

Staff Report 45

PROPOSED ACTION:

Discussion and possible action on state legislation relevant to the California State Lands Commission.

DISCUSSION:

The legislative session is well underway. April 30, 2021 is the last day for policy committees to meet and report to fiscal committees fiscal bills introduced in their house. The Commission is sponsoring one bill, AB 1390 (Boerner-Horvath), that would remove constraints that make it difficult for the Commission to invest in property to generate revenue for CalSTRS by authorizing the Commission to delegate authority to its Executive Officer to make down payments, by removing a cap on acquisition expenses, and by clarifying that the Commission can use revenue in the School Land Bank Fund for acquisition costs associated with purchasing property. This bill also deletes obsolete statutes and gives the Commission flexibility not to retain an access easement when it sells or conveys school lands if that would be in the best interests of the state. The Assembly Natural Resources Committee will hear AB 1390 on April 28, 2021.

The Commission is pursuing a technical amendment to its Marine Invasive Species Program statutory framework. The amendment, which would correct a drafting error in current law, is in SB 822, the Senate Natural Resources and Water Committee omnibus bill. The Senate Natural Resources and Water Committee approved SB 822 on April 15, 2021. There is another bill, also an omnibus bill, that would update the Commission's Marine Invasive Species Program statutory framework. This bill, SB 824 by the Senate Committee on Governance and Finance, would authorize the California Department of Tax and Fee Administration to collect the program fee from a vessel agent acting on behalf of the owner or operator.

Below is a list of legislation, organized by subject area, that staff is tracking. This list is current as of April 14, 2021.

TRACKED BILLS:

AQUACULTURE

AB 303 (RIVAS, ROBERT D) AQUACULTURE: MARICULTURE PRODUCTION AND RESTORATION: PILOT PROGRAM.

Current Text: Amended: 3/30/2021

Status: 4/12/2021-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 10. Noes 0.) (April 8). Re-referred to Com. on NAT. RES.

Summary: Would require the Department of Fish and Wildlife to, by January 1, 2024, create a pilot program in state waters to test alternative shellfish and seaweed mariculture production and restoration strategies. The bill would require the department to designate tracts for shellfish and seaweed mariculture production and restoration as part of the pilot program, as specified. The bill would authorize an applicant with a proposed shellfish, seaweed, or shellfish and seaweed mariculture production and restoration project to apply for a lease of any pilot program tract, or a portion thereof. The bill would require the State Lands Commission or the Fish and Game Commission, or both, if applicable to approve, deny, or return for revision a lease application within 4 months.

BONDS

AB 1500 (GARCIA, EDUARDO D) SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPARATION, FLOOD PROTECTION, EXTREME HEAT MITIGATION, AND WORKFORCE DEVELOPMENT BOND ACT OF 2022.

Current Text: Introduced: 2/19/2021

Status: 4/13/2021-From committee: Amend and do pass as amended and re-refer to Com. on NAT. RES. (Ayes 9. Noes 0.) (April 8).

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

SB 45 (PORTANTINO D) WILDFIRE PREVENTION, SAFE DRINKING WATER, DROUGHT PREPARATION, AND FLOOD PROTECTION BOND ACT OF 2022.

Current Text: Amended: 4/8/2021

Status: 4/8/2021-From committee with author's amendments. Read second time and amended. Rereferred to Com. on GOV. & F.

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

AB 819 (LEVINE D) CALIFORNIA ENVIRONMENTAL QUALITY ACT: NOTICES AND DOCUMENTS: ELECTRONIC FILING AND POSTING.

Current Text: Amended: 4/5/2021

Status: 4/6/2021-Re-referred to Com. on APPR.

Summary: CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located. This bill would instead require the lead agency to mail or email those notices, and to post them on the lead agency's internet website. The bill would also require notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located.

SB 7 (ATKINS D) ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2021.

Current Text: Amended: 2/18/2021

Status: 4/8/2021-Referred to Com. on NAT. RES.

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

SB 44 (ALLEN D) CALIFORNIA ENVIRONMENTAL QUALITY ACT: STREAMLINED JUDICIAL REVIEW: ENVIRONMENTAL LEADERSHIP TRANSIT PROJECTS.

Current Text: Amended: 4/5/2021

Status: 4/5/2021-From committee with author's amendments. Read second time and amended. Rereferred to Com. on JUD.

Summary: Would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, as defined, proposed by a public or private entity or its affiliates. The bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements.

EQUITY AND ENVIRONMENTAL JUSTICE

AB 316 (COOPER D) STATE EMPLOYEES: PAY EQUITY: UNDER-REPRESENTED GROUPS.

Current Text: Amended: 3/4/2021

Status: 3/8/2021-Re-referred to Com. on P.E. & R.

Summary: Current law establishes the Department of Human Resources and requires the department to administer the Personnel Classification Plan, including allocating every position to the appropriate class. Current law requires the allocation of a position to a class be derived from, and determined by, ascertaining the duties and responsibilities of the position, and be based on the principle that all positions are to be included in the same class if certain qualifications apply, including, but not limited to, that the positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used, and substantially the same requirements as to education, experience, knowledge, and ability are demanded of incumbents. This bill would require the department, prior to January 1, 2023, and every 2 years thereafter, to prepare a report on gender and ethnicity pay equity in each classification under the Personnel Classification Plan where there is an underrepresentation of women and minorities.

AB 680 (BURKE D) GREENHOUSE GAS REDUCTION FUND: CALIFORNIA JUST TRANSITION ACT.

Current Text: Introduced: 2/12/2021

Status: 4/8/2021-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 5. Noes 1.) (April 8). Re-referred to Com. on NAT. RES.

Summary: Would enact the California Just Transition Act, which would require the Labor and Workforce Development Agency to work with the state board to update, by July 1, 2023, the funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the Greenhouse Gas Reduction Fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as defined. The bill would require administering agencies to give preference to applicants that demonstrate a partnership with an educational institution or training program targeting residents of disadvantaged, tribal, and low-income communities.

AB 1453 (MURATSUCHI D) ENVIRONMENTAL JUSTICE: JUST TRANSITION ADVISORY

COMMISSION: JUST TRANSITION PLAN.

Current Text: Introduced: 2/19/2021

Status: 4/8/2021-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 5. Noes 0.) (April 8). Re-referred to Com. on NAT. RES.

Summary: Would, until January 1, 2028, establish the Just Transition Advisory Commission, consisting of specified members, in the Labor and Workforce Development Agency and would require the commission, through a public process, to develop and adopt, on or before January 1, 2024, the Just Transition Plan that contains recommendations to transition the state's economy to a climate-resilient and low-carbon economy that maximizes the benefits of climate actions while minimizing burdens to workers, especially workers in the fossil fuel industry, and their communities, especially communities that face disproportionate burdens from pollution. The bill would require the commission to submit the plan to the Legislature on or before January 1, 2024.

SB 17 (PAN D) OFFICE OF RACIAL EQUITY.

Current Text: Amended: 4/5/2021

Status: 4/6/2021-Set for hearing April 13.

Summary: Would, until January 1, 2029, establish in state government an Office of Racial Equity, an independent public entity not affiliated with an agency or department, that shall be governed by a Racial Equity Advisory and Accountability Council. The bill would authorize the council to hire an executive director to organize, administer, and manage the operations of the office. The bill would task the office with coordinating, analyzing, developing, evaluating, and recommending strategies for advancing racial equity across state agencies, departments, and the office of the Governor.

SB 471 (HUESO D) THE RACIAL AND ECONOMIC EQUITY BOND ACT OF 2021.

Current Text: Amended: 3/11/2021

Status: 4/5/2021-April 5 set for first hearing canceled at the request of author.

Summary: Would enact the Racial and Economic Equity Bond Act of 2021, which, if approved by the voters, would authorize the issuance of an unspecified amount of bonds, pursuant to the State General Obligation Bond Law. The bill would require that the proceeds of bonds issued and sold under these provisions be allocated for specified purposes, including, among others, comprehensive workforce development opportunities to participants in under-resourced communities, including education, training, certifications, or placement services for jobs and careers and improving public health outcomes for historically under-resourced communities. The bill would authorize the use of up to 5% of the funds allocated to an eligible applicant under the bill's provisions to pay administrative costs. The bill would provide for the submission of the bond act to the voters at the next statewide general election.

SB 624 (HUESO D) ENVIRONMENTAL EQUITY AND OUTDOOR ACCESS ACT.

Current Text: Amended: 4/5/2021

Status: 4/13/2021-April 13 hearing postponed by committee.

Summary: Would establish the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. The bill would make related findings and declarations regarding the importance of the state's natural resources and ensuring equal access to those resources. The bill would provide that the Legislature finds and declares that it is the policy of the state to, among other things, promote inclusivity and representation and improve competency, as specified, among staff of the agency and each department, board, office, conservancy, and commission within the agency, to ensure all Californians and visitors of the state feel safe and welcome in the outdoors.

SB 796 (BRADFORD D) STATE PARKS: STATE BEACHES: COUNTY OF LOS ANGELES: MANHATTAN STATE BEACH: DEED RESTRICTIONS.

Current Text: Amended: 4/12/2021

Status: 4/12/2021-From committee with author's amendments. Read second time and amended. Rereferred to Com. on N.R. & W.

Summary: Would exclude specified property located in Manhattan State Beach, commonly known as "Bruce's Beach," from the requirement that the property be used only for public recreation and beach purposes in perpetuity and from those specified restrictions. The bill would authorize the property to be sold, transferred, or encumbered upon terms and conditions determined by the Board of Supervisors of the County of Los Angeles to be in the best interest of the county and the general public. The bill would require the Director of Parks and Recreation, on or before June 30, 2022, to execute an amendment to a specified deed that incorporates the exclusion of that property from those restrictions. This bill would make legislative findings and declarations as to the necessity of a special statute for "Bruce's Beach."

GENERAL

AB 1429 (HOLDEN D) STATE AGENCY RECORDS: MANAGEMENT COORDINATOR DUTIES: PERSONNEL TRAINING.

Current Text: Introduced: 2/19/2021

Status: 3/11/2021-Referred to Com. on A. & A.R.

Summary: The State Records Management Act requires each head of a state agency to establish and maintain an active, continuing program for the economical and efficient management of the records and information collection practices of the agency, and to appoint a representative from the agency to serve as the records management coordinator. Current law requires the coordinator to, among other duties, attend records management training classes offered by the Secretary of State, act as liaison between the agency, the California Records and Information Management Program (CalRIM), the State Records Center, and the State Records Appraisal Program (SRAP), and schedule CalRIM and SRAP training for agency staff who have records management duties. This bill would also require a records management coordinator to provide records management training to all agency personnel who prepare, own, use, or retain public records on behalf of the agency, and to ensure that agency personnel complete the records management training within 60 days of employment and complete refresher records management training annually thereafter.

MARINE PROTECTED AREAS

AB 63 (PETRIE-NORRIS D) MARINE RESOURCES: MARINE MANAGED AREAS

IMPROVEMENT ACT: RESTORATION ACTIVITIES.

Current Text: Introduced: 12/7/2020

Status: 4/12/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 8). Re-referred to Com. on APPR.

Summary: Under the MMAIA, in a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The MMAIA authorizes the designating entity or managing agency to permit, among other things, research, education, and recreational activities. This bill would authorize the designating entity or managing agency to also permit restoration activities.

OFFSHORE WIND ENERGY

AB 525 (CHIU D) ENERGY: OFFSHORE WIND GENERATION.

Current Text: Introduced: 2/10/2021

Status: 4/5/2021-In committee: Hearing postponed by committee.

Summary: Would require the Energy Commission, in coordination with specified agencies, to develop a strategic plan to achieve a goal of at least 10,000 megawatts of offshore wind energy developments installed off the California coast by 2040, with an interim target of 3,000 megawatts installed by 2030. The bill would require the Energy Commission to submit the strategic plan to the Natural Resources Agency and the Legislature on or before June 1, 2022. The bill would impose various requirements on the Energy Commission in relation to the strategic plan and would require the strategic plan to include specified information relating to identification of sea space, economic and workforce development, transmission planning, and permitting.

SB 413 (McGUIRE D) ELECTRICITY: OFFSHORE WIND GENERATION FACILITIES: SITE CERTIFICATION.

Current Text: Introduced: 2/12/2021

Status: 2/25/2021-Referred to Coms. on E., U. & C. and N.R. & W.

Summary: Would require the Energy Commission, in consultation with the Offshore Wind Project Certification, Fisheries, Community, and Indigenous Peoples Advisory Committee, which the bill would create, to establish a process for the certification of offshore wind generation facilities that is analogous to the existing requirements for certification of thermal powerplants, but applicable to offshore wind generation facilities, and would make the Energy Commission the exclusive authority for the certification of offshore wind generation facilities. The bill would require an applicant for certification of an offshore wind generation facility to certify specified matter.

OIL & GAS

AB 353 (O'DONNELL D) OIL REVENUE: OIL TRUST FUND.

Current Text: Introduced: 1/28/2021

Status: 2/12/2021-Referred to Com. on NAT. RES.

Summary: Current law requires the Controller to transfer certain oil-revenue-related moneys to the Oil Trust Fund. Current law requires the State Lands Commission to expend the money in the fund to finance the costs of well abandonment, pipeline removal, facility removal, remediation, and other costs associated with removal of oil and gas facilities from the Long Beach tidelands. Current law prohibits the total amount deposited in the fund from exceeding \$300,000,000 and requires all interest earned on money in the fund after the balance in the fund totals \$300,000,000 to be transferred to the General Fund. This bill would delete the provisions relating to the limit on the total amount deposited in the fund. By increasing the amount of money that may be deposited into a continuously appropriated fund, this bill would make an appropriation.

AB 896 (BENNETT D) OIL AND GAS WELLS: HAZARDOUS OR IDLE-DESERTED WELLS AND FACILITIES: LIENS: COLLECTIONS UNIT.

Current Text: Introduced: 2/17/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 24). Re-referred to Com. on APPR.

Summary: Current law establishes the Geologic Energy Management Division in the Department of Conservation, under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources. This bill would authorize the supervisor to impose a claim and lien upon the real property in the state owned by any operator or responsible party under specified conditions and in specified amounts. The bill would require the supervisor, on or before July 1, 2022, to establish a collections unit within the division to be responsible for: (1) collection of unpaid idle well fees from an operator, (2) establishing the timelines and criteria for determining if a well has been deserted, and (3) locating or collecting any costs from the operator or responsible party for a well that has been deserted or ordered to undergo well integrity testing or to be plugged and abandoned by the supervisor.

SB 25 (HURTADO D) OIL AND GAS: WELL STIMULATION TREATMENTS: EARTHQUAKE AND LEAK MONITORING AND REPORTING.

Current Text: Amended: 3/7/2021

Status: 4/13/2021-April 13 hearing postponed by committee.

Summary: Would express the intent of the Legislature in enacting this legislation to (1) strengthen the regulatory review process for well stimulation treatment projects to protect public health and safety, and the environment, while protecting the livelihoods of essential workers in the San Joaquin Valley, and (2) ensure that any jobs or economic activity affected by the strengthening of the regulatory review process for well stimulation treatment projects are fully compensated for, and retained, in order to ensure the employees and communities affected by these actions are not adversely affected. The bill would require the operator of a well, from the commencement of hydraulic fracturing until 30 days after the end of the hydraulic fracturing on the well, to monitor the California Integrated Seismic Network for indication of an earthquake of magnitude 2.7 or greater occurring within a radius of 5 times the axial dimensional stimulation area.

SB 47 (LIMÓN D) OIL AND GAS: HAZARDOUS AND IDLE-DESERTED WELLS AND PRODUCTION FACILITIES: EXPENDITURE LIMITATIONS.

Current Text: Amended: 3/15/2021

Status: 4/13/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (April 13). Re-referred to Com. on APPR.

Summary: Current law prohibits the Geologic Energy Management Division from expending more than \$3,000,000 in any one fiscal year, for the 2018–19 fiscal year to the 2021–22 fiscal year, inclusive, and, commencing with the 2022–23 fiscal year, no more than \$1,000,000 in any one fiscal year for those purposes related to hazardous wells, idle-deserted wells, hazardous facilities, and deserted facilities. Current law establishes the Oil and Gas Environmental Remediation Account in the Oil, Gas, and Geothermal Administrative Fund to be administered and managed by the division, and requires that the moneys in the account be used, upon appropriation by the Legislature, to plug and abandon oil and gas wells, decommission attendant facilities, or otherwise remediate sites that the supervisor determines could pose a danger to life, health, water quality, wildlife, or natural resources if there is no operator determined by the supervisor to be responsible for remediation or who is able to respond. This bill, commencing with the 2022–23 fiscal year, instead would indefinitely raise the cap on spending for these purposes from \$1,000,000 to \$10,000,000 in any one fiscal year.

SB 406 (STERN D) OIL AND GAS: OPERATIONS: NOTICE OF INTENT: INVESTIGATIONS: DATA AVAILABILITY.

Current Text: Amended: 4/5/2021

Status: 4/13/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 13). Re-referred to Com. on APPR.

Summary: Current law requires the State Oil and Gas Supervisor, on or before the first day of October of each year, to make public, for the benefit of all interested persons, a report in writing showing specified information, including the total amounts of oil and gas produced in each county in the state during the previous calendar year. This bill would require the supervisor, on or before an unspecified date, to make all public information collected or maintained by the division, as specified, readily available to the public on its internet website. This bill would require all online materials to be organized by well, operator, or project, and searchable.

SB 419 (STERN D) OIL AND GAS: REGULATION: SKILLED AND TRAINED WORKFORCE.

Current Text: Amended: 3/10/2021

Status: 4/13/2021-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Labor, Public Employment and Retirement] (PASS)

Summary: The Geologic Energy Management Division in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells and production facilities in the state. Current law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources, as provided. This bill would, except as provided, for work that must be performed by a licensed contractor, require that the owner or operator of a well or production facility, when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work, as defined, to be performed at the well or production facility, to require that its contractors and any subcontractors use a skilled and trained workforce, as defined, to perform all onsite work within an apprentice-able occupation, as defined, in the building and construction trades, as defined.

SB 467 (WIENER D) OIL AND GAS: HYDRAULIC FRACTURING, ACID WELL STIMULATION TREATMENTS, STEAM FLOODING, WATER FLOODING, OR CYCLIC STEAMING: PROHIBITION: JOB RELOCATION.

Current Text: Amended: 3/22/2021

Status: 4/13/2021-April 13 set for first hearing. Failed passage in committee. (Ayes 4. Noes 3.) Reconsideration granted.

Summary: Would revise the definition of “well stimulation treatment” to include steam flooding and water flooding. The bill would prohibit the issuance or renewal of a permit to conduct hydraulic fracturing, acid well stimulation treatment, steam flooding, water flooding, or cyclic steaming for the extraction of oil and gas beginning January 1, 2022, and would prohibit new or repeated hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming, except as conducted pursuant to a permit lawfully issued before that date. The bill would prohibit all hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, cyclic steaming, or other well stimulation treatments beginning January 1, 2027.

OPEN MEETINGS

AB 29 (COOPER D) STATE BODIES: MEETINGS.

Current Text: Introduced: 12/7/2020

Status: 4/12/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 22. Noes 0.) (April 8). Re-referred to Com. on APPR.

Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the 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.

AB 339 (LEE D) STATE AND LOCAL GOVERNMENT: OPEN MEETINGS.

Current Text: Introduced: 1/28/2021

Status: 1/29/2021-From printer. May be heard in committee February 28.

Summary: Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

AB 885 (QUIRK D) BAGLEY-KEENE OPEN MEETING ACT: TELECONFERENCING.

Current Text: Amended: 3/24/2021

Status: 3/25/2021-Re-referred to Com. on G.O.

Summary: Would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely.

AB 1291 (FRAZIER D) STATE BODIES: OPEN MEETINGS.

Current Text: Introduced: 2/19/2021

Status: 4/12/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 22. Noes 0.) (April 8). Re-referred to Com. on APPR.

Summary: Current law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Current law authorizes the state body to limit the amount of time allotted for each member of the public to speak but specifies that members of the public who use translators shall be given twice that allotted amount of time. This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, non-substantive changes.

PLASTIC POLLUTION

AB 478 (TING D) SOLID WASTE: THERMOFORM PLASTIC CONTAINERS: POSTCONSUMER RECYCLED PLASTIC.

Current Text: Amended: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on NAT. RES.

Summary: Would, on and after January 1, 2024, require the total thermoform plastic containers, as defined, sold by a producer, as defined, in the state to contain, on average, specified amounts of postconsumer recycled plastic, as defined, per year pursuant to a tiered plan that would require the total thermoform plastic containers to contain, on average, no less than 30% postconsumer recycled plastic per year on and after January 1, 2030.

AB 1276 (CARRILLO D) SINGLE-USE FOOD ACCESSORIES AND SERVICE WARE.

Current Text: Amended: 4/5/2021

Status: 4/6/2021-Re-referred to Com. on APPR.

Summary: Would prohibit a food facility or a third-party food delivery platform, as specified, from providing any single-use food accessories, as defined, to consumers unless requested by the consumer and, commencing on January 1, 2023, would prohibit a full-service restaurant that has adequate dishwashing capacity to sanitize reusable service ware from providing single-use service ware to consumers except under specified conditions. The bill would require enforcement of these prohibitions by officers of an agency that the bill would require each city, county, or city and county governing body to select on or before June 1, 2022.

SB 54 (ALLEN D) PLASTIC POLLUTION PRODUCER RESPONSIBILITY ACT.

Current Text: Amended: 2/25/2021

Status: 4/8/2021-Set for hearing April 26.

Summary: Would establish the Plastic Pollution Producer Responsibility Act, which would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from offering for sale, selling, distributing, or importing in or into the state such packaging or products that are manufactured on or after January 1, 2032, unless they are recyclable or compostable.

PUBLIC LANDS

AB 30 (KALRA D) OUTDOOR ACCESS TO NATURE: ENVIRONMENTAL EQUITY.

Current Text: Amended: 3/22/2021

Status: 3/23/2021-Re-referred to Com. on W., P., & W.

Summary: Current law establishes various state agencies, including the Natural Resources Agency, which consists of various departments, including the Department of Conservation, the Department of Fish and Wildlife, and the Department of Parks and Recreation. Current law vests in the Natural Resources Agency various powers, including those related to conservation of lands. Current law establishes, within state agencies, state departments, including the Department of Transportation under the Transportation Agency. This bill would declare that it is the established policy of the state that access to nature and access to the benefits of nature is a human right and that every human has the right to safe and affordable outdoor access, among other things.

AB 78 (O'DONNELL D) SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY: TERRITORY: DOMINGUEZ CHANNEL WATERSHED AND SANTA CATALINA ISLAND.

Current Text: Introduced: 12/7/2020

Status: 1/11/2021-Referred to Com. on NAT. RES.

Summary: Current law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy in the Natural Resources Agency and prescribes the functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified areas of the Counties of Los Angeles and Orange located along the San Gabriel River and the lower Los Angeles River and tributaries along those rivers. Current law, for purposes of those provisions, defines "territory" to mean the territory of the conservancy that consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally include the Dominguez Channel watershed and Santa Catalina Island, as described, within that definition of territory, and would make various related changes to the boundaries of that territory.

AB 96 (O'DONNELL D) CALIFORNIA CLEAN TRUCK, BUS, AND OFF-ROAD VEHICLE AND EQUIPMENT TECHNOLOGY PROGRAM.

Current Text: Amended: 3/22/2021

Status: 4/8/2021-Coauthors revised.

Summary: The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects. The program provides that projects eligible for funding include, among others, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero emission medium- and heavy-duty truck technology, and requires, until December 31, 2021, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. The program defines "zero- and near-zero-emission" for its purposes. This bill would extend the requirement that 20% of funding be made available to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology until December 31, 2026.

AB 377 (RIVAS, ROBERT D) WATER QUALITY: IMPAIRED WATERS.

Current Text: Amended: 4/13/2021

Status: 4/13/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. On E.S. & T.M. Read second time and amended.

Summary: Would require, by January 1, 2023, the State Water Resources Control Board and regional boards to prioritize enforcement of all water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state. The bill would require the state board and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require the state board and regional boards to update the report with a progress summary to the Legislature every 5 years. The bill would create the Waterway Recovery Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Recovery Account available for the state board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan.

AB 416 (KALRA D) CALIFORNIA DEFORESTATION-FREE PROCUREMENT ACT: PUBLIC WORKS PROJECTS: WOOD AND WOOD PRODUCTS.

Current Text: Introduced: 2/4/2021

Status: 2/12/2021-Referred to Com. on A. & A.R.

Summary: Would establish the California Deforestation-Free Procurement Act. The bill would require a contractor, as defined, and specified subcontractors, for any contract entered into, extended, or renewed on or after January 1, 2024, contracting with a state agency for the procurement of products comprised wholly or in part of forest-risk commodities to certify that the commodities were not grown, derived, harvested, reared, or produced on land where tropical deforestation or boreal intact forest degradation or deforestation occurred on or after January 1, 2022. The bill would exempt a credit card purchase of goods of \$2,500 or less, not to exceed a total of \$7,500 of goods per contractor per year, from these certification requirements. The bill would require specified contractors to have a No Deforestation, No Peat, No Exploitation policy, as specified, and would require the contractors to make the policy and corresponding data publicly available.

AB 434 (RIVAS, ROBERT D) PUBLIC LANDS: GRAZING LEASES.

Current Text: Amended: 4/7/2021

Status: 4/8/2021-Re-referred to Com. on W., P., & W.

Summary: Current law authorizes the Department of Fish and Wildlife, the Department of Parks and Recreation, and State Lands Commission to lease certain lands for specified purposes, including agricultural purposes and grazing, as specified. This bill would require that a management plan for an area to be leased pursuant to certain of those leases include detailed habitat objectives that must be achieved and maintained by the lessee and set minimum requirements for monitoring to ensure those objectives are met, or that the lease specify minimum agricultural and animal husbandry practices to ensure the protection of ecological resources, as specified.

AB 559 (ARAMBULA D) SAN JOAQUIN RIVER CONSERVANCY: GOVERNING BOARD.

Current Text: Amended: 3/17/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on G.O. (Ayes 8. Noes 0.) (March 24). Re-referred to Com. on G.O.

Summary: Current law establishes the San Joaquin River Conservancy in the Natural Resources Agency to acquire and manage public lands within the San Joaquin River Parkway, which consists of the San Joaquin River and specified lands on both sides of the San Joaquin River. This bill would require the governing board of the conservancy to consist of 17 voting members, including one new member of a local tribal organization, as defined, appointed by the Governor from a list submitted by local tribal organizations and one new public member appointed by the Governor, who is not an elected official, to represent statewide interests. The bill instead would require the Boards of Supervisors of Fresno and Madera County, respectively, to develop their lists of candidates from a list submitted by nonprofit organizations that have a presence within their counties, respectively, and that support outdoor recreation, conservation, environmental justice, or social justice issues.

AB 564 (GONZALEZ, LORENA D) BIODIVERSITY PROTECTION AND RESTORATION ACT.

Current Text: Introduced: 2/11/2021

Status: 2/18/2021-Referred to Coms. on A. & A.R. and W., P., & W.

Summary: Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

AB 620 (MULLIN D) UNIFIED ONLINE ENVIRONMENTAL PERMIT APPLICATION.

Current Text: Introduced: 2/12/2021

Status: 2/13/2021-From printer. May be heard in committee March 15.

Summary: Current law declares the intent of the Legislature to provide a mechanism by which the California Environmental Protection Agency may further this objective of environmental protection by bringing relevant agencies together to synchronize, to the maximum extent feasible, the environmental permit requirements imposed on applicants by the departments or boards within the agency, among other objectives. This bill would express the intent of the Legislature to enact subsequent legislation creating a unified online environmental permit application and process for state agencies that simplify the submittal and tracking of environmental permits for permit applicants and state agencies and supports interagency coordination.

AB 908 (FRAZIER D) NATURAL RESOURCES AGENCY: STATEWIDE NATURAL RESOURCES INVENTORY.

Current Text: Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

Summary: Would require the Natural Resources Agency, to the extent a specified appropriation is made, to prepare a comprehensive, statewide inventory of the natural resources of the state and establish treatment measures necessary to protect those resources, and to post its initial inventory on its internet website on or before January 1, 2023, with annual updates on or before January 1 of each year thereafter.

AB 963 (KAMLAGER D) BALDWIN HILLS CONSERVANCY: URBAN WATERSHEDS CONSERVANCY EXPANSION.

Current Text: Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

Summary: The Baldwin Hills Conservancy Act establishes, until January 1, 2026, in the Natural Resources Agency, the Baldwin Hills Conservancy, created with the purpose, among other purposes, to acquire and manage public lands within the Baldwin Hills area, as defined. This bill would expand the area covered by the conservancy to include the southern Ballona Creek Watershed, as defined, and the Upper Dominguez Channel, as defined. The bill would rename the conservancy the Baldwin Hills and Urban Watersheds Conservancy and make conforming changes.

AJR 2 (O'DONNELL D) COASTAL AND MARINE WATERS: SANTA CATALINA ISLAND: DICHLORO-DIPHENYLTRICHLOROETHANE.

Current Text: Introduced: 12/7/2020

Status: 3/18/2021-Referred to Com. on E.S. & T.M.

Summary: This measure would request that the Congress of the United States and the United States Environmental Protection Agency take all measures necessary to prevent further damage to California's citizens, wildlife, and natural resources by the dichloro-diphenyl-trichloroethane waste dumped in the waters near Santa Catalina Island.

SB 27 (SKINNER D) CARBON SEQUESTRATION: STATE GOALS: NATURAL AND WORKING LANDS: REGISTRY OF PROJECTS.

Current Text: Amended: 3/1/2021

Status: 3/25/2021-Set for hearing April 27.

Summary: Would require, no later than July 1, 2022, the Natural Resources Agency, in coordination with the California Environmental Protection Agency, the State Air Resources Board, and the Department of Food and Agriculture, to establish carbon sequestration goals for natural and working lands, as provided. The bill would require the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond.

SB 433 (ALLEN D) CALIFORNIA COASTAL ACT OF 1976: ENFORCEMENT: PENALTIES.

Current Text: Introduced: 2/12/2021

Status: 3/25/2021-Set for hearing April 27.

Summary: The California Coastal Act of 1976 requires a person undertaking development in the coastal zone to obtain a coastal development permit in accordance with prescribed procedures. Current law authorizes the superior court to impose civil liability on a person who performs or undertakes development that is in violation of the act or that is inconsistent with a previously issued coastal development permit, and on a person who violates the act in any other manner. This bill would instead apply the specified administrative civil penalties to a person, including a landowner, who is in violation of any provision of the act, rather than a violation of the public access provisions.

RENEWABLE ENERGY

AB 64 (QUIRK D) ELECTRICITY: LONG-TERM BACKUP ELECTRICITY SUPPLY STRATEGY.

Current Text: Amended: 3/23/2021

Status: 3/24/2021-Re-referred to Com. on U. & E. In committee: Set, first hearing. Hearing canceled at the request of author.

Summary: Would require the PUC, Energy Commission, and State Energy Resources Conservation and Development Commission, in consultation with all balancing authorities, to additionally develop a strategy, by January 1, 2024, that achieves (1) a target of 5 gigawatt hours of operational long-term backup electricity, as specified, by December 31, 2030, and (2) a target of at least an additional 5-gigawatt hours of operational long-term backup electricity in each subsequent year through 2045. The bill would require the commission, by January 1, 2024, to submit the strategy developed in a report to the Legislature, and by January 1 of each 4th year thereafter, through January 1, 2044, would require the commission to submit a report to the Legislature detailing the progress made toward achieving the targets of the long-term backup electricity supply strategy.

SCHOOL LANDS

AB 765 (GARCIA, EDUARDO D) PUBLIC LANDS: SCHOOL LANDS: CALIFORNIA DESERT CONSERVATION AREA.

Current Text: Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

Summary: Current law requires the State Lands Commission to enter into a memorandum of agreement by April 1, 2012, with the United States Secretary of the Interior to facilitate land exchanges that consolidate school land parcels into contiguous holdings that are suitable for largescale renewable energy-related projects. Current law requires, after the memorandum of agreement is entered into, the commission to make best efforts to consolidate all school land parcels in the California desert into contiguous holdings for large-scale renewable energy-related projects. This bill would also include as part of the definition of "California desert" any other additional areas included in a specified United States Bureau of Land Management amendment, as provided.

AB 1183 (RAMOS D) CALIFORNIA DESERT CONSERVATION PROGRAM.

Current Text: Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on W., P., & W.

Summary: Would establish the California Desert Conservation Program under the administration of the Wildlife Conservation Board to protect, preserve, and restore desert lands, water, and wildlife by the acquisition of interests and rights in real property and waters, as specified.

AB 1390 (BOERNER HORVATH D) STATE LANDS: SCHOOL AND LIEU LANDS.

Current Text: Introduced: 2/19/2021

Status: 3/11/2021-Referred to Com. on NAT. RES.

Summary: Current law requires the State Lands Commission to prepare a master plan for all school and lieu lands under its jurisdiction. Existing law requires, before any disposition of state lands to a private party or governmental agency, the intended recipient of the lands to submit a general plan for the use of the lands to the commission and Legislature, as prescribed. Current law requires the commission to obtain a statement from the United States Land Office after the survey of any township by the United States, as specified. The bill would repeal the above requirements.

SEA-LEVEL RISE AND CLIMATE CHANGE

AB 11 (WARD D) CLIMATE CHANGE: REGIONAL CLIMATE CHANGE AUTHORITIES.

Current Text: Amended: 1/21/2021

Status: 1/25/2021-Re-referred to Com. on NAT. RES.

Summary: Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

AB 39 (CHAU D) CALIFORNIA-CHINA CLIMATE INSTITUTE.

Current Text: Amended: 3/25/2021

Status: 3/26/2021-Re-referred to Com. on NAT. RES.

Summary: Would establish the California-China Climate Institute, housed at the University of California, Berkeley, as specified, and in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California. The bill would require the institute to foster collaboration to inform and shape climate policy and advance the goals of the Paris Agreement, advance joint policy research on major climate issues, support high-level dialogue on specific climate issues, and provide training to specified entities to advance climate and environmental policies. The bill would require the institute to work closely with other University of California campuses, departments, and leaders, and would authorize the institute to receive guidance and support from experts and state entities.

AB 50 (BOERNER HORVATH D) CLIMATE CHANGE: CLIMATE ADAPTATION CENTER AND REGIONAL SUPPORT NETWORK: SEA LEVEL RISE.

Current Text: Introduced: 12/7/2020

Status: 1/11/2021-Referred to Com. on NAT. RES.

Summary: Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, and update biannually, a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. This bill would establish the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.

AB 51 (QUIRK D) CLIMATE CHANGE: ADAPTATION: REGIONAL CLIMATE ADAPTATION PLANNING GROUPS: REGIONAL CLIMATE ADAPTATION PLANS.

Current Text: Introduced: 12/7/2020

Status: 1/11/2021-Referred to Com. on NAT. RES.

Summary: Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.

AB 66 (BOERNER HORVATH D) COASTAL RESOURCES: RESEARCH: LANDSLIDES AND EROSION: EARLY WARNING SYSTEM: COUNTY OF SAN DIEGO.

Current Text: Amended: 4/5/2021

Status: 4/6/2021-Re-referred to Com. on APPR.

Summary: Would appropriate from the General Fund the sum of \$2,500,000 to the Scripps Institution of Oceanography at the University of California, San Diego, to conduct research on coastal cliff landslides and erosion in the County of San Diego, as provided. The bill would require the research to be completed by January 1, 2025. The bill would require by no later than March 15, 2025, the institution to provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. The bill would exempt the Regents of the University of California from civil liability for any harm related to the measurement, prediction, or warning of bluff failure, cliff landslides, or erosion while conducting the above-described research or related to the recommendations.

AB 67 (PETRIE-NORRIS D) SEA LEVEL RISE: WORKING GROUP: ECONOMIC ANALYSIS.

Current Text: Amended: 4/5/2021

Status: 4/6/2021-Re-referred to Com. on NAT. RES.

Summary: Would require a state agency to take into account the current and future impacts of sea level rise based on projections provided by the Ocean Protection Council when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone, within the jurisdiction of the San Francisco Bay Conservation and Development Commission, or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds, including, but not limited to, bonds, grants, and loans, for those purposes. The bill would provide that new or expanded infrastructure built pursuant to the above-described provision shall only qualify for state funds if the project is not anticipated to be vulnerable to sea level rise risks during the life of that project.

AB 72 (PETRIE-NORRIS D) ENVIRONMENTAL PROTECTION: NATURAL RESOURCES AGENCY: COASTAL ADAPTATION PROJECTS: SEA LEVEL RISE: REGULATORY REVIEW AND PERMITTING: REPORT.

Current Text: Introduced: 12/7/2020

Status: 1/11/2021-Referred to Com. on NAT. RES.

Summary: Would enact the Coastal Adaptation Permitting Act of 2021. The bill would require the agency to explore, and authorize it to implement, options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects, as defined. The bill would require the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.

AB 284 (RIVAS, ROBERT D) CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006: CLIMATE GOAL: NATURAL AND WORKING LANDS.

Current Text: Introduced: 1/21/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (March 24). Re-referred to Com. on APPR.

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board, when updating the scoping plan and in collaboration with the Natural Resources Agency and other relevant state agencies and departments, to take specified actions by January 1, 2023, including, among others, identifying a 2045 climate goal, with interim milestones, for the state's natural and working lands, as defined, and identifying practices, policy incentives, market needs, and potential reductions in barriers that would help achieve the 2045 climate goal. The bill would require the state board, no later than January 1, 2024, to develop standard methods for state agencies to consistently track greenhouse gas emissions reductions, carbon sequestration, and additional benefits from natural and working lands over time.

AB 826 (BENNETT D) BEACH EROSION: SOUTH CENTRAL CALIFORNIA COAST: POINT CONCEPTION TO POINT MUGU.

Current Text: Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

Summary: Would establish the Beach Erosion Authority for Clean Oceans and Nourishment Program, to be administered, upon appropriation by the Legislature, by the State Coastal Conservancy to address the resource and recreational goals of the South-Central Coast area, as specified. The bill would authorize the conservancy to, among other things, acquire interests and options in real property and would prescribe the management, powers, and duties of the conservancy for purposes of the program.

AB 979 (FRAZIER D) SACRAMENTO-SAN JOAQUIN DELTA: PROJECTS: SEA LEVEL RISE ANALYSIS REPORT.

Current Text: Amended: 4/13/2021

Status: 4/13/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. On W., P., & W. Read second time and amended.

Summary: The Sacramento-San Joaquin Delta Reform Act of 2009, provides that it is the policy of the state to, among other things, reduce reliance on the Sacramento-San Joaquin Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Current law establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan, known as the Delta Plan, for the Sacramento-San Joaquin Delta. This bill would require any individual or entity that undertakes a project, as defined, within the Delta to complete a report analyzing the impact of sea level rise on the project.

AB 1395 (MURATSUCHI D) GREENHOUSE GASES: CARBON NEUTRALITY.

Current Text: Introduced: 2/19/2021

Status: 3/11/2021-Referred to Com. on NAT. RES.

Summary: Would declare the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. The bill would require the state board to work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward achieving carbon neutrality, to set and manage targets and accounting for negative emissions separately from existing and future greenhouse gas emissions reduction targets, and to ensure that updates to the scoping plan identify and recommend measures to achieve carbon neutrality. The bill would require a specified plan prepared by the state board and other specified agencies to include sequestration targets consistent with achieving carbon neutrality and would impose other requirements on state agencies relating to working toward carbon neutrality.

SB 1 (ATKINS D) COASTAL RESOURCES: SEA LEVEL RISE.

Current Text: Amended: 3/23/2021

Status: 4/12/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (April 12). Re-referred to Com. on APPR.

Summary: The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.

SB 18 (SKINNER D) GREEN HYDROGEN.

Current Text: Amended: 3/23/2021

Status: 4/13/2021-Set for hearing April 29.

Summary: Would require the State Air Resources Board, by December 31, 2022, as a part of the scoping plan and the state's goal for carbon neutrality, to prepare a strategic plan for accelerating the production and use of hydrogen, including a specific plan to accelerate production and use of green hydrogen, as defined, in California and an analysis of how curtailed electrical generation could be better utilized to help meet the state's greenhouse gas emissions reduction goals. The bill would require the state board, in developing the strategic plan, to consult with the California Workforce Development Board and labor and workforce organizations.

SB 83 (ALLEN D) CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK: SEA LEVEL RISE REVOLVING LOAN PROGRAM.

Current Text: Introduced: 12/15/2020

Status: 4/7/2021-April 15 hearing postponed by committee.

Summary: Would create the Sea Level Rise Revolving Loan Program within the I-Bank to provide low interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property. The bill would require the California Coastal Commission, before January 1, 2023, in consultation with the California Coastal Commission, the State Lands Commission, and any other applicable state, federal, and local entities with relevant jurisdiction and expertise, to determine criteria and guidelines for the identification of vulnerable coastal properties eligible for participation in the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program if the local jurisdiction develops and submits to the bank a vulnerable coastal property plan.

SB 260 (WIENER D) CLIMATE CORPORATE ACCOUNTABILITY ACT.

Current Text: Amended: 4/13/2021

Status: 4/13/2021-Read second time and amended. Re-referred to Com. on JUD.

Summary: Would require the State Air Resources Board, on or before January 1, 2023, to develop and adopt regulations requiring United States-based partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California, defined as "reporting entities," to publicly disclose, on or before January 1, 2024, and annually thereafter, their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year. The bill would require reporting entities to disclose their greenhouse gas emissions in a manner that is easily understandable and accessible to residents of the state. The bill would require reporting entities to ensure that their public disclosures have been independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting.

SB 418 (LAIRD D) SEA LEVEL RISE PLANNING: DATABASE.

Current Text: Amended: 3/17/2021

Status: 3/25/2021-Set for hearing April 27.

Summary: Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update biannually, and post on an internet website a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. Current law further requires that various public agencies and private entities provide to the agency, on a biannual basis, sea level rise planning information, as defined, that is under the control or jurisdiction of the public agencies or private entities and requires the agency to determine the information necessary for inclusion in the database, as prescribed. Current law repeals these provisions on January 1, 2023. This bill would extend the sunset date for the above provisions until January 1, 2028.

SB 627 (BATES R) COASTAL EROSION: INSTALLATION OF SHORELINE PROTECTIVE DEVICES: APPLICATION PROCESS.

Current Text: Introduced: 2/18/2021

Status: 4/8/2021-April 13 set for first hearing canceled at the request of author.

Summary: Would, except as provided, require the California Coastal Commission or a local government with an approved local coastal program to approve the repair, maintenance, or construction of retaining walls, return walls, seawalls, revetments, or similar shoreline protective devices for beaches or adjacent existing residential properties in the coastal zone that are designed to mitigate or protect against coastal erosion. If a local government denies the application for a shoreline protective device, the bill would require the local government to inform the commission, in writing, of its decision with supporting evidence. The bill would require the commission, if it denies an application or if it receives notice of a local government's denial, to submit a report to the Legislature of its denial or the report from the local government.

TRIBAL CONSULTATION

AB 923 (RAMOS D) GOVERNMENT-TO-GOVERNMENT CONSULTATION ACT: STATE-TRIBAL CONSULTATION.

Current Text: Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on A. & A.R.

Summary: Would require the state and its agencies to consult on a government-to-government basis with California tribes. The bill would require the executive branch to consult with a tribe upon 60 days' notice of the request to consult and would require each agency director to consider the need for tribal consultation before approving an agency policy. The bill would designate state officials authorized to represent the state in government-to-government consultations, as provided. The bill would require the Governor's Tribal Advisor to convene a council of tribal liaisons to develop, by June 30, 2022, the required elements of training on government-to-government consultations, and would require all agency directors, chairs, executive officers and chief counsels to complete the training by January 1, 2023. The bill would require agency officials appointed after January 1, 2023, to arrange receipt of the training within 6 months of their appointment, as specified.

RECOMMENDED ACTION:

There is no action recommended at this time.