown disagreed with our position and vetoed or signed despite our recommendations on six bills.

That means overall, Brown and the Sierra Club agreed a whole lot more often than we disagreed on legislation in 2016.

The Full Story

But that doesn't tell the full story. The environmental, environmental justice, and labor communities had to fight Brown's attempts to undercut the California Environmental Quality Act through legislative and budget packages in two key instances this year involving housing and toxic site cleanup.

Additionally, the Brown Administration continues to push forward with efforts to build giant tunnels to deliver diminishing water resources from above the San Francisco Bay Delta to parts south. In light of the effects of climate change and the other investments the state needs to make itself to be more resilient, the tunnels increasingly look like a bad financial deal, just as it has long looked like a bad deal for the environment. Yet Brown persists.

And the mess at the Coastal Commission, when forces appointed by the governor led efforts to remove the agency's executive director who had sparred with developers, proceeded without a peep from the governor.

So the governor this year receives 100 percent on his performance on our scorecard. Off the scorecard, it's another story.

(Cont, from front page)

SB 32, SB 1387 and SB 1441 are all included in our scorecard. Like the others on our scorecard, they are bills that our volunteers and staff worked hard to see pass. They aren't the only bills on which we took positions and lobbied. There were dozens of others. But taken together, the votes on just these three show a distinctive difference among legislators, particularly between the group who received high marks and those legislators who failed to break into the 80s.

Gauge Your Legislator's Performance

We prepare this scorecard to help the public gauge their legislators' performance on the environment. If you think your legislator did a good job or needs to do better, reach out and let that legislator know.

Legislators are only as good on environmental issues as their constituents demand them to be.

Spotlight on an Assembly Voting Practice

One way to amuse oneself during the voting process at the legislature is to see how long it takes for some legislators to decide how to vote.

On big bills that have been heavily lobbied by interests on opposing sides, and that have drawn media attention, there's often a group of legislators who wait until a bill clears the needed number of votes to pass or fail before they cast their vote.

In the Assembly, legislators are allowed to add on or change their vote after a measure has passed and the voting has closed, as long as the change or addition doesn't change the ultimate outcome for the measure. Once the additions or changes have been made, the vote is closed again, and that becomes the official record.

Climate Policy Votes

Voting on Senate Bill 32, the main bill on climate policy this year, provides a glimpse into that uncomfortable period of indecision. We were in the Capitol during the first vote and grabbed the outcome to compare to the final vote of record.

On this scorecard, we have indicated with two asterisks those legislators who changed their vote after the first vote was closed. Most of these legislators moved from being "not voting" to being "yes" votes. But two changed to a "no" vote, including Jim Cooper, a leader of the Moderate Caucus.

If you're wondering why your Assembly member changed votes after the first ballot, reach out to your legislator and ask. You can find a list of contact information on the Assembly's website: http://assembly.ca.gov/assemblymembers.

2016 Bill Summaries

Sierra Club California policy advocates select the bills that appear on the scorecard. 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 on which the Assembly voted and 13 bills in the Senate. The two additional bills on the Senate side were SB 1282 and SB 1239, neither of which passed and therefore did not go on to the Assembly. AB 2243, passed out of the Assembly, did not make it through the Senate committee review process and therefore only the votes of the members who were part of the committee are counted here.

AB 1066 (Gonzalez)

Reverses a 78-year-old provision that exempted farm- **SUPPORT: Failed on Assembly Floor.** workers from overtime pay requirements.

SUPPORT: Signed

AB 1550 (Gomez)

Increases the investment of California's climate pollution funds in disadvantaged communities and directs a portion to projects that directly benefit low-income households and communities. **SUPPORT: Signed**

AB 2243 (Wood)

Would have established an excise tax for medical marijuana to pay for law enforcement and remediation of environmental damage caused by marijuana cultivation. **SUPPORT: Failed in Senate Appropriations**

AB 2729 (Williams)

Increases bonding levels to encourage plugging of idle oil and gas wells to reduce air and water pollution from idle wells. **SUPPORT: Signed**

SB 32 (Pavley)

Gives the California Air Resources Board (CARB) the authority to set statewide limits for greenhouse gas emission levels equivalent to 40% below the 1990 level by 2030. **SUPPORT: Signed**

SB 1000 (Levva)

Requires an environmental justice element be included in general plan updates to reduce disproportionate environmental and health impacts.

SUPPORT: Signed

SB 1190 (Jackson)

Would have prevented ex parte, or private, communications with Coastal Commissioners during decision

making on land use and other coastal issues.

SB 1239 (T. Gaines)

Would have increased air pollution by eliminating Smog Check inspections for 1976 to 1980 model year vehicles that are insured as collector motor vehicles.

OPPOSE: Failed on Senate Floor

SB 1263 (Wieckowski)

Helps prevent the creation of new, unsustainable water systems that cannot serve their customers.

SUPPORT: Signed

SB 1279 (Hancock)

Prevents state funding from being used on projects designed to ship coal from California ports.

SUPPORT: Signed

SB 1282 (Leno)

Would have required labeling of plants and seeds that contain neonicotinoid pesticides, indicating that they may harm bees. **SUPPORT: Failed on Senate Floor**

SB 1387 (de León)

Would have added three new environmental justice appointments to the South Coast Air Quality Management District's board.

SUPPORT: Failed on Assembly Floor

SB 1441 (Leno)

Would have forced gas utilities to fix methane leaks by disallowing charges to ratepayers for gas lost due to a leaky and poorly maintained distribution system.

SUPPORT: Failed on Assembly Floor

Now that you know the score, take action!



<u>Tell your legislators you know the score.</u> Call their district offices and thank them if they scored well, or express disappointment if they didn't. Let them know you care about California's environment. You can find phone numbers for legislators at www.senate.ca.gov or <a href="https://www.senat

You can find out who your representatives are at: findyourrep.legislature.ca.gov/.



<u>Make your voice heard</u> and take action on key legislation when the 2016 legislative session begins by watching for news at: <u>www.sierraclubcalifornia.org</u>.



<u>Become a Sierra Club California member</u> and keep up on the latest news at <u>www.sierraclubcalifornia.org</u>, where you can also sign up for activist updates.

Report Card Legend and Notes

means pro-environment vote

- means anti-environment vote

ž ž

means legislator was present, but chose not to cast a vote in support of a pro-environment bill

means legislator was present, but chose not to cast a vote on an anti-environment bill

means excused absence (does not count toward total score)

means legislator changed vote after first ballot

Scores are based on the number of "+" and "NV+" votes cast versus the total number of possible votes (excused absences do not count against a score, but NV- votes do).

ACCEMBIA							SUPPOR	SUPPORTED MEASURES	RES				
REPORT CARD	COUNT	SCORE	AB 1066 Farmworker overtime	AB 1550 Greenhouse gas funds	AB 2243 Marijuana tax	AB 2729 Idle oil & gas wells	SB 32 Climate change goals	SB 1000 Env. justice in gen plans	SB 1190 Coastal commission reform	SB 1263 Water system permitting	SB 1279 Coal funds	SB 1387 Env. justice on local air board	SB 1441 Leaked gas charges
Achadjian, Katcho (R-35)	2/11	18%			+	+			,	ı			ı
Alejo, Luis (D-30)	8/11	73%	+	+	+	+	+	+	NV-	+	+	NV-	NV-
Allen, Travis (R-72)	0/11	%0		-	-	-	-		-		-		
Arambula, Joaquin (D-31)	8/11	73%	+	+	+	+	+	+		+	+	NV-	
Atkins, Toni G. (D-78)	10/11	%16	+	+	+	+	+	+	+	+	+	+	NV-
Baker, Catharine B. (R-16)	4/11	36%		-	-	+	+		-	-	+		+
Bigelow, Frank (R-05)	0/11	%0			NV-								ı
Bloom, Richard H. (D-50)	10/11	%16	+	+	+	+	+	+	-AN	+	+	+	+
Bonilla, Susan (D-14)	10/11	%16	+	+	+	+	+	+	-	+	+	+	+
Bonta, Rob (D-18)	10/11	%16	+	+	+	+	+	+	NV-	+	+	+	+
Brough, William P. (R-73)	0/11	%0		-	-	-	-	•	-	•	-	•	
Brown, Cheryl R. (D-47)	6/11	%55	+	+	+	+	* +	NV-	-	NV-	+		NV-
Burke, Autumn R. (D-62)	7/11	64%	+	+	+	+	* +	NV-	NV-	NV-	+	+	NV-
Calderon, Ian C. (D-57)	8/11	73%	+	+	+	+	+	+	-	+	+	NV-	NV-
Campos, Nora (D-27)	8/11	73%	+	+	+	+	* +	+	-	+	+		NV-
Chang, Ling-Ling (R-55)	0/11	%0		-	-AN	-AN	-		-	-	-		
Chau, Ed (D-49)	10/11	%16	+	+	+	+	+	+	-AN	+	+	+	+
Chávez, Rocky J. (R-76)	1/11	%6	-	-	+	-	**-	-	-	-	-	-	-
Chiu, David S. (D-17)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Chu, Kansen (D-25)	8/11	73%	+	+	+	+	+	+	-	NV-	+	NV-	+
Cooley, Ken (D-08)	8/11	73%	-	+	+	+	+	+	-	+	+	+	-
Cooper, Jim (D-09)	4/11	36%	-	+	+	+	**-	NV-	-	NV-	+	-	NV-
Dababneh, Matthew M. (D-45)	9/11	82%	+	+	+	+	+	+	-	+	+	_	+
Dahle, Brian (R-01)	2/11	18%	-	+	+	-	-	-	-	1	-	-	-
Daly, Tom F. (D-69)	4/11	36%	+	+	+	+	NV-	NV-	-	NV-	NV-	-	
Dodd, Bill (D-04)	8/11	73%	1	+	+	+	+	+	1	+	+	+	NV-
Eggman, Susan Talamantes (D-13)	9/11	82%	NV-	+	+	+	**+	+	NV-	+	+	+	+
Frazier, Jim L., Jr. (D-11)	4/11	36%	-	NV-	+	+	-	+	-	1	+	NV-	-
Gaines, Beth (R-06)	0/11	0%	-	-	NV-	1	-	-	-	1	1	-	
Gallagher, James M. (R-03)	2/11	18%	-	+	+	-	-	-	-	-	-	-	-
Garcia, Cristina (D-58)	9/11	85%	+	+	+	+	+	+	NV-	+	+	+	NV-
Garcia, Eduardo (D-56)	9/11	82%	+	+	+	+	+	+	NV-	+	+	NV-	+
Gatto, Mike (D-43)	10/11	91%	+	+	+	+	+	+	-	+	+	+	+
Gipson, Mike A. (D-64)	7/11	64%	+	+	+	-AN	+	+	-	+	+	NV-	NV-
Gomez, Jimmy (D-51)	9/11	82%	+	+	+	+	+	+	-	+	+	+	NV-
Gonzalez, Lorena S. (D-80)	10/11	%16	+	+	+	+	+	+	NV-	+	+	+	+

2016 Legislative Report Card, Page 4 www.sierraclubcalifornia.org Sierra Club California

5
Page
Card,
keport
Legislative b
2016

							SUPPOR	SUPPORTED MEASURES	ES				
REPORT CARD	VOTE	SCORE	AB 1066 Farmworker overtime	AB 1550 Greenhouse gas funds	AB 2243 Marijuana tax	AB 2729 Idle oil & gas wells	SB 32 Climate change goals goals	SB 1000 Env. justice in gen plans	SB 1190 Coastal commission reform	SB 1263 Water system permitting	SB 1279 Coal funds	SB 1387 Env. justice on local air board	SB 1441 Leaked gas charges
Gordon, Richard S. (D-24)	10/11	%16	+	+	+	+	+	+	+	+	+	NV-	+
Gray, Adam C. (D-21)	3/7	43%	1	E	+	+	-	Э	I	+	•	I	•
Grove, Shannon L. (R-34)	0/11	%0	-	NV-	-	1	-	-	-			-	
Hadley, David (R-66)	3/11	27%	1	1	+	+	1	1	1	1	+	1	NV-
Harper, Matthew (R-74)	0/11	%0										-	
Hernández, Roger (D-48)	11/6	85%	+	+	+	+	**+	+	-	+	+	-AN	+
Holden, Chris R. (D-41)	9/11	82%	+	+	+	+	+	+	-	+	+	NV-	+
Irwin, Jacqui V. (D-44)	10/11	91%	NV-	+	+	+	+	+	+	+	+	+	+
Jones, Brian W. (R-71)	0/11	%0			NV-		,			•			ı
Jones-Sawyer, Reginald B., Sr. (D-59)	10/11	%16	+	+	+	+	+	+	NV-	+	+	+	+
Kim, Young O. (R-65)	0/11	%0	-	-	NV-	NV-	-	-	-	-	-	-	-
Lackey, Tom W. (R-36)	1/11	%6	-	-	-	+	-	-	-	-	-	-	-
Levine, Marc B. (D-10)	10/11	%16	NV-	+	+	+	+	+	+	+	+	+	+
Linder, Eric F. (R-60)	2/11	18%	+	NV-	1	+	1	-	-	1		ı	
López, Patty (D-39)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Low, Evan (D-28)	9/11	82%	+	+	+	+	+	+	NV-	+	+	+	NV-
Maienschein, Brian (R-77)	2/11	18%	-	-	+	+	-	-	-	-	-	-	-
Mathis, Devon J. (R-26)	2/11	18%	-	+	-	+	-	-	-	-	-	-	-
Mayes, Chad J. (R-42)	1/11	%6	1	1	+	1	1	-	1	1		1	1
McCarty, Kevin (D-07)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Medina, Jose (D-61)	8/11	73%	+	+	+	+	+	+	+	+	NV-	ı	1
Melendez, Melissa A. (R-67)	0/10	%0	1	-	ı	1	1	•	1	1	E	1	NV-
Mullin, Kevin (D-22)	9/11	82%	+	+	+	+	+	+	NV-	+	+	NV-	+
Nazarian, Adrin (D-46)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Obernolte, Jay P. (R-33)	0/11	%0	'	-	NV-	'	•		ı	ı	•	1	
O'Donnell, Patrick (D-70)	7/11	64%	+	+	+	+	**+	+	+	NV-	NV-	NV-	NV-
Olsen, Kristin M. (R-12)	1/11	%6	-	NV-	+	1	-	1	-	1	-	1	1
Patterson, Jim (R-23)	1/11	%6	-	-	+	-	-	-	-	1	-	-	-
Quirk, Bill (D-20)	9/11	82%	+	+	ı	+	+	+	NV-	+	+	+	+
Rendon, Anthony, Ph.D. (D-63)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Ridley-Thomas, Sebastian (D-54)	8/11	73%	+	+	+	+	+	+	1	NV-	+	+	•
Rodriguez, Freddie (D-52)	8/11	73%	+	+	+	+	+	+	NV-	+	+	-	NV-
Salas, Rudy, Jr. (D-32)	6/11	%55	+	+	+	+	-	+	-	1	+	•	
Santiago, Miguel (D-53)	9/11	82%	+	+	+	+	+	+	NV-	+	+	+	NV-
Steinorth, Marc (R-40)	0/11	%0	'		ı	'	1	•	ı	ı		ı	1
Stone, Mark (D-29)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Thurmond, Tony (D-15)	10/11	91%	+	+	+	+	+	+	NV-	+	+	+	+
Ting, Philip Y. (D-19)	10/11	91%	+	+	NV-	+	+	+	+	+	+	+	+
Wagner, Donald P. (R-68)	1/11	%6	'	-	NV-	+	•		1	ı	,	ı	
Waldron, Marie (R-75)	0/11	%0		•	-	1	-	-	-	1	•	•	•
Weber, Shirley N. (D-79)	9/11	82%	+	+	+	+	+	+	-	+	+	NV-	+
Wilk, Scott T. (R-38)	2/11	18%	•	-	+	+	-	•	1	1		1	•
Williams, Das G. (D-37)	11/11	100%	+	+	+	+	+	+	+	+	+	+	+
Wood, Jim (D-02)	9/11	82%	NV-	+	+	+	+	+	+	+	+	+	NV-

							ns	SUPPORTED MEASURES	IEASURES						OPPOSED
SENATE REPORT CARD	VOTE	SCORE	AB 1066 Farmworker overtime	AB 1550 Greenhouse gas funds	AB 2243 Marijuana tax	AB 2729 Idle oil & gas wells	SB 32 Climate change goals goals	SB 1000 Env. justice in gen plans	SB 1190 Coastal commission reform	SB 1263 Water system permitting	SB 1279 Coal funds	SB 1282 Bee-killing pesticides	SB 1387 Env. justice on local air board	SB 1441 Leaked gas charges	SB 1239 Smog exemption
Allen, Benjamin (D-26)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Anderson, Joel (R-38)	1/12	%8	•			+		1	1			-	-		
Bates, Patricia C. (R-36)	1/12	%8	•			+	-	-	-	-		•	-	•	
Beall, Jim (D-15)	13/13	100%	+	+	+	+	+	+	+	+	+	+	+	+	+
Berryhill, Tom (R-08)	0/12	%0				NV-			1						
Block, Marty (D-39)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Cannella, Anthony J. (R-12)	2/12	17%		NV-		+		1			,		•	+	
de León, Kevin (D-24)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Fuller, Jean (R-16)	1/12	%8				+						-	•		
Gaines, Ted (R-01)	0/12	%0				NV-		1	1	•			-		•
Galgiani, Cathleen (D-05)	5/12	42%	NV-	+		+	NV-	+	NV-	-AN	+		-AN	+	ı
Glazer, Steven M. (D-07)	8/12	%19		+		+	+	1	+	+	+		-AN	+	+
Hall, Isadore, III (D-35)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Hancock, Loni (D-09)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Hernandez, Ed, O.D. (D-22)	11/13	%58	+	+	+	+	+	+	NV-	+	+	NV-	+	+	NV+
Hertzberg, Robert M. (D-18)	13/13	100%	+	+	+	+	+	+	+	+	+	+	+	+	NV+
Hill, Jerry (D-13)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Hueso, Ben (D-40)	7/11	64%	+	+		E	+	+	NV-	•	+	NV-	+	+	•
Huff, Bob (R-29)	1/12	%8	•	•		-	-	1	1	-			-	+	
Jackson, Hannah-Beth (D-19)	11/12	%76	+	+		+	+	+	+	+	+	NV-	+	+	+
Lara, Ricardo (D-33)	11/13	%58	+	+	NV-	+	+	+	+	+	+	NV-	+	+	+
Leno, Mark (D-11)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	+
Leyva, Connie M. (D-20)	11/12	%76	NV-	+		+	+	+	+	+	+	+	+	+	+
Liu, Carol (D-25)	11/12	%76	+	+		+	+	+	+	+	+	+	+	+	-
McGuire, Mike (D-02)	11/12	%76	NV-	+		+	+	+	+	+	+	+	+	+	+
Mendoza, Tony (D-32)	10/12	%£8	+	+		+	+	+	+	+	+	NV-	+	+	-
Mitchell, Holly J. (D-30)	11/12	95%	+	+		+	+	+	+	+	+	+	-AN	+	+
Monning, William W. (D-17)	11/12	%26	+	+		+	+	+	+	+	+	-	+	+	+
Moorlach, John M.W. (R-37)	1/13	%8			+		,	1	ı	1	•		ı		ı
Morrell, Mike L. (R-23)	1/12	%8		-		+	-	1		•		-	•		•
Nguyen, Janet (R-34)	0/13	%0	-	-	-	-	-	-	NV-	•	-	-	-		1
Nielsen, Jim W. (R-04)	0/12	%0	-	-		-	-	NV-	-	-	-	-	-	-	-
Pan, Richard, M.D. (D-06)	11/12	95%	+	+		+	+	+	+	+	+	NV-	+	+	+
Pavley, Fran (D-27)	12/13	%76	+	+	+	+	+	+	+	+	+		+	+	+
Roth, Richard D. (D-31)	8/12	%29	NV-	+		+	+	+	+	+	+	-	NV-	+	•
Stone, Jeff E. (R-28)	0/12	%0	-	-		-	-	-	-	-	-	-	-	-	-
Vidak, Andy (R-14)	0/12	%0	-	-		-	-	-	1	-	-	-	-	-	•
Wieckowski, Bob (D-10)	12/12	%001	+	+		+	+	+	+	+	+	+	+	+	+
Wolk, Lois (D-03)	12/12	100%	+	+		+	+	+	+	+	+	+	+	+	NV+
Vacant (SD 21)															
						2.2			 - -				J.1 2~		

Sierra Club California, founded in 1986, is the legislative and regulatory advocacy arm of the Sierra Club's 13 California chapters. This report was developed by Sierra Club California Director Kathryn Phillips, Policy Advocates Edward Moreno, Kyle Jones, and Diana Vazquez, Operations staff Meg Gunderson and Geraldine Villanueva, and Interns Gabrielle Fuerst and Daniel Barad.

Sierra Club California