

# Staff Report 58 (Informational)

Legislative report providing information and a status update concerning state legislation relevant to the Commission.

## **BACKGROUND:**

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On July 27, as the California Legislature moved toward its August 31 adjournment, Assembly Speaker Anthony Rendon notified lawmakers that hearings scheduled for the next day would be canceled to address a concerning “imbalance of bills yet to be considered in each house.” This action, prompted by the fact that the Assembly had a significantly higher number of active bills than the Senate, is another example of the inherent tensions that can happen between the two houses when trying to conduct business during a pandemic.

Committee hearings have since resumed, but this legislative year continues to be unprecedentedly challenging. When the Legislature adjourns in a few weeks, it will have sent far fewer bills to the Governor than it has in previous years. And while there is no way to know how many bills will be passed by August 31, it will certainly be fewer than in past years owing to the COVID-19 pandemic and the obstacles that made remote voting and conducting hearings difficult.

The key legislative issues the Legislature is addressing in the final weeks of the legislative session include COVID-19 related legislation, bills related to the California budget, police reform, and voting rights. The protests and outrage about racial injustices have led to proposed constitutional amendments, ACA 5 and ACA 6, to restore affirmative action and voting rights to people released from prison both of which will be on the November 2020 ballot. Averting evictions for tenants who cannot pay their rent because of the loss of income owing to the pandemic is another key focus of the Legislature.

The climate change bond was sidelined after the pandemic and ensuing budget deficit, and several legislative concepts involving climate change and sea-level rise preparedness were also sidelined for these reasons. Still, the Governor and Legislature recognize that climate change and sea-level rise preparedness are priorities and California continues to lead on this front. The new Air Resources Board requirement that truck manufacturers transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024 is an example of that leadership.

The Commission sponsored two bills this year. The first, SB 1472 (Senate Natural Resources and Water Committee), repeals obsolete and redundant school land statutes and recasts or modernizes other school land statutes. ([Staff Report 61](#),

[February 2020](#)). The second, AB 2687 (O'Donnell), would have removed the \$300 million cap in the Oil Trust Fund, resuming monthly deposits of \$2 million from Long Beach oil operation revenues until the Fund reaches a balance that will cover the State's projected abandonment liabilities ([Staff Report 62, February 2020](#)). AB 2687 was one of many bills that did not proceed because of the pandemic and ensuing budget deficit.

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 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 days of the legislative session.

## **CLIMATE CHANGE AND SEA-LEVEL RISE**

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### **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 to provide independent, timely, and science-based advice on the state's climate adaptation and climate-related hazard mitigation efforts and, among other things, to provide input to improve climate adaptation and climate-related hazard mitigation planning across state agencies. The bill requires the team to serve as a working group of a specified Integrated Climate Adaptation and Resiliency Program and require the team to provide recommendations to inform certain activities of the council regarding climate change. The bill also requires the office to submit to the relevant policy and fiscal committees of the Legislature a report summarizing the actions of the team and recommendations to improve the effectiveness of the team.

**STATUS:** Senate Environmental Quality Committee

### **AB 2621 (MULLIN) STRATEGIC GROWTH COUNCIL: REGIONAL CLIMATE NETWORKS: CLIMATE ADAPTATION ACTION PLAN**

This bill authorizes certain eligible entities to establish and participate in a regional climate network to prepare regional climate adaptation actions. This bill would also require, by January 1, 2022, the office to develop guidelines, as prescribed, establishing how a regional climate network may develop a regional climate adaptation action plan, including certain information, analyses, and contents to be included in a plan and certain considerations and procedures for a regional climate network when preparing a plan. The bill would require the office to provide technical assistance to eligible agencies developing regional climate networks and plans. The

bill would require the office to make recommendations to certain policy committees of the Legislature on improving state support for the creation and work of regional climate networks, and the potential sources of financial assistance and options for distributing state funds to support the creation and implementation of plans.

**STATUS:** Senate Environmental Quality Committee

**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:** Senate Appropriations Committee

**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:** Senate Environmental Quality Committee

**SB 1320 (STERN) CLIMATE CHANGE: CALIFORNIA CLIMATE CHANGE ASSESSMENT**

This bill requires the Governor's Office of Planning and Research to conduct a California-specific climate change assessment no less than every 5 years to provide a range of products that report the impacts and risks of climate change and to identify potential solutions.

**STATUS:** Assembly Appropriations Committee

## **CALIFORNIA ENVIRONMENTAL PROTECTION ACT (CEQA)**

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### **AB 3279 (FRIEDMAN) CALIFORNIA ENVIRONMENTAL QUALITY ACT: ADMINISTRATIVE AND JUDICIAL PROCEDURES**

This bill, in an effort to address common delays in CEQA litigation, revises California Environmental Quality Act litigation procedures by authorizing a public agency to deny a request from a plaintiff or practitioner to prepare the record of proceedings, in which case the public agency or the real party of interest would bear the costs of preparation and certification of the record of proceedings and ban the recovery of those costs from the plaintiff or petitioner. The bill would require the court to schedule a case management conference within 30 days of a filing of action to review the scope, timing, and cost of the record of proceedings. This bill also repeals obsolete sections of law.

**STATUS:** Senate Environmental Quality Committee

### **SB 55 (JACKSON) CALIFORNIA ENVIRONMENTAL QUALITY ACT: HOUSING AND LAND USE**

This bill, until January 1, 2025, would exempt emergency shelters or supportive housing projects meeting certain requirements from CEQA. This bill would authorize the lead agency to post on its website, at least 30 days before a public hearing at which it may approve the project, its responses to public comments received. The bill would authorize the lead agency to set a deadline of 10 days before the final public hearing at which it may approve the project for the receipt of written comments and supporting evidence if certain conditions are met. This bill would make a host of other changes relative to these issues and to facilitating prelitigation settlement of CEQA disputes by clarifying ambiguities in the current law on the effectiveness of tolling agreements and clarifying who can sign the agreements on behalf of parties. This bill is a recent gut and amend and has not had a policy committee hearing.

**STATUS:** Assembly Rules Committee

### **SB 288 (WIENER) CALIFORNIA ENVIRONMENTAL QUALITY ACT: EXEMPTIONS**

This bill exempts specified toll lane, transit, bicycle, and pedestrian projects from the California Environmental Quality Act requirements.

**STATUS:** Assembly Appropriations Committee

**SB 995 (ATKINS) ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2011: HOUSING PROJECTS**

This bill extends for 4 years the expedited California Environmental Quality Act administrative and judicial review procedures established by the Jobs and Economic Improvement Through Environmental Leadership Act [AB 900 (Buchanan), Chapter 354, Statutes of 2011] for “environmental leadership development projects.” This bill also expands AB 900 eligibility to include smaller housing projects; extends for 4 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 California Environmental Quality Act.

**STATUS:** Assembly Appropriations Committee

**PLASTIC POLLUTION/MARINE DEBRIS**

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**SB 54 (ALLEN)/AB 1080 (GONZALES) SOLID WASTE: PACKAGING AND PRODUCTS**

These bills regulate 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.

**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:** Senate Environmental Quality Committee

## OIL AND GAS

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### **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 and requires the adoption of 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. This bill also requires CalGEM to consider a setback distance of 2,500 feet at schools, playgrounds, and public facilities where children are present, and other protective measures, including enhanced monitoring and maintenance requirements.

**STATUS:** Senate Appropriations 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:** Senate Natural Resources and Water Committee

### **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:** Assembly Appropriations Committee

## **ENVIRONMENTAL JUSTICE AND TRIBAL ISSUES**

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### **AB 1968 (RAMOS) TRIBAL LAND ACKNOWLEDGMENT ACT OF 2021**

This bill defines “land acknowledgement process” as a process to properly recognize Native American tribes as traditional stewards of the land. This bill allows the owner of any public school, state or local park, library, or museum to adopt a land acknowledgment process in consultation with Native American Tribes, the Native American Heritage Commission, the California Indian Culture and Sovereignty Center, and the California Indian Museum and Culture Center.

**STATUS:** Senate Appropriations Committee

### **AB 3099 (RAMOS) DEPARTMENT OF JUSTICE: LAW ENFORCEMENT ASSISTANCE WITH TRIBAL ISSUES: STUDY**

This bill requires the Department of Justice, subject to a legislative appropriation, to provide technical assistance to local law enforcement agencies and tribal governments with Indian lands, including providing guidance for law enforcement education and training and criminal investigations on Indian lands, providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools, and facilitating and supporting improved communication between local law enforcement agencies and tribal governments. This bill would also require the Department, subject to available funding, to study how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native Americans in California, particularly women and girls.

**STATUS:** Senate Appropriations Committee

## **GENERAL**

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### **AB 860 (BERMAN) ELECTIONS: VOTE BY MAIL BALLOTS**

This bill requires county officials to mail a ballot to every registered voter for the November election.

**STATUS:** Signed into law

**AB 1196 (GIPSON) PEACE OFFICERS: USE OF FORCE**

This bill prohibits a law enforcement agency from authorizing the use of a carotid restraint or a choke hold and techniques to transport methods that involve a substantial risk of positional asphyxia.

**STATUS:** Senate Public Safety Committee

**AB 1426 (Boerner Horvath) Public resources: San Onofre State Beach: Richard H. and Donna O'Neill Conservancy: road construction**

This bill places restrictions on street, road, and highway construction in a specified avoidance area in and around San Onofre State Beach and the Richard H. and Donna O'Neill Conservancy. This bill is intended to protect important natural, cultural, and recreational beach resources south of San Clemente from road construction.

**Status:** Senate Appropriations Committee

**AB 1436 (CHIU) TENANCY: RENTAL PAYMENT DEFAULT: MORTGAGE FORBEARANCE: STATE OF EMERGENCY: COVID-19**

This bill would prohibit landlords from evicting tenants who cannot pay their rent because of a loss of income related to the pandemic before April 1, 2021, or 90 days after the end of the statewide state of emergency, whichever is sooner. Tenants would then have another year to make up the missed rent.

**STATUS:** Senate Judiciary Committee

**SB 1410 (Caballero) COVID-19 EMERGENCY: TENANCIES**

This bill establishes a voluntary program whereby landlords may receive tax credits to forgive the rent of tenants who cannot pay because of the pandemic. Landlords could use the tax credits, which would be equal to the amount of rent, starting in 2024 or sell them to another taxpayer sooner for cash.

**STATUS:** Assembly Judiciary Committee

**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:** Signed into law and on the November 2020 ballot.



**ACA 6 (McCARTY) ELECTIONS: DISQUALIFICATIONS OF ELECTORS**

This bill, subject to voter approval, would restore the voting rights of felons after they have completed their state or federal prison terms.

**STATUS:** Signed into law and on the November 2020 ballot

**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 and convene 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:** Senate Appropriations 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 who are descendants of persons enslaved in the United States. This bill 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:** Senate Appropriations Committee

**AB 2028 (AGUIAR-CURRY) STATE AGENCIES: MEETINGS**

This bill would, except for closed sessions, require that Bagley-Keene public meeting notices include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or Commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would

generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request.

**STATUS:** Senate Governmental Organization Committee

**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:** Senate Natural Resources and Water Committee

**AB 3030 (KALRA) RESOURCE CONSERVATION: LAND AND OCEAN CONSERVATION GOAL**

This bill declares a state goal to protect 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:** Senate Natural Resources and Water Committee

**SB 1301 (HUESO) TIJUANA RIVER VALLEY: SAN DIEGO RIVER CONSERVANCY BINATIONAL WATERSHED MANAGEMENT PLAN**

This bill requires the San Diego River Conservancy, subject to an appropriation and 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:** Assembly Natural Resources Committee

## **LEGISLATIVE DEADLINES**

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Below are the revised Assembly and Senate deadlines for the remainder of the 2020 Legislative session.

- August 31 – Last day for each house to pass bills.
- September 30 – Last day for the Governor to sign or veto bills.