



BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

DOUG KIM - CHAIR  
JOHN BAUTERS  
PAULINE RUSSO CUTTER  
SCOTT HAGGERTY  
KAREN MITCHOFF  
BRAD WAGENKNECHT

MARGARET ABE-KOGA - VICE CHAIR  
DAVID CANEPA  
JOHN GIOIA  
TYRONE JUE  
JIM SPERING

THURSDAY  
FEBRUARY 28, 2019  
9:30 A.M.

1<sup>ST</sup> FLOOR BOARD ROOM  
375 BEALE STREET  
SAN FRANCISCO, CA 94105

**AGENDA**

1. **CALL TO ORDER - ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC MEETING PROCEDURE**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members. The Committee Chair shall lead the Pledge of Allegiance.*

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas) at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.*

**Public Comment on Agenda Items** *The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.*

2. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3** *For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

Staff/Phone (415) 749-

3. **APPROVAL OF THE MINUTES OF JANUARY 14, 2019**

Clerk of the Boards/5073

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of January 14, 2019.*

4. **CONSIDERATION OF NEW BILLS**

A. Abbs/5109

[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will discuss and review new bills and take positions where appropriate.*

5. **WILDFIRE SMOKE PUBLIC HEALTH BILL**

A. Abbs/5109

[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive information regarding, potential wildfire smoke legislative strategy of an Air District sponsored bill, to increase the number of publicly accessible clean air spaces, during emergency events such as wildfires.*

6. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

*Speakers who did not have the opportunity to address the Committee in the first round of comments on non-agenda matters will be allowed two minutes each to address the Committee on non-agenda matters.*

7. **COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS**

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

8. **TIME AND PLACE OF NEXT MEETING**

*Wednesday, March 27, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.*

9. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Legislative Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Committee meeting. Any correspondence received after that time will be presented to the Committee at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT ANTICIPATED MEETINGS

#### FEBRUARY 2019

| <u>TYPE OF MEETING</u>                        | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>                      |
|-----------------------------------------------|------------|-------------|-------------|----------------------------------|
| Board of Directors Budget & Finance Committee | Wednesday  | 27          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room |
| Board of Directors Legislative Committee      | Thursday   | 28          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room |

#### MARCH 2019

| <u>TYPE OF MEETING</u>                                                 | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>                                  |
|------------------------------------------------------------------------|------------|-------------|-------------|----------------------------------------------|
| Board of Directors Regular Meeting                                     | Wednesday  | 6           | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Advisory Council Mtg.                                                  | Monday     | 11          | 10:00 a.m.  | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Public Engagement Committee                         | Thursday   | 14          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Stationary Source Committee                         | Monday     | 18          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Executive Committee                                 | Wednesday  | 20          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Budget & Finance Committee                          | Friday     | 22          | 9:30 a.m.   | 1 <sup>st</sup> Floor, Yerba Buena Room #109 |
| Board of Directors Technology Implementation Office Steering Committee | Monday     | 25          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Legislative Committee                               | Wednesday  | 27          | 9:30 a.m.   | 1 <sup>st</sup> Floor, Yerba Buena Room #109 |
| Board of Directors Mobile Source Committee                             | Thursday   | 28          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |

## APRIL 2019

| <u>TYPE OF MEETING</u>                          | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>                                  |
|-------------------------------------------------|------------|-------------|-------------|----------------------------------------------|
| Board of Directors Regular Meeting              | Wednesday  | 3           | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Regular Meeting              | Wednesday  | 17          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Public Engagement Committee  | Thursday   | 18          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Climate Protection Committee | Monday     | 22          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |
| Board of Directors Budget & Finance Committee   | Wednesday  | 24          | 9:30 a.m.   | 1 <sup>st</sup> Floor, Yerba Buena Room #109 |
| Board of Directors Legislative Committee        | Wednesday  | 24          | 10:30 a.m.  | 1 <sup>st</sup> Floor, Yerba Buena Room #109 |
| Board of Directors Mobile Source Committee      | Thursday   | 25          | 9:30 a.m.   | 1 <sup>st</sup> Floor Board Room             |

VJ – 2/21/19 - 2:27 p.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 19, 2018

Re: Approval of the Minutes of January 14, 2019

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of January 14, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of January 14, 2019.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Committee Meeting of January 14, 2019

## AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of January 14, 2019

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

### Video Conference Location

Santa Rosa Junior College  
Doyle Library, Room 4248  
1501 Mendocino Avenue  
Santa Rosa, Ca 95401

### **DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Monday, January 14, 2019

#### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:32 a.m. Director Zane was participating via videoconference from Santa Rosa Junior College.

Present: Chairperson Doug Kim; Vice Chairperson Margaret Abe-Koga; and Directors David Canepa, Karen Mitchoff, Jim Spering, Brad Wagenknecht, and Shirlee Zane (remote).

Absent: Directors John J. Bauters, John Gioia, Scott Haggerty, and Liz Kniss.

Also Present: Board of Directors (Board) Chairperson David Hudson

#### **2. PUBLIC COMMENT ON NON-AGENDA ITEMS, PURSUANT TO GOVERNMENT CODE SECTION 54954.3**

No requests submitted.

#### **3. APPROVAL OF THE MINUTES OF DECEMBER 17, 2018**

##### Public Comments

No requests received.

##### Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Director Spering, to **approve** the minutes of December 17, 2018; and the motion **carried** by the following vote of the Committee:

- AYES: Canepa, Hudson, Kim, Mitchoff, Spering, Wagenknecht, and Zane.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Abe-Koga, Bauters, Gioia, Haggerty, and Kniss.

**4. CONSIDERATION OF NEW BILLS**

Chair Kim introduced Alan Abbs, the Air District’s new Legislative Officer, who presented the following bills to the Committee:

- **Assembly Bill (AB) 40 (Ting)** – Requires the California Air Resources Board (CARB) to develop a strategy to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040. *Staff recommendation: Do not take a position until the Air District’s (District) next Legislative Committee meeting, allowing time for District staff to meet with authors.*
- **Senate Bill (SB) 1 (Atkins)** – Defines “baseline federal standards” for air quality; requires CARB to publish changes made to federal standards on a quarterly basis and assess how federal standards have been impacted by these changes. *Staff recommendation: Support in principle but continue working with authors to address District’s concerns.*
- **SB 210 (Leyva)** – Creates a Heavy-Duty Vehicle Inspection & Maintenance Program and a “smog check” for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight. *Staff recommendation: Support.*

NOTED PRESENT: Director Abe-Koga was noted present at 9:44 a.m.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Committee Comments

- **Assembly Bill (AB) 40 (Ting)** – The Committee and staff discussed whether this legislation will apply to zero-emission vehicles already on the road or zero-emission vehicles for sale; whether the legislation includes provisions that were designed to benefit low-income communities and outreach to those communities; the request that Air District staff communicates to the author that Board members want to ensure that the comprehensive strategy to move toward complete electrification of new passenger vehicles sold in California by 2040 required by AB 40 will actually be implemented in a follow-up bill; whether air districts are excluded from the development of the comprehensive strategy, and the request that Air District staff communicates to the author that Board members would like air districts to be involved; whether this legislation is in

alignment with/applies to the Air District’s “Diesel-Free by ‘33” campaign; the percentage of light and medium-duty electric vehicles that have been sold in California; and the anticipated reaction of automobile manufacturers in response to this legislation.

- **Senate Bill (SB) 1 (Atkins)** – The Committee and staff discussed the need for the collaborated analyzation of this legislation by legal counsel from all California air districts before air district adopt positions.
- **SB 210 (Leyva)** – The Committee and staff discussed the need for specific outreach to the agricultural industry, and CARB’s Off-Road Regulation pertaining to agricultural operations; the request that the Air District immediately educates the public about this legislation to generate public support; the concern that weigh station inspections will increase pollution from idling engines on highways and impose additional burdens on the California Highway Patrol; and the request that the District involves Assemblymember Ash Kalra in their discussion of this bill, when appealing to the author.

### Committee Action

Director Mitchoff motioned, and Director Wagenknecht seconded, that the Committee recommend that the Board adopt the following positions on the following bills:

- **Assembly Bill (AB) 40 (Ting)** – Support if amended.
- **Senate Bill (SB) 1 (Atkins)** – Do not take a position until the Air District’s next Legislative Committee meeting, allowing time for Air District staff to meet with authors.
- **SB 210 (Leyva)** – Do not take a position until the Air District’s next Legislative Committee meeting, allowing time for Air District staff to meet with authors.

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Hudson, Kim, Mitchoff, Spring, Wagenknecht, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Bauters, Gioia, Haggerty, and Kniss.

## **5. SACRAMENTO LEGISLATIVE UPDATE**

Mr. Abbs and Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, gave updates on the following topics: Legislative Committee Assignments for the 2019-2020 Legislative Session; the release of the Governor’s Budget, including allocations for wildfire emergency readiness, response and recovery; air districts’ continued need for implementation funding for AB 617; Cap and Trade Program auction projections; and budget cuts to California’s Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program.

### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed the Air District’s concern of disproportionate FARMER Program funding allocations to the Bay Area *prior to* this new budget cut in the program, the need for an updated State inventory of agricultural equipment, the request that Air District staff advocates to the Governor’s financial advisors on the (Bay Area) agricultural community’s behalf, the amount of food that is produced in the San Joaquin Valley (historically the recipient of the greatest amount of FARMER Program funding), and the need for Legislators to be educated on this issue; the need to educate the public about clean food production; and the request that the Air District continues to monitor Pacific Gas and Electric’s decision to file for bankruptcy, as it could affect 2019 legislation.

Committee Action

None; receive and file.

**6. POTENTIAL WILDFIRE SMOKE PUBLIC HEALTH LEGISLATION**

Mr. Broadbent introduced this item as the Air District’s signature legislative effort for 2019. He introduced Wayne Kino, Deputy Air Pollution Control Officer, and Mr. Abbs, who gave the staff presentation *Potential Wildfire Smoke Public Health Legislation*, including: review; summer 2018 California fires; Particulate Matter<sub>2.5</sub> concentrations; Wildfire Air Quality Response Program; program and legislative strategy; and costs.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed disposable mask effectiveness, the tradeoffs of staying inside homes or going outdoors with a mask during or after a wildfire, and the need to clarify to the public that disposable N95 respirator masks are not to be reused, as they are intended for single-use only; confusion between local agencies (in any given Bay Area county) as to who is responsible for obtaining masks from the Air District and distributing them to constituents, and the need for state funding for masks; whether the proposed clean air shelters are going to offer long or short-term shelter; the suggestion that new construction of schools include design elements of clean air shelters; the Air District’s plan to create inventories of eligible buildings for clean air shelters in each county; the need to establish a communication plan, procedures, and policies so that CARB, the Air District, and county officials and staff will know how to reach out to one another during the next wildfire; the need to educate the public about the impacts of wildfire and wood smoke on human health; whether there is enough time to have this legislation properly authored and submitted to the Office of Legislative Counsel; the ways in which counties can support the Air District’s legislative efforts; and whether the proposed legislation will be statewide or applied only to the Bay Area.

Committee Action

None; receive and file.

**7. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

**8. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

Board Chair Hudson said that he would be interested to know if any legislation regarding insurance on autonomous vehicles is anticipated to be introduced in 2019. He also reiterated a prior statement regarding the need for a protocol for putting out wildfires in a shorter period of time than it currently takes.

Director Zane stated that she recently attended the National Council for Science and the Environment's (Council) Annual Conference and spoke about the Council's new initiative called "Resilience through Innovation in Sustainable Energy."

**9. TIME AND PLACE OF NEXT MEETING**

Monday, February 25, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

**10. ADJOURNMENT**

The meeting adjourned at 11:37 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 21, 2019

Re: Consideration of New Bills

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**RECOMMENDED ACTION**

Recommend the Board of Directors take the following positions on proposed legislation:

- **Assembly Bill (AB) 40** - Phil Ting (D-San Francisco) - “Support” position if amendments include more explicit air district participation.
- **AB 210** - Randy Voepel (R-Santee) - “Oppose”
- **Senate Bill (SB) 210** - Senator Connie Leyva (D-Chino) - “Support”

**OVERVIEW**

Each year, as part of California’s legislative process new State Assembly and Senate bills are put in print by a deadline imposed for bill introduction. This legislative cycle, the deadline is on February 22, 2019. The attached list of bills of interest is current as of February 14, 2019.

The Committee will discuss and review the attached list, as well as an updated list of bills introduced by the date of its meeting. The Committee will also consider the recommendations above, as well as any new recommendations resulting from additional bills submitted by its meeting date.

**DISCUSSION**

Staff will provide a brief rundown of bills on the attached list, with a focus on the following bills:

***Bills with Recommended Positions***

**Assembly Bill (AB) 40** is authored by Assemblymember Phil Ting (D-San Francisco), and would require the California Air Resources Board (CARB) to develop a strategy by January 1, 2021 to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040. The strategy would include examining credit provisions, regulatory structures, market acceptance, potential technology advancements, and further research needs. The bill also requires

identification of areas of coordination with other state agencies and air districts to implement the strategy. In developing the strategy, CARB shall consult with experts in academia, industry, and the community. Air districts are not specifically noted as being part of the strategy development process, which appears to be an oversight that could be part of a future amendment. It should be noted that the timeline to complete the strategy would be very aggressive. California has set ambitious goals for electrifying transportation via regulation, Executive Orders, and statute. At the direction of the Board of Directors (Board), staff met with the Assemblymember's staff about including references to air districts more explicitly in the bill language prior to taking an official position of support. The current version of the bill is attached, however, it is likely that the bill will be amended soon, per discussions with staff, which may include our requested changes. **Staff recommends a "Support" position if amendments include more explicit air district participation.**

**AB 210** is authored by Assemblymember Randy Voepel (R-Santee), and would expand exemptions of smog check testing from the current exemption given to pre-1976 model year gasoline powered vehicles, to pre-1983 model years. The bill would also exempt from smog check all diesel vehicles with a gross vehicle weight of greater than 14,001 pounds, regardless of the model year. Smog check is a cost effective way to reduce motor vehicle emissions by identifying vehicles in need of repair and maintenance. Expansion of exemptions to the oldest model years in the smog check program would run counter to efforts to improve air quality. In addition, the added diesel exemption as written runs counter to Senate Bill 210 which would establish a heavy duty diesel inspection and maintenance program. **Staff recommends taking an "Oppose" position.**

**SB 210** was a bill introduced by Senator Connie Leyva (D-Chino) in 2017 that eventually died in the Assembly in 2018. The 2019 version is also SB 210, and would create a Heavy-Duty Vehicle Inspection and Maintenance program, a "Smog Check" for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight. The bill would task state agencies to create test procedures for different model years and emissions control technologies to measure oxides of nitrogen and particulate matter, and then to create requirements for motor vehicles to pass test procedures in order to register or operate in the state. The revised bill would start with implementation of a pilot program to demonstrate effectiveness. Heavy-duty diesel trucks are the largest source of diesel particulate emissions in the state, as well as large contributors of oxides of nitrogen, and a vehicle inspection and maintenance program would provide significant health benefits to people that live and work near areas with high levels of truck traffic. **Staff recommends a "Support" position**, and to work with the Senator to minimize potential transportation corridor impacts that could be created if roadside testing is contemplated.

### ***Bills Recommended for Further Monitoring***

**AB 315** and **AB 464** are "spot" bills introduced by Assemblymember Cristina Garcia (D-Bell Gardens) that relate to Health and Safety Code sections referencing air districts and their work within the AB 617 program. Based on discussions with the Assemblymember's staff, these could be used after future hearings of the Joint Committee on Climate Change Policies, of which she is the chair. There is no action at this time.

**Senate Bill (SB) 1** is authored by Senate Pro-Tem Toni Atkins (D-San Diego) and is similar to **SB 49**, which was introduced in 2017 by then Senate Pro-Tem Kevin De Leon (D-Los Angeles). The Legislative Committee recommended a “Support if Amended” position and Air District staff provided input to the Pro-Tem’s office, but ultimately the bill did not advance. SB 1 defines “baseline federal standards” for air quality as federal standards implementing the Clean Air Act in effect as of January 19, 2017 and requires CARB to publish a list of changes made to federal standards on a quarterly basis as well as an assessment on whether the change has resulted in more or less stringency than the baseline federal standard. If CARB determines that a change results in less stringency, CARB would then consider actions to minimize the effect in California, including amending regulations, writing an emergency regulation, or amending state policies or plans, some of which would likely then create a conforming response for air districts. SB 49 also has a citizen suit provision that allows a civil action to be brought against regulatory agencies, including air districts, to ensure that baseline federal standards are not being weakened. The bill would become inoperable on January 20, 2025 and be repealed on January 1, 2026. While well intentioned, SB 1 could create a significant administrative burden for CARB and the air districts in amending current regulations or developing new ones to counter federal weakening. In many instances, state and local regulations are already more stringent than federal requirements, and in some circumstances the ultimate benefit would be minimal. Like SB 49, staff recommends supporting the legislation in principle, but also to not take a position on the bill at this time.

**SB 45** is authored by Senator Ben Allen (D-Santa Monica) and proposes a statewide bond measure for popular vote in 2020. The bond proposes funding for various wildfire, flood, and drought measures including mitigation funding to support expansion of “cooling centers.” This bill, with a slight amendment to include “clean air centers” in addition to cooling centers, could provide a long term funding path for the Air District’s clean air center bill. Staff will be meeting with the Senator’s staff to propose amendments, and may bring this item back with a future recommendation to support.

**SB 168** is authored by Senator Bob Wieckowski (D-Fremont) and creates the Chief Officer of Climate Change and Resilience in state government. Among other things, the bill proposes “... to have a cohesive and comprehensive response to climate change impacts, the state must have integrated planning with coordinated strategies across state, regional, and local governments and agencies designed to reduce the costs of future climate disaster and protect local, state, and regional infrastructure assets, including natural infrastructure systems.” Staff recommends monitoring this bill but not taking a position at this time.

**SB 209** is authored by Senator Bill Dodd (D-Napa), and creates the California Wildfire Warning Center. It also requires every electrical corporation with equipment in high fire risk areas, to deploy one weather monitoring station for every circuit. Staff recommends monitoring this bill but not taking a position at this time.

**SB 216** was introduced by Senator Cathleen Galgiani (D-Stockton) and would expand the Carl Moyer Program (CMP) to include provisions for a used heavy-duty truck exchange that has been piloted in other air districts. Under a normal Carl Moyer grant, a grantee would purchase a new truck and scrap the old truck, whereas under a truck exchange program the old truck, if the engine was not uncontrolled, could be re-purposed and traded to replace an uncontrolled vehicle. The concept has merit, but in practice is difficult because many of the trucks require significant maintenance or modifications prior to transfer to the new owner. This investment, which would be covered by the CMP, may not be as cost effective as reductions from the traditional program, or from other incentive programs. This bill will be of interest to many air quality management districts and other stakeholders, and staff will work with them as well as discussing the bill with the Senator's staff.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

- Attachment 4A: BAAQMD Bill Discussion List – as of February 14, 2019
- Attachment 4B: 2019 Assembly Bill 40 (Ting)
- Attachment 4C: 2019 Assembly Bill 210 (Voepel)
- Attachment 4D: 2019 Senate Bill 1 (Atkins)
- Attachment 4E: 2019 Senate Bill 45 (Allen)
- Attachment 4F: 2019 Senate Bill 168 (Wieckowski)
- Attachment 4G: 2019 Senate Bill 209 (Dodd)
- Attachment 4H: 2019 Senate Bill 210 (Leyva)
- Attachment 4I: 2019 Senate Bill 216 (Galgiani)

# BAAQMD BILL DISCUSSION LIST

February 14, 2019

| BILL NO. | AUTHOR      | SUBJECT                                                                                                                                     | STATUS | POSITION              |
|----------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------------|
| AB 40    | Ting        | Zero emission vehicles: comprehensive strategy                                                                                              |        | Support<br>(proposed) |
| AB 148   | Quirk-Silva | Regional transportation plans: sustainable community strategies                                                                             |        |                       |
| AB 185   | Grayson     | California Transportation Commission: transportation policies: joint meetings                                                               |        |                       |
| AB 210   | Voepel      | Smog check: exemption                                                                                                                       |        | Oppose<br>(proposed)  |
| AB 254   | Quirk-Silva | Alternative fuel vehicles: flexible fuel vehicles                                                                                           |        |                       |
| AB 285   | Friedman    | California Transportation Plan                                                                                                              |        |                       |
| AB 293   | E. Garcia   | Greenhouse gases: offset protocols                                                                                                          |        |                       |
| AB 296   | Cooley      | Climate change: Climate Innovation Commission                                                                                               |        |                       |
| AB 315   | C. Garcia   | Stationary Sources: emissions reporting (Spot)                                                                                              |        |                       |
| AB 343   | Patterson   | Forestry: fuels transportation program: biomass energy facility: grant program                                                              |        |                       |
| AB 345   | Muratsuchi  | State Air Resources Board (Spot)                                                                                                            |        |                       |
| AB 352   | E. Garcia   | California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan: Transformative Climate Communities Program |        |                       |
| AB 409   | Limon       | Climate change: agriculture: grant program                                                                                                  |        |                       |
| AB 423   | Gloria      | San Diego County Air Pollution Control District: members                                                                                    |        |                       |
| AB 457   | Quirk       | Occupational safety and health: lead: permissible exposure levels                                                                           |        |                       |
| AB 464   | C. Garcia   | California Global Warming Solutions Act of 2006 (Spot)                                                                                      |        |                       |
|          |             |                                                                                                                                             |        |                       |
| SB 1     | Atkins      | California Environmental, Public Health, and Worker Defense Act of 2019                                                                     |        |                       |
| SB 43    | Allen       | Carbon taxes                                                                                                                                |        |                       |
| SB 45    | Allen       | Wildfire, Drought, and Flood Protection Bond Act of 2020                                                                                    |        |                       |
| SB 59    | Allen       | Automated vehicle technology: statewide policy                                                                                              |        |                       |

|        |            |                                                                                              |  |                       |
|--------|------------|----------------------------------------------------------------------------------------------|--|-----------------------|
| SB 127 | Wiener     | Transportation funding: active transportation: complete streets                              |  |                       |
| SB 168 | Wieckowski | Climate change: Chief Officer of Climate Adaptation and Resilience                           |  |                       |
| SB 209 | Dodd       | Wildfire: California Wildfire Warning Center: weather monitoring                             |  |                       |
| SB 210 | Leyva      | Heavy-Duty Vehicle Inspections and Maintenance Program                                       |  | Support<br>(proposed) |
| SB 216 | Galgiani   | Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange |  |                       |

**ASSEMBLY BILL**

**No. 40**

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**Introduced by Assembly Members Ting and Kalra  
(Coauthors: Assembly Members Berman, Friedman, McCarty, and  
Mark Stone)**

December 3, 2018

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An act to add Section 43018.6 to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 40, as introduced, Ting. Zero-emission vehicles: comprehensive strategy.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law required the state board to develop and adopt regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles, light-duty trucks, and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state.

This bill, no later than January 1, 2021, would require the state board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles, as defined, by 2040, as specified.

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. The Legislature finds and declares all of the  
2 following:

3 (a) The largest source of the state’s greenhouse gas emissions  
4 come from the transportation sector, primarily from passenger  
5 vehicles, accounting for nearly 40 percent of emissions.

6 (b) Over one-half of criteria air pollution, which causes smog  
7 and direct health impacts, comes from transportation.

8 (c) People who live near freeways and busy roadways are at  
9 high risk for exposure to health-threatening air pollutants from  
10 passenger vehicles traveling those corridors.

11 (d) Since the 1990s, air pollution experts have identified moving  
12 to zero-emission vehicles as a key to delivering clean air to  
13 residents.

14 (e) The state can effectively reduce both health-threatening  
15 criteria air pollution and climate pollution by adopting  
16 zero-emission vehicles statewide.

17 (f) Climate change is a matter of increasing concern for public  
18 health and the environment in the state.

19 (g) The control and reduction of greenhouse gas emissions are  
20 critical to slow the effects of climate change, such as sea-level  
21 rise, extreme weather events, or food insecurity.

22 (h) Technological solutions to reduce greenhouse gas emissions  
23 will stimulate the state’s economy and provide good clean energy  
24 job opportunities.

25 SEC. 2. Section 43018.6 is added to the Health and Safety  
26 Code, to read:

27 43018.6. (a) For purposes of this section, “zero-emission  
28 vehicles” means a vehicle that produces zero exhaust emissions  
29 of any criteria air pollutant, precursor pollutant, or greenhouse gas,  
30 excluding emissions from air conditioning systems, under any  
31 possible operating modes or conditions.

32 (b) No later than January 1, 2021, the state board shall develop  
33 a comprehensive strategy to ensure that the sales of new motor  
34 vehicles and new light-duty trucks in the state have transitioned  
35 fully to zero-emission vehicles by 2040. In developing the strategy,  
36 the state board shall do all of the following:

37 (1) Assess the credit provisions and regulatory structure  
38 adjustments needed to meet the future motor vehicle volumes in

1 order to shift the state’s new motor vehicle market to zero-emission  
2 vehicles by 2040.

3 (2) Identify regulation that could improve market acceptance,  
4 spur technology advancements, and reduce technology costs.

5 (3) Identify research needs to address any data gaps.

6 (4) Identify areas where coordination with other state agencies  
7 and districts is needed to implement measures identified as part  
8 of the comprehensive strategy.

9 (c) As part of the comprehensive strategy developed pursuant  
10 to subdivision (b), the state board shall consult with experts in  
11 academia, industry, and the community on zero-emission vehicles,  
12 motor vehicle marketing, and motor vehicle technology adoption.

13 The topics shall include, but not be limited to, all of the following:

14 (1) Identification of opportunities and challenges for adopting  
15 zero-emission vehicles.

16 (2) Recommendations to increase dealership engagement and  
17 improve the retail experience.

18 (3) Identification of regulatory actions other state agencies might  
19 take to encourage greater consumer access to zero-emission  
20 vehicles.

21 (d) To provide a forum for public engagement, the state board  
22 shall hold at least one public workshop during the development  
23 of the comprehensive strategy required pursuant to subdivision  
24 (b).

AMENDED IN ASSEMBLY FEBRUARY 12, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 210**

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**Introduced by Assembly Member Voepel**

January 14, 2019

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An act to amend Section 44011 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 210, as amended, Voepel. Smog check: exemption.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts specified vehicles from being inspected biennially upon renewal of registration, including, among others, all motor vehicles manufactured prior to the 1976 model-year and all diesel-powered vehicles with a gross vehicle weight rating of 14,001 pounds or greater. *model-year.*

This bill instead would exempt from the smog check program all motor vehicles manufactured prior to the 1983 model-year and all diesel-powered vehicles manufactured prior to the 1983 model-year with a gross vehicle weight rating of 14,001 pounds or greater. *model-year.*

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 44011 of the Health and Safety Code is  
2 amended to read:

3 44011. (a) All motor vehicles powered by internal combustion  
4 engines that are registered within an area designated for program  
5 coverage shall be required biennially to obtain a certificate of  
6 compliance or noncompliance, except for the following:

7 (1) All motorcycles until the department, pursuant to Section  
8 44012, implements test procedures applicable to motorcycles.

9 (2) All motor vehicles that have been issued a certificate of  
10 compliance or noncompliance or a repair cost waiver upon a change  
11 of ownership or initial registration in this state during the preceding  
12 six months.

13 (3) All motor vehicles manufactured prior to the 1983  
14 model-year.

15 (4) (A) Except as provided in subparagraph (B), all motor  
16 vehicles four or less model-years old.

17 (B) (i) Beginning January 1, 2005, all motor vehicles six or  
18 less model-years old, unless the state board finds that providing  
19 an exception for these vehicles will prohibit the state from meeting  
20 the requirements of Section 176(c) of the federal Clean Air Act  
21 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with  
22 respect to the state implementation plan required by the federal  
23 Clean Air Act.

24 (ii) Notwithstanding clause (i), beginning January 1, 2019, all  
25 motor vehicles eight or less model-years old, unless the state board  
26 finds that providing an exception for these vehicles will prohibit  
27 the state from meeting the requirements of Section 176(c) of the  
28 federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state's  
29 commitments with respect to the state implementation plan required  
30 by the federal Clean Air Act.

31 (iii) Clause (ii) does not apply to a motor vehicle that is seven  
32 model-years old in year 2018 for which a certificate of compliance  
33 has been obtained.

34 (C) All motor vehicles excepted by this paragraph shall be  
35 subject to testing and to certification requirements as determined  
36 by the department, if any of the following apply:

37 (i) The department determines through remote sensing activities  
38 or other means that there is a substantial probability that the vehicle

1 has a tampered emission control system or would fail for other  
2 cause a smog check test as specified in Section 44012.

3 (ii) The vehicle was previously registered outside this state and  
4 is undergoing initial registration in this state.

5 (iii) The vehicle is being registered as a specially constructed  
6 vehicle.

7 (iv) The vehicle has been selected for testing pursuant to Section  
8 44014.7 or any other provision of this chapter authorizing  
9 out-of-cycle testing.

10 (D) This paragraph does not apply to diesel-powered vehicles.

11 (5) In addition to the vehicles exempted pursuant to paragraph  
12 (4), any motor vehicle or class of motor vehicles exempted pursuant  
13 to subdivision (c) of Section 44024.5. It is the intent of the  
14 Legislature that the department, pursuant to the authority granted  
15 by this paragraph, exempt at least 15 percent of the lowest emitting  
16 motor vehicles from the biennial smog check inspection.

17 (6) All motor vehicles that the department determines would  
18 present prohibitive inspection or repair problems.

19 (7) Any vehicle registered to the owner of a fleet licensed  
20 pursuant to Section 44020 if the vehicle is garaged exclusively  
21 outside the area included in program coverage, and is not primarily  
22 operated inside the area included in program coverage.

23 (8) (A) All diesel-powered vehicles manufactured prior to the  
24 1998 model-year.

25 (B) All diesel-powered vehicles that have a gross vehicle weight  
26 rating of 8,501 to 10,000 pounds, inclusive, until the department,  
27 in consultation with the state board, pursuant to Section 44012,  
28 implements test procedures applicable to these vehicles.

29 (C) All diesel-powered vehicles that have a gross vehicle weight  
30 rating from 10,001 pounds to 14,000 pounds, inclusive, until the  
31 state board and the Department of Motor Vehicles determine the  
32 best method for identifying these vehicles, and until the department,  
33 in consultation with the state board, pursuant to Section 44012,  
34 implements test procedures applicable to these vehicles.

35 (D) All diesel-powered vehicles ~~manufactured prior to the 1983~~  
36 ~~model-year and~~ that have a gross vehicle weight rating of 14,001  
37 pounds or greater.

38 (b) Vehicles designated for program coverage in enhanced areas  
39 shall be required to obtain inspections from appropriate smog  
40 check stations operating in enhanced areas.

- 1 (c) For purposes of subdivision (a), a collector motor vehicle,  
2 as defined in Section 259 of the Vehicle Code, is exempt from  
3 those portions of the test required by subdivision (f) of Section  
4 44012 if the collector motor vehicle meets all of the following  
5 criteria:
- 6 (1) Submission of proof that the motor vehicle is insured as a  
7 collector motor vehicle, as shall be required by regulation of the  
8 bureau.
  - 9 (2) The motor vehicle is at least 35 model-years old.
  - 10 (3) The motor vehicle complies with the exhaust emissions  
11 standards for that motor vehicle's class and model-year as  
12 prescribed by the department, and the motor vehicle passes a  
13 functional inspection of the fuel cap and a visual inspection for  
14 liquid fuel leaks.

**SENATE BILL**

**No. 1**

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**Introduced by Senators Atkins, Portantino, and Stern**

December 3, 2018

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An act to add and repeal Title 24 (commencing with Section 120000) of the Government Code, relating to state prerogative.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Atkins. California Environmental, Public Health, and Workers Defense Act of 2019.

(1) The federal Clean Air Act regulates the discharge of air pollutants into the atmosphere. The federal Clean Water Act regulates the discharge of pollutants into water. The federal Safe Drinking Water Act establishes drinking water standards for drinking water systems. The federal Endangered Species Act of 1973 generally prohibits activities affecting threatened and endangered species listed pursuant to that act unless authorized by a permit from the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate.

Existing state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species.

This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

(2) Existing law provides for the enforcement of laws regulating the discharge of pollutants into the atmosphere and waters of the state. Existing law provides for the enforcement of drinking water standards. Existing law provides for the enforcement of the California Endangered Species Act.

This bill would authorize a person acting in the public interest to bring an action to enforce certain federal standards and requirements incorporated into certain of the above-mentioned state laws if specified conditions are satisfied.

(3) Existing federal law generally establishes standards for workers' rights and worker safety.

Existing state law generally establishes standards for workers' rights and worker safety.

This bill would require specified agencies to take prescribed actions regarding certain requirements and standards pertaining to worker's rights and worker safety. The bill would authorize a person acting in the public interest to enforce standards and requirements related to worker's rights and worker safety, as provided.

(5) This bill would make its provisions inoperative as of January 20, 2025, and would repeal them as of January 1, 2026.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 24 (commencing with Section 120000) is  
2 added to the Government Code, to read:

1 TITLE 24. CALIFORNIA ENVIRONMENTAL, PUBLIC  
2 HEALTH, AND WORKERS DEFENSE ACT OF 2019

3  
4 DIVISION 1. GENERAL PROVISION

5  
6 120000. This title shall be known, and may be cited, as the  
7 California Environmental, Public Health, and Workers Defense  
8 Act of 2019.

9  
10 DIVISION 2. ENVIRONMENT, NATURAL RESOURCES,  
11 AND PUBLIC HEALTH

12  
13 CHAPTER 1. FINDINGS AND DECLARATIONS

14  
15 120010. The Legislature finds and declares all of the following:

16 (a) For over four decades, California and its residents have relied  
17 on federal laws, including the federal Clean Air Act (42 U.S.C.  
18 Sec. 7401 et seq.), the Federal Water Pollution Control Act (Clean  
19 Water Act) (33 U.S.C. Sec. 1251 et seq.), the federal Safe Drinking  
20 Water Act (42 U.S.C. Sec. 300f et seq.), and the federal Endangered  
21 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), along with their  
22 implementing regulations and remedies, to protect our state’s public  
23 health, environment, and natural resources.

24 (b) These federal laws establish standards that serve as the  
25 baseline level of public health and environmental protection, while  
26 expressly authorizing states like California to adopt more protective  
27 measures.

28 (c) Beginning in 2017, a new presidential administration and  
29 United States Congress have signaled a series of direct challenges  
30 to these federal laws and the protections they provide, as well as  
31 to the underlying science that makes these protections necessary,  
32 and to the rights of the states to protect their own environment,  
33 natural resources, and public health as they see fit.

34 (d) It is therefore necessary for the Legislature to enact  
35 legislation that will ensure continued protections for the  
36 environment, natural resources, and public health in the state even  
37 if the federal laws specified in subdivision (a) are undermined,  
38 amended, or repealed.

39 120011. The purposes of this division are to do all of the  
40 following:

1 (a) Retain protections afforded under the federal laws specified  
2 in subdivision (a) of Section 120010 and regulations implementing  
3 those federal laws in existence as of January 19, 2017, regardless  
4 of actions taken at the federal level.

5 (b) Protect public health and welfare from any actual or potential  
6 adverse effect that reasonably may be anticipated to occur from  
7 pollution, including the effects of climate change.

8 (c) Preserve, protect, and enhance the environment and natural  
9 resources in California, including, but not limited to, the state's  
10 national parks, national wilderness areas, national monuments,  
11 national seashores, and other areas with special national or regional  
12 natural, recreational, scenic, or historic value.

13 (d) Ensure that economic growth will occur in a manner  
14 consistent with the protection of public health and the environment  
15 and preservation of existing natural resources.

16 (e) Ensure that any decision made by a public agency that may  
17 adversely impact public health, the environment, or natural  
18 resources is made only after careful evaluation of all the  
19 consequences of that decision and after adequate procedural  
20 opportunities for informed public participation in the  
21 decisionmaking process.

22  
23 CHAPTER 2. GENERAL PROVISIONS  
24

25 120030. (a) A state agency may adopt standards or  
26 requirements pursuant to this title, including, but not limited to,  
27 by emergency regulations in accordance with Chapter 3.5  
28 (commencing with Section 11340) of Part 1 of Division 3 of Title  
29 2.

30 (b) The adoption of emergency regulations in furtherance of  
31 this title shall be deemed an emergency and necessary for the  
32 immediate preservation of the public peace, health, and safety, or  
33 general welfare.

34 (c) Notwithstanding Chapter 3.5 (commencing with Section  
35 11340) of Part 1 of Division 3 of Title 2, emergency regulations  
36 adopted by a state agency under this title shall not be subject to  
37 review by the Office of Administrative Law and shall remain in  
38 effect until revised or repealed by the state agency, or January 20,  
39 2021, whichever comes first.

CHAPTER 3. OPERATIVE PROVISIONS

Article 1. Air

120040. For purposes of this article, the following definitions apply:

(a) “Air district” means an air quality management or air pollution control district.

(b) “Baseline federal standards” means federal standards in effect as of January 19, 2017.

(c) “Federal standards” means federal laws or federal regulations implementing the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) including federal requirements for a state implementation plan, federal requirements for the transportation conformity program, and federal requirements for the prevention of significant deterioration.

(d) “State analogue statute” means the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) or Division 26 (commencing with Section 39000) of the Health and Safety Code.

(e) “State board” means the State Air Resources Board.

120041. Except as otherwise authorized by state law, all of the following apply:

(a) The state board shall regularly assess proposed and final changes to the federal standards.

(b) (1) At least quarterly, the state board shall publish a list of changes made to the federal standards and provide an assessment on whether a change made to the federal standards is more or less stringent than the baseline federal standards.

(2) If the state board determines that a change to the federal standards is less stringent than the baseline federal standards, the state board shall consider whether it should adopt the baseline federal standards as a measure in order to maintain the state’s protections to be at least as stringent as the baseline federal standards.

(3) The state board shall publish its list, assessment, and consideration for adoption at least 30 days prior to a vote on adoption on its internet Web site for public comment.

1 (c) If the state board decides to adopt a measure pursuant to  
2 subdivision (b), the state board shall adopt the measure by either  
3 of the following procedures:

4 (1) As an emergency regulation in accordance with Section  
5 120030.

6 (2) By promulgation or amendment of a state policy, plan, or  
7 regulation.

8 (d) Notwithstanding any other law, the state board, when  
9 adopting a measure under paragraph (2) of subdivision (c) may  
10 adopt those measures in accordance with Section 100 of Title 1 of  
11 the California Code of Regulations and the measures shall be  
12 deemed to be a change without regulatory effect pursuant to  
13 paragraph (6) of subdivision (a) of that section and not subject to  
14 additional notice, procedural, or other considerations contained in  
15 state analogue statutes identified in this article. Nothing in this  
16 chapter shall affect the imposition of sanctions under the federal  
17 Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

18 (e) In the event that the citizen suit provision set forth in Section  
19 7604 of Title 42 of the United States Code is amended to restrict,  
20 condition, abridge, or repeal the citizen suit provision, the state  
21 board may consider the amendment as a change to the federal  
22 standards and may adopt the baseline federal standards pursuant  
23 to subdivision (c).

24 (f) This article does not prohibit the state board or air districts  
25 from establishing rules and regulations for California that are more  
26 stringent than the baseline federal standards.

27 120042. (a) An action may be brought by a person in the public  
28 interest exclusively to enforce baseline federal standards adopted  
29 as a measure pursuant to subdivision (c) of Section 120041 if all  
30 of the following requirements are met:

31 (1) At least 60 days prior to initiating the action, a complainant  
32 provides a written notice to the Attorney General and the counsel  
33 for the state board, a district attorney, county counsel, counsel of  
34 the air district, and prosecutor in whose jurisdiction the violation  
35 is alleged to have occurred, and the defendant identifying the  
36 specific provisions of the measure alleged to be violated.

37 (2) The Attorney General, a district attorney, a city attorney,  
38 county counsel, counsel of the state board, counsel of an air district,  
39 or a prosecutor has not commenced an action or has not been  
40 diligently prosecuting the action.

1 (b) Upon filing the action, the complainant shall notify the  
2 Attorney General that the action has been filed.

3 (c) The court may award attorney’s fees pursuant to Section  
4 1021.5 of the Code of Civil Procedure, and expert fees and court  
5 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
6 appropriate, for an action brought pursuant to this section.

7 (d) This section does not limit other remedies and protections  
8 available under state or federal law.

9  
10 Article 2. Water

11  
12 120050. For purposes of this article, the following definitions  
13 apply:

14 (a) “Baseline federal standards” means federal standards in  
15 effect as of January 19, 2017, including water quality standards,  
16 effluent limitations, and drinking water standards.

17 (b) “Board” means the State Water Resources Control Board.

18 (c) “Federal standards” means federal laws or federal regulations  
19 implementing the federal Safe Drinking Water Act (42 U.S.C. Sec.  
20 300f et seq.) and the Federal Water Pollution Control Act (33  
21 U.S.C. Sec. 1251 et seq.) in effect as of January 19, 2017, including  
22 water quality standards, effluent limitations, and drinking water  
23 standards.

24 (d) “Regional board” means a regional water quality control  
25 board.

26 (e) “State analogue statute” mean the Porter-Cologne Water  
27 Quality Control Act (Division 7 (commencing with Section 13000)  
28 of the Water Code) or the California Safe Drinking Water Act  
29 (Chapter 4 (commencing with Section 116270) of Part 12 of  
30 Division 103 of the Health and Safety Code).

31 120051. Except as otherwise authorized by state law, all of the  
32 following apply:

33 (a) The board shall regularly assess proposed and final changes  
34 to the federal standards.

35 (b) (1) At least quarterly, the board shall publish a list of  
36 changes made to the federal standards and provide an assessment  
37 on whether a change made to the federal standards is more or less  
38 stringent than the baseline federal standards.

39 (2) If the board determines that a change to the federal standards  
40 is less stringent than the baseline federal standards, the board shall

1 consider whether it should adopt the baseline federal standards as  
2 a measure in order to maintain the state’s protections to be at least  
3 as stringent as the baseline federal standards.

4 (3) The state board shall publish its list, assessment, and  
5 consideration for adoption at least 30 days prior to a vote on  
6 adoption on its Internet Web site for public comment.

7 (c) If the board decides to adopt a measure pursuant to  
8 subdivision (b), the board shall adopt the measure by either of the  
9 following procedures:

10 (1) As an emergency regulation in accordance with Section  
11 120030.

12 (2) By promulgation or amendment of a state policy for water  
13 quality control, a water quality control plan, or regulation.

14 (d) Notwithstanding any other law, the board, when adopting a  
15 measure under paragraph (2) of subdivision (c) may adopt those  
16 measures in accordance with Section 100 of Title 1 of the  
17 California Code of Regulations and the measures shall be deemed  
18 to be a change without regulatory effect pursuant to paragraph (6)  
19 of subdivision (a) of that section and not subject to additional  
20 notice, procedural, or other considerations contained in state  
21 analogue statutes identified in this article. Nothing in this chapter  
22 shall affect the imposition of sanctions under the federal Clean Air  
23 Act (42 U.S.C. Sec. 7401 et seq.).

24 (g) (1) In the event that the citizen suit provision set forth in  
25 Section 1365 of Title 33 of the United States Code is amended to  
26 restrict, condition, abridge, or repeal the citizen suit provision, the  
27 board may consider the amendment as a change to the federal  
28 standards and may adopt the baseline federal standards pursuant  
29 to subdivision (c).

30 (2) In the event that the citizen suit provision set forth in Section  
31 300j-8 of Title 42 of the United States Code is amended to restrict,  
32 condition, abridge, or repeal the citizen suit provision, the board  
33 may consider the amendment as a change to the federal standards  
34 and may adopt the baseline federal standards pursuant to  
35 subdivision (c).

36 (h) This article does not prohibit the board or the regional boards  
37 from establishing rules and regulations for California that are more  
38 stringent than the baseline federal standards.

39 120052. (a) An action may be brought by a person in the public  
40 interest exclusively to enforce baseline federal standards adopted

1 as a measure pursuant to subdivision (c) of Section 120051 if all  
2 of the following requirements are met:

3 (1) At least 60 days prior to initiating the action, a complainant  
4 provides a written notice to the Attorney General and the counsel  
5 for the board, a district attorney, county counsel, counsel of the  
6 regional board, and prosecutor in whose jurisdiction the violation  
7 is alleged to have occurred, and the defendant identifying the  
8 specific provisions of the measure alleged to be violated.

9 (2) The Attorney General, a district attorney, a city attorney,  
10 county counsel, counsel of the board, counsel of a regional board,  
11 or a prosecutor has not commenced an action or has not been  
12 diligently prosecuting the action.

13 (b) Upon filing the action, the complainant shall notify the  
14 Attorney General that the action has been filed.

15 (c) The court may award attorney’s fees pursuant to Section  
16 1021.5 of the Code of Civil Procedure, and expert fees and court  
17 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
18 appropriate, for an action brought pursuant to this section.

19 (d) This section does not limit other remedies and protections  
20 available under state or federal law.

21

### 22 Article 3. Endangered and Threatened Species

23

24 120060. For purposes of this article, “baseline federal  
25 standards” means the federal Endangered Species Act of 1973 (16  
26 U.S.C. Sec. 1531 et seq.) in effect as of January 19, 2017, its  
27 implementing regulations, and any incidental take permits,  
28 incidental take statements, or biological opinions in effect as of  
29 January 19, 2017.

30 120061. Except as otherwise authorized by state law, the  
31 following apply:

32 (a) To ensure no backsliding as a result of any change to the  
33 federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et  
34 seq.) or its implementing regulations, in the event of the federal  
35 delisting of a species that is eligible for protection under the  
36 California Endangered Species Act and which is listed as  
37 endangered or threatened pursuant to the federal Endangered  
38 Species Act of 1973 as of January 1, 2017, or a change in the  
39 legally protected status of such a species, including through a  
40 change in listing from endangered to threatened, the adoption of

1 a rule pursuant to Section 4(d) of the federal Endangered Species  
2 Act, or any amendment to the federal Endangered Species Act of  
3 1973 or its implementing regulations, or any exemption from the  
4 application of the federal Endangered Species Act of 1973 to a  
5 federally listed species as of January 1, 2017, the Fish and Game  
6 Commission shall determine whether to list, in accordance with  
7 subdivision (b), that species under the California Endangered  
8 Species Act pursuant to this section.

9 (b) The Fish and Game Commission shall list the affected  
10 species identified in subdivision (a), pursuant to subdivision (c)  
11 and without following the regular listing process set forth in Article  
12 2 (commencing with Section 2070) of Chapter 1.5 of Division 3  
13 of the Fish and Game Code, no later than the conclusion of its  
14 second regularly scheduled meeting or within three months,  
15 whichever is shorter, after the occurrence of the event described  
16 in subdivision (a) unless either the Fish and Game Commission  
17 determines that listing of the species is not warranted because it  
18 does not meet the criteria in Chapter 1.5 (commencing with Section  
19 2050) of Division 3 of the Fish and Game Code or its implementing  
20 regulations or the Department of Fish and Wildlife recommends  
21 that the species undergo the regular listing process. If the  
22 Department of Fish and Wildlife makes a recommendation that  
23 the species undergo the regular listing process, the Fish and Game  
24 Commission shall either accept the recommendation, in which  
25 event the Fish and Game Commission shall be deemed to have  
26 accepted a petition for listing the species pursuant to paragraph  
27 (2) of subdivision (e) of Section 2074.2 of the Fish and Game  
28 Code, or reject the recommendation and immediately list the  
29 species pursuant to this subdivision.

30 (c) Notwithstanding any other law or regulation, because a  
31 decision by the Fish and Game Commission to list a species  
32 without following the regular listing process becomes effective  
33 immediately, the Fish and Game Commission shall add that species  
34 to the list of endangered or threatened species pursuant to Section  
35 100 of Title 1 of the California Code of Regulations, and the  
36 addition of that species to the list shall be deemed to be a change  
37 without regulatory effect pursuant to paragraph (6) of subdivision  
38 (a) of that section.

39 (d) (1) Upon the listing of any species under this section, the  
40 Fish and Game Commission or the Department of Fish and Wildlife

1 may authorize the taking of such species as otherwise provided  
 2 for in the Fish and Game Code. In lieu of authorizing take under  
 3 the provisions of Chapter 1.5 (commencing with Section 2050) of  
 4 Division 3 of the Fish and Game Code, the Fish and Game  
 5 Commission or the Department of Fish and Wildlife may adopt  
 6 the terms and conditions of any rule promulgated under Section  
 7 4(d) of the federal Endangered Species Act, federal incidental take  
 8 statement, incidental take permit, or biological opinion in effect  
 9 at the time of the event described in subdivision (a).

10 (2) The Department of Fish and Wildlife shall ensure that  
 11 protections remain in place pursuant to regulation, incidental take  
 12 permit, or consistency determination that are at least as stringent  
 13 as required by the baseline federal standards, as determined by the  
 14 Department of Fish and Wildlife.

15 (3) This subdivision does not prohibit the Department of Fish  
 16 and Wildlife from establishing conditions that are more stringent  
 17 than the baseline federal standards.

18 (e) Any species listed pursuant to this section shall be subject  
 19 to the provisions in the California Endangered Species Act in the  
 20 same manner as any other listed species, including those provisions  
 21 related to a change in listing status or delisting.

22 (f) For those species that the Fish and Game Commission lists  
 23 pursuant to subdivision (b), or for which baseline federal standards  
 24 are retained pursuant to subdivision (d), the California  
 25 Environmental Quality Act (Division 13 (commencing with Section  
 26 21000) of the Public Resources Code) shall not apply.

27 (g) The provisions of the California Endangered Species Act  
 28 are measures “relating to the control, appropriation, use, or  
 29 distribution of water” within the meaning of Section 8 of the federal  
 30 Reclamation Act of 1902 (43 U.S.C. Section 383) and shall apply  
 31 to the United States Bureau of Reclamation’s operation of the  
 32 federal Central Valley Project.

33  
 34 **DIVISION 3. LABOR STANDARDS**

35  
 36 **CHAPTER 1. DEFINITIONS**

37  
 38 120100. For purposes of this division, the following definitions  
 39 apply:

1 (a) “Baseline federal standards” means federal standards in  
2 effect as of January 1, 2017.

3 (b) “Board” means the Occupational Safety and Health  
4 Standards Board.

5 (c) “Department” means the Department of Industrial Relations.

6 (d) “Federal standards” means the federal Fair Labor Standards  
7 Act of 1938, as amended (29 U.S.C. Sec. 201 et seq.), the federal  
8 Occupational Safety and Health Act of 1970, as amended (29  
9 U.S.C. Sec. 651 et seq.), the Federal Coal Mine Health and Safety  
10 Act of 1969, as amended (30 U.S.C. Sec. 801 et seq.), or  
11 regulations established pursuant to those federal statutes.

12

13 CHAPTER 2. OPERATIVE PROVISIONS

14

15 120110. Except as otherwise authorized by state law, all of the  
16 following apply:

17 (a) The board and the department shall regularly assess proposed  
18 and final changes to the federal standards.

19 (b) (1) At least quarterly, the board and the department shall  
20 publish a list of changes made to the federal standards and provide  
21 an assessment on whether a change made to the federal standards  
22 is more or less stringent than the baseline federal standards.

23 (2) If the board or the department, as appropriate, determines  
24 that a change to the federal standards is less stringent than the  
25 baseline federal standards, the board shall consider whether it  
26 should adopt the baseline federal standards as a measure in order  
27 to maintain the state’s protections to be at least as stringent as the  
28 baseline federal standards.

29 (3) The board and the department shall publish its list,  
30 assessment, and consideration for adoption at least 30 days prior  
31 to a vote on adoption on its Internet Web site for public comment.

32 (c) If the board or the department, as appropriate, decides to  
33 adopt a measure pursuant to subdivision (b), the board or the  
34 department shall adopt the measure by an emergency regulation  
35 in accordance with Section 120030.

36 (d) Notwithstanding any other law, the board or department,  
37 when adopting a measure under subdivision (c) may adopt those  
38 measures in accordance with Section 100 of Title 1 of the  
39 California Code of Regulations and the measures shall be deemed  
40 to be a change without regulatory effect pursuant to paragraph (6)

1 of subdivision (a) of that section and not subject to additional  
2 notice, procedural, or other considerations contained in state  
3 analogue statutes.

4 (e) This division does not prohibit the board or the department  
5 from establishing rules and regulations for California that are more  
6 stringent than the baseline federal standards.

7 120111. (a) An action may be brought by a person in the public  
8 interest exclusively to enforce a measure adopted pursuant to  
9 subdivision (c) of Section 120110 if all of the following  
10 requirements are met:

11 (1) At least 60 days prior to initiating the action, a complainant  
12 provides a written notice to the Attorney General and the counsels  
13 for the board or department, as appropriate, a district attorney, a  
14 city attorney, county counsel, and a prosecutor in whose  
15 jurisdiction the violation is alleged to have occurred, and the  
16 defendant identifying the specific provisions of the measure alleged  
17 to be violated.

18 (2) The Attorney General, a district attorney, a city attorney,  
19 county counsel, the counsel for the board or department, as  
20 appropriate, or a prosecutor has not commenced an action or has  
21 not been diligently prosecuting the action.

22 (b) Upon filing the action, the complainant shall notify the  
23 Attorney General that the action has been filed.

24 (c) The court may award attorney's fees pursuant to Section  
25 1021.5 of the Code of Civil Procedure, and expert fees and court  
26 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
27 appropriate, for an action brought pursuant to this section.

28 (d) This section does not limit other remedies and protections  
29 available under state or federal law.

30

31

#### DIVISION 4. MISCELLANEOUS

32

33 120200. The provisions of this title are severable. If any  
34 provision of this title or its application is held invalid, that  
35 invalidity shall not affect other provisions or applications that can  
36 be given effect without the invalid provision or application.

37 120202. (a) This title shall become inoperative on January  
38 20, 2025, and, as of January 1, 2026, is repealed.

1 (b) Notwithstanding subdivision (a), any action brought pursuant  
2 to this title on or before January 20, 2025, may proceed to a final  
3 judgment.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by certain mandates in this act, within  
9 the meaning of Section 17556 of the Government Code.

10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

**SENATE BILL**

**No. 45**

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**Introduced by Senator Allen**

December 3, 2018

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An act to add Division 46 (commencing with Section 80200) to the Public Resources Code, relating to public resources, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as introduced, Allen. Wildfire, Drought, and Flood Protection Bond Act of 2020.

The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary direct election, authorizes the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

This bill would provide for the submission of these provisions to the voters at the \_\_\_\_, 2020, \_\_\_\_ election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 46 (commencing with Section 80200)  
2 is added to the Public Resources Code, to read:

3  
4 DIVISION 46. WILDFIRE, DROUGHT, AND FLOOD  
5 PROTECTION BOND ACT OF 2020

6  
7 CHAPTER 1. GENERAL PROVISIONS

8  
9 80200. This division shall be known, and may be cited, as the  
10 Wildfire, Drought, and Flood Protection Bond Act of 2020.

11 80201. The people of California find and declare all of the  
12 following:

13 (a) California’s changing climate creates increased risk of  
14 catastrophic wildfire, drought, severe heat events, sea level rise,  
15 as well as impacts to agriculture, water supply and water quality,  
16 and the health of the forests, watershed, and wildlife.

17 (b) These risks and impacts vary by region and can overwhelm  
18 the resources of local governments that must cope with severe  
19 climate change-related events.

20 (c) Reducing vulnerability to fire, flood, drought, and other  
21 climate-change related events require a statewide investment to  
22 increase climate resilience of communities and natural systems.

23 80202. For purposes of this division, the following definitions  
24 apply:

25 (a) “Committee” means the Wildfire, Drought, and Flood  
26 Protection Finance Committee created pursuant to Section 80402.

27 (b) “Disadvantaged community” means a community with a  
28 median household income less than 80 percent of the statewide  
29 average.

30 (c) “Fund” means the Wildfire, Drought, and Flood Protection  
31 Fund created pursuant to Section 80210.

1 80203. An amount that equals not more than 5 percent of the  
2 funds allocated for a grant program pursuant to this division may  
3 be used to pay the administrative costs of that program.

4 80204. (a) Except as provided in subdivision (b), up to 10  
5 percent of funds allocated for each program funded by this division  
6 may be expended, including, but not limited to, by grants, for  
7 planning and monitoring necessary for the successful design,  
8 selection, and implementation of the projects authorized under that  
9 program. This section shall not otherwise restrict funds ordinarily  
10 used by an agency for “preliminary plans,” “working drawings,”  
11 and “construction” as defined in the annual Budget Act for a capital  
12 outlay project or grant project. Planning may include feasibility  
13 studies for environmental site cleanup that would further the  
14 purpose of a project that is eligible for funding under this division.  
15 Monitoring may include measuring greenhouse gas emissions  
16 reductions and carbon sequestration associated with program  
17 expenditures under this division.

18 (b) Funds used for planning projects that benefit disadvantaged  
19 communities may exceed 10 percent of the funds allocated if the  
20 state agency administering the moneys determines that there is a  
21 need for the additional funding.

22 80205. To the extent feasible, a project that includes water  
23 efficiencies, stormwater capture for infiltration or reuse, or carbon  
24 sequestration features in the project design may be given priority  
25 for grant funding under this division.

26 80206. Moneys allocated pursuant to this division shall not be  
27 used to fulfill any mitigation requirements imposed by law.

28 80207. (a) To the extent feasible in implementing this division  
29 and except as provided in subdivision (b), a state agency receiving  
30 funding under this division shall seek to achieve wildlife  
31 conservation objectives through projects on public lands or  
32 voluntary projects on private lands. Projects on private lands shall  
33 be evaluated based on the durability of the benefits created by the  
34 investment. Funds may be used for payments for the protection or  
35 creation of measurable habitat improvements or other  
36 improvements to the condition of endangered or threatened species,  
37 including through the development and implementation of habitat  
38 credit exchanges.

39 (b) This section shall not apply to Chapter 3 (commencing with  
40 Section 80230), Chapter 5 (commencing with Section 80250),

1 Chapter 6 (commencing with Section 80260), Chapter 8  
2 (commencing with Section 80280), or Chapter 10 (commencing  
3 with Section 80300).

4 80208. Funds provided pursuant to this division, and any  
5 appropriation or transfer of those funds, shall not be deemed to be  
6 a transfer of funds for the purposes of Chapter 9 (commencing  
7 with Section 2780) of Division 3 of the Fish and Game Code.

8 80209. For grants awarded for projects that serve a  
9 disadvantaged community, the administering entity may provide  
10 advanced payments in the amount of 25 percent of the grant award  
11 to the recipient to initiate the project in a timely manner. The  
12 administering entity shall adopt additional requirements for the  
13 recipient of the grant regarding the use of the advanced payments  
14 to ensure that the moneys are used properly.

15 80210. (a) The proceeds of bonds issued and sold pursuant to  
16 this division, exclusive of refunding bonds issued and sold pursuant  
17 to Section 80412, shall be deposited in the Wildfire, Drought, and  
18 Flood Protection Fund, which is hereby created in the State  
19 Treasury.

20 (b) Proceeds of bonds issued and sold pursuant to this division  
21 shall be allocated according to the following schedule:

- 22 (1) \_\_\_\_ dollars (\$\_\_\_\_) for restoring fire damaged areas.
- 23 (2) \_\_\_\_ dollars (\$\_\_\_\_) for reducing wildfire risk.
- 24 (3) \_\_\_\_ dollars (\$\_\_\_\_) for creating healthy forests and  
25 watersheds.
- 26 (4) \_\_\_\_ dollars (\$\_\_\_\_) for reducing climate impacts on urban  
27 areas and vulnerable populations.
- 28 (5) \_\_\_\_ dollars (\$\_\_\_\_) for protecting water supply and water  
29 quality.
- 30 (6) \_\_\_\_ dollars (\$\_\_\_\_) for protecting rivers, lakes, and streams.
- 31 (7) \_\_\_\_ dollars (\$\_\_\_\_) for reducing flood risks.
- 32 (8) \_\_\_\_ dollars (\$\_\_\_\_) for protecting fish and wildlife and  
33 natural resources from climate impacts.
- 34 (9) \_\_\_\_ dollars (\$\_\_\_\_) for improving climate resilience of  
35 agricultural lands.
- 36 (10) \_\_\_\_ dollars (\$\_\_\_\_) for protecting coastal lands and  
37 resources.

38 80211. The Legislature may enact legislation necessary to  
39 implement programs funded by this division.

1           CHAPTER 2. RESTORING FIRE DAMAGED AREAS

2  
3       80220. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available for  
4 appropriation by the Legislature for the restoration of wildfire  
5 damaged areas. Eligible projects include, but are not limited to,  
6 grants to public agencies for revegetation and other projects to  
7 reduce erosion, flood, and mudslide risk, clean up of hazardous  
8 sites, and habitat restoration.

9  
10           CHAPTER 3. REDUCING WILDFIRE RISK

11  
12       80230. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
13 for appropriation by the Legislature for the reduction in the risk  
14 of wildfire threat to lives, properties, and natural habitats. Eligible  
15 projects include, but are not limited to, grants to assist with any  
16 of the following:

- 17       (a) Structure and community retrofit projects.
- 18       (b) Improvement in the alert and evacuation systems.
- 19       (c) Establishment of urban-wildland buffers in high fire hazard  
20 areas.
- 21       (d) Science-based vegetation treatment programs near urban  
22 areas.

23  
24           CHAPTER 4. CREATING HEALTHY FOREST AND WATERSHEDS

25  
26       80240. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
27 for appropriation by the Legislature for the protection and  
28 restoration of forests, including redwoods, conifers, oak woodlands,  
29 chaparral, deserts, and other habitat types to ensure the long-term  
30 ecological health of these natural systems, to reduce risk of extreme  
31 wildfires, floods, and other climate impacts, and to improve water  
32 supply and water quality, carbon sequestration, community access,  
33 and other public benefits.

34  
35           CHAPTER 5. REDUCING CLIMATE RISKS IN URBAN AREAS AND  
36           ON VULNERABLE POPULATIONS

37  
38       80250. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
39 for appropriation by the Legislature for the reduction of climate  
40 impacts on urban areas and vulnerable populations. Eligible

1 projects include, but are not limited to, urban greening, urban  
2 forestry projects, and other projects to reduce urban heat island  
3 effects, to establish cooling centers, and to safeguard vulnerable  
4 populations.

5

6 CHAPTER 6. PROTECTING WATER SUPPLY AND WATER QUALITY

7

8 80260. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
9 for appropriation by the Legislature for the protection of  
10 California’s water supply and water quality. Eligible projects  
11 include, but are not limited to, the following:

- 12 (a) Safe drinking water projects.
- 13 (b) Water quality projects.
- 14 (c) Sustainable groundwater management projects.

15

16 CHAPTER 7. PROTECTING RIVERS, LAKES, AND STREAMS

17

18 80270. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
19 for appropriation by the Legislature for the protection and  
20 restoration of rivers, lakes, and streams. Eligible projects include,  
21 but are not limited to, the following:

- 22 (a) River parkway projects.
- 23 (b) Projects to implement the Lake Tahoe Environmental  
24 Improvement Program.
- 25 (c) Projects to restore the Salton Sea authorized pursuant to  
26 Public Law 105-372, the Salton Sea Reclamation Act of 1998.
- 27 (d) Projects for the acquisition or restoration of public lands  
28 within the Los Angeles River Watershed.

29

30 CHAPTER 8. REDUCING FLOOD RISK

31

32 80280. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
33 for appropriation by the Legislature for the reduction of flood risks,  
34 including the establishment of flood corridors, bypasses, and  
35 associated infrastructure.

1 CHAPTER 9. PROTECTING FISH AND WILDLIFE FROM CLIMATE  
2 IMPACTS

3  
4 80290. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
5 for appropriation by the Legislature for the protection of  
6 California’s fish and wildlife resources. Eligible projects include,  
7 but are not limited to, the following:

- 8 (a) Salmon and other fishery restoration projects.
- 9 (b) Projects to protect wetlands and wildfire refuges for  
10 migratory birds.
- 11 (c) Establishment, protection, and restoration of wildlife  
12 corridors and habitat linkages.
- 13 (d) Conservation actions on private lands.

14  
15 CHAPTER 10. IMPROVING CLIMATE RESILIENCE OF  
16 AGRICULTURAL LANDS

17  
18 80300. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
19 for appropriation by the Legislature for the improvement in climate  
20 resilience of agricultural lands. Eligible projects include, but are  
21 not limited to, the following:

- 22 (a) Grants to promote practices on farms and ranches that  
23 improve agricultural and open space soil health, carbon  
24 sequestration, and erosion control, water quality and water  
25 retention.
- 26 (b) California Farmland Conservancy Program established  
27 pursuant to Division 10.2 (commencing with Section 10200) of  
28 the Public Resources Code.

29  
30 CHAPTER 11. PROTECTING COASTAL LANDS AND RESOURCES

31  
32 80310. The sum of \_\_\_\_ dollars (\$\_\_\_\_) shall be available  
33 for appropriation by the Legislature for the protection of coastal  
34 lands, waters and natural resources, and wildlife from climate  
35 impacts. Eligible projects include, but are not limited to, projects  
36 to restore coastal wetlands and projects to address sea level rise  
37 and temperature increase.

## CHAPTER 12. FISCAL PROVISIONS

1  
2  
3 80400. (a) Bonds in the total amount of \_\_\_\_ dollars (\$\_\_\_\_),  
4 and any additional bonds authorized, issued, and appropriated in  
5 accordance with this division pursuant to other provisions of law,  
6 not including the amount of any refunding bonds issued in  
7 accordance with Section 80412, may be issued and sold to provide  
8 a fund to be used for carrying out the purposes expressed in this  
9 division and to reimburse the General Obligation Bond Expense  
10 Revolving Fund pursuant to Section 16724.5 of the Government  
11 Code. The bonds, when sold, issued, and delivered, shall be and  
12 constitute a valid and binding obligation of the State of California,  
13 and the full faith and credit of the State of California is hereby  
14 pledged for the punctual payment of both the principal of, and  
15 interest on, the bonds as the principal and interest become due and  
16 payable.

17 (b) The Treasurer shall sell the bonds authorized by the  
18 committee pursuant to this section. The bonds shall be sold upon  
19 the terms and conditions specified in a resolution to be adopted  
20 by the committee pursuant to Section 16731 of the Government  
21 Code.

22 80401. The bonds authorized by this division shall be prepared,  
23 executed, issued, sold, paid, and redeemed as provided in the State  
24 General Obligation Bond Law (Chapter 4 (commencing with  
25 Section 16720) of Part 3 of Division 4 of Title 2 of the Government  
26 Code), as amended from time to time, and all of the provisions of  
27 that law apply to the bonds and to this division.

28 80402. (a) Solely for the purpose of authorizing the issuance  
29 and sale, pursuant to the State General Obligation Bond Law  
30 (Chapter 4 (commencing with Section 16720) of Part 3 of Division  
31 4 of Title 2 of the Government Code), of the bonds authorized by  
32 this division, the Wildfire, Drought, and Flood Protection Finance  
33 Committee is hereby created. For purposes of this division, the  
34 Wildfire, Drought, and Flood Protection Finance Committee is the  
35 “committee” as that term is used in the State General Obligation  
36 Bond Law.

37 (b) The committee consists of the Director of Finance, the  
38 Treasurer, and the Controller. Notwithstanding any other law, any  
39 member may designate a representative to act as that member in

1 his or her place for all purposes, as though the member were  
2 personally present.

3 (c) The Treasurer shall serve as the chairperson of the  
4 committee.

5 (d) A majority of the committee may act for the committee.

6 80403. The committee shall determine whether or not it is  
7 necessary or desirable to issue bonds authorized by this division  
8 in order to carry out the actions specified in this division and, if  
9 so, the amount of bonds to be issued and sold. Successive issues  
10 of bonds may be authorized and sold to carry out those actions  
11 progressively, and it is not necessary that all of the bonds  
12 authorized to be issued be sold at any one time.

13 80404. For purposes of the State General Obligation Bond  
14 Law, “board,” as defined in Section 16722 of the Government  
15 Code, means the Secretary of the Natural Resources Agency.

16 80405. There shall be collected each year and in the same  
17 manner and at the same time as other state revenue is collected,  
18 in addition to the ordinary revenues of the state, a sum in an amount  
19 required to pay the principal of, and interest on, the bonds each  
20 year. It is the duty of all officers charged by law with any duty in  
21 regard to the collection of the revenue to do and perform each and  
22 every act that is necessary to collect that additional sum.

23 80406. Notwithstanding Section 13340 of the Government  
24 Code, there is hereby appropriated from the General Fund in the  
25 State Treasury, for the purposes of this division, an amount that  
26 will equal the total of the following:

27 (a) The sum annually necessary to pay the principal of, and  
28 interest on, bonds issued and sold pursuant to this division, as the  
29 principal and interest become due and payable.

30 (b) The sum that is necessary to carry out the provisions of  
31 Section 80409, appropriated without regard to fiscal years.

32 80407. The board may request the Pooled Money Investment  
33 Board to make a loan from the Pooled Money Investment Account,  
34 including other authorized forms of interim financing that include,  
35 but are not limited to, commercial paper, in accordance with  
36 Section 16312 of the Government Code for the purpose of carrying  
37 out this division. The amount of the request shall not exceed the  
38 amount of the unsold bonds that the committee has, by resolution,  
39 authorized to be sold for the purpose of carrying out this division,  
40 excluding refunding bonds authorized pursuant to Section 80412,

1 less any amount loaned and not yet repaid pursuant to this section  
2 and withdrawn from the General Fund pursuant to Section 80409  
3 and not yet returned to the General Fund. The board shall execute  
4 those documents required by the Pooled Money Investment Board  
5 to obtain and repay the loan. Any amounts loaned shall be  
6 deposited in the fund to be allocated in accordance with this  
7 division.

8 80408. Notwithstanding any other provision of this division,  
9 or of the State General Obligation Bond Law, if the Treasurer sells  
10 bonds that include a bond counsel opinion to the effect that the  
11 interest on the bonds is excluded from gross income for federal  
12 tax purposes under designated conditions or is otherwise entitled  
13 to any federal tax advantage, the Treasurer may maintain separate  
14 accounts for the bond proceeds invested and for the investment  
15 earnings on those proceeds, and may use or direct the use of those  
16 proceeds or earnings to pay any rebate, penalty, or other payment  
17 required under federal law or take any other action with respect  
18 to the investment and use of those bond proceeds, as may be  
19 required or desirable under federal law in order to maintain the  
20 tax-exempt status of those bonds and to obtain any other advantage  
21 under federal law on behalf of the funds of this state.

22 80409. For the purposes of carrying out this division, the  
23 Director of Finance may authorize the withdrawal from the General  
24 Fund of an amount or amounts not to exceed the amount of the  
25 unsold bonds that have been authorized by the committee to be  
26 sold for the purpose of carrying out this division, excluding  
27 refunding bonds authorized pursuant to Section 80412, less any  
28 amount loaned pursuant to Section 80407 and not yet repaid and  
29 any amount withdrawn from the General Fund pursuant to this  
30 section and not yet returned to the General Fund. Any amounts  
31 withdrawn shall be deposited in the fund to be allocated in  
32 accordance with this division. Any moneys made available under  
33 this section shall be returned to the General Fund, with interest at  
34 the rate earned by the moneys in the Pooled Money Investment  
35 Account, from proceeds received from the sale of bonds for the  
36 purpose of carrying out this division.

37 80410. All moneys deposited in the fund that are derived from  
38 premium and accrued interest on bonds sold pursuant to this  
39 division shall be reserved in the fund and shall be available for  
40 transfer to the General Fund as a credit to expenditures for bond

1 interest, except that amounts derived from premiums may be  
2 reserved and used to pay the cost of bond issuance before any  
3 transfer to the General Fund.

4 80411. Pursuant to Chapter 4 (commencing with Section  
5 16720) of Part 3 of Division 4 of Title 2 of the Government Code,  
6 the cost of bond issuance shall be paid or reimbursed out of the  
7 bond proceeds, including premiums, if any. To the extent the cost  
8 of bond issuance is not paid from premiums received from the sale  
9 of bonds, these costs shall be allocated proportionally to each  
10 program funded through this division by the applicable bond sale.

11 80412. The bonds issued and sold pursuant to this division  
12 may be refunded in accordance with Article 6 (commencing with  
13 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of  
14 the Government Code, which is a part of the State General  
15 Obligation Bond Law. Approval by the voters of the state for the  
16 issuance of the bonds under this division shall include approval  
17 of the issuance of any bonds issued to refund any bonds originally  
18 issued under this division or any previously issued refunding bonds.  
19 Any bond refunded with the proceeds of a refunding bond as  
20 authorized by this section may be legally defeased to the extent  
21 permitted by law in the manner and to the extent set forth in the  
22 resolution, as amended from time to time, authorizing that refunded  
23 bond.

24 80413. The proceeds from the sale of bonds authorized by this  
25 division are not “proceeds of taxes” as that term is used in Article  
26 XIII B of the California Constitution, and the disbursement of these  
27 proceeds is not subject to the limitations imposed by that article.

28 SEC. 2. Section 1 of this act shall take effect upon the approval  
29 by the voters of the Wildfire, Drought, and Flood Protection Bond  
30 Act of 2020.

31 SEC. 3. Section 1 of this act shall be submitted to the voters  
32 at the \_\_\_\_, 2020, statewide \_\_\_\_ election in accordance with  
33 provisions of the Government Code and the Elections Code  
34 governing the submission of a statewide measure to the voters.

35 SEC. 4. This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or safety within  
37 the meaning of Article IV of the Constitution and shall go into  
38 immediate effect. The facts constituting the necessity are:

- 1 In order to fund wildfire, drought, and flood protection programs
- 2 at the earliest possible date, it is necessary that this act take effect
- 3 immediately.

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**SENATE BILL**

**No. 168**

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**Introduced by Senator Wieckowski**

(Coauthors: Assembly Members Cristina Garcia and Eduardo Garcia)

January 28, 2019

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An act to amend Section 71358 of, and to add Section 71353 to, the Public Resources Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

SB 168, as introduced, Wieckowski. Climate change: Chief Officer of Climate Adaptation and Resilience.

Existing law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. Existing law establishes an advisory council, as specified, to support the goals of the Office of Planning and Research related to climate change.

This bill would establish the Chief Officer of Climate Adaptation and Resilience in the Office of Planning and Research to serve as the statewide lead for planning and coordination of climate adaptation policy and implementation in California, and would specify the duties of the chief officer. The bill would make the chief officer, or the chief officer's designee, a member of the advisory council and would designate the chief officer, or the chief officer's designee, as the chair of the advisory council. The bill would include additional expertise members of the advisory council are to have. The bill would specify that members of the advisory council serve staggered 4-year terms, except as provided.

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. (a) The Legislature finds and declares the  
2 following:

3 (1) The state has been a leader in climate mitigation efforts to  
4 reduce greenhouse gas emissions. Now, and in the coming years,  
5 it is critical for California and the global community to continue  
6 and intensify those efforts in order to avoid the most severe impacts  
7 from a changing climate. However, because the global climate  
8 system changes slowly, impacts are ongoing and will inevitably  
9 worsen. In order to address the challenges posed by a changing  
10 climate, the state must invest in building resiliency and  
11 strengthening adaptation efforts at the state, regional, and local  
12 levels using the best available science and scale those investments  
13 using the best available policy, financial, and regulatory tools and  
14 mechanisms.

15 (2) To have a cohesive and comprehensive response to climate  
16 change impacts, the state must have integrated planning with  
17 coordinated strategies across state, regional, and local governments  
18 and agencies designed to reduce the costs of future climate disaster  
19 and protect local, state, and regional infrastructure assets, including  
20 natural infrastructure systems.

21 (b) It is the intent of the Legislature, therefore, that adaptation  
22 strategies to build resiliency against the risks and impacts of climate  
23 change be integrated across government into all state, regional,  
24 and local policies, projects, and permitting processes to ensure a  
25 resilient California.

26 SEC. 2. Section 71353 is added to the Public Resources Code,  
27 to read:

28 71353. (a) There is hereby established the Chief Officer of  
29 Climate Adaptation and Resilience in the office. The chief officer  
30 shall be appointed by the Governor and serve at the pleasure of  
31 the Governor. The chief officer shall serve as the statewide lead  
32 for the planning and coordination of climate adaptation policy  
33 implementation in California. The duties of the chief officer shall  
34 include, but are not limited to, all of the following:

35 (1) Develop guidance documents for the integration of  
36 adaptation and resiliency into the state’s sustainability roadmap,  
37 into Safeguarding California Implementation Action Plans, and

1 into local general plans updates to provide guidance for state and  
2 local agencies to plan for a changing climate.

3 (2) Coordinate with the Natural Resources Agency and the State  
4 Energy Resources Conservation and Development Commission  
5 on climate change assessment.

6 (3) Develop and track metrics to measure the efficacy of  
7 adaptation and resiliency at the state level.

8 (4) Develop and mobilize strategies to build partnerships  
9 between all levels of government and the private sector, where  
10 appropriate.

11 (5) Identify, in consultation with the Office of Environmental  
12 Health Hazard Assessment, vulnerable communities and regions,  
13 publish and develop, as needed, tools for vulnerability assessments,  
14 publish tools for addressing those vulnerabilities, and provide state,  
15 regional, and local agencies with guidance implementing these  
16 analytical approaches as related to planning, investment, and  
17 decisionmaking, as applicable.

18 (6) (A) Determine whether entities required by Section 65042  
19 of the Government Code are in compliance with the State  
20 Environmental Goals and Policy Report required by Article 5  
21 (commencing with Section 65041) of Chapter 1.5 of Division 1  
22 of Title 7 of the Government Code.

23 (B) Publish, on the office's internet website, recommendations  
24 on how entities identified as out of compliance pursuant to  
25 subparagraph (A) can achieve compliance.

26 (7) Make recommendations to the Strategic Growth Council,  
27 established pursuant to Section 75121, on how to better facilitate  
28 state employees' ability to do climate adaptation work across  
29 agencies and departments.

30 (8) Develop, in coordination with relevant state and private  
31 entities, climate adaptation- and resiliency-focused  
32 recommendations for recovery from natural disasters.

33 (b) The chief officer shall perform the duties specified in  
34 subdivision (a) in consultation with the advisory council established  
35 pursuant to Section 71358.

36 SEC. 3. Section 71358 of the Public Resources Code is  
37 amended to read:

38 71358. (a) An advisory council to the office is hereby  
39 established. The advisory council shall be comprised of *the Chief*  
40 *Officer of Climate Adaptation and Resilience, or the chief officer's*

1 *designee, and* members from a range of disciplines, in order to  
 2 provide scientific and technical support, and from regional and  
 3 local governments and entities. ~~The~~ *Through the Chief Officer of*  
 4 *Climate Adaptation and Resilience, the advisory council and staff*  
 5 ~~shall support the office’s goals, as identified in this part, to facilitate~~  
 6 coordination among state, regional, and local agency efforts to  
 7 adapt to the impacts of climate change.

8 (b) Members of the advisory council shall have expertise in the  
 9 intersection of climate change *or climate science* and areas that  
 10 include, but need not be limited to, any of the following:

- 11 (1) Public health.
- 12 (2) Environmental quality.
- 13 (3) Environmental justice.
- 14 (4) Agriculture.
- 15 (5) Transportation and housing.
- 16 (6) Energy.
- 17 (7) Natural resources and water.
- 18 (8) Planning.
- 19 (9) Recycling and waste management.
- 20 (10) Local or regional government.
- 21 (11) Tribal issues.
- 22 (12) Emergency services and public safety.
- 23 (13) *Procurement.*
- 24 (14) *Innovative finance and life-cycle asset management.*

25 (c) *The Chief Officer of Climate Adaptation and Resilience, or*  
 26 *the chief officer’s designee, shall serve as chair of the advisory*  
 27 *council.*

28 (d) (1) *Except for the Chief Officer of Climate Adaptation and*  
 29 *Resilience, or the chief officer’s designee, members of the advisory*  
 30 *council shall serve staggered terms of four years.*

31 (2) *During the first meeting of the advisory council taking place*  
 32 *on or after January 1, 2020, one-half of the members of the*  
 33 *advisory council shall be chosen by lot to serve a two-year term.*

34 ~~(e)~~  
 35 (e) The advisory council shall meet with the office as needed,  
 36 but ~~not less~~ *fewer* than three times a year.

**SENATE BILL**

**No. 209**

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**Introduced by Senator Dodd**

February 4, 2019

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An act to add Chapter 7.1 (commencing with Section 8669) to Division 1 of Title 2 of the Government Code, and to add Section 8386.3 to the Public Utilities Code, relating to wildfires.

LEGISLATIVE COUNSEL'S DIGEST

SB 209, as introduced, Dodd. Wildfire: California Wildfire Warning Center: weather monitoring.

Existing law provides that the state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state.

This bill would establish in the state government the California Wildfire Warning Center (center). The center would be comprised of representatives from the Public Utilities Commission, the Office of Emergency Services, and the Department of Forestry and Fire Protection, as provided. The center would have various responsibilities relating to fire-threat weather conditions, including overseeing the development and deployment of a statewide network of automated weather and environmental stations designed to observe mesoscale meteorological phenomena that contribute to increased wildfire risk, including a statewide fire weather forecasting, monitoring, and threat assessment system.

The California Constitution establishes the Public Utilities Commission, authorizes the commission to establish rules for all public utilities, subject to control by the Legislature, and authorizes the

Legislature, unlimited by the other provisions of the California Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. The Public Utilities Act provides the commission with broad authority over public utilities, including electrical corporations. Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Existing law requires each electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as provided.

This bill would require an electrical corporation to deploy at least one weather monitoring station, as approved by the center, for every circuit in a high fire threat district, as provided. Because a violation of this provision by an electrical corporation would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 7.1 (commencing with Section 8669) is  
 2 added to Division 1 of Title 2 of the Government Code, to read:  
 3  
 4 CHAPTER 7.1. THE CALIFORNIA WILDFIRE WARNING CENTER  
 5  
 6 8669. The California Wildfire Warning Center is hereby  
 7 established in the state government.  
 8 8669.1. For purposes of this chapter, the following terms apply:  
 9 (a) “Center” shall mean the California Wildfire Warning Center.  
 10 (b) “Mesonet deployment plan” shall mean a network of  
 11 automated weather and environmental monitoring stations designed  
 12 to observe mesoscale meteorological phenomena.

1 8669.2. The center shall be comprised of six representatives,  
2 as follows:

3 (a) Two representatives from the Public Utilities Commission,  
4 appointed by the president of the commission.

5 (b) Two representatives from the Office of Emergency Services,  
6 appointed by the director of the office.

7 (c) Two representatives from the Department of Forestry and  
8 Fire Protection appointed by the director of the department.

9 8669.3. The center shall be responsible for all of the following  
10 duties:

11 (a) Ongoing monitoring of fire-weather and threat conditions  
12 as well as ongoing improvement of fire-weather forecasting  
13 models.

14 (b) Receiving, coordinating, and verifying information pertaining  
15 to fire threat conditions, utility proactive deenergization of power  
16 lines, and active fire events.

17 (c) (1) Overseeing the development and deployment of a  
18 statewide network of automated weather and environmental stations  
19 designed to observe mesoscale meteorological phenomena that  
20 contribute to increased wildfire risk, including a statewide fire  
21 weather forecasting, monitoring, and threat assessment system.

22 (2) Overseeing the development and deployment of technical  
23 requirements, including calibration and maintenance of weather  
24 monitoring station instruments.

25 (d) (1) Working with electrical corporations to adopt center  
26 approved weather monitoring equipment.

27 (2) Overseeing the development and deployment of a statewide  
28 mesonet deployment plan to address high fire threat districts that  
29 are not served by an electrical corporation.

30 (e) Overseeing the development of a validated Fire-Threat  
31 Potential Index and ensuring that every geographic area in  
32 California is covered by a Fire-Threat Potential Index. The index  
33 shall be transparent and subject to revision and improvement as  
34 determined by the center.

35 SEC. 2. Section 8386.3 is added to the Public Utilities Code,  
36 to read:

37 8386.3. An electrical corporation shall deploy at least one  
38 weather monitoring station, as approved by the California Wildfire  
39 Warning Center, pursuant to Section 8669.3 of the Government

1 Code, for every circuit in a high fire threat district, as determined  
2 by the commission pursuant to its rulemaking authority.  
3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

**SENATE BILL**

**No. 210**

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**Introduced by Senator Leyva**

February 4, 2019

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An act to add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, and to amend Section 27153 of, and to add Sections 4000.17, 4156.5, 24019, 27158.1, and 27158.2 to, the Vehicle Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as introduced, Leyva. Heavy-Duty Vehicle Inspections and Maintenance Program.

(1) Existing law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would authorize the state board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of the program. The bill would create the Truck Emission Check (TEC) Fund, with all the moneys deposited in the fund to be available upon appropriation.

(2) Existing law generally requires the registration of vehicles by the Department of Motor Vehicles. Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise specified.

This bill, no later than one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require the department to confirm that a heavy-duty vehicle, as specified, is compliant with, or exempt from, the program prior to the initial registration, the transfer of ownership, or the renewal of registration, except as specified. The bill would require the state board to notify the department of the vehicles allowed to be registered pursuant to these provisions.

This bill would authorize the department to issue a temporary permit, valid for a specified period and subject to certain conditions, to operate a vehicle for which registration may be refused pursuant to the above-described provisions, as specified. The bill would require the payment of a \$50 fee for the temporary permit, to be deposited in the Truck Emission Check (TEC) Fund.

This bill, commencing one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require a legal owner or registered owner of the heavy-duty vehicle to maintain a certificate of compliance with the vehicle, with exceptions, and would make a violation of this provision subject to a notice issued by an officer to correct the violation, as specified. The bill would require the driver of the vehicle to present the certificate of compliance for examination upon demand by a peace officer.

This bill would prohibit the operation of a heavy-duty vehicle on a public road in this state if that vehicle has an illuminated malfunction indicator light displaying a specified engine symbol, and would make a violation of this provision subject to a notice issued by an officer to correct the violation on the basis of its designation as a mechanical violation.

This bill would prohibit the operation of a heavy-duty vehicle in a manner resulting in the escape of visible smoke, except during active regeneration.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Communities in the state are too often exposed to unhealthy  
4 air. Communities near hubs of activity, such as warehouses and  
5 distribution centers, ports, highways, and roads with high levels  
6 of truck traffic, bear the burden of heavy-duty trucks that are not  
7 maintained.

8 (b) Trade corridors, such as those in the Inland Empire and  
9 Central Valley, consist of some of the most environmentally  
10 disadvantaged cities in the state.

11 (c) As of 2016, heavy-duty trucks operating in the state emitted  
12 nearly 60 percent of all oxides of nitrogen emissions from onroad  
13 mobile sources, which are the most significant contributor to both  
14 federal ozone and fine particulate matter (PM2.5) air quality  
15 standard violations across the state. Heavy-duty diesel trucks are  
16 also the largest source of diesel particulate matter emissions in the  
17 state. Diesel particulate matter is a carcinogen and toxic air  
18 contaminant. Risks are particularly high in urban areas and along  
19 busy roadways where trucks operate.

20 (d) Statewide, about 12 million residents live in communities  
21 that exceed the federal ozone and PM2.5 standards. The health  
22 and economic impacts of exposure to elevated levels of ozone and  
23 PM2.5 in the state are considerable. Meeting air quality standards  
24 will pay substantial dividends in terms of reducing costs associated  
25 with emergency room visits and hospitalizations, lost work and  
26 school days, and, most importantly, premature mortality.

27 (e) While the state has made significant progress in improving  
28 air quality through existing programs by the state and air pollution  
29 control and air quality management districts, further action must  
30 be taken to achieve our public health, air quality, and climate goals

31 (f) The Heavy-Duty Vehicle Inspection and Maintenance  
32 Program established by Section 44152 of the Health and Safety  
33 Code is a key step in achieving the state's goals to improve public  
34 health and meeting our environmental imperatives.

1 (g) It is the intent of the Legislature that the Heavy-Duty Vehicle  
 2 Inspection and Maintenance Program be developed in partnership  
 3 between affected state agencies, the public, industry, and other  
 4 stakeholders to address the inspection of, tampering with, and  
 5 maintenance of emissions control systems. It is further the intent  
 6 of the Legislature that the State Air Resources Board work with  
 7 other relevant agencies in conducting a pilot program prior to the  
 8 full-scale implementation of the Heavy-Duty Vehicle Inspection  
 9 and Maintenance Program in order for this program to be developed  
 10 in a way that minimizes costs to truck owners and fleets; provides  
 11 a level playing field for industry through effective enforcement;  
 12 and provides flexibility for the program to adapt as truck  
 13 technology and industry evolves.

14 (h) It is the intent of the Legislature that the State Air Resources  
 15 Board minimize the duplication of programs and program  
 16 requirements related to heavy-duty vehicle inspection and  
 17 maintenance. It is further the intent of the Legislature that, to the  
 18 extent feasible, the creation and implementation of the Heavy-Duty  
 19 Vehicle Inspection and Maintenance Program established by  
 20 Section 44152 of the Health and Safety Code minimizes duplicative  
 21 programs and program requirements in a way that reduces  
 22 compliance requirements and costs to truck owners and fleets.

23 SEC. 2. Chapter 5.5 (commencing with Section 44150) is added  
 24 to Part 5 of Division 26 of the Health and Safety Code, to read:

25  
 26 CHAPTER 5.5. HEAVY-DUTY VEHICLE INSPECTION AND  
 27 MAINTENANCE PROGRAM  
 28

29 44150. For purposes of this chapter, “program” means the  
 30 Heavy-Duty Vehicle Inspection and Maintenance Program  
 31 established pursuant to Section 44152.

32 44152. (a) No later than \_\_\_\_ and to the extent authorized by  
 33 federal law, the state board, in consultation with the bureau and  
 34 the Department of Motor Vehicles, shall adopt and implement a  
 35 regulation for a Heavy-Duty Vehicle Inspection and Maintenance  
 36 Program for nongasoline heavy-duty onroad motor vehicles with  
 37 a gross vehicle weight rating of more than 14,000 pounds, as  
 38 defined by the state board, including, but not limited to,  
 39 single-vehicle fleets and other vehicles that are registered in another  
 40 state but operate on California roads. In adopting a regulation

1 implementing the program, the state board shall do all of the  
2 following:

3 (1) Establish test procedures for different motor vehicle model  
4 years and emissions control technologies that measure the  
5 effectiveness of the control of emissions of oxides of nitrogen and  
6 particulate matter. The procedures may include, but are not limited  
7 to, procedures for the use of onboard diagnostics system data and  
8 test procedures that measure the effectiveness of the control of  
9 emissions of greenhouse gases.

10 (2) Require a motor vehicle to pass the test procedures in order  
11 to register or operate in the state. The state board may establish in  
12 the regulation full or partial exemptions from the requirements of  
13 this section for categories of vehicles it determines on the basis of  
14 substantial evidence that the economic costs of compliance  
15 substantially outweigh the benefits of compliance, including public  
16 health benefits.

17 (3) Allow a streamlined process for the owner or operator of a  
18 vehicle fleet who has an established compliance history with the  
19 program.

20 (4) Establish program validation methods for evaluating program  
21 effectiveness, fraud investigation, and research purposes.

22 (5) Develop and implement enforcement methods to ensure  
23 continuing compliance with this section and Section 27153 of the  
24 Vehicle Code. The enforcement methods may include, but are not  
25 limited to, all of the following:

26 (A) Visual inspections.

27 (B) Functional inspections.

28 (C) Requiring emissions testing of vehicles.

29 (6) Develop, in coordination with the Department of Motor  
30 Vehicles, an information technology database to collect and track  
31 vehicle test data, assess the data to determine compliance, and  
32 regularly generate lists of compliant vehicle identification numbers  
33 and transmit them to the Department of Motor Vehicles in order  
34 for annual vehicle registration notices to be issued.

35 (b) The state board may establish licensing standards for persons  
36 engaged in the business of the inspection, diagnosis, and repair of  
37 heavy-duty motor vehicles. The board also may establish  
38 qualification standards or approval, operational, or licensure  
39 standards for testing equipment, including protocols, hardware,

1 and software used for the submission of vehicle test data to the  
2 state board or its contractors.

3 (c) (1) As part of the program, the state board shall develop a  
4 Heavy-Duty Vehicle Inspection and Maintenance Compliance  
5 Certificate. The state board shall issue the certificate to the legal  
6 owner, registered owner, or designee of a vehicle that, at the  
7 discretion of the state board, meets the requirements of the program  
8 so that vehicle owners and operators may easily demonstrate proof  
9 of compliance, as required pursuant to Sections 27158.1 and  
10 27158.2 of the Vehicle Code.

11 (2) The certificate of compliance shall contain information  
12 determined to be necessary by the state board that includes, but  
13 need not be limited to, all of the following:

14 (A) Date issued.

15 (B) Date of expiration.

16 (C) Name and residence or business address or mailing address  
17 of the legal owner or registered owner.

18 (D) Vehicle identification number assigned to the vehicle.

19 (E) Description of the vehicle that includes the year, make, and  
20 model of the vehicle.

21 (d) The Department of Transportation, the Department of Food  
22 and Agriculture, and the Department of the California Highway  
23 Patrol may provide any necessary information to help facilitate  
24 the installation of equipment necessary to implement the program.

25 (e) The state board, the Department of Motor Vehicles, and the  
26 Department of Food and Agriculture may develop initiatives for  
27 outreach and education to help ensure compliance with the  
28 program.

29 (f) The state board shall request a permit to deploy equipment  
30 on the state highway system, as defined in Article 3 (commencing  
31 with Section 300) of Chapter 2 of Division 1 of the Streets and  
32 Highway Code, in accordance with Chapter 3 (commencing with  
33 Section 660) of Division 1 of the Streets and Highways Code, and  
34 in cooperation with the Department of the California Highway  
35 Patrol.

36 (g) The state board may inspect vehicles subject to this section  
37 in conjunction with the safety and weight enforcement activities  
38 of the Department of the California Highway Patrol or at other  
39 locations selected by the state board in consultation with the  
40 Department of the California Highway Patrol. Inspection locations

1 may include instate private facilities where fleet vehicles are  
2 serviced or maintained. The state board and the Department of the  
3 California Highway Patrol may conduct these inspections  
4 cooperatively or independently, and the state board may contract  
5 for assistance in the conduct of these inspections.

6 (h) (1) The state board may issue a citation to the owner of a  
7 vehicle in violation of this section or a regulation promulgated  
8 pursuant to this section. The state board may require the operator  
9 of a vehicle to submit to a test procedure and may specify that  
10 refusal to submit is an admission constituting proof of a violation.  
11 The state board may require that, when a citation has been issued  
12 pursuant to this section, the owner of a vehicle in violation of the  
13 regulation shall be required to correct every deficiency specified  
14 in the citation within a timeframe determined by the state board.

15 (2) When deciding whether to issue a citation, the state board  
16 may take into account whether the owner of the vehicle has  
17 obtained a temporary permit to operate the vehicle pursuant to  
18 Section 4156.5 of the Vehicle Code.

19 (i) The state board shall provide an owner cited as violating this  
20 section an opportunity for an administrative hearing consistent  
21 with the process established pursuant to Article 3 (commencing  
22 with Section 60065.1) and Article 4 (commencing with Section  
23 60075.1) of Subchapter 1.25 of Chapter 1 of Division 3 of Title  
24 17 of the California Code of Regulations. Following notice and  
25 an opportunity for an administrative hearing, the state board, at its  
26 discretion, may use the procedure set forth in subdivision (j) of  
27 Section 44011.6 for a vehicle owner cited pursuant to this section.

28 (j) After an order imposing an administrative penalty becomes  
29 final pursuant to the hearing procedures identified in subdivision  
30 (i) and no petition for a writ of mandate has been filed within the  
31 time allotted for seeking judicial review of the order, the state  
32 board may apply to the Superior Court for the County of  
33 Sacramento for a judgment in the amount of the administrative  
34 penalty. The application, which shall include a certified copy of  
35 the final order of the administrative hearing officer, shall constitute  
36 a sufficient showing to warrant the issuance of the judgment.

37 44154. (a) The state board shall assess a fee to fund the  
38 reasonable costs of implementing the program established pursuant  
39 to this chapter.

1 (b) All fees collected by the state board pursuant to this chapter  
2 shall be deposited in the Truck Emission Check (TEC) Fund, which  
3 is hereby created in the State Treasury. All moneys in the fund  
4 shall be available upon appropriation by the Legislature to the state  
5 board for the regulatory purposes of the program.

6 (c) All penalty moneys collected by the state board pursuant to  
7 this chapter shall be deposited in the Air Pollution Control Fund.

8 44156. Prior to fully implementing the program, the state board,  
9 in consultation with the bureau, the Department of Transportation,  
10 the Department of Motor Vehicles, the Department of the  
11 California Highway Patrol, other interested state agencies, and  
12 stakeholders as part of a public process, shall implement a pilot  
13 program that develops and demonstrates technologies that show  
14 potential for readily bringing vehicles into the program. The state  
15 board shall report the findings of the pilot program on its internet  
16 website.

17 SEC. 3. Section 4000.17 is added to the Vehicle Code,  
18 immediately following Section 4000.15, to read:

19 4000.17. (a) No later than one year after the effective date of  
20 a regulation implementing the Heavy-Duty Vehicle Inspection and  
21 Maintenance Program described in Section 44152 of the Health  
22 and Safety Code, the department shall confirm, prior to the initial  
23 registration, the transfer of ownership, or the renewal of  
24 registration, that a heavy-duty vehicle is compliant with, or exempt  
25 from, the Heavy-Duty Vehicle Inspection and Maintenance  
26 Program.

27 (b) For purposes of this section, “heavy-duty vehicle” means a  
28 nongasoline heavy-duty onroad motor vehicle with a gross vehicle  
29 weight rating of more than 14,000 pounds, as defined by the State  
30 Air Resources Board pursuant to Section 44152 of the Health and  
31 Safety Code.

32 (c) Subdivision (a) does not apply to a transfer of ownership  
33 and registration under any of the following circumstances:

34 (1) A motor vehicle registered to a sole proprietorship is  
35 transferred to the proprietor as owner.

36 (2) The transfer is between companies the principal business of  
37 which is leasing motor vehicles, if there is no change in the lessee  
38 or operator of the motor vehicle or between the lessor and the  
39 person who has been, for at least one year, the lessee’s operator  
40 of the motor vehicle.

1 (3) The transfer is between the lessor and lessee of the motor  
2 vehicle, if there is no change in the lessee or operator of the motor  
3 vehicle.

4 (4) An additional individual is added as a registered owner of  
5 the motor vehicle.

6 (d) The State Air Resources Board shall notify the department  
7 of the motor vehicles allowed to be registered pursuant to this  
8 section.

9 SEC. 4. Section 4156.5 is added to the Vehicle Code, to read:

10 4156.5. (a) Except as provided in subdivision (b), the  
11 department in its discretion may issue a temporary permit to operate  
12 a vehicle when a payment of fees has been accepted in an amount  
13 to be determined by, and paid to, the department, by the owner or  
14 other person in lawful possession of the vehicle, for a vehicle for  
15 which registration may be refused pursuant to Section 4000.17.  
16 The permit shall be subject to the terms and conditions that the  
17 department shall deem appropriate under the circumstances.

18 (b) The department shall not issue a temporary permit pursuant  
19 to subdivision (a) to operate a vehicle for which a certificate of  
20 compliance is required pursuant to Section 4000.17, and for which  
21 that certificate of compliance has not been issued, unless the  
22 department is presented with sufficient evidence, as determined  
23 by the department, that the vehicle has failed its most recent  
24 inspection pursuant to the Heavy-Duty Vehicle Inspection and  
25 Maintenance Program described in Section 44152 of the Health  
26 and Safety Code.

27 (c) Only one temporary permit may be issued pursuant to this  
28 section for any vehicle, unless otherwise approved by the State  
29 Air Resources Board.

30 (d) A temporary permit issued pursuant to this section is valid  
31 for either 60 days after the expiration of the registration of the  
32 vehicle or 60 days after the date that vehicle is removed from  
33 nonoperation, whichever is applicable at the time the temporary  
34 permit is issued.

35 (e) (1) A fee of fifty dollars (\$50) shall be paid for a temporary  
36 permit issued pursuant to this section.

37 (2) After deducting its administrative costs, the department shall  
38 deposit fees collected pursuant to paragraph (1) in the Truck  
39 Emission Check (TEC) Fund described in subdivision (b) of  
40 Section 44151 of the Health and Safety Code, to be used for

1 regulatory activities under the Heavy-Duty Vehicle Inspection and  
2 Maintenance Program.

3 SEC. 5. Section 24019 is added to the Vehicle Code, to read:

4 24019. (a) A nongasoline heavy-duty onroad motor vehicle  
5 with a gross vehicle weight rating of more than 14,000 pounds  
6 shall not be operated on a public road in this state if that vehicle  
7 has an illuminated malfunction indicator light (MIL) displaying  
8 the International Standards Organization (ISO) 2575 engine symbol  
9 F01, consistent with subdivision (d) of Section 1971.1 of Title 13  
10 of the California Code of Regulations.

11 (b) A violation of this section shall be considered a mechanical  
12 violation under Section 40610 of the Vehicle Code. A peace officer  
13 shall not stop a vehicle solely on suspicion of a violation of this  
14 section.

15 SEC. 6. Section 27153 of the Vehicle Code is amended to read:

16 27153. ~~No~~(a) A motor vehicle shall *not* be operated in a  
17 manner resulting in the escape of excessive smoke, flame, gas, oil,  
18 or fuel residue.

19 ~~The provisions of this section apply~~

20 (b) *A nongasoline heavy-duty onroad motor vehicle with a gross*  
21 *vehicle weight rating of more than 14,000 pounds shall not be*  
22 *operated in a manner resulting in the escape of visible smoke,*  
23 *except during active regeneration.*

24 (c) *This section applies to motor vehicles of the United States*  
25 *or its agencies, to the extent authorized by federal law.*

26 SEC. 7. Section 27158.1 is added to the Vehicle Code, to read:

27 27158.1. (a) Commencing one year after the effective date of  
28 a regulation implementing the Heavy-Duty Vehicle Inspection and  
29 Maintenance Program described in Section 44152 of the Health  
30 and Safety Code, a legal owner or registered owner of a  
31 nongasoline heavy-duty onroad motor vehicle with a gross vehicle  
32 weight rating of more than 14,000 pounds shall maintain a  
33 certificate of compliance, as described in Section 44152 of the  
34 Health and Safety Code, or a facsimile or electronic copy thereof,  
35 with the vehicle for which the certificate is issued.

36 (b) Subdivision (a) does not apply when a certificate of  
37 compliance is necessarily removed from the vehicle for the purpose  
38 of renewal or when the vehicle is left unattended.

39 (c) A violation of this section shall be cited in accordance with  
40 Section 40610.

1 SEC. 8. Section 27158.2 is added to the Vehicle Code, to read:  
2 27158.2. (a) The driver of a nongasoline heavy-duty onroad  
3 motor vehicle with a gross vehicle weight rating of more than  
4 14,000 pounds shall present the certificate of compliance, as  
5 described in Section 44152 of the Health and Safety Code, or other  
6 evidence of the certificate of compliance, of the vehicle under the  
7 driver's immediate control for examination upon demand by any  
8 peace officer.

9 (b) The driver of the vehicle described in subdivision (a) shall  
10 not present to any peace officer a certificate of compliance not  
11 issued for that vehicle.

12 SEC. 9. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.

**SENATE BILL**

**No. 216**

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**Introduced by Senator Galgiani**

February 6, 2019

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An act to amend Section 44281 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 216, as introduced, Galgiani. Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board. The program authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals.

This bill would add as an eligible project under the program a used heavy-duty truck exchange, as specified.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The state needs viable, cost-effective clean energy and
- 4 transportation solutions for reducing emissions from methane,
- 5 greenhouse gas, and oxides of nitrogen, which together

1 significantly contribute to climate change and poor air quality and  
2 impact the health of communities throughout the state.

3 (b) While it is important to displace the demand for conventional  
4 petroleum-based fuels, the Legislature also believes that helping  
5 to spur the development and deployment of innovative  
6 next-generation fuel technologies by California-based companies  
7 is an important contribution the state can and should make to  
8 facilitate urgently needed, immediate, emissions reductions here  
9 and around the world.

10 (c) State-run vehicle exchange programs are critical to promoting  
11 fleet conversions necessary to accelerate emissions reductions in  
12 the transportation sector.

13 (d) Newer next-generation low-carbon fuels have the potential  
14 to offer significant climate and air quality benefits and, thus, the  
15 state should provide a similar level of focus and support for these  
16 innovative low-carbon fuels as has been spent over the years on  
17 first generation low-carbon fuels and battery electric mobility.

18 SEC. 2. Section 44281 of the Health and Safety Code, as  
19 amended by Section 8 of Chapter 610 of the Statutes of 2015, is  
20 amended to read:

21 44281. (a) Eligible projects include, but are not limited to, any  
22 of the following:

23 (1) Purchase of new very low or zero-emission covered vehicles  
24 or covered heavy-duty engines.

25 (2) Emission-reducing retrofit of covered engines, or  
26 replacement of old engines powering covered sources with newer  
27 engines certified to more stringent emissions standards than the  
28 engine being replaced, or with electric motors or drives.

29 (3) Purchase and use of emission-reducing add-on equipment  
30 that has been verified by the state board for covered vehicles.

31 (4) Development and demonstration of practical, low-emission  
32 retrofit technologies, repower options, and advanced technologies  
33 for covered engines and vehicles with very low emissions of NO<sub>x</sub>.

34 (5) Light- and medium-duty vehicle projects in compliance with  
35 guidelines adopted by the state board pursuant to Title 13 of the  
36 California Code of Regulations.

37 (6) *A used heavy-duty truck exchange that meets all of the*  
38 *following:*

39 (A) *Allows small fleets to partner with larger fleets in a single*  
40 *application.*

1 (B) *Allows vehicles purchased through a nondirect transaction*  
2 *to meet scrappage requirements pursuant to Division 3*  
3 *(commencing with Section 1900) of Title 13 of the California Code*  
4 *of Regulations.*

5 (C) *Requires vehicles purchased to remain in the state after*  
6 *their useful life.*

7 (D) *Defines “small fleet” to mean five or less vehicles and*  
8 *“larger fleet” to mean six or more vehicles.*

9 (b) No project shall be funded under this chapter after the  
10 compliance date required by any local, state, or federal statute,  
11 rule, regulation, memoranda of agreement or understanding, or  
12 other legally binding document, except that an otherwise qualified  
13 project may be funded even if the state implementation plan  
14 assumes that the change in equipment, vehicles, or operations will  
15 occur, if the change is not required by the compliance date of a  
16 statute, regulation, or other legally binding document in effect as  
17 of the date the grant is awarded. No project funded by the program  
18 shall be used for credit under any state or federal emissions  
19 averaging, banking, or trading program. No covered emission  
20 reduction generated by the program shall be used as marketable  
21 emission reduction credits or to offset any emission reduction  
22 obligation of any person or entity. Projects involving new engines  
23 that would otherwise generate marketable credits under state or  
24 federal averaging, banking, and trading programs shall include  
25 transfer of credits to the engine end user and retirement of those  
26 credits toward reducing air emissions in order to qualify for funding  
27 under the program. A purchase of a low-emission vehicle or of  
28 equipment pursuant to a corporate or a controlling board’s policy,  
29 but not otherwise required by law, shall generate surplus emissions  
30 reductions and may be funded by the program.

31 (c) The program may also provide funding toward the  
32 installation of fueling or energy infrastructure to fuel or power  
33 covered sources.

34 (d) Eligible applicants may be any individual, company, or  
35 public agency that owns one or more covered vehicles that operate  
36 primarily within California or otherwise contribute substantially  
37 to the NO<sub>x</sub>, particulate matter (PM), or reactive organic gas (ROG)  
38 emissions inventory in California.

39 (e) It is the intent of the Legislature that all emission reductions  
40 generated by this chapter shall contribute to public health by

1 reducing, for the life of the vehicle being funded, the total amount  
2 of emissions in California.

3 (f) This section shall remain in effect only until January 1, 2024,  
4 and as of that date is repealed, unless a later enacted statute, that  
5 is enacted before January 1, 2024, deletes or extends that date.

6 SEC. 3. Section 44281 of the Health and Safety Code, as  
7 amended by Section 20 of Chapter 401 of the Statutes of 2013, is  
8 amended to read:

9 44281. (a) Eligible projects are any of the following:

10 (1) Purchase of new very low or zero-emission covered vehicles  
11 or covered engines.

12 (2) Emission-reducing retrofit of covered engines, or  
13 replacement of old engines powering covered sources with newer  
14 engines certified to more stringent emissions standards than the  
15 engine being replaced, or with electric motors or drives.

16 (3) Purchase and use of emission-reducing add-on equipment  
17 for covered vehicles.

18 (4) Development and demonstration of practical, low-emission  
19 retrofit technologies, repower options, and advanced technologies  
20 for covered engines and vehicles with very low emissions of NO<sub>x</sub>.

21 (5) *A used heavy-duty truck exchange that meets all of the*  
22 *following:*

23 (A) *Allows small fleets to partner with larger fleets in a single*  
24 *application.*

25 (B) *Allows vehicles purchased through a nondirect transaction*  
26 *to meet scrappage requirements pursuant to Division 3*  
27 *(commencing with Section 1900) of Title 13 of the California Code*  
28 *of Regulations Title 13.*

29 (C) *Requires vehicles purchased to remain in the state after*  
30 *their useful life.*

31 (D) *Defines “small fleet” to mean five or less vehicles and*  
32 *“larger fleet” to mean six or more vehicles.*

33 (b) No new purchase, retrofit, repower, or add-on equipment  
34 shall be funded under this chapter if it is required by any local,  
35 state, or federal statute, rule, regulation, memoranda of agreement  
36 or understanding, or other legally binding document, except that  
37 an otherwise qualified project may be funded even if the state  
38 implementation plan assumes that the change in equipment,  
39 vehicles, or operations will occur, if the change is not required by  
40 a statute, regulation, or other legally binding document in effect

1 as of the date the grant is awarded. No project funded by the  
2 program shall be used for credit under any state or federal  
3 emissions averaging, banking, or trading program. No emission  
4 reduction generated by the program shall be used as marketable  
5 emission reduction credits or to offset any emission reduction  
6 obligation of any entity. Projects involving new engines that would  
7 otherwise generate marketable credits under state or federal  
8 averaging, banking, and trading programs shall include transfer  
9 of credits to the engine end user and retirement of those credits  
10 toward reducing air emissions in order to qualify for funding under  
11 the program. A purchase of a low-emission vehicle or of equipment  
12 pursuant to a corporate or a controlling board's policy, but not  
13 otherwise required by law, shall generate surplus emissions  
14 reductions and may be funded by the program.

15 (c) The program may also provide funding toward installation  
16 of fueling or electrification infrastructure as provided in Section  
17 44284.

18 (d) Eligible applicants may be any individual, company, or  
19 public agency that owns one or more covered vehicles that operate  
20 primarily within California or otherwise contribute substantially  
21 to the NO<sub>x</sub> emissions inventory in California.

22 (e) It is the intent of the Legislature that all emission reductions  
23 generated by this chapter shall contribute to public health by  
24 reducing, for the life of the vehicle being funded, the total amount  
25 of emissions in California.

26 (f) This section shall become operative on January 1, 2024.

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 19, 2019

Re: Wildfire Smoke Public Health Bill

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RECOMMENDED ACTION

None; receive and file.

DISCUSSION

The Committee will receive an update on the status of a Bay Area Air Quality Management District's sponsored bill to increase the number of publicly accessible clean air spaces during emergency events such as wildfires.

Staff will provide an update on activities related to Assembly Bill (AB) 836 – Buffy Wicks (D-Oakland), introduction which will include bill language as introduced prior to the February 22, 2019 deadline. Staff will also discuss stakeholder outreach, and opportunities for Committee support in the process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

Attachment 5A: 2019 Assembly Bill 836 (Wicks)

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 836**

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**Introduced by Assembly Member Wicks**February 20, 2019

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An act to add Article 6 (commencing with Section 40280) to Chapter 4 of Part 3 of Division 26 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

## LEGISLATIVE COUNSEL'S DIGEST

AB 836, as introduced, Wicks. Bay Area Clean Air Incentive Program.

(1) Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma.

This bill would establish the Bay Area Clean Air Incentive Program, to be administered by the district, to provide funding through a grant program to retrofit ventilation systems to create a network of clean air centers within the boundaries of the district in order to mitigate the adverse public health impacts due to wildfires and other smoke events, as specified. The bill would specify that moneys for the program would be available upon appropriation. By adding to the duties of the Bay Area Air Quality Management District, the bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the Bay Area Air Quality Management District.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 6 (commencing with Section 40280) is  
2 added to Chapter 4 of Part 3 of Division 26 of the Health and Safety  
3 Code, to read:

4

5 Article 6. Bay Area Clean Air Incentive Program

6

7 40280. (a) (1) The Bay Area Clean Air Incentive Program is  
8 hereby established to be administered by the bay district to provide  
9 funding through a grant program to retrofit ventilation systems to  
10 create a network of clean air centers within the boundaries of the  
11 bay district in order to mitigate the adverse public health impacts  
12 due to wildfires and other smoke events.

13 (2) Moneys for the program shall be available upon  
14 appropriation by the Legislature.

15 (b) Qualified applicants shall include, but need not be limited  
16 to, all of the following:

- 17 (1) Schools.
- 18 (2) Community centers.
- 19 (3) Senior centers.
- 20 (4) Sports centers.
- 21 (5) Libraries.

22 (c) The bay district shall develop guidelines for the program in  
23 consultation with the cities, counties, public health agencies, school  
24 districts, and other stakeholders located within the boundaries of  
25 the bay district. The guidelines shall address all of the following:

- 1 (1) Location of the applicant.
- 2 (2) Size of the applicant's facility.
- 3 (3) Facility ventilation characteristics that could provide
- 4 healthier indoor air quality in the event of a localized smoke
- 5 impact.

6 SEC. 2. The Legislature finds and declares that a special statute  
7 is necessary and that a general statute cannot be made applicable  
8 within the meaning of Section 16 of Article IV of the California  
9 Constitution because of the unique circumstances that the Bay  
10 Area was significantly affected by smoke impacts during the  
11 wildfires of the last several years.

12 SEC. 3. If the Commission on State Mandates determines that  
13 this act contains costs mandated by the state, reimbursement to  
14 local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.