



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

PAULINE RUSSO CUTTER – CHAIR
MARGARET ABE-KOGA
LYNDA HOPKINS
BRAD WAGENKNECHT

ROB RENNIE – VICE-CHAIR
ERIN HANNIGAN
DAVID HUDSON
LORI WILSON

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
ASSEMBLY BILL 361**

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LEGISLATIVE COMMITTEE MEETING AGENDA

MONDAY, MARCH 14, 2022

1:00 PM

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **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.

This meeting will be webcast. To see the webcast, please visit 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. Members of the public who wish to speak on matters on the agenda for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Items 4-5)

4. Approval of the Minutes of February 14, 2022

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of February 14, 2022.

5. Approval of the Legislative Platform for 2022

The Committee will consider approving the attached Legislative Platform for 2022.

PRESENTATIONS (Items 6-7)

6. Air District-Sponsored Bills

This is an informational item only and will be presented by Alan Abbs, Legislative Officer.

7. Consideration of New Bills

This is an action item to recommend the Committee recommend that the Board of Directors take positions on high priority bills where appropriate and will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- *Support AB 2206 (Lee) - Employee parking*
- *Oppose AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles*
- *Oppose Senate Bill (SB) 1393 (Archuleta) - Energy: appliances: local requirements.*

OTHER BUSINESS

8. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting, will have two minutes each to address the Committee.

9. Committee Member Comments

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)

10. Time and Place of Next Meeting

Monday, April 11, 2022 at 1:00 p.m, via webcast, pursuant to procedures in accordance with Assembly Bill 361.

11. Adjournment

The Committee meeting shall be adjourned by the Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- 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 Air 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 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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@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 MEETINGS

MARCH 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee	Monday	14	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	16	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	16	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	16	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	21	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	21	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	23	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	24	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Community Advisory Council Committee	Wednesday	30	6:00 p.m.	Webcast only pursuant to Assembly Bill 361

APRIL 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	6	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	7	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	11	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting	Monday	11	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	18	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	20	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	25	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	27	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

AH 3/4/2022 – 3:37 P.M.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 14, 2022

Re: Approval of the Minutes of February 14, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of February 14, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of February 14, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of February 14, 2022

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

DRAFT MINUTES

Legislative Committee Meeting
Wednesday, February 14, 2022

This meeting was conducted under procedures authorized in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Pauline Russo Cutter, called the meeting to order at 1:00 p.m.

ROLL CALL:

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, Lynda Hopkins, David Hudson, Katie Rice, Brad Wagenknecht.

Absent: Directors Erin Hannigan and Lori Wilson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF DECEMBER 9, 2021

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Abe-Koga made a motion, seconded by Director Wagenknecht, to approve the Minutes of December 9, 2021; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Cutter, Hopkins, Rennie, Rice, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Hannigan, Hudson, Wilson.

5. STATE LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*. This presentation provided an overview of proposed budgets for programs significant to the Air District within the Governor’s Proposed Budget for Fiscal Year 2022-23. Mr. Abbs also mentioned budgeted items that had not been included in the presentation when the presentation was created, including funding for port, freight, and goods movement infrastructure, zero-emissions port terminal equipment, and zero-emission short-haul (drayage) trucks and transit buses.

NOTED PRESENT: Director Hudson was noted present at 1:12 p.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether hydrogen buses are included for proposed funding; the manner in which federal funding for electric vehicle chargers (from the Infrastructure Investment and Jobs Act and Alternative Fuels Incentive Grant program) will be distributed to Bay Area communities; the concern that jurisdictions will not be able to accommodate fully-electrified vehicle fleets, due to charging needs; the request for a graph that shows sources and percentages of Bay Area pollution; and the status of funding for commercial zero-emission landscaping equipment incentive programs in 2022.

Committee Action

None; receive and file.

6. AIR-DISTRICT SPONSORED BILLS

Mr. Abbs gave an update on new bills that are being sponsored by the Air District. These bills' topics included:

- **Assembly Bill (AB) 1897 (Wicks) – Nonvehicular air pollution control: refineries: penalties.** This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. Mr. Abbs reported that this bill was introduced on February 9, 2022 and may be heard in committee on March 12.
- **AB 2214 (C. Garcia) – California Environmental Quality Act: schoolsites: acquisition of property.** This bill would require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission having jurisdiction. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school. Mr. Abbs reported that this bill had not yet been introduced (since February 14, 2022, this bill has been introduced, and may be heard in committee on March 18.)
- The Air District is working with an Assemblymember to develop a bill that would revise Air District Board member compensation (to include compensation for modes of active transportation to Air District meetings and increased stipends for Board members who attend more than one meeting per day.) This bill has not yet been introduced.
- Air District staff is developing recommendations regarding changes to the composition of the Air District's Board of Directors. Updates on this issue will be presented to the Board's Administration and Legislative Committees (perhaps others as well). Staff hopes to propose a resolution to the Board at the end of the 2022 Calendar Year.

Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

None.

Committee Action

None; receive and file.

7. STATE LEGISLATIVE UPDATE AND CONSIDERATION OF NEW BILLS

Mr. Abbs gave an update regarding the Air District’s consideration of new bills being introduced in the California Legislature. Thus far, the Air District is monitoring:

- **AB 1717 (Aguiar-Curry) – Public Works: definition.** This bill would expand the definition of “public works” to include fuel reduction work paid for in whole or in part out of public funds performed as part of a fire mitigation project.
- **AB 1749 (C. Garcia) - Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.** This bill would require the California Air Resources Board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants in disadvantaged communities. The bill would also prohibit a government agency, as defined, from approving a project or permit impacting a disadvantaged community if it would increase criteria pollutants or air toxics, without making specified findings related to public health impacts.
- **AB 1944 (Lee) - Local government: open and public meetings.** This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing. This bill would also require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.
- The Air District is aware of a new bill that will be introduced regarding Community Emission Reduction Plan Steering Committee timelines and funding within California’s Community Air Protection Program (formerly Assembly Bill 617).

Staff will continue presenting bills of interest to the Committee and recommend that the Board of Directors take positions on high priority bills where appropriate.

Public Comments

No requests received

Committee Comments

The Committee and staff discussed how affordable housing projects in disadvantaged “Community Air Risk Evaluation” communities may be impacted by certain provisions of AB 1749; and whether Senator (Dave) Cortese is developing a Brown Act reform bill, similar to AB 1944.

Committee Action

None; receive and file.

8. REVIEW OF THE DRAFT LEGISLATIVE PLATFORM FOR 2022

Mr. Abbs gave the staff presentation *2022 Legislative Platform*, including three sections – State Budget, State legislation, and federal advocacy.

Topic	State Budget	State Legislation	Fed. Legislation
State Funding for Clean Air Projects	X		
AB 617 Community Air Protection Implementation and Incentive Funding	X	X	
Carl Moyer / Mobile Source Incentive Fund / AB 118 Reauthorization	X		
Wildfire Smoke Public Health Response	X	X	X
Support for Air District Activities Related to Wildfire Mitigation	X		
Clean Tech Financing	X		
Low-Carbon Transportation Incentives	X		
Commercial Harbor Craft Funding	X		
Vehicle Emissions and Congestion Relief		X	
Climate Change		X	X
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Wildfire Smoke Mitigation/Prescribed Fire		X	
Land Use		X	
Federal Funding for Air District Clean Air Programs			X
Clean Transportation Programs			X
Clean Energy Programs			X
Particulate Matter Standards			X
Vehicle Emission Standards			X
Leaded Aviation Gas			X

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the timing of Board adoption of positions on various bills will align with the State’s legislative calendar; the request for the history of the Air District’s monitoring of issues within the Air District’s legislative platform (which topics are of more recent interest and how long has the Air District been monitoring others); how often the Air District’s legislative platform results in the actual creation of legislation that is passed; the Air District’s practice of visiting legislators in Sacramento to advocate for issues of interest; whether battery storage is included in the Air District’s legislative platform; and the need to decrease vehicle miles traveled within new land use policies.

Committee Action

None; receive and file.

OTHER BUSINESS

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

10. COMMITTEE MEMBERS' COMMENTS

Director Hudson asked whether the Air District has been in discussions with the other regional agencies, also housed at the Bay Area Metro Center, regarding a collaborative procedure for conducting in-person public meetings at the Bay Area Metro Center.

Director Hudson asked the status of the Air District's "Diesel Free by '33" campaign and suggested that the Board receives regular updates, especially as new for new county supervisors and city councilmembers rotate through the Air District's Board.

Chair Cutter said that she appreciates people who have their profile picture displayed when their camera is off during Zoom meetings, and encouraged everyone to do this.

11. TIME AND PLACE OF NEXT MEETING

Monday, March 14, 2022, at 1:00 p.m. via webcast, pursuant to procedures authorized in accordance with Assembly Bill 361.

12. ADJOURNMENT

The meeting adjourned at 2:20 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 14, 2022

Re: Approval of the Legislative Platform for 2022

RECOMMENDED ACTION

The Legislative Committee (Committee) will consider approving the attached Legislative Platform for 2022.

BACKGROUND

The Legislative Platform is an attempt to provide overall advocacy principles to the Committee and Board of Directors, as well as provide guidance to Air District staff for this legislative year.

DISCUSSION

The platform is divided into three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

ATTACHMENTS:

1. Legislative Platform for 2022



Legislative Platform (2022)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2021/22 budget includes \$50 million (M) and \$260M statewide for implementation and incentives, respectively. When possible, the Air District will advocate support for continued funding and/or increases to funding.
3. **Carl Moyer/Mobile Source Incentive Fund/AB 118 Reauthorization:** The Carl Moyer Memorial Air Quality Standards Program, the AB 923 Program (also known as the Air District's Mobile Source Incentive Fund [MSIF]), and the California Energy Commission's AB 118 Program currently sunset at the end of 2023. The Air District will strongly advocate for extension of Moyer and 923 as part of the state budget process or through a separate policy bill.
4. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020/21 for \$5M. The Air District will strongly advocate for continued funding.
5. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers. The Air District will continue to advocate for this funding.
6. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
7. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.
8. **Commercial Harbor Craft Funding:** Advocate for new dedicated incentive funding for commercial harbor craft in order to meet requirements of CARB regulations to reduce diesel particulate matter.



Legislative Platform (2022)

State Legislation

1. **Vehicle Emissions and Congestion Relief:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
3. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities consistent with the framework of the Federal Clean Air Act and California Clean Air Act.
4. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
5. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
6. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of exposure to air toxic emissions in the Bay Area Region.
7. **Wildfire Smoke Mitigation/Prescribed Fire:** Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.
8. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas limits.
9. **Land Use:** Monitor legislative proposals that have the potential to directly affect local and regional air quality goals.



Legislative Platform (2022)

Federal Legislation

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to secure funding for clean transportation infrastructure in the Bay Area in federal transportation bills and economic stimulus bills.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support efforts to review EPA's 2020 decision to leave federal PM_{2.5} unchanged, per recommendations of Air District Board and Advisory Committee.
6. **Vehicle Emission Standards:** Support efforts to develop more stringent vehicle emission standards that align with current California standards for light duty, medium duty, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.
7. **Climate Change:** Support federal level efforts, including legislative efforts, that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
8. **Leaded Aviation Gas:** Support efforts to cause EPA to adopt an endangerment finding for leaded aviation gas. Support additional regulatory and incentive programs to promote use of lower lead and no-lead alternatives.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 14, 2022

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This year, the Air District is sponsoring the following three bills:

- Assembly Bill (AB) 1897 (Wicks) - Nonvehicular air pollution control: refineries: penalties.
- AB 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property.
- AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation and expenses.

DISCUSSION

AB 1897 (Wicks) - Nonvehicular air pollution control: refineries: penalties.

CapitolTrack Bill Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Under existing law, a person who violates this provision is guilty of a misdemeanor, as specified, or is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of

the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge.

Current Status: AB 1897 was introduced by Assemblymember Wicks on February 9, 2022, and has been referred to Assembly Committees on Natural Resources and Judiciary. As of this writing, it has not been scheduled for a hearing.

AB 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property.

CapitolTrack Bill Summary: Would require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school, as provided. The bill would make the provisions relating to school districts also applicable to charter schools and private schools.

Current Status: AB 2214 was introduced by Assemblymember Cristina Garcia on February 15, 2022, and has not yet been referred to a committee. As of this writing, it has not been scheduled for a hearing.

AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation and expenses.

CapitolTrack Bill Summary: Current 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. Current law establishes a district board to govern the district and prescribes the membership of the district board. Current law authorizes the district board to provide, by ordinance, compensation for board members for attending meetings or while on official business of the district and also requires board members to receive actual and necessary expenses incurred in the performance of their duties, as specified. This bill would state the intent of the Legislature to enact subsequent legislation that would make changes to the compensation and expenses that members of the district board receive in the performance of their board duties.

Current Status: AB 2721 was introduced by Assemblymember Lee on February 18, 2022, and has not yet been referred to a committee. As of this writing, it has not been scheduled for a hearing.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

ATTACHMENTS:

1. AB 1897 (Wicks) - Bill Text
2. AB 2214 (C. Garcia) - Bill Text
3. AB 2721 (Lee) - Bill Text

ASSEMBLY BILL

No. 1897

Introduced by Assembly Member Wicks

February 9, 2022

An act to amend Sections 42400.7, 42402, 42402.1, 42402.2, 42402.3, and 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as introduced, Wicks. Nonvehicular air pollution control: refineries: penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Under existing law, a person who violates this provision is guilty of a misdemeanor, as specified, or is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Existing law precludes prosecution under specified statutes if civil penalties are recovered pursuant to the above provisions for the same offense.

This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a

discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. The bill would additionally preclude prosecution under specified statutes if civil penalties are recovered pursuant to this provision.

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

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

1 SECTION 1. Section 42400.7 of the Health and Safety Code
2 is amended to read:

3 42400.7. (a) The recovery of civil penalties pursuant to
4 Section 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, ~~or~~
5 ~~42402.4~~ 42402.4, *or* 42402.6 precludes prosecution under Section
6 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, or 42400.4 for the
7 same offense. When a district refers a violation to a prosecuting
8 agency, the filing of a criminal complaint is grounds requiring the
9 dismissal of ~~any~~ a civil action brought pursuant to this article for
10 the same offense.

11 (b) If the pending civil action described in subdivision (a)
12 includes a request for injunctive relief, that portion of the civil
13 action shall not be dismissed upon the filing of a criminal complaint
14 for the same offense.

15 SEC. 2. Section 42402 of the Health and Safety Code is
16 amended to read:

17 42402. (a) Except as provided in Sections 42402.1, 42402.2,
18 42402.3, ~~and 42402.4,~~ ~~any~~ 42402.4, *and* 42402.6, a person who
19 violates this part, ~~any~~ an order issued pursuant to Section 42316,
20 ~~or any~~ a rule, regulation, permit, or order of a district, including a
21 district hearing board, or of the state board issued pursuant to Part
22 1 (commencing with Section 39000) to Part 4 (commencing with

1 Section 41500), inclusive, is strictly liable for a civil penalty of
2 not more than five thousand dollars (\$5,000).

3 (b) (1) A person who violates ~~any~~ a provision of this part, ~~any~~
4 an order issued pursuant to Section 42316, or ~~any~~ a rule, regulation,
5 permit or order of a district, including a district hearing board, or
6 of the state board issued pursuant to Part 1 (commencing with
7 Section 39000) to Part 4 (commencing with Section 41500),
8 inclusive, is strictly liable for a civil penalty of not more than ten
9 thousand dollars (\$10,000).

10 (2) (A) If a civil penalty in excess of five thousand dollars
11 (\$5,000) for each day in which a violation occurs is sought, there
12 is no liability under this subdivision if the person accused of the
13 violation alleges by affirmative defense and establishes that the
14 violation was caused by an act that was not the result of intentional
15 conduct or negligent conduct.

16 (B) Subparagraph (A) does not apply to a violation of a federally
17 enforceable ~~requirements~~ *requirement* that ~~occur~~ *occurs* at a Title
18 V source in a district in which a Title V permit program has been
19 fully approved.

20 (C) Subparagraph (A) does not apply to a person who is
21 determined to have violated an annual facility emissions cap
22 established pursuant to a market-based incentive program adopted
23 by a district pursuant to subdivision (b) of Section 39616.

24 (c) A person who owns or operates ~~any~~ a source of air
25 contaminants in violation of Section 41700 that causes actual
26 injury, as defined in subdivision (d) of Section 42400, to the health
27 and safety of a considerable number of persons or the public, is
28 liable for a civil penalty of not more than fifteen thousand dollars
29 (\$15,000).

30 (d) Each day during ~~any~~ a portion of which a violation occurs
31 is a separate offense.

32 SEC. 3. Section 42402.1 of the Health and Safety Code is
33 amended to read:

34 42402.1. (a) ~~Any~~ *Except as provided in Section 42402.6, a*
35 person who negligently emits an air contaminant in violation of
36 this part or ~~any~~ a rule, regulation, permit, or order of the state board
37 or of a district, including a district hearing board, pertaining to
38 emission regulations or limitations is liable for a civil penalty of
39 not more than twenty-five thousand dollars (\$25,000).

1 (b) ~~Any~~A person who negligently emits an air contaminant in
 2 violation of Section 41700 that causes great bodily injury, as
 3 defined ~~by~~ *in subdivision (f) of Section 12022.7 of the Penal Code,*
 4 ~~to any~~ a person or that causes the death of ~~any~~ a person, is liable
 5 for a civil penalty of not more than one hundred thousand dollars
 6 (\$100,000).

7 (c) Each day during ~~any~~ a portion of which a violation occurs
 8 is a separate offense.

9 SEC. 4. Section 42402.2 of the Health and Safety Code is
 10 amended to read:

11 42402.2. (a) ~~Any~~*Except as provided in Section 42402.6, a*
 12 *person who emits an air contaminant in violation of any a provision*
 13 *of this part, or any order, rule, regulation, or permit a rule,*
 14 *regulation, permit, or order of the state board or of a district,*
 15 *including a district hearing board, pertaining to emission*
 16 *regulations or limitations, and who knew of the emission and failed*
 17 *to take corrective action, as defined in subdivision (b) of Section*
 18 *42400.2, within a reasonable period of time under the*
 19 *circumstances, is liable for a civil penalty of not more than forty*
 20 *thousand dollars (\$40,000).*

21 (b) ~~Any~~A person who owns or operates ~~any~~ a source of air
 22 contaminants in violation of Section 41700 that causes great bodily
 23 injury, as defined ~~by~~ *in subdivision (f) of Section 12022.7 of the*
 24 *Penal Code, to any a person or that causes the death of any a*
 25 *person, and who knew of the emission and failed to take corrective*
 26 *action, as defined in subdivision (b) of Section 42400.2, within a*
 27 *reasonable period of time under the circumstances, is liable for a*
 28 *civil penalty not to exceed two hundred fifty thousand dollars*
 29 *(\$250,000).*

30 (c) Each day during ~~any~~ a portion of which a violation occurs
 31 is a separate offense.

32 SEC. 5. Section 42402.3 of the Health and Safety Code is
 33 amended to read:

34 42402.3. (a) ~~Any~~*Except as provided in Section 42402.6, a*
 35 *person who willfully and intentionally emits an air contaminant*
 36 *in violation of this part or any a rule, regulation, permit, or order*
 37 *of the state board, or of a district, including a district hearing board,*
 38 *pertaining to emission regulations or limitations, is liable for a*
 39 *civil penalty of not more than seventy-five thousand dollars*
 40 *(\$75,000).*

1 (b) ~~Any~~A person who willfully and intentionally, or with
2 reckless disregard for the risk of great bodily injury, as defined by
3 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
4 of, ~~any a~~ person, emits an air contaminant in violation of Section
5 41700 that results in an unreasonable risk of great bodily injury
6 to, or death of, ~~any a~~ person, is liable for a civil penalty of not
7 more than one hundred twenty-five thousand dollars (\$125,000).
8 If the violator is a corporation, the maximum penalty may be up
9 to five hundred thousand dollars (\$500,000).

10 (c) ~~Any~~A person who willfully and intentionally, or with
11 reckless disregard for the risk of great bodily injury, as defined by
12 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
13 of, ~~any a~~ person, emits an air contaminant in violation of Section
14 41700 that causes great bodily injury, as defined by *in subdivision*
15 *(f) of Section 12022.7 of the Penal Code*, to ~~any a~~ person or that
16 causes the death of ~~any a~~ person, is liable for a civil penalty of not
17 more than two hundred fifty thousand dollars (\$250,000). If the
18 violator is a corporation, the maximum penalty may be up to one
19 million dollars (\$1,000,000).

20 (d) Each day during ~~any a~~ portion of which a violation occurs
21 is a separate offense.

22 SEC. 6. Section 42402.6 is added to the Health and Safety
23 Code, to read:

24 42402.6. (a) (1) A person is liable for a civil penalty of not
25 more than thirty thousand dollars (\$30,000) if the person violates
26 Section 41700 and all of the following occur:

27 (A) (i) The discharge is from a Title V source that is a refinery.

28 (ii) For purposes of this subparagraph, “refinery” means an
29 establishment that is located on one or more contiguous or adjacent
30 properties that processes a petroleum or alternative feedstock to
31 produce a more usable product such as gasoline, diesel fuel,
32 aviation fuel, lubricating oil, asphalt, petrochemical feedstock, or
33 other similar product.

34 (B) The discharge results in a severe disruption to the
35 community, including, but not limited to, residential displacement,
36 shelter in place, evacuation, or destruction of property.

37 (C) The discharge contains or includes one or more toxic air
38 contaminants, as identified by the state board pursuant to Section
39 39657.

40 (D) Twenty-five or more persons are exposed to the discharge.

1 (2) A person shall be liable for a civil penalty of not more than
2 one hundred thousand dollars (\$100,000) for a discharge subject
3 to paragraph (1) if that discharge occurs within 12 months of a
4 prior discharge subject to paragraph (1).

5 (b) Except as provided in subdivision (b) of Section 42402.2 or
6 subdivision (b) or (c) of Section 42402.3, a civil penalty described
7 in subdivision (a) shall apply on the initial date of a violation.

8 (c) If a violation of subdivision (a) continues to occur subsequent
9 to the initial date of the violation, the civil penalty described in
10 Section 42402, 42402.1, 42402.2, or 42402.3 shall apply to those
11 subsequent days.

12 (d) The civil penalty described in paragraphs (1) and (2) of
13 subdivision (a) shall not apply if the violation is caused by
14 unforeseen and unforeseeable criminal acts, acts of war, acts of
15 terrorism, or civil unrest.

16 (e) Moneys collected pursuant to this section shall be expended
17 in support of air quality programs, including, but not limited to,
18 programs to research or mitigate the effects of air pollution.

19 SEC. 7. Section 42403 of the Health and Safety Code is
20 amended to read:

21 42403. (a) The civil penalties prescribed in Sections 39674,
22 42401, 42402, 42402.1, 42402.2, ~~and 42402.3~~ 42402.3, and
23 42402.6 shall be assessed and recovered in a civil action brought
24 in the name of the people of the State of California by the Attorney
25 General, by ~~any~~ a district attorney, or by the attorney for ~~any~~ the
26 district in which the violation occurs in ~~any~~ a court of competent
27 jurisdiction.

28 (b) In determining the amount of *the civil penalty* assessed, the
29 court, or in reaching ~~any~~ a settlement, the district, shall take into
30 consideration all relevant circumstances, including, but not limited
31 to, the following:

- 32 (1) The extent of harm caused by the violation.
- 33 (2) The nature and persistence of the violation.
- 34 (3) The length of time over which the violation occurs.
- 35 (4) The frequency of past violations.
- 36 (5) The record of maintenance.
- 37 (6) The unproven or innovative nature of the control equipment.
- 38 (7) ~~Any action~~ *Action, if any*, taken by the defendant, including
39 the nature, extent, and time of response of the cleanup and
40 construction undertaken, to mitigate the violation.

- 1 (8) The financial burden to the defendant.

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ASSEMBLY BILL

No. 2214

Introduced by Assembly Member Cristina Garcia

February 15, 2022

An act to amend Section 21151.2 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2214, as introduced, Cristina Garcia. California Environmental Quality Act: schoolsites: acquisition of property.

(1) The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

Existing law requires the governing board of a school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. Existing law requires the planning commission to investigate the proposed site and submit a written report to the governing board of the school district, as provided. Existing law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received.

This bill would also require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the

proposed site and submit a written report to the governing board or body of the charter school or private school, as provided. The bill would make the provisions relating to school districts also applicable to charter schools and private schools.

(2) To the extent that this bill would impose new duties on local agencies, this bill would constitute 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, 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. Section 21151.2 of the Public Resources Code
2 is amended to read:

3 21151.2. (a) To promote the *health and* safety of pupils and
4 comprehensive community ~~planning~~ *planning*, the governing board
5 *or body* of each school ~~district~~ *district, charter school, or private*
6 *school shall*, before acquiring title to property for a new ~~school~~
7 *site schoolsite* or for an addition to a present ~~school site~~, ~~shall~~
8 *schoolsite*, give the planning commission having jurisdiction notice
9 in writing of the proposed acquisition. ~~The~~

10 (b) *The* planning commission shall investigate the proposed site
11 and within 30 days after receipt of the notice shall submit to the
12 governing board *or body of the school district, charter school, or*
13 *private school* a written report of the investigation and its
14 recommendations concerning acquisition of the site.

15 ~~The~~
16 (c) *The* governing board *or body of the school district, charter*
17 *school, or private school* shall not acquire title to the property until
18 the report of the planning commission has been received. ~~If~~

19 (d) *If* the report does not favor the acquisition of the property
20 for a ~~school site~~, *schoolsite*, or for an addition to a present ~~school~~
21 ~~site~~, *schoolsite*, the governing board *or body* of the school ~~district~~

1 *district, charter school, or private school* shall not acquire title to
2 the property until 30 days after the commission's report is received.

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

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ASSEMBLY BILL

No. 2721

Introduced by Assembly Member Lee

February 18, 2022

An act relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, as introduced, Lee. Bay Area Air Quality Management District: district board: compensation and expenses.

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. Existing law establishes a district board to govern the district and prescribes the membership of the district board. Existing law authorizes the district board to provide, by ordinance, compensation for board members for attending meetings or while on official business of the district and also requires board members to receive actual and necessary expenses incurred in the performance of their duties, as specified.

This bill would state the intent of the Legislature to enact subsequent legislation that would make changes to the compensation and expenses that members of the district board receive in the performance of their board duties.

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

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

1 SECTION 1. In order to promote active transportation, reduce
2 air pollution, and protect public health in the bay area region, it is
3 the intent of the Legislature to enact subsequent legislation that
4 would make changes to the compensation and expenses that
5 members of the board of the Bay Area Air Quality Management
6 District receive in the performance of their board duties.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 14, 2022

Re: Consideration of New Bills

RECOMMENDED ACTION

Approve staff's recommendation of support for the following bill(s):

- Assembly Bill (AB) 2206 (Lee) - Employee parking.

Approve staff's recommendation of opposition for the following bill(s):

- AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.
- Senate Bill (SB) 1393 (Archuleta) - Energy: appliances: local requirements.

BACKGROUND

This is the second year of the two-year 2021-2022 Legislative Session. The last day for bills to be introduced this year was February 18, 2022. Bills can be heard in committee 31 days after being introduced, with most bills being heard in committee beginning in mid-March.

Attached is the matrix of bills that the Air District is currently tracking and has been arranged by category.

DISCUSSION

Staff will provide the Committee a brief summary and status of bills on the attached list and will recommend bills to support and oppose during the session. Staff will review other bills that may be of interest to the Committee. Specifically, staff will plan to discuss the following bills:

AB 2206 (Lee) - Employee parking.

CapitolTrack Bill Summary: Current law requires, in any air basin designated as nonattainment for certain air quality standards, an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program, as provided. This bill would require a lessor that enters into or renews a lease with an employer subject to the requirement

above, on or after January 1, 2023, to list the amount of parking costs as a separate line item in the lease or provide a list of parking costs to the lessee within 30 days after the lease is entered into or renewed.

AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.

CapitolTrack Bill Summary: Would, except as provided, require air pollution control and air quality management districts to establish a mobile fueling on-demand tank vehicle uniform permit program for mobile fueling on-demand tank vehicle operations, as defined. The bill would require that a mobile fueling on-demand tank vehicle uniform permit program provide, among other things, a consolidated permitting process for an operation that requires more than one permit and an expedited permit review and fee schedule. By placing additional duties upon air pollution control and air quality management districts, and expanding the scope of existing crimes, the bill would impose a state-mandated local program.

SB 1393 (Archuleta) - Energy: appliances: local requirements.

CapitolTrack Bill Summary: Current law requires the State Energy Resources Conservation and Development Commission to take specified actions to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water, and to manage energy loads to help maintain electrical grid reliability. This bill would require a city, including a charter city, or county to submit an application to, and receive approval from, the commission before the city or county could require that a fossil fuel-fired appliance be replaced with an electric appliance upon the alteration or retrofit of a residential or nonresidential building, except when the requirement includes specified exemptions, as specified.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

ATTACHMENTS:

1. Bills of Interest Matrix - As of March 4, 2022
2. AB 2206 (Lee) - Bill Text
3. AB 2563 (Quirk) - Bill Text
4. SB 1393 (Archuleta) - Bill Text

Bill #	Author	Subject	Last Amended	Last Status - As of 3/4/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1749	Garcia, Cristina	Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.		2/10/2022-Referred to Com. on NAT. RES.	2/10/2022-A. NAT. RES.			Medium	AB 617
AB 284	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	7/14/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	Climate Change
AB 1369	Bennett	Buy Clean California Act: eligible materials: product-specific global warming potential emissions.	1/12/2022	2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.	2/1/2022-S. RLS.			Low	Climate Change
AB 1395	Muratsuchi	The California Climate Crisis Act.	9/3/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	Climate Change
AB 1676	Burke	Greenhouse gases: carbon capture, utilization, and sequestration.		1/21/2022-From printer. May be heard in committee February 20.	1/20/2022-A. PRINT	Intent Bill		Low	Climate Change
AB 2360	Arambula	Climate change and public health funding working group.		2/17/2022-From printer. May be heard in committee March 19.	2/16/2022-A. PRINT	Intent Bill		Low	Climate Change
AB 2442	Rivas, Robert	California Global Warming Solutions Act of 2006: state board.		2/18/2022-From printer. May be heard in committee March 20.	2/17/2022-A. PRINT	Spot Bill		Low	Climate Change
AB 2446	Holden	Embodied carbon emissions: construction materials.		3/3/2022-Referred to Com. on NAT. RES.	3/3/2022-A. NAT. RES.			Low	Climate Change
AB 2532	Bennett	Scoping plan: compliance and implementation: reports.		2/18/2022-From printer. May be heard in committee March 20.	2/17/2022-A. PRINT			Low	Climate Change
AB 2578	Cunningham	Climate strategy: carbon capture, utilization, and sequestration.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	Climate Change
AB 2674	Villapudua	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Climate Change
AB 2700	McCarty	Climate change: scoping plan.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Climate Change
AB 2722	Grayson	Greenhouse gases: work-from-home option.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Climate Change
AB 2809	Carrillo	Greenhouse gases: refrigerants.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	Climate Change
AB 2944	Petrie-Norris	Greenhouse gases: carbon capture, utilization, and sequestration.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	Climate Change
SB 260	Wiener	Climate Corporate Accountability Act.	1/3/2022	1/26/2022-Read third time. Passed. (Ayes 23. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	1/26/2022-A. DESK			Medium	Climate Change
SB 852	Dodd	Climate resilience districts: formation: funding mechanisms.		2/7/2022-Art. IV, Sec. 8(a) of the Constitution dispensed with. (Ayes 31. Noes 6.) Joint Rule 55 suspended. (Ayes 31. Noes 6.)	1/26/2022-S. GOV. & F.			Low	Climate Change
SB 905	Skinner	Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act.	2/18/2022	3/2/2022-Re-referred to Coms. on E.Q., ED., and N.R. & W.	3/2/2022-S. E.Q.			Low	Climate Change
SB 989	Hertzberg	Transformative Climate Communities Program: climate community plans.		2/23/2022-Referred to Com. on RLS.	2/14/2022-S. RLS.			Low	Climate Change
SB 1020	Atkins	California Global Warming Solutions Act of 2006: scoping plan.		2/23/2022-Referred to Com. on E.Q.	2/23/2022-S. E.Q.			Low	Climate Change
SB 1068	Laird	Climate change.		2/23/2022-Referred to Com. on RLS.	2/15/2022-S. RLS.			Low	Climate Change
SB 1075	Skinner	Hydrogen: green hydrogen: emissions of greenhouse gases.		2/24/2022-Referral to Com. on E.Q. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.	2/24/2022-S. E.Q.			Low	Climate Change
SB 1101	Caballero	Carbon capture, utilization, and sequestration framework.		2/23/2022-Referred to Com. on RLS.	2/16/2022-S. RLS.	Intent Bill		Low	Climate Change
SB 1136	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.		2/23/2022-Referred to Com. on RLS.	2/16/2022-S. RLS.	Spot Bill		Low	Climate Change
SB 1145	Laird	California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard.	3/1/2022	3/1/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/16/2022-S. RLS.	Intent Bill		Low	Climate Change
SB 1206	Skinner	Hydrofluorocarbon gases: sale or distribution.		3/2/2022-Referred to Com. on E.Q.	3/2/2022-S. E.Q.			Low	Climate Change
SB 1230	Limón	Greenhouse gas emissions: transportation.		3/2/2022-Referred to Com. on RLS.	2/17/2022-S. RLS.	Intent Bill		Low	Climate Change
SB 1297	Cortese	Low-embodied carbon building materials: carbon sequestration.		3/2/2022-Referred to Coms. on E.Q. and N.R. & W.	3/2/2022-S. E.Q.			Low	Climate Change
SB 1301	Becker	Building performance standards.		3/2/2022-Referred to Com. on RLS.	2/18/2022-S. RLS.	Intent Bill		Low	Climate Change
SB 1347	Hueso	California Global Warming Solutions Act of 2006.		3/2/2022-Referred to Com. on RLS.	2/18/2022-S. RLS.	Spot Bill		Low	Climate Change
SB 1399	Wieckowski	Carbon capture and storage pilot program: industrial facilities.		2/22/2022-From printer.	2/18/2022-S. RLS.			Low	Climate Change
AB 1814	Grayson	Transportation electrification: community choice aggregators.		2/18/2022-Referred to Com. on U. & E.	2/18/2022-A. U. & E.			Low	Energy
AB 2075	Ting	Energy: electric vehicle charging standards.		3/3/2022-Referred to Coms. on NAT. RES. and U. & E.	3/3/2022-A. NAT. RES.			Low	Energy
AB 2204	Boerner Horvath	Clean energy: Office of Clean Energy Workforce.		3/3/2022-Referred to Coms. on L. & E. and U. & E.	3/3/2022-A. L. & E.			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 3/4/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2316	Ward	Community Renewable Energy Program.		3/3/2022- Referred to Com. on U. & E.	3/3/2022-A. U. & E.			Low	Energy
AB 2587	Garcia, Eduardo	Energy: firm zero-carbon resources: procurement.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Energy
AB 2724	Bennett	Green hydrogen.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	Energy
AB 2892	Bigelow	Biodiesel fuels: renewable diesel fuel.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Energy
SB 1039	Wieckowski	Clean energy and pollution reduction objectives.		2/23/2022- Referred to Com. on RLS.	2/15/2022-S. RLS.	Spot Bill		Low	Energy
SB 1112	Becker	Energy suppliers: notice and recordation of a decarbonization charge.		2/23/2022- Referred to Com. on E, U. & C.	2/23/2022-S. E. U., & C.			Low	Energy
SB 1156	Grove	Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.		2/18/2022- From printer.	2/17/2022-S. RLS.			Low	Energy
SB 1164	Stern	Energy: building energy efficiency: document repository and registry.		3/2/2022- Referred to Coms. on E, U. & C. and E.Q.	3/2/2022-S. E. U., & C.			Low	Energy
SB 1291	Archuleta	Green electrolytic hydrogen.		3/2/2022- Referred to Com. on RLS.	2/18/2022-S. RLS.	Spot Bill		Low	Energy
SB 1393	Archuleta	Energy: appliances: local requirements.		2/22/2022- From printer.	2/18/2022-S. RLS.		Propose Oppose	Medium	Energy
AB 1001	Garcia, Cristina	Environment: mitigation measures for air and water quality impacts: environmental justice.	1/24/2022	2/1/2022- In Senate. Read first time. To Com. on RLS for assignment.	2/1/2022-S. RLS.			Medium	Environmental Justice
AB 1966	Muratsuchi	Fossil fuel-dependent workers: California Equitable Just Transition Fund.		2/11/2022- From printer. May be heard in committee March 13.	2/10/2022-A. PRINT	Intent Bill		Low	Environmental Justice
AB 2108	Rivas, Robert	Water policy: environmental justice and tribal community representation.		2/24/2022- Referred to Com. on E.S. & T.M.	2/24/2022-A. E.S. & T.M.			Low	Environmental Justice
AB 2419	Bryan	Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.		3/3/2022- Referred to Coms. on NAT. RES. and E.S. & T.M.	3/3/2022-A. NAT. RES.			Low	Environmental Justice
AB 1897	Wicks	Nonvehicular air pollution control: refineries: penalties.		2/18/2022- Referred to Coms. on NAT. RES. and JUD.	2/18/2022-A. NAT. RES.		Air District-Sponsored	High	General-Air District
AB 2141	Garcia, Eduardo	Air pollution: best available retrofit control technology.		2/15/2022- From printer. May be heard in committee March 18.	2/15/2022-A. PRINT	Spot Bill		Medium	General-Air District
AB 2563	Quirk	Air pollution: permits: mobile fueling on-demand tank vehicles.		2/18/2022- From printer. May be heard in committee March 20.	2/17/2022-A. PRINT		Propose Oppose	Medium	General-Air District
AB 2649	Garcia, Cristina	Air pollution.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Medium	General-Air District
AB 2721	Lee	Bay Area Air Quality Management District: district board: compensation and expenses.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill	Air District-Sponsored	High	General-Air District
AB 2836	Garcia, Eduardo	Carl Moyer Memorial Air Quality Standards Attainment Program.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Medium	General-Air District
AB 2840	Reyes	Sacramento Metropolitan Air Quality Management District: air quality improvement strategy.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	General-Air District
AB 2852	Bloom	Air pollution control districts and air quality management districts.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Medium	General-Air District
AB 2910	Cunningham	Agriculture: produce markets.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Medium	General-Air District
SB 1095	Durazo	Air quality: rules and regulations: socioeconomic impacts assessment.		2/23/2022- Referred to Com. on E.Q.	2/23/2022-S. E.Q.			Medium	General-Air District
SB 1235	Borgeas	Air pollution: portable equipment: emergency events.		3/2/2022- Referred to Com. on E.Q.	3/2/2022-S. E.Q.			Medium	General-Air District
AB 363	Medina	Carl Moyer Memorial Air Quality Standards Attainment Program.	7/5/2021	7/14/2021- Failed Deadline pursuant to Rule 61(a)(11). (Last location was TRANS. on 6/28/2021)(May be acted upon Jan 2022)	7/14/2021-S. 2 YEAR			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 965	Levine	Building standards: electric vehicle charging infrastructure.	6/29/2021	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1389	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	9/3/2021	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1644	Burke	Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021		1/20/2022- Referred to Coms. on L. & E. and NAT. RES.	1/20/2022-A. L. & E.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1738	Boerner Horvath	Building standards: installation of electric vehicle charging stations: existing buildings.		2/10/2022- Referred to Coms. on H. & C.D. and ED.	2/10/2022-A. H. & C.D.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1771	Ward	Zero-emission vehicles: grants.		3/3/2022- Referred to Coms. on REV. & TAX. and H. & C.D.	3/3/2022-A. REV. & TAX	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1778	Garcia, Cristina	State transportation funding: freeway widening: poverty and pollution: Department of Transportation.		2/10/2022- Referred to Com. on TRANS.	2/10/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1873	Boerner Horvath	Personal Income Tax Law: Corporation Tax Law: credits: electric vehicle charging stations.		2/18/2022- Referred to Com. on REV. & TAX.	2/18/2022-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2061	Ting	Transportation electrification: electric vehicle charging infrastructure.		2/24/2022- Referred to Coms. on TRANS. and U. & E.	2/24/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2074	Gipson	Air Quality Improvement Program: micromobility devices.		2/24/2022- Referred to Com. on TRANS.	2/24/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 3/4/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2101	Flora	Whole orchard recycling projects: carbon offsets.		2/24/2022-Referred to Com. on NAT. RES.	2/24/2022-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2111	Bigelow	Motor vehicles: air pollution.		2/15/2022-From printer. May be heard in committee March 17.	2/14/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2197	Mullin	Caltrain electrification project: funding.		2/24/2022-Referred to Com. on TRANS.	2/24/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2350	Grayson	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.		3/3/2022-Referred to Coms. on TRANS. and NAT. RES.	3/3/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2358	O'Donnell	Alternative vehicle and vessel technologies: funding programs: commercial harbor craft.		3/3/2022-Referred to Com. on TRANS.	3/3/2022-A. TRANS.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2554	O'Donnell	Air pollution: assistance program: drayage vehicles.		2/18/2022-From printer. May be heard in committee March 20.	2/17/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2562	Bennett	Clean Transportation Program: hydrogen-fueling stations.		2/18/2022-From printer. May be heard in committee March 20.	2/17/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2622	Mullin	Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2690	Boerner Horvath	Vehicular air pollution: emissions standards.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2703	Muratsuchi	Zero-emission fueling station reliability standards: transportation: low-income and disadvantaged community financial assistance.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2737	Carrillo	Air pollution: purchase of new drayage and short-haul trucks: incentive programs: eligibility: labor standards.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2793	Muratsuchi	California Greenhouse Gas Cap-and-Trade Program.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2798	Fong	Freight: development projects.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2802	Muratsuchi	Air pollution: carbon tax and dividend.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2807	Bonta, Mia	Transportation funding programs: eligibility: public transportation ferries.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2862	Muratsuchi	California Global Warming Solutions Act of 2006: offset credits.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2928	Cooper	Vehicles: retirement and replacement.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2953	Salas	Air pollution: drayage vehicles: registry.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Intent Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2954	Cunningham	Vehicular air pollution: State Air Resources Board: regulations.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 45	Portantino	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	1/3/2022	1/24/2022-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	1/24/2022-A. DESK			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 542	Limón	Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.	5/25/2021	1/18/2022-Read third time. Passed. (Ayes 33. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	1/18/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 726	Gonzalez	Alternative fuel and vehicle technologies: sustainable transportation.	8/30/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022)	9/10/2021-A. 2 YEAR			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 771	Becker	Sales and Use Tax Law: zero emissions vehicle exemption.	5/11/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 5/26/2021)(May be acted upon Jan 2022)	9/10/2021-A. 2 YEAR			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 894	Jones	Off-highway vehicles.		3/2/2022-Set for hearing March 22.	2/9/2022-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 922	Wiener	California Environmental Quality Act: exemptions: transportation-related projects.		2/16/2022-Referred to Com. on E.Q.	2/16/2022-S. E.Q.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 932	Portantino	General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.		2/16/2022-Referred to Coms. on GOV. & F. and TRANS.	2/16/2022-S. GOV. & F.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 942	Newman	Low Carbon Transit Operations Program: free or reduced fare transit program.		3/2/2022-Set for hearing March 22.	2/16/2022-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1010	Skinner	Air pollution: state vehicle fleet: zero-emission vehicles.		2/23/2022-Referred to Coms. on G.O. and E.Q.	2/23/2022-S. G.O.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1086	Melendez	California Global Warming Solutions Act of 2006: market-based compliance mechanism.		2/23/2022-Referred to Com. on RLS.	2/15/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1104	Gonzalez	Governor's Office of Business and Economic Development: Office of Freight.		2/23/2022-Referred to Coms. on B., P. & E.D. and TRANS.	2/23/2022-S. B., P. & E.D.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1203	Becker	State Air Resources Board: Fluorinated Gases Emission Reduction Incentive Program.		3/2/2022-Referred to Com. on RLS.	2/17/2022-S. RLS.	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1217	Allen	State-Regional Collaborative for Climate, Equity, and Resilience.		3/2/2022-Referred to Coms. on E.Q., TRANS., and HOUSING.	3/2/2022-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1251	Gonzalez	Electric Vehicle Equity Ombudsperson.		3/2/2022-Referred to Coms. on G.O., TRANS., and E., U. & C.	3/2/2022-S. G.O.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1258	Allen	Clean Transportation Program: autonomous vehicles.		3/2/2022-Referred to Coms. on E., U. & C. and TRANS.	3/2/2022-S. E., U., & C.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1294	Cortese	Air pollution: purchase of new drayage and short-haul trucks: incentive programs: eligibility.		3/2/2022-Referred to Com. on RLS.	2/18/2022-S. RLS.	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 3/4/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1305	Laird	State vehicle fleet: alternative fuel vehicles.		3/2/2022- Referred to Com. on G.O.	3/2/2022-S. G.O.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1329	Newman	Hydrogen-fueled vehicles.		3/2/2022- Referred to Com. on RLS.	2/18/2022-S. RLS.	Spot Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1391	Kamlager	Greenhouse Gas Reduction Fund: investment plan.		2/22/2022- From printer.	2/18/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1482	Allen	Building standards: electric vehicle charging infrastructure.		2/22/2022- From printer.	2/18/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 983	Garcia, Eduardo	Public contracts: construction projects: community workforce agreements: battery manufacturing and lithium-based technology.	6/15/2021	7/14/2021- Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 6/22/2021)(May be acted upon Jan 2022)	7/14/2021-S. 2 YEAR			Low	Other
AB 1240	Ting	Indoor air pollution.	1/24/2022	2/1/2022- In Senate. Read first time. To Com. on RLS. for assignment.	2/1/2022-S. RLS.			Medium	Other
AB 1624	Ting	Budget Act of 2022.		1/20/2022- Referred to Com. on BUDGET.	1/10/2022-A. BUDGET			High	Other
AB 1717	Aguiar-Curry	Public works: definition.		2/3/2022- Referred to Com. on L. & E.	2/3/2022-A. L. & E.			Low	Other
AB 1944	Lee	Local government: open and public meetings.		2/18/2022- Referred to Com. on L. GOV.	2/18/2022-A. L. GOV.		Support	Low	Other
AB 2056	Grayson	Bar pilots: pilotage rates: pilot boat surcharge.		2/24/2022- Referred to Com. on TRANS.	2/24/2022-A. TRANS.			Low	Other
AB 2076	Rivas, Luz	Extreme Heat and Community Resilience Program: Extreme Heat Hospitalization and Death Reporting System.		2/24/2022- Referred to Coms. on NAT. RES. and HEALTH.	2/24/2022-A. NAT. RES.			Low	Other
AB 2206	Lee	Employee parking.		2/24/2022- Referred to Com. on TRANS.	2/24/2022-A. TRANS.		Propose Support	Medium	Other
AB 2214	Garcia, Cristina	California Environmental Quality Act: school sites: acquisition of property.		2/24/2022- Referred to Coms. on NAT. RES. and ED.	2/24/2022-A. NAT. RES.		Air District-Sponsored	High	Other
AB 2219	Smith	State Air Resources Board: members.		2/24/2022- Referred to Com. on NAT. RES.	2/24/2022-A. NAT. RES.			Low	Other
AB 2237	Friedman	Regional transportation plan: Active Transportation Program.		3/3/2022- Referred to Coms. on TRANS. and NAT. RES.	3/3/2022-A. TRANS.			Low	Other
AB 2449	Rubio, Blanca	Open meetings: local agencies: teleconferences.		3/3/2022- Referred to Com. on L. GOV.	3/3/2022-A. L. GOV.			Low	Other
AB 2620	Valladares	Income taxes: credits: telecommuting: transfer of funds.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Other
AB 2647	Levine	Local government: open meetings.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Other
AB 2770	Villapudua	Local government finance.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	Other
AB 2816	Ting	Gas storage wells: reportable leaks: regulations.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Other
AB 2878	Aguiar-Curry	California Environmental Quality Act.		2/19/2022- From printer. May be heard in committee March 21.	2/18/2022-A. PRINT	Spot Bill		Low	Other
SB 560	Rubio	Climate Pollution Reduction in Homes Initiative: grants.	5/20/2021	1/24/2022- Read third time. Passed. (Ayes 33. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	1/24/2022-A. DESK			Medium	Other
SB 778	Becker	Buy Clean California Act: Environmental Product Declarations: concrete.	6/21/2021	7/14/2021- Failed Deadline pursuant to Rule 61(a)(11). (Last location was A. & A.R. on 6/24/2021)(May be acted upon Jan 2022)	7/14/2021-A. 2 YEAR			Low	Other
SB 833	Dodd	Community Energy Resilience Act of 2022.		1/19/2022- Referred to Com. on E., U. & C.	1/19/2022-S. E. U., & C.			Low	Other
SB 840	Skinner	Budget Act of 2022.		1/11/2022- From printer.	1/10/2022-S. BUDGET & P.R.			High	Other
SB 1100	Cortese	Open meetings: orderly conduct.		2/23/2022- Referred to Coms. on GOV. & F. and JUD.	2/23/2022-S. GOV. & F.			Low	Other
SB 1117	Becker	State Public Defender: grants.	3/3/2022	3/3/2022- From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.	2/23/2022-S. GOV. & F.			Low	Other
SB 1118	Borgeas	California Environmental Quality Act: judicial relief.		2/23/2022- Referred to Com. on RLS.	2/16/2022-S. RLS.	Spot Bill		Low	Other
SB 1132	Wieckowski	Air quality health planning.		2/23/2022- Referred to Com. on RLS.	2/16/2022-S. RLS.	Spot Bill		Low	Other
SB 1314	Limón	Toxic air contaminants: human exposure.		3/2/2022- Referred to Com. on RLS.	2/18/2022-S. RLS.	Spot Bill		Low	Other
SB 1372	Stern	Regulations.		2/22/2022- From printer.	2/18/2022-S. RLS.			Low	Other
AB 2232	McCarty	School facilities: heating, ventilation, and air conditioning systems.		3/3/2022- Referred to Coms. on ED. and HIGHER ED.	3/3/2022-A. ED.			Medium	Wildfire/PSPS
AB 2243	Garcia, Eduardo	Occupational safety and health standards: heat illness: wildfire smoke.		3/3/2022- Referred to Com. on L. & E.	3/3/2022-A. L. & E.			Low	Wildfire/PSPS
AB 2258	Wood	Property Assessed Clean Energy program: wildfire safety improvements.		3/3/2022- Referred to Coms. on L. GOV. and B. & F.	3/3/2022-A. L. GOV.			Low	Wildfire/PSPS
AB 2387	Garcia, Eduardo	State Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022		3/3/2022- Referred to Coms. on W., P., & W. and NAT. RES.	3/3/2022-A. W., P. & W.			Low	Wildfire/PSPS
AB 2538	Rivas, Robert	State Warning Center: wildfire smoke notification.		2/18/2022- From printer. May be heard in committee March 20.	2/17/2022-A. PRINT			Low	Wildfire/PSPS

Bill #	Author	Subject	Last Amended	Last Status - As of 3/4/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2550	Arambula	State Air Resources Board: ambient air quality standards: programs, rules, and regulations.		2/18/2022-From printer. May be heard in committee March 20.	2/17/2022-A. PRINT	Spot Bill		Medium	Wildfire/PSPS
AB 2645	Rodriguez	Local emergency plans: integration of access and functional needs: community resilience centers.		2/19/2022-From printer. May be heard in committee March 21.	2/18/2022-A. PRINT			Low	Wildfire/PSPS
SB 1264	Dahle	Property Assessed Clean Energy program: wildfire safety improvements.		3/2/2022-Referred to Com. on GOV. & F.	3/2/2022-S. GOV. & F.			Low	Wildfire/PSPS
SB 1266	Borgeas	Income taxes: credits: designated wildfire zones.		2/22/2022-From printer.	2/18/2022-S. RLS.			Low	Wildfire/PSPS
Total Active Bills	144							Low: Medium: High:	116 23 5

ASSEMBLY BILL

No. 2206

Introduced by Assembly Member Lee

February 15, 2022

An act to amend Section 43845 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2206, as introduced, Lee. Employee parking.

Existing law requires, in any air basin designated as nonattainment for certain air quality standards, an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program, as provided.

This bill would require a lessor that enters into or renews a lease with an employer subject to the requirement above, on or after January 1, 2023, to list the amount of parking costs as a separate line item in the lease or provide a list of parking costs to the lessee within 30 days after the lease is entered into or renewed.

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

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

1 SECTION 1. Section 43845 of the Health and Safety Code is
2 amended to read:
3 43845. (a) In any air basin designated as a nonattainment area
4 pursuant to Section 39608, each employer of 50 persons or more
5 who provides a parking subsidy to employees, shall offer a parking
6 cash-out program. ~~“Parking cash-out program” means an~~

1 ~~employer-funded program under which an employer offers to~~
 2 ~~provide a cash allowance to an employee equivalent to the parking~~
 3 ~~subsidy that the employer would otherwise pay to provide the~~
 4 ~~employee with a parking space.~~

5 (b) A parking cash-out program may include a requirement that
 6 ~~an employee participants certify~~ *participant certifies that they the*
 7 *participant* will comply with guidelines established by the
 8 employer designed to avoid neighborhood parking problems, with
 9 a provision that ~~employees~~ *an employee that is not complying in*
 10 *compliance* with the guidelines will no longer be eligible for the
 11 parking cash-out program.

12 (c) (1) *A lessor shall do either of the following for any lease,*
 13 *entered into or renewed on or after January 1, 2023, with a lessee*
 14 *who is an employer subject to subdivision (a), that offers parking*
 15 *to the employer:*

16 (A) *List the amount of parking costs as a separate line item in*
 17 *the lease.*

18 (B) *Provide a list of parking costs to the lessee within 30 days*
 19 *after the lease is entered into or renewed.*

20 (2) *Paragraph (1) does not create a right for an employee to*
 21 *access, review, or challenge a lease, or a proposed lease, entered*
 22 *into between an employer and a lessor. Upon the request of an*
 23 *employee, an employer shall give to that employee the parking*
 24 *cost information received from the lessor pursuant to paragraph*
 25 *(1).*

26 (e)

27 (d) As used in this section, the following terms have the
 28 following meanings:

29 (1) “Employee” means an employee of an employer subject to
 30 this section.

31 (2) “Employer” means an employer of 50 persons or more who
 32 provides a parking subsidy to employees.

33 (3) “Parking cash-out program” means an employer-funded
 34 program pursuant to which an employer offers to provide a cash
 35 allowance to an employee equivalent to the parking subsidy that
 36 the employer would otherwise pay to provide the employee with
 37 a parking space.

38 (2)

39 (4) “Parking subsidy” means the difference between the
 40 out-of-pocket amount paid by an employer on a regular basis in

1 order to secure the availability of an employee parking space not
2 owned by the employer and the price, if any, charged to an
3 employee for use of that space.

4 ~~(d)~~

5 (e) Subdivision (a) does not apply to any employer who, on or
6 before January 1, 1993, has leased employee parking, until the
7 expiration of that lease or unless the lease permits the employer
8 to reduce, without penalty, the number of parking spaces subject
9 to the lease.

10 ~~(e)~~

11 (f) It is the intent of the Legislature, in enacting this section,
12 that the cash-out requirements apply only to ~~employers who~~ *an*
13 *employer that* can reduce, without penalty, the number of paid
14 parking spaces ~~they maintain~~ *it maintains* for the use of ~~their~~ *its*
15 employees and instead provide ~~their~~ *its* employees *with* the cash-out
16 option described in this section.

17 ~~(f)~~

18 (g) (1) The state board may impose the civil penalty described
19 in Section 43016 for a violation of this section.

20 (2) (A) A city, county, or air district may also adopt, by
21 ordinance or resolution, a penalty or other mechanism to ensure
22 that an employer within the jurisdiction of that city, county, or air
23 district is in compliance with this section.

24 (B) If a city, county, or air district establishes a penalty, the
25 governing body shall also establish procedures for providing notice
26 to ~~employers~~ *an employer* that ~~are~~ *is* in violation of this section
27 and for appeal by the employer of any penalty imposed.

28 (C) If a city, county, or air district establishes a penalty pursuant
29 to this paragraph, a penalty may be imposed on an employer
30 pursuant to paragraph (1) or this paragraph, but not both. If a
31 penalty is imposed on an employer pursuant to both paragraph (1)
32 and this paragraph, only the penalty imposed by the state board
33 shall apply.

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ASSEMBLY BILL

No. 2563

Introduced by Assembly Member Quirk
(Coauthors: Assembly Members Berman, Flora, and Grayson)
(Coauthor: Senator Cortese)

February 17, 2022

An act to add Section 42324 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2563, as introduced, Quirk. Air pollution: permits: mobile fueling on-demand tank vehicles.

Existing law authorizes air pollution control districts and air quality management districts to establish, by regulation, a permit system to require that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, the person obtain a permit from the district. Existing law requires air pollution control and air quality management districts, except county districts with a population of less than 250,000, to establish, by regulation, a program to provide for the expedited review of permits. A person who violates these requirements, or any rules, regulation, permit, or order of a district is guilty of a misdemeanor.

This bill would, except as provided, require air pollution control and air quality management districts to establish a mobile fueling on-demand tank vehicle uniform permit program for mobile fueling on-demand tank vehicle operations, as defined. The bill would require that a mobile fueling on-demand tank vehicle uniform permit program provide, among other things, a consolidated permitting process for an operation that

requires more than one permit and an expedited permit review and fee schedule. By placing additional duties upon air pollution control and air quality management districts, and expanding the scope of existing crimes, 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 specified reasons.

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) It is in the interest of the people of the state to enact laws
4 which promote development of new technologies or improve
5 existing technologies that further the development of alternative
6 and renewable fuel infrastructure connected with existing fleets,
7 public transit, and existing transportation corridors. Research,
8 development, and commercialization of alternative fuel
9 infrastructure in California has the potential to strengthen
10 California’s economy by providing job growth and helping to
11 reduce the state’s vulnerability to petroleum price volatility.

12 (b) Air pollution control districts and air quality management
13 districts play a vital and important oversight function in protecting
14 public health and the environment by regulating nonvehicular
15 emission sources under their jurisdiction.

16 (c) Retail gasoline dispensing operations of mobile fueling
17 on-demand tank vehicles is growing at a rapid rate across the state
18 and is in need of rules and regulations adopted by each district
19 under a uniform framework that ensure adherence to the strictest
20 emission control standards established by the state necessary to
21 achieve and maintain state and federal ambient air quality
22 standards.

23 (d) Each district may impose separate and sometimes
24 inconsistent emission control requirements and require separate
25 permits to operate mobile fueling on-demand tank vehicles that
26 are used at various sites throughout the state.

1 (e) That multiplicity of permits and regulatory requirements
2 that can apply to mobile fueling on-demand tank vehicles imposes
3 a complex and costly burden on California businesses that use,
4 hire, provide, and manufacture the equipment associated with
5 mobile fueling on-demand tank vehicles.

6 (f) Ensuring that district oversight is transparent and accountable
7 to Californians and is focused on public health, safety, and the
8 environment requires reforming the responsibilities of the districts
9 for mobile fueling on-demand tank vehicles.

10 (g) Mobile fueling on-demand tank vehicle operations have
11 attributes of both mobile sources and stationary sources of air
12 pollution. Uniform district air pollution permit and emission control
13 programs are needed to reflect the unique operating characteristics
14 of the equipment while providing authority to enforce emission
15 reduction measures to be applied to existing in-state, out-of-state,
16 and newly manufactured mobile fueling on-demand tank vehicles.

17 (h) A vast majority of air pollution control districts and air
18 quality management districts across the state currently have rules
19 that exempt mobile fueling operations from their rules or
20 regulations so long as the cargo tank capacity does not exceed 250
21 gallons. These rules were originally intended to exempt a narrow
22 scope of small-quantity uses within industries, such as agriculture
23 and construction. With the recent growth in retail mobile fueling,
24 these exemptions are now being exploited by some mobile fueling
25 on-demand tank vehicle operators to conduct unregulated
26 commercial retail gasoline dispensing across various districts.
27 Unregulated mobile fueling operations often use standard pickup
28 trucks or vans to transport small quantity containers of gasoline,
29 circumventing routine fire safety inspections or emission control
30 standards. This unregulated practice threatens public health and
31 safety, and its impact has been determined by the South Coast Air
32 Quality Management District to be up to 40 times worse for the
33 environment compared to regulated aspects of the industry.
34 Establishing a uniform permitting program for mobile fueling
35 on-demand tank vehicle sources will require each district to review
36 and adopt rules and regulations necessary to ensure exemptions
37 are not used outside of their intended purposes.

38 SEC. 2. Section 42324 is added to the Health and Safety Code,
39 to read:

1 42324. (a) For purposes of this section, “mobile fueling
 2 on-demand tank vehicle” means a tank truck or trailer that is
 3 equipped with an onboard cargo tank system designed to load,
 4 transport, and transfer gasoline directly from the onboard cargo
 5 tank into a motor vehicle fuel tank and emits less than 10 tons per
 6 year of any single pollutant and less than 20 tons per year of all
 7 pollutants.

8 (b) (1) In addition to the requirements of Sections 42322 and
 9 42322.5, each district shall establish a mobile fueling on-demand
 10 tank vehicle uniform permit program for mobile fueling on-demand
 11 tank vehicle operations located in its jurisdiction that requires those
 12 operations to adhere to the strictest emission control standards
 13 established by the state for the loading, storage, and transfer of
 14 gasoline from those vehicles. A mobile fueling on-demand tank
 15 vehicle uniform permit program adopted pursuant to this section
 16 shall consist of all of the following:

17 (A) A consolidated permitting process for a source requiring
 18 more than one permit that provides that the operation will be
 19 permitted on a single-facility or project-basis as a single-volume
 20 source, provides a single point of contact for the permit applicant,
 21 and allows an operation to be reviewed and permitted on a single,
 22 consolidated schedule.

23 (B) An expedited permit review and fee schedule, based upon
 24 the types and amount of pollution emitted from operations. To
 25 comply with this subdivision, a district shall classify operations
 26 within its jurisdiction as minor, moderate, and major sources of
 27 air pollution, and shall establish a permit action schedule that sets
 28 forth specific deadlines, based on each classification, for an air
 29 pollution control officer to notify a permit applicant in writing of
 30 the approval or disapproval of a permit application.

31 (C) Uniform applicability determination standards for new
 32 source review.

33 (D) Uniform definitions of modification, major modification,
 34 routine maintenance or repair, and replacement.

35 (E) Uniform calculation methodology, thresholds, and other
 36 procedures of new source review applied pursuant to the toxic air
 37 contaminant limitations established in the district.

38 (F) Uniform definitions and requirements applied under new
 39 source review regulations.

1 (G) Uniform requirements to obtain new source review or other
2 permits to construct or operate prior to commencement of
3 construction or operation.

4 (H) Uniform requirements for best available control technology
5 (BACT).

6 (I) Uniform requirements for air quality impact analysis.

7 (J) Uniform requirements for recordkeeping, monitoring, and
8 reporting in a manner that would not make recordkeeping,
9 monitoring, or reporting less representative, enforceable, or
10 publicly accessible.

11 (K) A uniform fee schedule based upon reasonable costs
12 necessary to administer enforcement for the total throughput of
13 operations in the district.

14 (2) In adoption rules and regulations pursuant to paragraph (1),
15 a district shall distinguish between retail and nonretail mobile
16 fueling on-demand vehicle operations.

17 (c) Rules and regulations adopted pursuant to this section do
18 not apply to mobile fueling on-demand tank vehicle that is used
19 primarily for the fueling of implements of agriculture or husbandry.

20 (d) This section does not apply to either of the following:

21 (1) A district that has already instituted, by regulation, a
22 permitting process for retail mobile fueling on-demand tank vehicle
23 operations located in its jurisdiction and that requires those
24 operations to adhere to the strictest emission control standards
25 established by the state through the application of a commercially
26 available emission limitation or control technique that has been
27 certified by the state board and achieved in practice for the loading,
28 storage, and transfer of gasoline from those vehicles.

29 (2) A district that has explicitly exempted retail mobile fueling
30 on-demand tank vehicle operations, including mobile refueling or
31 any other vehicle to vehicle refueling, from applicable rules or
32 regulations of the district.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 a local agency or school district has the authority to levy service
36 charges, fees, or assessments sufficient to pay for the program or
37 level of service mandated by this act or because costs that may be
38 incurred by a local agency or school district will be incurred
39 because this act creates a new crime or infraction, eliminates a
40 crime or infraction, or changes the penalty for a crime or infraction,

- 1 within the meaning of Section 17556 of the Government Code, or
- 2 changes the definition of a crime within the meaning of Section 6
- 3 of Article XIII B of the California Constitution.

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Introduced by Senator Archuleta
(Principal coauthor: Assembly Member Rodriguez)

February 18, 2022

An act to add Section 25233 to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as introduced, Archuleta. Energy: appliances: local requirements.

Existing law requires the State Energy Resources Conservation and Development Commission to take specified actions to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water, and to manage energy loads to help maintain electrical grid reliability. Existing law requires the commission, in furtherance of that purpose, to prescribe, by regulation, standards for minimum levels of operating efficiency to promote the use of energy- and water-efficient appliances whose use, as determined by the commission, requires a significant amount of energy or water on a statewide basis.

This bill would require a city, including a charter city, or county to submit an application to, and receive approval from, the commission before the city or county could require that a fossil fuel-fired appliance be replaced with an electric appliance upon the alteration or retrofit of a residential or nonresidential building, except when the requirement includes specified exemptions, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 25233 is added to the Public Resources
2 Code, to read:
3 25233. (a) For purposes of this section, the following
4 definitions apply:
5 (1) “Local government agency” means a city, including a charter
6 city, or county.
7 (2) “Low- and median-income consumers” means those
8 consumers with annual household incomes of 130 percent or less
9 of the area median income, as published by the Department of
10 Housing and Community Development pursuant to Section 50093
11 of the Health and Safety Code, for the jurisdiction in which the
12 requirement would apply.
13 (3) “Skilled and trained workforce” has the same meaning as
14 defined in Section 2601 of the Public Contract Code.
15 (b) (1) Except as provided in paragraph (2), before a local
16 government agency may require that a fossil fuel-fired appliance
17 be replaced with an electric appliance upon the alteration or retrofit
18 of a residential or nonresidential building, or amending that
19 requirement, the local government agency shall submit an
20 application to, and receive approval from, the commission pursuant
21 to this section.
22 (2) Paragraph (1) does not apply if the requirement, or the
23 amendment to that requirement, includes exemptions for all of the
24 following:
25 (A) Where compliance would be technically infeasible.
26 (B) Where compliance would not be cost effective.
27 (C) Where compliance would disproportionately impact low-
28 and median-income consumers.
29 (D) Where compliance would adversely impact a skilled and
30 trained workforce.
31 (E) Where compliance would increase costs for ratepayers of a
32 local publicly owned electric utility or electrical corporation.
33 (3) A requirement may include exemptions in addition to those
34 specified in paragraph (2).

1 (c) An application submitted pursuant to subdivision (b) shall
2 include all of the following:

3 (1) The text of the requirement.

4 (2) A list of the jurisdictions that share a border with the local
5 government agency and that have adopted or proposed
6 requirements the same as or similar to the requirement.

7 (3) The local government agency’s findings and supporting
8 analyses on the energy savings and life-cycle cost effectiveness
9 of the requirement. These findings and supporting analyses shall
10 separately analyze the economic impact of the requirement on low-
11 and median-income consumers.

12 (4) A statement or finding by the local government agency that
13 the requirement will require appliances to be designed to consume
14 no more energy than those permitted in buildings pursuant to
15 regulations otherwise adopted pursuant to Section 25402 or
16 25402.1.

17 (5) A finding by the local government agency that the
18 requirement is life-cycle cost effective and technically feasible
19 based on those products commercially available in California and
20 will not further diminish the comparable effectiveness of the
21 appliance being replaced.

22 (6) A statement or finding by the local government agency
23 describing any exemptions from the requirement and analyzing if
24 compliance with the requirement, in certain circumstances, could
25 be technically infeasible, not be cost effective, disproportionately
26 impact low- and median-income consumers, adversely impact a
27 skilled and trained workforce, or increase costs for ratepayers of
28 a local publicly owned electric utility or electrical corporation.

29 (7) Any findings, determinations, declarations, or reports,
30 including any negative declarations or environmental impact
31 reports, required pursuant to the California Environmental Quality
32 Act (Division 13 (commencing with Section 21000)).

33 (d) In determining whether to approve or deny an application
34 submitted pursuant to subdivision (b), the commission shall do
35 both of the following:

36 (1) Consider and analyze the totality of the requirement,
37 including any exemptions, to determine whether the requirement
38 would be technically feasible, be cost effective, disproportionately
39 impact low- and median-income consumers, adversely impact a
40 skilled and trained workforce, or increase costs for ratepayers of

1 a local publicly owned electric utility or electrical corporation.
2 The commission shall not approve an application for a requirement
3 if the commission determines that the requirement, or any portion
4 of the requirement, is not technically feasible, is not cost effective,
5 disproportionately impacts low- and median-income consumers,
6 adversely impacts a skilled and trained workforce, or increases
7 costs for ratepayers of a local publicly owned electric utility or
8 electrical corporation.

9 (2) Approve the application only upon determining that the local
10 government agency's requirement is consistent with federal and
11 state law.

12 SEC. 2. The Legislature finds and declares that Section 1 of
13 this act adding Section 25233 to the Public Resources Code
14 addresses a matter of statewide concern rather than a municipal
15 affair as that term is used in Section 5 of Article XI of the
16 California Constitution. Therefore, Section 2 of this act applies to
17 all cities, including charter cities.

O