



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR
JOHN BAUTERS
PAULINE RUSSO CUTTER
SCOTT HAGGERTY
TYRONE JUE

BRAD WAGENKNECHT – VICE CHAIR
DAVID CANEPA
JOHN GIOIA
DAVINA HURT
KAREN MITCHOFF

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
EXECUTIVE ORDER N-29-20 ISSUED BY
GOVERNOR GAVIN NEWSOM**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT’S AGENDA WEBPAGE AVAILABLE AT**

www.baaqmd.gov/bodagendas

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/94485135401>

669 900 6833 or 408 638 0968

WEBINAR ID: 944 8513 5401

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “*9”. IN ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR APPLICATION IS UP TO DATE**

- **COMMENTS MAY ALSO BE SUBMITTED VIA EMAIL AT**

Comments@baaqmd.gov

WEDNESDAY
SEPTEMBER 30, 2020
11:30 A.M.

AGENDA

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

PUBLIC MEETING PROCEDURE

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

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

***Email Comment on Agenda Items:** The public may comment on each item on the agenda. Email Comments for items on the agenda must be submitted to Comments@baaqmd.gov prior to the Committee taking up the particular item and indicate the agenda item to which the comment relates. Emailed comments will be considered as the agenda item is taken up by the Committee. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible.*

Staff/Phone (415) 749-

2. **APPROVAL OF THE MINUTES OF JUNE 25, 2020**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of June 25, 2020.

3. **RECAP OF THE 2020 LEGISLATIVE YEAR**

A. Abbs/8437
aabbs@baaqmd.gov

Staff will report on the outcome of key legislative proposals in 2020, including Air District sponsored bills and bills with Air District adopted positions.

4. **FEDERAL LEGISLATIVE UPDATE**

A. Abbs/8437
aabbs@baaqmd.gov

The Committee will receive an update on recent events of significance on the federal level.

5. **CONSIDERATION OF PROPOSITION 16 (2020)**

A. Abbs/8437
aabbs@baaqmd.gov

Discuss and consider position on California Proposition 16, repeal of Proposition 209, appearing on the November 3, 2020 General Election Ballot.

6. **2021 LEGISLATIVE ACTIVITIES**

A. Abbs/8437
aabbs@baaqmd.gov

The Committee and staff will discuss potential legislative activities in 2021.

7. **OVERVIEW OF GOVERNOR'S EXECUTIVE ORDER N-79-20**

A. Abbs/8437
aabbs@baaqmd.gov

The Committee will receive an overview of Governor Newsom's Executive Order N-79-20 related to climate change.

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

Emailed comments indicating the comment pertains to non-agenda matters will be considered under this item. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible. Comments may also be made during the teleconference. Instructions will be provided at the start of the meeting.

9. **COMMITTEE MEMBER COMMENTS / OTHER BUSINESS**

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

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

At the Call of the Committee Chair.

11. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Chair.

CONTACT:

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

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

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

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

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

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

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

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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

SEPTEMBER 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Mobile Source Committee	Thursday	24	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee	Wednesday	30	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	30	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee	Wednesday	30	1:30 p.m.	Webcast only pursuant to Executive Order N-29-20

OCTOBER 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee	Thursday	1	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Personnel Committee	Monday	5	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Regular Meeting	Wednesday	7	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Advisory Council Meeting	Friday	9	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Monday	19	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Regular Meeting or Executive Committee	Wednesday	21	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee - CANCELLED	Thursday	22	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee – CANCELLED AND RESCHEDULED TO MONDAY, OCTOBER 19, 2020 AT 9:30 A.M.	Thursday	22	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: Approval of the Minutes of June 25, 2020

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of June 25, 2020.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of June 25, 2020.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of June 25, 2020

AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of June 25, 2020

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

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Thursday, June 25, 2020

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 9:32 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson Brad Wagenknecht; and Directors David Canepa, Pauline Russo Cutter, Scott Haggerty, Davina Hurt, Tyrone Jue, and Karen Mitchoff.

Absent: Director John Bauters and John Gioia.

Also Present: Board Chair Rod Sinks.

2. APPROVAL OF THE MINUTES OF MAY 27, 2020

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Mitchoff made a motion, seconded by Director Canepa, to approve the Minutes of May 27, 2020; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Hurt, Jue, Mitchoff, Sinks, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Gioia, Haggerty.

3. SACRAMENTO LEGISLATIVE BUDGET UPDATE

NOTED PRESENT: Director Haggerty was noted present at 9:35 a.m.

Alan Abbs, Legislative Officer, gave the staff presentation *Sacramento Legislative Budget Update*, recapping Fiscal Year (FY) 2020/2021 Budget activity of the Legislature and Governor between the May revision and June 21, 2020. Mr. Abbs noted that, at one point, there had been a budget gap which may have impacted air quality programs, but over the weekend, the Proposed Budget was adjusted to include \$50 million for (statewide) air quality programs that had not been included in the May revision. The Legislature will vote on the most current Proposed Budget today. Mr. Abbs said that the Carl Moyer program and state subvention funding, which are State funding streams that the Air District receives annually, have *not* been impacted, and added that the new “Clean Trucks, Clean Air” bill that established a diesel smog check program, has also been funded. Although woodstove replacement programs will not be funded in the FY 2020/2021 Budget, six other air quality programs (pertaining to the Greenhouse Gas Reduction Fund) could be considered for funding later in the year. The next Cap and Trade auction will occur in August and it is anticipated to be less robust than previous auctions. The Legislature is wondering about the future of the Cap and Trade program. The Governor’s January Proposed Budget included a Climate Catalyst Fund proposal (a clean technology revolving loan program) and while it remains a line item in the Budget, no allocated funds remained in the May revision. It is speculated that it could be changed to a program funded with private funds. Senator Bob Wieckowski (Fremont) proposed that the California Air Resources Board (CARB) consider changes to Cap and Trade prices and allowances in 2022.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the State will consider its projections of the August auction revenue before the Air District revisits its fee increases; how soon the Bay Area could utilize the funds for the Clean Air Centers, assuming the Governor approves the Budget; and the status of the Air District’s Woodsmoke Reduction Incentive program fund.

Committee Action

None; receive and file.

4. AIR DISTRICT SPONSORED BILL

Mr. Abbs gave the staff presentation *Air District Sponsored Bills*, featuring Assembly Bill (AB) 2882 (Chu and C. Garcia) - Hazardous Emissions and Substances: School Sites: Private and Charter Schools. Mr. Abbs reported that the California Assembly passed AB 2882 last week and that the bill will be considered by the Senate Environmental Quality Committee. The Air District has reached out to the Planning Association of California and Charter Schools Association and is still looking for additional supporters.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the status of the Air District’s indirect source bill, and how that and the Air District’s Diesel Free by 33 initiative could be affected by CARB’s Advanced Clean Trucks regulation (being considered for adoption today); and the Assembly members who voted against this bill.

Committee Action

None; receive and file.

5. STATE LEGISLATION UPDATE

Mr. Abbs gave the staff presentation *State Legislation Update*, including the following bills of interest: Senate Bill (SB) 1099 (Dodd); AB 1714 (Aguiar-Curry); and Assembly Constitutional Amendment (ACA) 5 (Weber).

- **SB 1099:** This bill would allow critical facilities, including water and wastewater agencies, to operate existing emergency backup generators during Public Safety Power Shutoffs (PSPS) or other losses of power without being out of compliance or subject to penalties from local air districts. This flexibility would ensure water continues to flow and wastewater continues to be treated during power outages, protecting public health and safety. This bill, consistent with federal law, would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator’s time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued

for those critical facility emergency backup generators. By requiring air districts to adopt a new permitting program for those critical facility emergency backup generators, the bill would impose a state-mandated local program. The bill also would define certain terms for purposes of these provisions. Update: This bill is being considered for adoption by the Senate today but may no longer be needed if the South Coast Air Quality Management District can address the affected facilities' concerns about disrupted operations.

- **AB 1714:** This bill address air emissions from wine fermentation tanks, and would require CARB to convene a working group for the purpose of reviewing the state of air pollution control technologies, operational or maintenance standards, and work practices that may be applied to wine fermentation tanks, and the costs and benefits of those technologies, standards, and practices. The bill also would require CARB to review options for the reduction of emissions from wine fermentation tanks that, to the maximum extent feasible, preserve and protect the quality, taste, and other unique attributes associated with wine while complying with air quality standards and objectives and would require the state board to provide air districts a summary of all cost-effective options to achieve the emissions reductions from wine fermentation tanks in addition to those options' respective abilities to preserve and protect the quality, taste, and other unique attributes associated with wine. This bill would also require air districts, when adopting a rule or issuing a permit requiring air pollution control technology to be installed on wine fermentation tanks, to include specified findings. Update: This bill went through California's "gut and amend" process and may be moved forward at the end of this legislative session.

- **ACA 5:** Proposing to repeal Proposition 209, a citizens' initiative approved in 1996, prohibiting the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Update: The California Senate passed ACA 5 yesterday and it will be on the November ballot.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the request that Air District staff bring this bill back to the Committee for further consideration, as this bill will be on the November ballot.

Committee Action

None; receive and file.

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by Dr. Margaret Chen, University of San Francisco.

7. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Haggerty suggested an enhanced polling method, such as Doodle, to maximize Committee member participation at these meetings.

Director Jue suggested that Air District reach out to the stakeholders and lobbyists who supported AB 617, thank and update them about the \$50 million that was allocated for implementation, and urge them to keep lobbying for AB 617 incentives and technical assistance funding that may be considered later in the year.

8. TIME AND PLACE OF NEXT MEETING

The next meeting had originally been at the Call of the Chair. After the meeting adjourned, the next meeting was scheduled for Wednesday, September 30, 2020, at 11:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

9. ADJOURNMENT

The meeting adjourned at 10:20 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: Recap of the 2020 Legislative Year

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Staff will provide Legislative Committee (Committee) a brief summary of bills on the attached list.

BACKGROUND

On August 31, 2020, the California Legislature ended its work for the 2019-2020 session, with only 384 bills being sent to the Governor for consideration. Due to COVID-19, the California Legislature took a long recess in March and April, and a second recess in July which resulted in most bills either being dropped by their author or not being able to get committee hearings due to the shortened hearing schedule. Additionally, the final days of session were very tense after most Senate Republicans were not allowed to attend floor sessions in person, Senate Democrats attempted to limit debate in order to speed votes on bills, and important bills on housing and police reform were slow to move between houses prior to the midnight deadline.

As a result, most bills that didn't have a direct link to COVID-19, wildfires, or the state budget did not make it through the process. Both Air District-sponsored bills failed, with our school bill, Assembly Bill (AB) 2882 (Chu), making it through the Assembly but getting stuck in Senate Environmental Quality, and our indirect source bill AB 3211 (Bauer-Kahan), being dropped early on by the author. All 4 variants of the wildfire/emergency generator bills were eventually dropped by their authors or did not receive committee hearings, as well as bills that exempted the wine industry and mobile fueling industry from air quality requirements.

As discussed in previous Committee meetings, the Air District was successful in maintaining statewide AB 617 Implementation funding at a level equivalent to last year coming from the Air Pollution Control Fund (APCF) rather than being split from the APCF and Greenhouse Gas Revenue Fund (GGRF). As the Committee is aware, recent Cap and Trade proceeds to the GGRF have been less than previous years, which caused the Legislature to forgo even sending a

GGRF budget to the Governor this year. Coupled with declining reserves in the APCF, this will make it even more difficult to get allocations for AB 617 in future budgets.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 3A: Bill Matrix, as of September 15, 2020
Attachment 3B: CapitolTrack – 2020 Deadlines Recap

BILL #	AUTHOR	SUBJECT	Location	Last Status - As of 9/15/2020	Position	PSPS Related	Priority (Low/Medium/High)
AB 78	Committee on Budget	Bergeson-Peace Infrastructure and Economic Development Bank.	Assembly - Chaptered	6/29/2020-Approved by the Governor. Chaptered by Secretary of State Chapter 10, Statutes of 2020.			CHAPTERED
AB 841	Ting	Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program.	Assembly - Enrolled	9/14/2020-Enrolled and presented to the Governor at 4 p.m.			MEDIUM
AB 2421	Quirk	Land use: permitting: wireless communications: Land use: permitting: wireless communications: emergency standby generators.	Assembly - Enrolled	9/11/2020-Enrolled and presented to the Governor at 3 p.m.		PSPS Related	LOW
AB 3163	Salas	Biogas: Energy: biomethane: procurement.	Assembly - Enrolled	9/4/2020-Enrolled and presented to the Governor at 2 p.m.			LOW
ACA 5	Weber	Government preferences.	Assembly - Chaptered	6/25/2020-Chaptered by Secretary of State- Chapter 23, Statutes of 2020			CHAPTERED
SB 74	Mitchell	Budget Act of 2020.	Senate - Chaptered	6/29/2020-Approved by the Governor with item veto. Chaptered by Secretary of State, Chapter 6, Statutes of 2020. In Senate.			CHAPTERED
SB 702	Hill	California Renewables Portfolio Standard Program: procurement.	Senate - Enrolled	9/8/2020-Enrolled and presented to the Governor at 2 p.m.			LOW
SB 895	Archuleta	Energy: zero-emission fuel, infrastructure, and transportation technologies.	Senate - Enrolled	9/10/2020-Enrolled and presented to the Governor at 3 p.m.			LOW
SB 1207	Jackson	Skilled nursing facilities: backup power system.	Senate - Enrolled	9/8/2020-Enrolled and presented to the Governor at 2 p.m.		PSPS Related	LOW
SB 1320	Stern	Climate change: California Climate Change Assessment.	Senate - Enrolled	9/11/2020-Enrolled and presented to the Governor at 11 a.m.			LOW
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Project.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was TRANS. on 6/24/2019)			
AB 291	Chu	Local Emergency Preparedness and Hazard Mitigation Fund.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. G.O. on 6/23/2020)			
AB 326	Muratsuchi	Electric mobility manufacturers.	9/1/2020 S. DEAD	9/1/2020 Read third time. Refused passage. Died on call pursuant to Article IV, Section 10(c) of the Constitution.			
AB 345	Muratsuchi	Natural resources: environmental justice: oil and gas: regulation of operations.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. N.R. & W. on 8/5/2020)			
AB 352	Garcia, Eduardo	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. E.Q. on 8/14/2019)			
AB 409	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)			
AB 464	G. Garcia	California Global Warming Solutions Act of 2006.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 6/23/2020)			
AB 839	Mullin	Climate adaptation strategy: strategic resiliency framework: Resiliency through Adaptation, Economic Vitality, and Equity Account.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)			
AB 1002	Quirk-Silva	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations: Greenhouse Gas Reduction Fund.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 7/1/2020)			
AB 1071	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/13/2020)			
AB 1112	Friedman	Micromobility devices: relocation.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. TRANS. on 7/22/2020)			
AB 1142	Friedman	Regional transportation plans: transportation network companies.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)			
AB 1276	Bonta	Local redistricting.	8/31/2020 A. ENROLLED	8/31/2020 Enrolled and presented to the Governor at 5 p.m.			
AB 1350	Gonzalez	Retroactive grant of high school diplomas: COVID-19 crisis.	9/11/2020 A. CHAPTERED	9/11/2020 Approved by the Governor. Chaptered by Secretary of State - Chapter 66, Statutes of 2020.			
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)			
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. 2 YEAR on 8/30/2019)			
AB 1441	Levine	Unemployment compensation: employers: contribution rates.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. L., P.E. & R. on 7/1/2020)			
AB 1567	Aguiar-Curry	Organic waste: scoping plan.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. N.R. & W. on 6/23/2020)			
AB 1659	Bloom	Large electrical corporations: wildfire mitigation: securitization.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. THIRD READING on 8/30/2020)			
AB 1714	Aguiar-Curry	Emissions limitations: wine fermentation.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 9/15/2019)	Oppose		

BILL #	AUTHOR	SUBJECT	Location	Last Status - As of 9/15/2020	Position	PSPS Related	Priority (Low/Medium/High)
AB 1839	Bonta	Economic, environmental, and social recovery: California COVID-19 Recovery Deal.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/24/2020)			
AB 1915	Chu	Electrical corporations: deenergization events.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 1/17/2020)		PSPS Related	
AB 1917	Ting	Budget Act of 2020.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. BUDGET on 1/17/2020)			
AB 1920	Boerner-Horvath	Climate change: California Climate Adaptation Center and Regional Support Network.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/24/2020)			
AB 1922	Rivas, Luz	Pupil instruction: science requirements: climate change.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 1/23/2020)			
AB 1942	Gallagher	Forestry and fire protection: reduction of emissions of greenhouse gases.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 1/30/2020)			
AB 1972	Voepel	Vehicular air pollution.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/6/2020)	Propose Oppose		
AB 1991	Friedman	Transit and Intercity Rail Capital Program: passenger tramways.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. TRANS. on 2/6/2020)			
AB 1992	Friedman	Transportation: transportation infrastructure: climate change.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/6/2020)			
AB 2031	Rivas, Luz	School Pavement to Parks Grant Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 2/14/2020)			
AB 2057	Chiu	San Francisco Bay area: public transportation.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 4/24/2020)			
AB 2089	Rivas, Luz	Resilient Economies and Community Health Pilot Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/20/2020)			
AB 2145	Ting	Transportation electrification: electric vehicle charging ports.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 4/24/2020)			
AB 2148	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/5/2020)			
AB 2162	O'Donnell	School facilities: indoor air quality.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 2/20/2020)			
AB 2168	McCarty	Planning and zoning: electric vehicle charging stations: permit application: approval.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. L. GOV. on 3/2/2020)			
AB 2178	Levine	Emergency services.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. G.O. on 6/23/2020)		PSPS Related	
AB 2182	Rubio-Blanca	Emergency backup generators: water and wastewater facilities: exemption.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. U. & E. on 3/2/2020)	Oppose	PSPS Related	
AB 2188	Calderon	Charge Ahead California Initiative: Air Quality Improvement Program: Clean Vehicle Rebate Project.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 4/24/2020)			
AB 2215	Chau	Service stations: definition: electric vehicle charging stations.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/2/2020)			
AB 2225	Grayson	Smog check: exemption: historic vehicles.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/20/2020)	Propose Oppose		
AB 2241	Calderon	State Air Resources Board: report.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/13/2020)			
AB 2255	Eggman	Long-duration energy storage systems.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/24/2020)			
AB 2260	Fong	Vehicles: registration fraud.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/20/2020)			
AB 2262	Berman	Greenhouse gases: zero-emission vehicle charging or fueling infrastructure: statewide assessment and zero-emission readiness plans.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/24/2020)			
AB 2331	Muratsuchi	Greenhouse gases: aviation sector: reporting.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/24/2020)			
AB 2371	Friedman	Climate change: Office of Planning and Research: science advisory team: climate adaptation and hazard mitigation.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 6/23/2020)			
AB 2413	Ting	Greenhouse Gas Reduction Fund: study: securitization.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 7/2/2020)			
AB 2441	Rivas, Luz	Climate change: Safeguarding California Plan: Extreme Heat and Community Resilience Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/27/2020)			
AB 2446	Bonta	Cement plants.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/27/2020)			
AB 2455	Medina	Natural gas and electric battery vehicles: weight limits.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/2/2020)			
AB 2475	Flora	Electrical corporations: electrical grid monitoring equipment pilot program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 2/27/2020)		PSPS Related	
AB 2498	Chu	Interscholastic athletics: California Interscholastic Federation: air quality activity recommendations.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. ED. on 2/27/2020)	Support		

BILL #	AUTHOR	SUBJECT	Location	Last Status - As of 9/15/2020	Position	PSPS Related	Priority (Low/Medium/High)
AB 2539	Bigelow	Electrical corporations: deenergization events: elections.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/9/2020)		PSPS Related	
AB 2566	Garcia, C.	Consumption-based greenhouse gas inventory.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/2/2020)			
AB 2577	Chiu	Environmental protection: vulnerable population: identification.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/12/2020)			
AB 2585	Chau	California-China Climate Institute.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was HIGHER ED. on 4/24/2020)			
AB 2587	McCarty	Capitol Corridor rail line: capital improvements: appropriation.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. TRANS. on 4/24/2020)			
AB 2612	Maienschein	Greenhouse Gas Reduction Fund: recycling: appropriation.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. NAT. RES. on 3/2/2020)			
AB 2621	Mullin	Office of Planning and Research: regional climate networks: climate adaptation action plans.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/19/2020)			
AB 2653	Kalra	Smart climate agriculture.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/20/2020)			
AB 2667	Boerner-Horvath	Air Quality Improvement Program: Clean Vehicle Rebate Project: electric bicycles.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/20/2020)			
AB 2689	Kalra	Electrical and gas corporations: reporting.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 4/24/2020)			
AB 2698	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/2/2020)			
AB 2737	Garcia, C.	Community emissions reduction programs.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/2/2020)			
AB 2766	Gray	Vehicles: retirement and replacement.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/2/2020)			
AB 2772	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/12/2020)			
AB 2789	Kamlager	State Energy Resources Conservation and Development Commission: distributed energy resources: study.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/2/2020)		PSPS Related	
AB 2792	Quirk	Mobile fueling on-demand tank vehicles.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/12/2020)	Oppose		
AB 2824	Bonta	Bay Bridge Fast Forward Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 4/24/2020)			
AB 2831	Flora	Carbon-offset credits: whole orchard recycling: healthy soils.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. NAT. RES. on 4/24/2020)			
AB 2832	Garcia, C.	Greenhouse gases: carbon neutrality.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/2/2020)			
AB 2860	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/5/2020)			
AB 2866	Garcia, Eduardo	Vehicular air pollution: Clean Fleet Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/5/2020)			
AB 2882	Chu C. Garcia	Hazardous emissions and substances: schoolsites: private and charter schools.	8/18/2020 S. DEAD	8/18/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. E.Q. on 7/1/2020)	Support Sponsor		
AB 2940	Quirk	Energy: hydrogen.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/5/2020)			
AB 2954	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	8/21/2020 S. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/19/2020)			
AB 3021	Ting	School facilities: energy resilient schools: grant program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 3/5/2020)			
AB 3027	O'Donnell	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/12/2020)			
AB 3046	Mathis	The Energy, Environment, and Economy Council.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/5/2020)			
AB 3100	Garcia, Eduardo	State Energy Resources Conservation and Development Commission: Blue-Ribbon Commission on Lithium Extraction in California: report.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/24/2020)		PSPS Related	
AB 3109	Ting	State Air Resources Board: report.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/9/2020)			
AB 3111	Gipson	Carl Moyer Memorial Air Quality Standards Attainment Program.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 4/24/2020)			
AB 3128	Burke	Electricity: deenergization events: fuel cells.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/21/2020)		PSPS Related	
AB 3211	Bauer-Kahan	Toxic air contaminants.	6/5/2020 A. DEAD	6/5/2020 Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. NAT. RES. on 3/9/2020)	Support Sponsor		
AB 3217	Gloria	Greenhouse gases: crude oil emissions.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/9/2020)	Support		

BILL #	AUTHOR	SUBJECT	Location	Last Status - As of 9/15/2020	Position	PSPS Related	Priority (Low/Medium/High)
AB 3251	Bauer-Kahan	Electricity: resource adequacy requirements.	5/29/2020 A. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/9/2020)			
AB 3256	Garcia, Eduardo	Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. RLS. on 6/3/2020)			
ACR 143	Quirk	Climate crisis.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. NAT. RES. on 1/23/2020)			
SB 43	Allen	Carbon intensity and pricing: retail products.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was REV. & TAX on 6/24/2019)			
SB 45	Allen	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. DESK on 1/29/2020)	Support		
SB 59	Allen	California Transportation Commission: advisory committee: autonomous vehicle technology.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 69	Wiener	Ocean Resiliency Act of 2019.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 168	Wieckowski	Climate change: Chief Climate Resilience Officer.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 278	Beall	Metropolitan Transportation Commission.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. TRANS. on 6/18/2020)			
SB 369	Hertzberg	Prisoners: California Reentry Commission.	9/8/2020-S. ENROLLED	9/8/2020 Enrolled and presented to the Governor at 2 p.m.			
SB 378	Wiener	Probation: eligibility: crimes relating to controlled substances.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. RLS. on 7/27/2020)			
SB 431	McGuire	Telecommunications service: backup electrical supply rules.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/18/2020)		PSPS Related	
SB 498	Hurtado	Trade Corridors Improvement Fund: grant program: short-line railroads.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was TRANS. on 6/6/2019)			
SB 515	Caballero	Public Utilities Commission: high hazard zone fuel: report.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 535	Moorlach	Greenhouse gases: wildfires and forest fires: air emissions.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 613	Stern	State agency greenhouse gas emission reduction report cards.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 8/30/2019)			
SB 629	McGuire	Public peace: media access.	9/9/2020-S. ENROLLED	9/9/2020 Enrolled and presented to the Governor at 3 p.m.			
SB 633	Stern	California Electric Vehicle Authority.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. E.S. & T.M. on 7/27/2020)			
SB 662	Archuleta	Energy: transportation sector: hydrogen.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. U. & E. on 6/25/2020)			
SB 667	Hueso	Greenhouse gases: recycling and organic waste reduction: needs assessment.	8/31/2020 A. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. INACTIVE FILE on 8/26/2020)			
SB 795	Beall	Economic development: housing: workforce development: climate change infrastructure.	8/21/2020 A. DEAD	8/21/2020 Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/11/2020)			
SB 801	Glazer McGuire	Electrical corporations: wildfire mitigation plans: deenergization: public safety protocol.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. U. & E. on 6/29/2020)		PSPS Related	
SB 802	Glazer	Emergency backup generators: health facilities: permit operating condition exclusion.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 5/12/2020)	Oppose Unless Amended	PSPS Related	
SB 808	Mitchell	Budget Act of 2020.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. BUDGET & F.R. on 1/10/2020)			
SB 858	Beall	Thermal powerplants: exemption: emergency backup and standby generators: data centers.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 1/22/2020)	Author Requested Support No position at this time.		
SB 862	Dodd	Planned power outage: public safety.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. U. & E. on 6/29/2020)		PSPS Related	

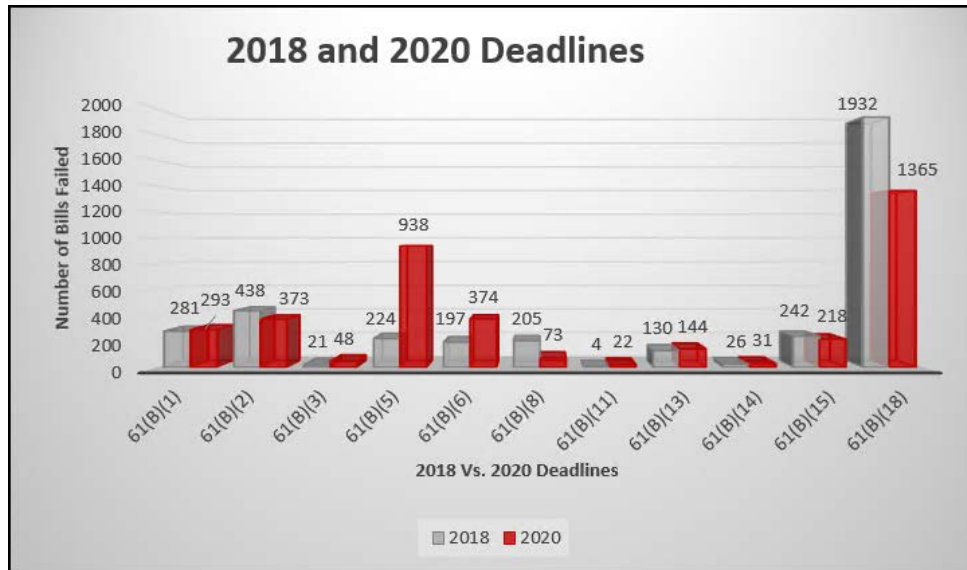
BILL #	AUTHOR	SUBJECT	Location	Last Status - As of 9/15/2020	Position	PSPS Related	Priority (Low/Medium/High)
SB 917	Wiener	California Consumer Energy and Conservation Financing Authority: eminent domain: Northern California Local Energy Utility District: Northern California Energy Utility Services.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was GOV. & F. on 5/12/2020)			
SB 925	Glazer	Mobile telephony service base transceiver station towers: performance reliability standards.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 2/12/2020)		PSPS Related	
SB 964	Skinner	Chemicals: outdoor application: residential areas.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/11/2020)			
SB 986	Allen	Coastal resources: new development: greenhouse gas emissions.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 2/20/2020)			
SB 995	Atkins	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. CONCURRENCE on 8/31/2020)			
SB 1020	Dahle	Income taxes: credits: generators.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. GOV. & F. on 2/27/2020)		PSPS Related	
SB 1070	Leyva	Land use: general plans.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/18/2020)			
SB 1099	Dodd	Emergency backup generators: critical facilities: exemptions.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. NAT. RES. on 6/29/2020)	Oppose	PSPS Related	
SB 1113	Gonzalez, Lena	State Air Resources Board: report.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/19/2020)			
SB 1122	Skinner	Green electrolytic hydrogen.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 2/27/2020)	Author Requested Support		
SB 1164	Grove	Petroleum refineries: air monitoring systems.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/20/2020)			
SB 1183	Hertzberg	Electric vehicle charging master plan.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 5/12/2020)			
SB 1185	Moorlach	Emergency backup generators: operation during deenergization events.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. NAT. RES. on 6/29/2020)	Oppose	PSPS Related	
SB 1195	Gonzalez, Lena	Vehicular air pollution: State Air Resources Board: regulations.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/20/2020)			
SB 1215	Stern	Electricity: microgrids.	8/14/2020 A. DEAD	8/14/2020 Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. U. & E. on 6/29/2020)		PSPS Related	
SB 1258	Stern	California Climate Technology and Infrastructure Financing Act.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. APPR. SUSPENSE FILE on 6/9/2020)			
SB 1314	Dodd	Community Energy Resilience Act of 2020.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 5/12/2020)		PSPS Related	
SB 1321	Bradford	Transportation electrification: electric vehicles: grid integration.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 3/12/2020)			
SB 1323	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 5/12/2020)			
SB 1330	Umberg	Sales and Use Tax Law: zero emissions vehicle exemption.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/21/2020)			
SB 1332	Allen	Solid waste: recycling and composting infrastructure.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. RLS. on 2/21/2020)			
SB 1363	Allen	Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.	5/29/2020 S. DEAD	5/29/2020 Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 5/12/2020)			
SB 1415	Borgeas	Income taxes: credits: backup electricity generators.	8/31/2020 S. DEAD	8/31/2020 Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. GOV. & F. on 3/12/2020)		PSPS Related	
Total Active Bills						10	Low: 6 Medium: 1 High: 0 Chaptered: 3



CapitolTrack Analysis and Tips

The 2020 Deadlines

The 2020 Legislative Session has concluded with nothing left but 384 bills awaiting the Governor's signature. As promised, here is a graphical comparison of all 2020 Legislative Deadlines and how they stacked up against their 2018 counterparts:



Below is a quick-reference of the Joint Rules, the dates on which they fell in 2020 and a description of the Legislative Deadline:

61(b)(1)	1/17/2020	Carry-over, 1 st House, Fiscal Bills must reach Appropriations.
61(b)(2)	1/24/2020	Carry-over, 1 st House, Bills must reach the Floor.
61(b)(3)	1/31/2020	Carry-over, 1 st House, Bills must pass to the 2 nd House.
61(b)(5)	5/29/2020	1 st House, Fiscal Bills must reach Appropriations.
61(b)(6)	6/5/2020	1 st House, Non-Fiscal Bills Must reach the Floor.
61(b)(8)	6/19/2020	1 st House, Fiscal Bills must reach the Floor.
61(b)(11)	6/26/2020	1 st House, Bills must pass to the 2 nd House.
61(b)(13)	8/14/2020	Fiscal Bills must reach Appropriations.
61(b)(14)	8/14/2020	Non-Fiscal Bills must reach the Floor.
61(b)(15)	8/21/2020	Fiscal Bills must reach the Floor.
61(b)(18)	8/31/2020	Last day for each House to pass Bills.

While most Deadlines were remarkably similar with little variance from the prior session, two obvious exceptions stand out; The Policy Committee deadlines - 61(b)(5) and 61(b)(6) - saw far more bills fail in 2020 likely due to leadership's decision to prioritize certain Legislation after returning from their extended Spring Recess. This resulted in fewer bills remaining unfinished as Session concluded, as seen in the 61(b)(18) Dealine.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Legislative staff are following and providing feedback on several bills at the federal level. Unlike the better-defined state process for passing legislation, the federal process is a little more opaque. The upcoming election has limited meaningful, recent progress on many of them, but at the conclusion of the election we hope to have some initiatives moving forward and funded in future budgets.

Clean Corridors (DeSaulnier - CA) - Staff has worked extensively over the past year to support (successfully) Congressman DeSaulnier's Clean Corridor's Act being inserted into the next Transportation Bill called the INVEST in America Act. Transportation bills are generally passed in increments of five (5) years; however, the current version is a year behind schedule. Our work on this has also been to advocate for priority funding in areas with high freight and cargo handling traffic, and in areas with high pollution burden. As of now, Section 1303 establishes a \$350 million annual competitive grant program to deploy electric vehicle charging and hydrogen fueling infrastructure. The program will prioritize projects that demonstrate the highest levels of carbon pollution reductions and that are installed on designated alternative fueling corridors. Electric vehicle charging stations installed under this section must be usable by the majority of electric vehicle drivers and accessible to all members of the public.

Smoke Planning and Research Act (Eshoo - CA) - This bill is similar to our Air District-sponsored bill, Assembly Bill 836 (Wicks; Chapter 393, Statutes of 2019), that was signed into law in 2019. Congresswoman Eshoo's bill is a companion bill to a Senate version introduced by Senator Merkley (OR) and co-sponsored by Senators Feinstein (CA) and Harris (CA). Congresswoman Eshoo recently renewed her focus on the bill per the attached letter and the language of the Smoke Planning and Research Act is being inserted into an Energy Bill package. The language is largely unchanged, except now the authorizations are through 2025 instead of permanent. The Smoke Planning and Research Act establishes four Centers of Excellence for Wildfire Smoke at colleges or universities to research the risks communities face due to wildfire smoke (\$10 million/annually to establish the Centers of Excellence and \$20 million/annually toward the research). It also directs the Environmental Protection Agency (EPA) to study this

issue and provide grants to states, tribes, and local governments to plan and respond to wildfire smoke (\$50 million/annually). These efforts can include creating shelters for at-risk populations and retrofitting schools with air filters so students can safely attend school.

Special Districts Provide Essential Services Act (Garamendi - CA) - This bill by Congressman Garamendi would allow special districts such as municipal utilities, fire protection districts, resource conservation districts, and health care districts access to the Coronavirus Relief Fund. Currently, when states receive relief funding, there is no requirement to provide funds to special districts. Under the bill, each state would be required to allocate no less than 5 percent of future Coronavirus Relief Fund disbursements received by the state to special districts. Doing so remedies concerns and uncertainty surrounding special districts' future access to much-needed assistance for previously-unbudgeted expenses and revenue loss due to COVID-19. It seems unlikely that air districts would benefit much given the needs of other special districts.

Energy Resilient Communities (Barragan - CA) - This is a bill that will be introduced in October, related to microgrids. Along with the South Coast Air Quality Management District, we have indicated our desire to be involved as the bill moves forward. Per Congresswoman Barragan's staff, the Energy Resilient Communities Act will empower communities through \$50 million in grants for technical assistance and \$500 million in annual grants for clean energy microgrids to support the critical infrastructure needed in the aftermath of an extreme weather event. This includes but is not limited to municipal buildings, public safety facilities, hospitals, senior housing, and the homes of medical baseline customers. The bill will help to reverse environmental inequities by prioritizing grants for environmental justice communities, while also helping our country to fight climate change and build the clean energy economy.

In addition to the above-mentioned bills, there is interest on the Democratic side for future air quality and climate change bills that will be of interest. Depending on the results of the election, 2021 could be a busy year at the federal level.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 4A: H.R.4924 (Eshoo) – Letter from Representative Eshoo to Representative Pallone, Chair, House Committee on Energy and Commerce.



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

September 2, 2020

The Honorable Frank Pallone, Jr., Chairman
Committee on Energy and Commerce
United States House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman ^{Frank} Pallone,

As California faces historic wildfires, including my Congressional District, I write to urge you to consider my legislation, H.R. 4924, the *Smoke Planning and Research Act* at the Energy and Commerce Committee's next markup.

Since August 15th nearly 14,000 lightning strikes ignited over 900 fires in California which have burned nearly 1.5 million acres. The San Francisco Bay Area is surrounded by fires on all sides, and the fire complexes north and east of my district are the second and third largest fires on record in California. A third fire complex west of Silicon Valley has forced 77,000 of my constituents in Santa Cruz County to evacuate and it has destroyed over 900 homes.

Every one of my constituents has been impacted by the smoke that has blanketed the region for more than two weeks. At times during these fires, Bay Area cities have endured the worst air quality in the world, and over one-third of the state experienced air quality that the Environmental Protection Agency determined was unsafe even for otherwise healthy individuals. Wildfire smoke contains toxic contaminants that are particularly dangerous to children and the elderly and can trigger wheezing, burning eyes, and even aggravate chronic heart and lung diseases. The Centers for Disease Control and Prevention has also warned that those exposed to wildfire smoke may be more susceptible to lung infections, including COVID-19.

Although the lightning siege that ignited the current fires was highly unusual, wildfires and the smoke they cause have become increasingly common in California due to drought, heat waves, and high wind speeds. Climate change has made wildfires more frequent and deadlier, and eight of the ten largest wildfires in California's history occurred in the last decade. While California has faced the most frequent wildfires, it is not the only state at risk. There are currently 84 large fires in


numerous western states including Oregon, Colorado, New Mexico, and Arizona. Wildfire smoke can drift hundreds of miles from these fires, impacting the air quality of millions of people.

The *Smoke Planning and Research Act* directs the EPA to study the health effects of wildfire smoke and provide grants to states, tribes, and local governments to plan and respond to wildfire smoke. These efforts can include creating shelters for at-risk populations and retrofitting schools with air filters so students can safely attend schools when they reopen. My legislation also establishes four Centers of Excellence at colleges and universities to further study this issue.

As our country continues to grapple with the COVID-19 pandemic, it is critical that we do not lose sight of other public health threats, including wildfire smoke. My legislation is a modest investment to help communities address the poor air quality that is likely to remain a persistent concern for years to come.

Thank you for your high consideration of my important request.

Most gratefully,



Anna C. Eshoo

cc: The Hon. Greg Walden, Ranking Member, Energy and Commerce Committee
The Honorable Paul Tonko, Chairman, Environment Subcommittee
The Honorable John Shimkus, Ranking Member, Environment Subcommittee

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: Consideration of Proposition 16 (2020)

RECOMMENDED ACTION

That the Legislative Committee (Committee) will consider recommending the Board of Directors take a “Support” position on Proposition 16 (2020) to repeal Section 31 of Article I of the California Constitution.

DISCUSSION

The Committee will discuss and consider a position to recommend to the Board of Directors on California Proposition 16, appearing on the November 3, 2020 General Election Ballot.

BACKGROUND

Proposition 16 is a constitutional amendment to repeal Proposition 209 (1996), which prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Proposition 16 is the result of the passage of Assembly Constitutional Amendment (ACA) 5 (*Weber; Resolution Chapter 23 of 2020*). ACA 5 is a resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Section 31 of Article I thereof, relating to government preferences.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 5A: California Constitution – Article 1 of Section 31 – Text
Attachment 5B: Proposition 16 – Official Voter Information Guide – Analysis
Attachment 5C: Proposition 16 – Official Voter Information Guide – Arguments and Rebuttals

*** CALIFORNIA CONSTITUTION - CONS**

ARTICLE I DECLARATION OF RIGHTS [SECTION 1 - SEC. 32] (*Article 1 adopted 1879.*)

- SEC. 31.** (a) The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
- (b) This section shall apply only to action taken after the section's effective date.
- (c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.
- (d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.
- (e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.
- (f) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.
- (g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California antidiscrimination law.
- (h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

(Sec. 31 added Nov. 5, 1996, by Prop. 209. Initiative measure.)

**PROP
16****ALLOWS DIVERSITY AS A FACTOR IN PUBLIC EMPLOYMENT, EDUCATION, AND CONTRACTING DECISIONS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

State and Federal Constitutions Require Equal Protection. The state and federal constitutions provide all people equal protection, which generally means that people in similar situations are treated similarly under the law.

In 1996, California Voters Banned Consideration of Race, Sex, Color, Ethnicity, or National Origin in Public Programs. In 1996, California voters approved Proposition 209, adding a new section to the State Constitution—Section 31 of Article I. The new section generally banned the consideration of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting in California.

There Are Some Exceptions to Proposition 209. State and local entities can consider sex when it is necessary as part of normal operations. For example, the state can consider the sex of an employee when staffing specific jobs at state prisons where it is necessary for staff and inmates to be the same sex. Additionally, state and local entities may consider specified characteristics when it is required to receive federal funding. For example, the state is required to set goals for the portion of contracts awarded to certain groups for federally funded transportation projects, like businesses owned by women and people of color.

Proposition 209 Affected Certain Public Policies and Programs. Before Proposition 209, state and local entities had policies and programs intended to increase opportunities and representation for people who faced inequalities as a result of their race, sex, color, ethnicity, or national origin. These types of programs often are called "affirmative action" programs. For example, some of the state's public universities considered race and ethnicity as factors when making admissions decisions and offered programs to support the academic achievement of those students. State and local entities had employment and recruitment policies intended to increase the hiring of people of color and women. The state also established programs to increase the participation of women-owned and minority-owned businesses in public contracts. The state set goals for the portion of state contracts that were awarded to those types of businesses. After voters approved Proposition 209, these policies and programs were discontinued or modified unless they qualified for one of the exceptions.

Federal Law Allows Policies and Programs That Consider Certain Characteristics, Within Limits. Before Proposition 209, state and local policies and programs that considered race, sex, color, ethnicity, or national origin still had to comply with federal law. Federal law establishes a right to equal protection and as a result limits the use of these considerations. For example, under federal law, universities may consider these characteristics as one of several factors when making admission decisions in an effort to make their campuses more diverse. To ensure compliance with federal law, these policies and programs must meet certain conditions that limit the consideration of these characteristics. These conditions are intended to prevent discrimination that violates equal protection. State law also has a number of antidiscrimination provisions that are similar to those in federal law.

Policies and Programs Created or Modified After Proposition 209. After voters approved Proposition 209, some public entities in California created or modified policies and programs to instead consider characteristics not banned by Proposition 209. For example, many of the state's universities provide outreach and support programs for students who are first in their family to attend college. Many university campuses also consider where students attended high school and where they live when making admissions decisions. The universities view these policies and programs as ways to increase diversity without violating Proposition 209.

PROPOSAL

Eliminates Ban on the Consideration of Certain Characteristics in Public Education, Public Employment, and Public Contracting. If approved, the measure would repeal Proposition 209—Section 31 of Article I of the California Constitution. This would eliminate the ban on the consideration of race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting. As a result, state and local entities could establish a wider range of policies and programs so long as they are consistent with federal and state law related to equal protection.

FISCAL EFFECTS

No Direct Fiscal Effects on Public Entities. The measure would have no direct fiscal effect on state and local entities because the measure would not require any change to current policies or programs. Instead, any fiscal effects would depend on future choices by state and local entities to implement policies or programs that consider race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting.

Potential Fiscal Effects of Implementing Programs Highly Uncertain. State and local entities could make any number of decisions about policies and programs that consider race, sex, color, ethnicity, or national origin. Because the specific choices state and local entities would make if voters approved this measure are unknown, the potential fiscal effects are highly uncertain.

Visit <http://cal-access.sos.ca.gov/campaign/measures/> (<http://cal-access.sos.ca.gov/campaign/measures/>) for a list of committees primarily formed to support or oppose this measure.

Visit <http://www.fppc.ca.gov/transparency/top-contributors.html> (<http://www.fppc.ca.gov/transparency/top-contributors.html>) to access the committee's top 10 contributors.

PROP 16 **ALLOWS DIVERSITY AS A FACTOR IN PUBLIC EMPLOYMENT, EDUCATION, AND CONTRACTING DECISIONS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

ARGUMENT IN FAVOR OF PROPOSITION 16

YES on Prop. 16 means EQUAL OPPORTUNITY FOR ALL CALIFORNIANS.

All of us deserve equal opportunities to thrive with fair wages, good jobs, and quality schools.

Despite living in the most diverse state in the nation, white men are still overrepresented in positions of wealth and power in California. Although women, and especially women of color, are on the front lines of the COVID-19 response, they are not rewarded for their sacrifices. Women should have the same chance of success as men.

Today, nearly all public contracts, and the jobs that go with them, go to large companies run by older white men. White women make 80¢ on the dollar. The wage disparity is even worse for women of color and single moms. As a result, an elite few are able to hoard wealth instead of investing it back into communities. Prop. 16 opens up contracting opportunities for women and people of color.

We know that small businesses are the backbone of our economy. Yet, Main Street businesses owned by women and people of color lose over \$1,100,000,000 in government contracts every year because of the current law. We need to support those small businesses, especially as we rebuild from COVID-19. Wealth will be invested back into our communities.

YES on Prop. 16 helps rebuild California stronger with fair opportunities for all.

YES on Prop. 16 means:

- Supporting women and women of color who serve disproportionately as essential caregivers/frontline workers during COVID-19
- Expanding access to solid wages, good jobs, and quality schools for all Californians, regardless of gender, race, or ethnicity
- Creating opportunities for women and people of color to receive public contracts that should be available to all of us
- Improving access to quality education, both K–12 schools and higher education, for all of California’s kids
- Taking action to prevent discrimination and ensure equal opportunity for all
- Rebuilding an economy that treats everyone equally
- Investing wealth back into our communities as opposed to continuing to allow the rich to get richer
- Strong anti-discrimination laws remain in effect
- Quotas are still prohibited

We live in the middle of an incredible historic moment. In 2020, we have seen an unprecedented number of Californians take action against systemic racism and voice their support for real change.

At the same time, our shared values are under attack by the Trump administration’s policies. We are seeing the rise of overt racism: white supremacists on the march, the daily demonization of Latino immigrants, Black people gunned-down in our streets, anti-Asian hate crimes on the rise, women’s rights under attack, and COVID-19 ravaging Native communities.

By voting YES on Prop. 16, Californians can take action to push back against the Trump administration’s racist agenda.

By voting YES on Prop. 16, Californians can take action to push back against racism and sexism and create a more just and fair state for all.

Equal opportunity matters. Yes on Prop. 16.

ARGUMENT AGAINST PROPOSITION 16

The California Legislature wants you to strike these precious words from our state Constitution: *"The state shall not discriminate against, or grant preferential treatment to, any individual or group, on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."*

Don't do it! Vote NO.

Those words—adopted by California voters in 1996 as Proposition 209—should remain firmly in place. Only by treating everyone equally can a state as brilliantly diverse as California be fair to everyone.

REPEAL WOULD BE A STEP BACKWARD

Discrimination of this kind is poisonous. It will divide us at a time we desperately need to unite. Politicians want to give preferential treatment to their favorites. They think they can "fix" past discrimination against racial minorities and women by discriminating against *other* racial minorities and men who are innocent of any wrongdoing. Punishing innocent people will only cause a never-ending cycle of resentment. *The only way to stop discrimination is to stop discriminating.*

HELP THOSE WHO REALLY NEED IT

Not every Asian American or white is advantaged. Not every Latino or black is disadvantaged. Our state has successful men and women of all races and ethnicities. Let's not perpetuate the stereotype that minorities and women can't make it unless they get special preferences.

At the same time, our state also has men and women—of all races and ethnicities—who could use a little extra break. Current law allows for "affirmative action" of this kind so long as it doesn't discriminate or give preferential treatment based on race, sex, color, ethnicity or national origin. For example, state universities can give a leg-up for students from low-income families or students who would be the first in their family to attend college. The state can help small businesses started by low-income individuals or favor low-income individuals for job opportunities.

But if these words are stricken from our state Constitution, the University of California will again be free to give a wealthy lawyer's son a preference for admission over a farmworker's daughter simply because he's from an "under-represented" group. *That's unjust.*

GIVE TAXPAYERS A BREAK

Prior to the passage of Proposition 209, California and many local governments maintained costly bureaucracies that required preferential treatment in public contracting based on a business owner's race, sex or ethnicity. The lowest qualified bidder could be rejected. A careful, peer-reviewed study by a University of California economist found that CalTrans contracts governed by Proposition 209 saved 5.6% over non-209 contracts in the two-year period after it took effect. If the savings for other government contracts are anywhere near that, repealing this constitutional provision could cost taxpayers *many BILLIONS of dollars.*

EQUAL RIGHTS ARE FUNDAMENTAL

Prohibiting preferential treatment based on race, sex, color, ethnicity or national origin is a fundamental part of the American creed. It's there in our Constitution for all of us. . .now and for future generations. *Don't throw it away.*

VOTE NO.

WARD CONNERLY, President

Californians for Equal Rights

VoteYesOnProp16.org (<https://voteyesonprop16.org/>)

CAROL MOON GOLDBERG, President

League of Women Voters of California

THOMAS A. SAENZ, President

Mexican American Legal Defense and Educational Fund

EVA PATERSON, President

Equal Justice Society

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 16

TOM CAMPBELL: "This proposition will allow California's public universities to keep students out because of their race, in order to help students of another race get in. That's currently illegal. Berkeley's business school was rated among the best for recruiting minority graduates, and we did it without using race. We also gave no favoritism to children of donors, alums, or politicians. We were strictly merit-based. That's how it should stay. (I'm neither a Democrat nor a Republican.)"

LEO TERRELL: "I'm a black man, civil rights attorney for 30 years, lifelong Democrat, now independent. Proposition 16 is a scam to use government money to benefit politically connected HIGH-BID contractors who are supposedly 'minority' or who hire a so-called 'minority' as window dressing. Taxpayers get shafted. Also, we certainly don't need to favor one race over another in government jobs, promotions, or layoffs. And for education, let's help those who need it, regardless of race!"

KALI FONTANILLA: "My father was a Jamaican immigrant, but I was raised in poverty by my single mother. My husband is Mexican/Puerto Rican: we are proudly multiracial. An honors multi-degreed University of California graduate, I tutored black students in Compton; now I help Latinos enter UC on MERIT (like I did), NOT quotas! Proposition 16, a giant step backward, would hurt the very students we want to help. There is no need to lower standards! I love teaching, but Proposition 16 would totally disrupt K-12."

Don't divide us. Unite us. Vote NO!

TOM CAMPBELL, Former Dean

Haas School of Business, University of California, Berkeley

LEO TERRELL, Civil Rights Lawyer

KALI FONTANILLA, Public School Teacher

GAIL HERIOT, Professor of Law

BETTY TOM CHU, Former California Constitution Revision
Commissioner

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 16

Stand for Our California Values. Stand Against Discrimination.

Californians agree everyone deserves equal opportunity to succeed—regardless of their gender, what they look like, or where they were born. We agree that women should be paid the same as men; that all children, regardless of their background or skin color, deserve access to a great school.

The opposition uses deceptive language to claim that they care about California's future. In fact, their approach would take us backwards.

Businesses owned by women and people of color lose \$1.1 billion each year because lucrative contracts are given to a wealthy few. Women make 80 cents on the dollar, and women of color make even less.

The only way to move California forward is to pass Proposition 16—extending equal opportunity for all and actively combating systemic racism.

By passing Proposition 16, Californians can:

- Tackle all forms of discrimination, removing barriers to equal opportunity
- Fight gender wage discrimination
- Give women of color an equal shot at job promotions and leadership positions
- Expand career and educational opportunities in science and technology for girls

California can join 42 other states in taking action towards equal opportunity for all by voting Yes on Proposition 16.

As Californians, we value diversity and fairness, we know that ending discrimination and promoting equality is the right thing to do.

During this uncertain time of COVID-19, we can build a future California that reflects our values by *voting YES on Proposition 16.*

*Get the facts at **VoteYesOnProp16.org***
(<https://voteyesonprop16.org/>)

E. TOBY BOYD, President

California Teachers Association

NORMA CHAVEZ-PETERSON, Executive Director

ACLU of San Diego and Imperial Counties

DR. BERNICE A. KING, CEO

The Martin Luther King, Jr. Center

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: 2021 Legislative Activities

RECOMMENDED ACTION

The Legislative Committee (Committee) will receive a report from staff on potential legislative activities in 2021, providing direction as necessary.

DISCUSSION

In addition to the usual work on the state budget, below is a list of potential legislative activities for 2021, including ideas for Air District-sponsored bills as well as other potential bill activity of interest.

Previous Air District-Sponsored Bills

Expansion of Indirect Source or Magnet Source Authority – In 2020, the Air District sponsored Assembly Bill (AB) 3211, authored by Assemblymember Bauer-Kahan, to expand indirect source authority to include air toxics in addition to pollutants in excess of state ambient air quality standards. This bill was an early casualty of the reduction in bills due to COVID-19 in March as it had been double-referred. In that time, the California Air Resources Board (CARB) has passed new emission standards for heavy duty trucks, as well as a future fleet standard requiring increasing numbers of zero emission trucks. If the Air District wants to move forward with a similar bill in 2021, we may want to look at a different approach.

Private/Charter School Requirements for Air Quality Review Under the California Environmental Quality Act (CEQA) – In 2020, the Air District sponsored AB 2882, authored by Assemblymember Chu, to require new private and charter schools to work with their local air district to identify nearby sources of air emissions that could have public health impacts to school students and employees. The bill easily passed the Assembly but did not receive a hearing in the Senate due to another round of bill hearing reductions in August. This bill is a good candidate for reintroduction but will need a new author as Assemblymember Chu is termed out.

Other Legislative Ideas

Bay Area Air Quality Management District Meeting Compensation – Existing meeting compensation for Board of Directors (Board) members, and generally for other air districts and public agencies, limits meeting compensation to \$100 per day, without recognizing the number of meetings. Board members in the past have expressed a desire to increase compensation as a way to group meetings for more efficient use of Board members' time. A minor adjustment to our portion of the Health and Safety Code Section 40227 could change the cap to \$100/mtg and a maximum per day amount, as an example, without impacting meeting compensation for other public agencies.

Extension of Air District Intellectual Property Authority Senate Bill (SB) 170 (Pavley; Chapter 586, Statutes of 2011) – This was a bill that the South Coast Air Quality Management District sponsored as a way to potentially receive some royalties from R&D investments. The idea may have been ahead of its time as it was never used by any air districts. Health and Safety Code Sections 40004 and 40005 describe the concept, but the provisions sunset in 2017. Having this authority restored could help fund programs out of the Technology Implementation Office (TIO).

AB 617 (C. Garcia; Chapter 136, Statutes of 2017) Amendments – After three years of experience with the AB 617 program, and the prospect of declining state funding, the Air District could propose amendments to AB 617 that maintain the core concepts and requirements but provide opportunities for efficiency and flexibility. This type of bill would be very difficult without support from the original authors of AB 617, community groups across the state, environmental organizations, other air districts, and CARB.

Potential Other Bills

Responses to Legislation Involving the Composition of the Board – There may be legislative proposals that could affect the composition of this Air District's Board. In past years, the Board has opposed any legislation regarding Board composition that did not originate with the Board but was instead proposed by others. Ultimately, in 2020, no such proposals were submitted as bills. The passage of AB 423 (Gloria; Chapter 744, Statutes of 2019), however, revised the composition of the San Diego County Air Pollution Control District Board of Directors effective March 2021, which may lead to a renewed effort towards other air districts. Staff suggests the Board consider retaining its previous position.

Wildfire/Climate Change – It seems likely that 2021 will have many bills to address aspects of wildfire impacts and forest health, as well as the broader issue of climate change, both causes and effects. The Air District may want to consider taking a more active role in future climate change legislation related to emissions, or even to sponsor a bill.

Carl Moyer/AB 923 (Firebaugh; Chapter 707, Statutes of 2004) Reauthorization or Other Program Changes – Authorization for the majority of Carl Moyer and AB 923 Mobile Source Incentive Fund (MSIF) funding expires at the end of 2023. It is unlikely that air districts will want to introduce a bill this early, however, the expiration coincides with expiration of another non-air district program, the Alternative and Renewable Fuel and Vehicle Technology Program administered by the State Resources Energy and Conservation Commission. The next year will likely be spent preparing for bill introduction in 2022 or 2023.

CalPERS Changes – The Air District’s Chief Financial Officer has alerted us to potential changes at CalPERS that we may want to track, related to proposed changes in investment policy that would have been made easier by AB 2473 (Cooper), which did not make it through the legislative process. Attached is an article that concisely explains the issue and the potential impact on volatility, which could affect future District budgets.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 6A: Health and Safety Code Sections 40004 and 40005
Attachment 6B: CalPERS Article – Published by CalMatters 7/9/2020

AGENDA 6A - ATTACHMENT

HEALTH AND SAFETY CODE - HSC

DIVISION 26. AIR RESOURCES [39000 - 44474] (*Division 26 repealed and added by Stats. 1975, Ch. 957.*)

PART 3. AIR POLLUTION CONTROL DISTRICTS [40000 - 41357] (*Part 3 added by Stats. 1975, Ch. 957.*)

CHAPTER 1. General Provisions [40000 - 40006] (*Chapter 1 added by Stats. 1975, Ch. 957.*)

A district may sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution.

40004.

(*Added by Stats. 2011, Ch. 586, Sec. 1. (SB 170) Effective January 1, 2012.*)

HEALTH AND SAFETY CODE - HSC

DIVISION 26. AIR RESOURCES [39000 - 44474] (*Division 26 repealed and added by Stats. 1975, Ch. 957.*)
PART 3. AIR POLLUTION CONTROL DISTRICTS [40000 - 41357] (*Part 3 added by Stats. 1975, Ch. 957.*)

CHAPTER 1. General Provisions [40000 - 40006] (*Chapter 1 added by Stats. 1975, Ch. 957.*)

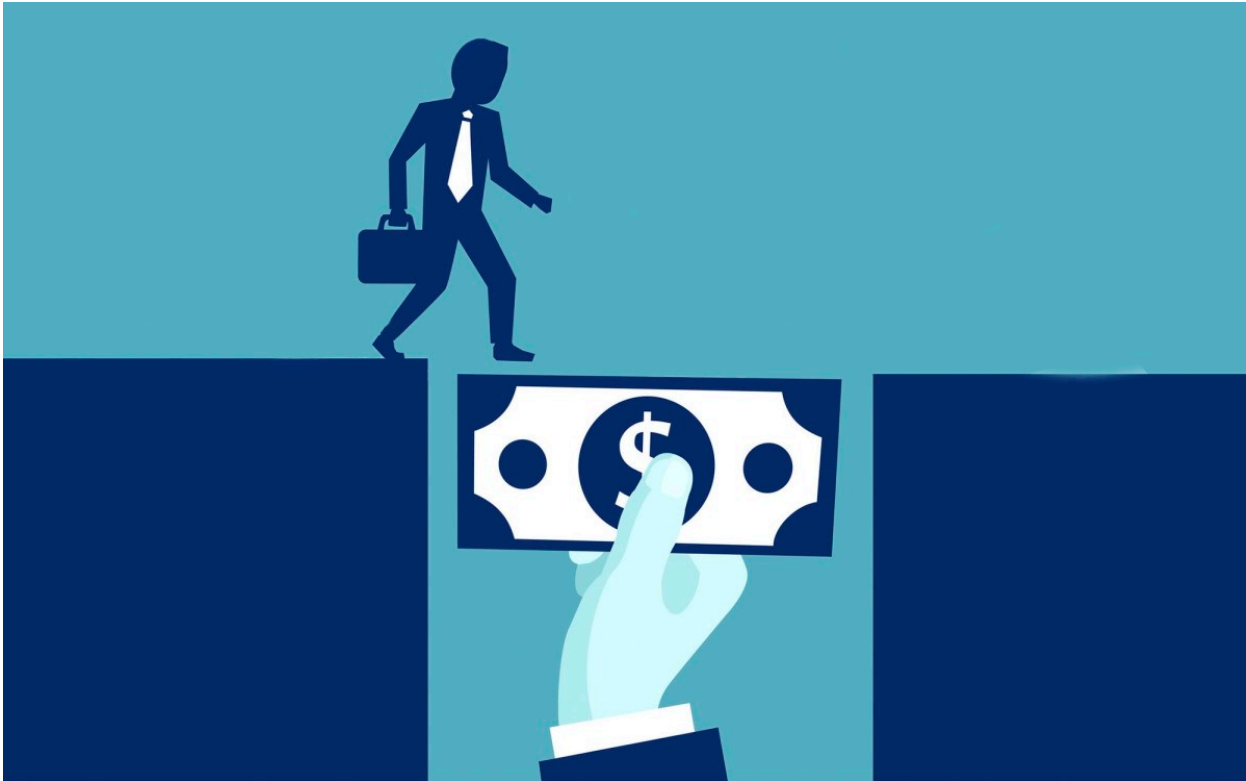
- 40005.** (a) A district may negotiate what share, if any, of the intellectual property, or benefits resulting from intellectual property, developed from the use of district funds, including funds discharged as grants, will accrue to that district.
- (b) A district may negotiate revenue sharing agreements with recipients of district funds, including the collection of royalties. Proceeds obtained by the district from these revenue sharing agreements shall accrue to the district and be deposited into a special account that may only be used, subject to the district's ability to recover its expenses and its administrative costs, for any of the following purposes:
- (1) To fund projects pursuant to Section 40004 that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution.
- (2) To fund projects to reduce or mitigate air pollution through the development or implementation of pollution controls, low or zero polluting fuels or technologies, or pollution prevention measures.
- (c) A district shall not receive a benefit pursuant to this section in excess of the amount of the district's investment in the development of a process, machine, or article of manufacture, if the district adopts a rule or regulation that mandates the use of that process, machine, or article of manufacture and that regulation or rule was adopted after the development of the process, machine, or article of manufacture.
- (d) If the state or a subdivision of the state purchases or licenses a process, machine, or article of manufacture for which a district accrues a benefit resulting from an intellectual property interest negotiated pursuant to subdivision (a) or (b), upon the request of the Department of General Services, the district shall prepare reimbursement to the General Fund for the amount of the benefit accrued.
- (e) (1) A district that attempts to negotiate for benefits pursuant to this section shall report annually to the Legislature. The report shall include all of the following:
- (A) The number of district-funded projects and the number of district-funded projects for which a benefit was negotiated, regardless of the outcome of the negotiation.
- (B) The outcome of all negotiations regarding intellectual property pursuant to this section, including agreed terms for revenue sharing.
- (C) A list of all district-funded projects from previous years that have resulted in a benefit pursuant to this section, if any, and the total amount of that benefit to date.
- (2) A district may include a report required by this section as part of another report submitted to the Legislature by the district.
- (f) This section does not apply to a contract governed by Chapter 14.27 (commencing with Section 67325) of Part 40 of Division 5 of Title 3 of the Education Code.
- (g) Subdivisions (a) to (f), inclusive, of this section shall become inoperative on January 1, 2017. An agreement made pursuant to this section prior to January 1, 2017, shall remain in effect for the duration of the agreement.
- (Added by Stats. 2011, Ch. 586, Sec. 2. (SB 170) Effective January 1, 2012. Inoperative January 1, 2017, as provided in subd. (g).)*

CALIFORNIA'S PENSION CRISIS

Riskier bet: Why CalPERS, the country's largest pension fund, is getting into banking

BY BEN CHRISTOPHER JULY 9, 2020

[Link to Article](#)



Chasing greater returns, CalPERS prepares to enter the banking business and take on private debt. is Image via iStock

IN SUMMARY

How does the nation's biggest public pension system pay down its debts amid a global economic collapse? One idea: Become a banker.

Retired DMV clerks, former firefighters and aging government bean-counters across California, put on your three piece suits: You might be getting into the banking business.

The California Public Employees' Retirement System, which manages a nearly \$400 billion basket of nest eggs for retired public workers across the state, is wading into the rollicking market for private debt.

It used to be that lending directly to small and medium-sized companies not traded on public stock exchanges was the business of big banks. But after the financial crisis of 2008, those traditional lenders were forced to park their money into less risky ventures. And that left behind

a financial vacuum into which “shadow bankers” such as [private equity financiers](#) have been rushing ever since.

Now CalPERS, the nation’s largest pension fund, wants in on the action.

The pension fund staff calls it a “prudent” calculated risk. Critics call it a desperation move. Both agree that the fund — which faces hundreds of billions in unfunded future pension debt, persistently basement-scraping interest rates and now a pandemic-ravaged economy — is under pressure to perform.

“We need every arrow in the quiver we can get, and private debt is one of the critical ones,” said Dan Bienvenue, CalPERS’ deputy chief investment officer. “There isn’t a no-risk choice.”

Rather than simply invest the money with Wall Street firms that then dole it out to borrowers — something CalPERS has [already started doing](#) — CalPERS managers want to cut out the middlemen and begin making and holding those loans themselves.

The board-approved policy allows CalPERS to put up to 5% of its total value into “opportunistic” investments, which includes private debt. That works out to about \$20 billion, though Bienvenue said he doesn’t “expect to grow this to anything like that anytime soon.”

CalPERS’ turn to direct lending is part of a broader rethinking of the pension fund’s money-making strategy, approved by the organization’s board last month. The plan also allows the fund to borrow up to \$80 billion to goose potential profits — an 11-figure sum has generated skepticism from some financial experts and howls of protest from some corners of the [political](#) and [financial](#) commentariat.

“Hopefully it works and they’re lucky and the taxpayers of California will be lucky,” said Matt Gelfand, a managing director of the investment advising firm Moreland Associate. “But there’s a greater risk.”

Susan Webber, a [longtime critic](#) of CalPERS management who writes under the pen name Yves Smith on her widely read finance blog Naked Capitalism, summed up her point in the title of her post: “[CalPERS Plans to Blow Its Brains Out.](#)”

Bienvenue said the new leverage policy just consolidates how much individual departments across the fund were already allowed to borrow into one total, which is actually lower than the prior policy.

“What we’re doing is in fact far more boring than the headlines,” he said.

But both CalPERS’ money managers and its sharpest critics agree that the fund faces a daunting task: trying to earn sufficiently high returns to meet its future obligations without putting too much at risk.

A veil of secrecy?

Before CalPERS can start writing checks like a bank, the staff at the pension fund is asking for a little bank-like confidentiality.

Earlier this year, the pension fund sponsored legislation that would shield many of the documents and data related to its future private loans from California's Public Records Act. The [bill](#), authored by Elk Grove Democratic Assemblymember Jim Cooper, would make it impossible for journalists or anyone else to compel public pension funds to divulge any borrower's personal identifying information, their financial statements, details about the collateral backing a loan and anything that might be considered a "trade secret."

If the public pension fund is going to get into the business of making loans, CalPERS staff argued, it has to be able to assure borrowers that their closely guarded financial information remains secret.

"If we have to disclose it," pension fund lobbyist Danny Brown told a February board meeting, "then they're likely going to go to someone that doesn't have to disclose it. So in order to make sure that we're competitive in this market and getting the best opportunities, we need to (have) these similar rules that other folks will be playing by."

Under the pending bill, the Public Records Act could still be invoked to learn who a borrower is, what the basic terms of a loan are, and whether a borrower has been in default for at least six months.

A central part of the pension fund's new plan is to venture further from the well-trafficked coves of traditional stock and bond markets into the open, lightly-regulated waters of private investments. These include both private debt and private equity — in which the board purchases a direct ownership stake in a business.

These financial arrangements are unavailable to your average investor and are trickier to get out of. That makes them riskier, and as a result, investors can demand a higher return.

William Wang, emeritus professor of corporate finance at the University of California Hastings College of Law, warned that setting up a private loan-making operation inside the pension fund will require "hiring away the masters of the universe" who currently work at private equity and venture capital firms. "Those people make a lot of money."

Margaret Brown, one of CalPERS' 13 board members and one of six who is elected, said she worries the pension fund staff does not have enough experience in making and managing loans. And this is not the right time to be learning on the job, she said.

"CalPERS has a habit of jumping in the market at the wrong time," said Brown. "It's one thing if we do private debt and we take small steps, right? You don't give your new puppy the big 32-ounce can of food. You don't do it. He'll choke on it."

Brown, a regular contrary voice on the board, cast the lone dissenting vote last month against expanding the fund venture into "opportunistic" investments, which includes private debt. Earlier this year she also voted against sponsoring the Public Records Act exclusion bill.

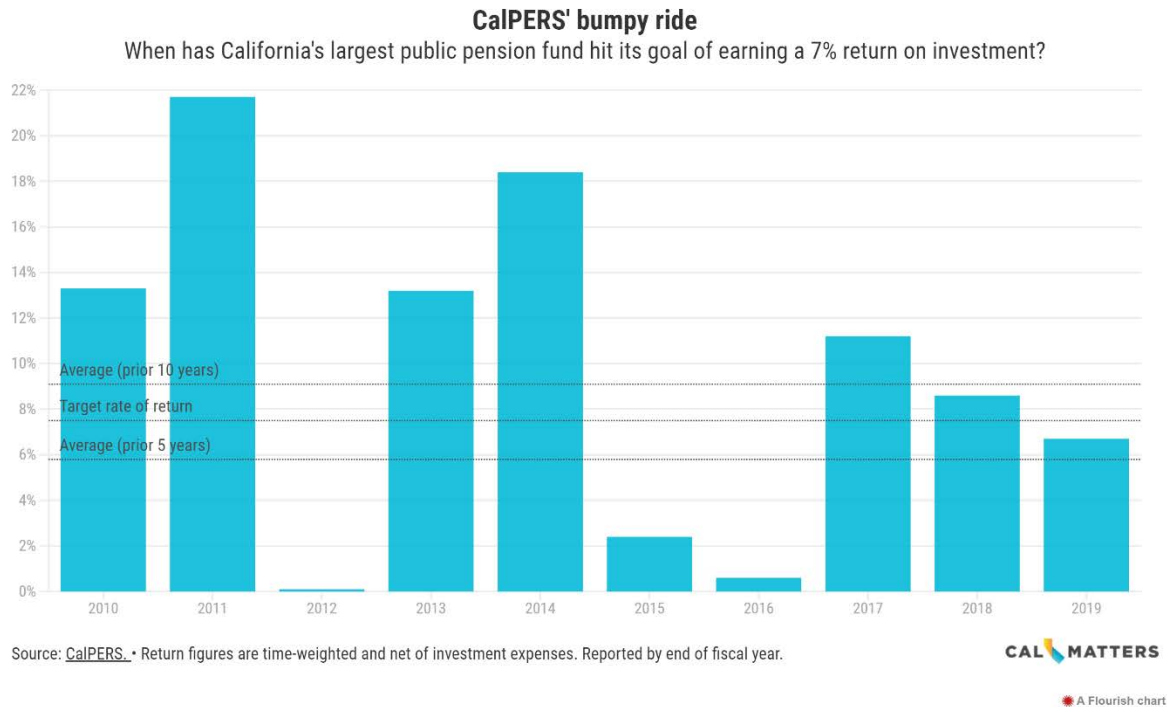
(No love lost: Brown recently [sued](#) the organization and the rest of the board after it penalized her for her use of the CalPERS name on her social media accounts.)

Bienvenue, the deputy chief investment officer, insisted that although the pension fund's investment team does not have direct experience extending loans, the "experience and

expertise” of those who have worked with other debt-related investments “are very similar and analogous to what would be required for this.”

“Sense of desperation”

CalPERS, like most public pension funds in the country, does face a tricky math problem: The board expects the fund’s investments to grow at an average rate of 7% each year. That number is more than an aspirational target; it’s also a vision of the future with major financial and political consequences.



The less that CalPERS makes in from its investments, the more it has to draw from employers — that is, taxpayers via their state and local governments — and public sector employees to pay for current and future retirement benefits. Few in state government are eager to ask cities or workers to cough up high contributions. Especially not now.

But in a period of prolonged low interest rates, it’s tough to earn that 7% without parking your money in some chancy investments, said Matt Gelfand, a managing director of the investment advising firm Moreland Associates. That puts pension fund managers in a bind.

“Either they generate a (lower rate of) return and it’s not enough to fund benefits, so somebody’s got to cover the cost of those benefits,” he said. “Or they do what CalPERS is aiming to do now...taking on a risk that might or might not work out.”

The story of public pension officers scrambling for increasingly scant financial opportunities is four decades in the making.

According to an [analysis by the Pew Charitable Trust](#), beginning in the 1980s pension fund managers began to diversify away from the safe, steady and thoroughly boring world of highly rated bonds, choosing to ride the stock market’s roller coaster. After the turn of the century, with ever-lower interest rates making it even harder for investors to make money from traditional bonds, pensions ventured further into the Wild West of “alternative investments” — private equity, one-off infrastructure projects and real estate. Each step took the funds into potentially more profitable, but also more perilous, terrain.

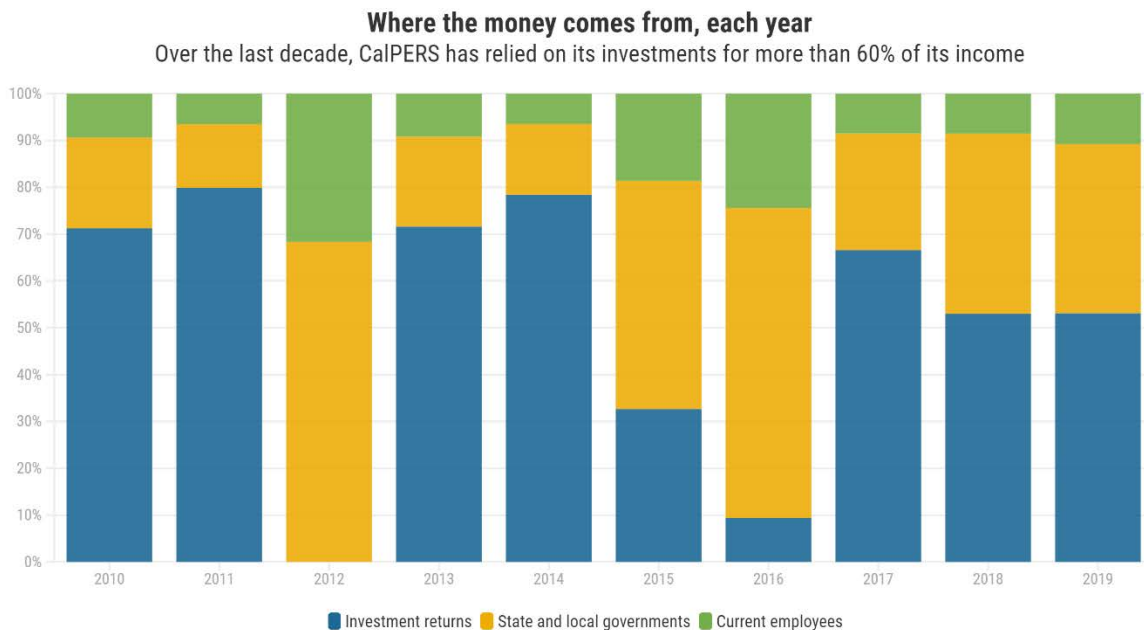
“It’s completely driven by the accounting rules and the accounting rules themselves are driving people to these choices,” said Tom Sgouros, a policy advisor who has argued that the fiscal threat of [unfunded pension liabilities](#) is overstated. “The sense of desperation makes people make policy decisions that are unwise.”

Private credit appears to be the latest target for high-return seekers. According to the London-based financial data company Preqin, the total value of the global private credit market has ballooned from roughly \$263 billion at the end of 2009 to \$854 billion by the end of last year.

Too much money chasing too little opportunity?

Following the global financial crisis, “a lot of banks began to stop offering loans to middle-market firms and that created a large kind of chasm in that space,” said Ash Chauhan, a Preqin analyst. “When you’re looking at institutional investors like CalPERS, it was only a matter of time before they started investing.”

In fact, CalPERS may be a little late to the party.



Source: [CalPERS](#)

CAL MATTERS

A Flourish chart

The Arizona State Retirement System has been investing in private debt since 2013. Alabama's state pension fund followed suit and has since emerged as a kind of cautionary tale. The Retirement Systems of Alabama lent directly to iPic, a perk-ified theater chain known for its reclining chairs and menu of sweet potato fries and sliders. When iPic went bust last summer, Alabama's state retirees ended up [owning](#) the chain outright. These are hardly boom times for movie theaters.

Given the amount of interest in private lending, "the question now is whether there is too much money there chasing too few opportunities," said Wang of UC Hastings.

Before CalPERS can find out, the pension fund's staff is counting on state legislators and Gov. Gavin Newsom to sign off on its transparency exemption bill. It passed the Assembly with Marin County Democrat Marc Levine casting the lone "no" vote.

"It's hypocritical for Democrats in the Legislature to allow CalPERS to hide the critical information about investments and investors while seeking disclosure from the president on his investments," Levine told CalMatters. "Can you look more dopey than that?"

Nonetheless, the California Newspaper Publishers Association has moved from opposed to neutral on the bill.

"We recognize that when dealing with information in this area there is going to be a concern about the privacy of borrowers, notwithstanding that this is a government agency involved in a lending program," said Jim Ewert, the association's general counsel. "To the extent that there is questionable decision-making that's going on, we may revisit this issue and attempt to tighten things up a bit more."



Ben Christopher

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Ben covers California politics and elections. Prior to that, he was a contributing writer for CalMatters reporting on the state's economy and budget. Based out of the San Francisco Bay Area, he has written... [More by Ben Christopher](#)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 24, 2020

Re: Overview of Governor's Executive Order N-79-20

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

The Committee will receive an overview of Governor Newsom's September 23, 2020, Executive Order N-79-20 related to climate change.

On September 23, 2020, Governor Newsom signed a far-reaching Executive Order primarily focused on the freight and transportation sector. Per a press release:

"... the California Air Resources Board will develop regulations to mandate that 100 percent of in-state sales of new passenger cars and trucks are zero-emission by 2035 – a target which would achieve more than a 35 percent reduction in greenhouse gas emissions and an 80 percent improvement in oxides of nitrogen emissions from cars statewide. In addition, the Air Resources Board will develop regulations to mandate that all operations of medium- and heavy-duty vehicles shall be 100 percent zero emission by 2045 where feasible, with the mandate going into effect by 2035 for drayage trucks. To ensure needed infrastructure to support zero-emission vehicles, the order requires state agencies, in partnership with the private sector, to accelerate deployment of affordable fueling and charging options. It also requires support of new and used zero-emission vehicle markets to provide broad accessibility to zero-emission vehicles for all Californians. The executive order will not prevent Californians from owning gasoline-powered cars or selling them on the used car market."

Legislative staff and other Air District staff will discuss the Executive Order, our understanding of the process going forward, potential effects on the Bay Area Region, and opportunities for District involvement or related legislative or regulatory activity.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 7A: Governor's Executive Order N-79-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-79-20

WHEREAS the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

WHEREAS we must accelerate our actions to mitigate and adapt to climate change, and more quickly move toward our low-carbon, sustainable and resilient future; and

WHEREAS the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

WHEREAS as our economy recovers, we must accelerate the transition to a carbon neutral future that supports the retention and creation of high-road, high-quality jobs; and

WHEREAS California's long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

WHEREAS the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

WHEREAS zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden our disadvantaged communities of color; and

WHEREAS California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

WHEREAS passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and

WHEREAS California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

WHEREAS California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and

WHEREAS clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

WHEREAS to protect the health and safety of our communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

WHEREAS a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue the following Order to pursue actions necessary to combat the climate crisis.

IT IS HEREBY ORDERED THAT:

1. It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.
2. The State Air Resources Board, to the extent consistent with State and federal law, shall develop and propose:
 - a) Passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100 percent of in-state sales by 2035.
 - b) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero-emission by 2035.
 - c) Strategies, in coordination with other State agencies, U.S. Environmental Protection Agency and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035.

In implementing this Paragraph, the State Air Resources Board shall act consistently with technological feasibility and cost-effectiveness.

3. The Governor's Office of Business and Economic Development, in consultation with the State Air Resources Board, Energy Commission, Public Utilities Commission, State Transportation Agency, the

Department of Finance and other State agencies, local agencies and the private sector, shall develop a Zero-Emissions Vehicle Market Development Strategy by January 31, 2021, and update every three years thereafter, that:

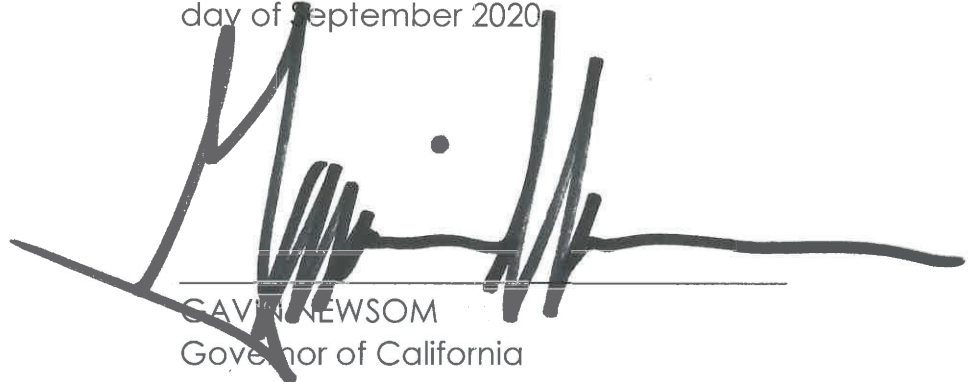
- a) Ensures coordinated and expeditious implementation of the system of policies, programs and regulations necessary to achieve the goals and orders established by this Order.
 - b) Outlines State agencies' actions to support new and used zero-emission vehicle markets for broad accessibility for all Californians.
4. The State Air Resources Board, the Energy Commission, Public Utilities Commission and other relevant State agencies, shall use existing authorities to accelerate deployment of affordable fueling and charging options for zero-emission vehicles, in ways that serve all communities and in particular low-income and disadvantaged communities, consistent with State and federal law.
 5. The Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, shall update the biennial statewide assessment of zero-emission vehicle infrastructure required by Assembly Bill 2127 (Chapter 365, Statutes of 2018) to support the levels of electric vehicle adoption required by this Order.
 6. The State Transportation Agency, the Department of Transportation and the California Transportation Commission, in consultation with the Department of Finance and other State agencies, shall by July 15, 2021 identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a "fix-it-first" approach to our transportation system, including where feasible:
 - a) Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.
 - b) Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.
 - c) Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.
 7. The Labor and Workforce Development Agency and the Office of Planning and Research, in consultation with the Department of Finance and other State agencies, shall develop by July 15, 2021 and expeditiously implement a Just Transition Roadmap, consistent with the recommendations in the "Putting California on the High Road: A Jobs and Climate Action Plan for 2030" report pursuant to Assembly Bill 398 (Chapter 135, Statutes of 2017).

8. To support the transition away from fossil fuels consistent with the goals established in this Order and California's goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil production facilities, while supporting community participation, labor standards, and protection of public health, safety and the environment. The agencies shall report on progress and provide an action plan, including necessary changes in regulations, laws or resources, by July 15, 2021.
9. The State Air Resources Board, in consultation with other State agencies, shall develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.
10. The California Environmental Protection Agency and the California Natural Resources Agency, in consultation with the Office of Planning and Research, the Department of Finance, the Governor's Office of Business and Economic Development and other local and federal agencies, shall develop strategies, recommendations and actions by July 15, 2021 to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.
11. The Department of Conservation's Geologic Energy Management Division and other relevant State agencies shall strictly enforce bonding requirements and other regulations to ensure oil extraction operators are responsible for the proper closure and remediation of their sites.
12. The Department of Conservation's Geologic Energy Management Division shall:
 - a) Propose a significantly strengthened, stringent, science-based health and safety draft rule that protects communities and workers from the impacts of oil extraction activities by December 31, 2020.
 - b) Post on its website for public review and consultation a draft rule at least 60 days before submitting to the Office of Administrative Law.

IT IS FURTHER ORDERED that as soon as hereafter possible, the Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State