

**STAFF REPORT  
INFORMATIONAL  
61**

A Statewide

06/23/20

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**LEGISLATIVE REPORT PROVIDING INFORMATION AND A STATUS UPDATE  
CONCERNING STATE LEGISLATION RELEVANT TO THE COMMISSION**

The California Legislature, like many state Legislatures, is grappling with a rapidly changing landscape as it endeavors to complete its work under compressed timelines and amid a global pandemic and worldwide protests demanding justice and fundamental changes to address systemic structural and institutional racism. After an unprecedented 2-month hiatus owing to the global pandemic, policy committees met in May to consider bills introduced this year. Legislators decided to hold many of their bills because of the budget outlook and the shortened legislative calendar. When policy committees resumed hearings in May, the hearing agendas were much shorter and fewer bills were heard. The Assembly Natural Resources Committee, for example, heard 18 bills, even though the Assembly Rules Committee sent them 104 bills. The Senate Rules Committee referred about 78 bills to the Senate Natural Resources and Water Committee, and the Committee heard about 12 of those bills.

Around the time that the Legislature resumed committee hearings, the Administration announced that the global pandemic had caused a \$54 billion budget deficit. A \$5.6 billion surplus evaporated, seemingly overnight. And now layered on top of the pandemic and the ensuing economic recession is widespread protesting against police brutality and systemic racism following the tragic deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless others. Against this backdrop, the Legislature continues its business. There are new bills focused on addressing the effects of the pandemic, and on addressing the criminal justice and policing system that was brought into sharp focus last month. Homelessness, the housing crisis, and wildfire prevention continue to be among the top priorities for the Legislature and the Administration. But other compelling and important issues have become equally critical.

The Commission sponsored one bill this year, SB 1472 (Senate Natural Resources and Water Committee), that repeals obsolete and redundant school land statutes and recasts or modernizes other school land statutes. The Commission voted to sponsor this legislation at its February meeting ([Staff Report 61, February 2020](#)). This bill is on the Senate floor.

Below is a list of legislation that may be of interest to the Commission, including legislation involving the issues mentioned above. Staff is monitoring a more extensive

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range of bills this year, given the shifting landscape in California and the nation. Staff will continue to monitor these bills as the Legislature moves into the final two months of the legislative session.

### **Climate Resilience/Wildfire Prevention/Drought Preparation/Safe Drinking Water/Flood Protection Bond**

AB 3256 (E. Garcia), the Assembly vehicle for this bond, and SB 45 (Allen), the Senate vehicle for this bond, are in the Assembly Rules Committee. Neither bill was part of the June budget package, and a climate resiliency bond presumably will not be on the November 2020 ballot. Assemblymember Garcia recently added an urgency clause to AB 3256, which means that it does not have to follow the usual legislative deadlines.

### **Climate Change and Sea-Level Rise**

#### **AB 2371 (Friedman) Office of Planning and Research: science advisory team: climate adaptation and hazard mitigation**

This bill requires the Office of Planning and Research to convene a climate science advisory team of scientists to advise on climate planning and adaptation efforts in California and to provide input to improve climate adaptation and hazard mitigation planning across state agencies. The bill also requires the Office of Planning and Research to produce, in consultation with the team and relevant state agencies and using the best available science, a list of recommended existing projects and potential projects of statewide significance and urgency that should be prioritized to advance the state's climate resilience, including projects that improve community resilience and hazard mitigation through natural infrastructure.

Status: Assembly floor

#### **AB 2621 (Mullin) Strategic Growth Council: regional climate networks: climate adaptation action plan**

This bill requires the Office of Planning and Research to develop guidelines that establish standards for how a regional climate network should develop a regional climate adaptation action plan. This bill also requires the Office of Planning and Research to recommend potential sources of financial assistance to create and implement plans and requires the Office of Planning and Research to provide technical assistance to local governments developing regional climate networks and plans.

Status: Assembly Floor

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**AB 2800 (Quirk) Climate change: state infrastructure planning: Climate-Safe Infrastructure Working Group**

This bill removes the sunset provision on the California Natural Resource Agency's Climate-Safe Infrastructure Working Group, which examines how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, including oversight, investment, design, and construction. This bill also provides that the working group shall only convene and perform its functions if resources are available to fund its work.

Status: Assembly floor

**AB 2954 (Rivas) California Global Warming Solutions Act of 2006: climate goal: natural and working lands**

This bill requires the California Air Resources Board, together with CalEPA, the Natural Resources Agency, the Office of Planning and Research, and other departments, to identify a climate goal for the state's natural and working lands. This bill also requires the Board, in tandem with the same entities, to identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal.

Status: Assembly floor

**SB 1258 (Stern) California Climate Technology and Infrastructure Financing Act**

This bill requires the Infrastructure and Economic Development Bank to administer a Climate Catalyst Revolving Fund, which the bill would establish, to provide financial assistance for climate catalyst projects. This bill also requires the Infrastructure and Economic Development Bank to administer a climate catalyst loan program and establishes the Climate Catalyst Revolving Fund for these purposes.

Status: Senate Appropriations Committee

**SB 1320 (Stern) Climate change: California Climate Change Assessment**

This bill requires the Office of Planning and Research to develop a Climate Change Assessment, in coordination with the California Natural Resources Agency, the Energy Commission, and the Strategic Growth Council, and in consultation with partner public agencies the Office designates. This bill also requires the Office of Planning and Research to conduct and publish the assessment biennially. The assessment would analyze and report on the impacts and risks of climate change and identify solutions to inform legislative policy. The assessment must include sector-specific liability projections that assess the effects of climate change under emission scenarios for the years 2025, 2030, 2050, and 2100.

Status: Senate Appropriations Committee

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**California Environmental Protection Act (CEQA)**

**AB 3279 (Friedman) California Environmental Quality Act: administrative and judicial procedures**

This bill requires that a court, to the extent feasible, commence hearings on an appeal within 270 days of the date of the filing of the appeal, and reduces the general period in which briefing should be completed from 90 to 60 days from the date that the request for a hearing is filed. This bill also repeals obsolete and duplicative CEQA provisions.

Status: Assembly floor

**SB 288 (Wiener) California Environmental Quality Act: exemptions**

This bill provides a CEQA exemption for certain bus rapid transit and regional rail services on public rail or highway rights of way and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes or existing roadway shoulders. This bill also provides a CEQA exemption for projects for rail, light rail, and bus maintenance, repair, storage, administrative, and operations facilities; and projects for the repair or rehabilitation of publicly-owned local, major or minor collector, or minor arterial or major arterial bridges. This bill also provides a CEQA exemption for zero-emission fueling stations and chargers projects and projects for pedestrian and bicycle facilities.

Status: Assembly Rules Committee

**SB 995 (Atkins) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects**

This bill extends for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025; and makes housing projects that meet certain requirements, including specified affordable housing requirements, eligible for certification under the Act.

Status: Senate Appropriations Committee

**Plastic Pollution/Marine Debris**

**SB 54 (Allen)/AB 1080 (Gonzales) Solid waste: packaging and products**

This bill regulates single-use packaging and priority single-use packaging. This bill requires CalRecycle to create regulations to achieve its waste reduction goals, including source reduction, recycling/composting requirements, and increasing recycling rates. Requires single-use packaging and priority single-use packaging products to be source reduced to the maximum extent feasible. This bill also requires, by 2030, that all regulated products are either compostable or recyclable.

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Status: Senate Inactive File/Assembly Inactive File

**AB 2287 (Eggman) Solid waste: plastic products: certification**

This bill authorizes the use of agricultural mulch film plastic labeled soil degradable if it meets specified standards. This bill also makes clarifying and technical changes to the law relating to biodegradable and compostable labeling.

Status: Assembly floor

**Oil and Gas**

**AB 1441 (Levine) oil and gas: development**

This bill deletes a finding in current law that the people of California have a direct and primary interest in assuring the production of optimum quantities of oil and gas from state-owned lands and that a minimum of oil and gas be left wasted and unrecovered in these lands. This bill also revises the purposes of the State's Oil and Gas Supervisor to remove references encouraging oil production.

Status: Senate Rules Committee

**AB 3214 (Limón) Oil and gas: oil spills: financial security, fines, and penalties**

This bill doubles the certificate of financial responsibility for tank and nontank vessels to ensure that vessels have adequate financial resources to pay cleanup and damage costs in the event of an oil spill. This bill also doubles maximum and minimum financial penalties for certain violations, including failing to notify specified state and federal agencies of the discharge of oil and the discharging of oil into waters of the state.

Status: Assembly floor

**SB 1012 (Hurtado) Oil and gas wells: hazardous or idle-deserted wells and facilities**

This bill requires that a pending report to the Legislature on hazardous wells, idle-deserted wells, deserted facilities, and hazardous facilities include the location of hazardous or deserted wells and facilities, including the county where they are located. This bill also requires the California Geologic Energy Management Division in the Department of Conservation to undertake all reasonable steps to recover costs for the plugging and abandonment of oil and gas wells, for decommissioning attendant facilities and for remediating sites from the current registered owner of any well identified, including seeking enforcement in other state jurisdictions.

Status: Senate floor

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**Environmental Justice and Tribal Issues**

**AB 345 (Muratsuchi) Natural resources: environmental justice: oil and gas: regulation of operations**

This bill requires the California Natural Resources Agency to create an environmental justice program. This bill also requires the Secretary to establish a grant-based reimbursement program to enable environmental justice and community groups to meaningfully participate in rulemaking and other regulatory processes at departments and entities within the Agency. Also requires the Geologic Energy Management Division in the Department of Conservation to adopt regulations to protect public health and safety near oil and gas extraction facilities, including the establishment of a minimum setback distance between oil and gas activities and schools, childcare facilities, playgrounds, residences, hospitals, and health clinics. And finally, this bill requires the Department to consider a setback distance of 2,500 feet at schools, playgrounds, and public facilities where children are present, and a range of other protective measures, including enhanced monitoring and maintenance requirements.

Status: Senate Rules Committee

**AB 3099 (Ramos) Department of Justice: law enforcement assistance with tribal issues**

This bill requires the Department of Justice, subject to an appropriation by the Legislature, to assist law enforcement agencies that have Indian lands within or abutting their jurisdictions, including tribal police. This includes assistance with reporting, statistics, training materials, outreach materials, and procedures relating to crime on tribal lands and in Native American communities, including homicides and missing persons cases involving Native American women and girls, and coordination with education and outreach between tribal police and state and local law enforcement agencies.

Status: Assembly floor

**General**

**ACA 5 (Weber, Gipson, Santiago, and Gonzalez) Government preferences**

This bill deletes, subject to voter approval, provisions enacted through Proposition 209 of 1996 that prohibit the state from granting preferential treatment to individuals or groups based on race, sex, color, ethnicity or national origin, thereby repealing California's ban on affirmative action.

Status: Senate Rules Committee

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**AB 1657 (E. Garcia) State Energy Resources Conservation and Development Commission: Blue Ribbon Commission on Lithium Extraction in California: report**

This bill requires the California Energy Commission to establish a Blue-Ribbon Commission on Lithium Extraction in California to review, investigate, and analyze issues and potential incentives regarding lithium extraction and use in California. Requires the Blue-Ribbon Commission to report to the Legislature about its findings and recommendations. This bill finds that the Salton Sea geothermal resource area is positioned to become a competitive source of supply that could satisfy more than one-third of today's worldwide lithium demand, yet no mining companies will invest in this resource until the technology to recover lithium from geothermal brine on a commercial scale is proven and can occur without certain risks and uncertainties.

Status: Assembly Rules Committee

**AB 3121 (Weber) Task Force to Study and Develop Reparation Proposals for African Americans**

This bill establishes a task force to study and develop reparation proposals for African Americans. This bill also requires the task force to identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies. And finally, this bill requires the task force to recommend, among other things, the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation.

Status: Assembly floor

**AB 2028 (Aguilar-Curry) State agencies: meetings**

This bill amends the Bagley-Keene Act to require, except for closed sessions, that state entities provide all writings or materials to the public, including staff reports, on the same day as they are provided to members of the state entity or 48 hours in advance of the meeting (whichever is earlier).

Status: Assembly floor

**AB 2809 (Mullin) San Francisco Bay Conservation and Development Commission**

This bill requires the San Francisco Bay Conservation and Development Commission (BCDC) to create and implement procedures to provide a managerial review of staff decisions in enforcement cases, timelines for resolving enforcement cases, and a penalty matrix for assessing fines and penalties. This bill also requires BCDC to complete its Suisun March preservation and protection review by July 2021.

Status: Assembly floor

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### **AB 3030 (Katra) Resource conservation: land and ocean conservation goal**

This bill declares a state goal to protect at least 30 percent of California's land areas and waters, and to help advance the protection of 30 percent of the nation's oceans by 2030. This bill also specifies ways that the state can advance this goal, including by considering how existing state marine protected areas contribute to these goals during the science-based review of the state's marine protected area network and considering potential complementary measures to protect marine biodiversity and ecological integrity. And by working with federal, tribal, and other partners to identify and implement actions to advance these goals.

Status: Assembly floor

### **SB 939 (Wiener) Emergencies: COVID-19: commercial tenancies: evictions**

This bill establishes, for all commercial tenants, a temporary moratorium on evictions for the duration of the COVID-19-related state of emergency, and a yearlong period in which to make up rental payments missed during that state of emergency. Also, for specified businesses that have been especially impacted by the public health protocols resulting from the COVID-19 pandemic, including restaurants and bars, the bill creates procedures for renegotiating or terminating existing leases that were based on pre-COVID-19 expectations. This bill contains an urgency clause.

Status: Senate floor

### **SB 1301 (Hueso)Tijuana River Valley: San Diego River Conservancy binational watershed management plan**

This bill requires the San Diego River Conservancy, in tandem with the State Water Resources Control Board, the State Coastal Conservancy, and the California Environmental Protection Agency, to create a binational watershed management plan for the Tijuana River Valley. This bill also authorizes the Tijuana River Watershed Advisory Panel to use the plan to satisfy or further an existing requirement that the panel prepares a strategic plan for the Tijuana River watershed.

Status: Senate Appropriations Committee

### **Legislative Deadlines**

The two houses—the Assembly and the Senate—came up with different deadlines for June and early July, with the calendars syncing up again on July 13, 2020. Below are the revised Assembly and Senate deadlines for the remainder of the 2020 Legislative session.

- June 25 – Last day for a legislative measure to qualify for the November 3, 2020 General Election ballot.



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- July 13 – Legislature reconvenes from Summer Recess.
- July 31– Last day for policy committees to hear and report fiscal bills to fiscal committees.
- August 7 – Last day for policy committees to meet and report bills.
- August 14 – Last day for fiscal committees to meet and report bills.
- August 31 – Last day for each house to pass bills.
- September 30 – Last day for the Governor to sign or veto bills.