

Bay Area Air Quality Management District  
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## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, May 19, 2021

**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) Co-Chairperson, Margaret Abe-Koga, called the meeting to order at 1:00 p.m.

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

Absent: Director Erin Hannigan.

Also Present: None.

### **2. APPROVAL OF THE MINUTES OF APRIL 21, 2021**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Co-Chair Cutter made a motion, seconded by Director Wagenknecht to approve the Minutes of April 21, 2021; and the motion carried by the following vote of the Committee:

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

### 3. STATE LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *Sacramento Legislative Budget Update*. Mr. Abbs provided an update on the Governor's May revision to the Proposed 2021-2022 State Budget, including: timeline; \$100 billion California Comeback Plan; funding for Air District programs; other notable funded programs (Zero-Emission Vehicles (ZEV) strategy and energy).

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed pre-commercial long duration storage projects; whether any existing Air District programs would complement Alameda County's Healthy Homes Project which focuses on multi-hazard environmental interventions in the home; ZEV manufacturing grants; potential sites for community resilience centers; whether the State's ZEV strategy would provide jurisdictions funding; and whether the Proposed 2021-2022 State Budget allocated any funds for hydrogen vehicle technology.

#### Committee Action

None; receive and file.

### 4. AIR DISTRICT-SPONSORED BILL

Mr. Abbs provided an update on **Assembly Bill (AB) 762 (Lee & C. Garcia) – Hazardous Emissions and Substances: School Sites; Private and Charter Schools**. This bill would prohibit an environmental impact report or negative declaration from being approved for a project involving the purchase of a school site or the construction of a new elementary or secondary school by a charter school, unless those specified conditions are met. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program. Mr. Abbs reported that this bill was presented to both the Assembly's Environmental Safety and Toxic Materials and Education Committees but has since been amended, which resulted in a loss of support from certain private schools. Air District staff is attempting to reverse the new amended language. The bill is being held on the suspense file in Assembly Appropriations but may still get a final Assembly Floor vote.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed whether AB 762 will go before any other Assembly committees; the likelihood that it will pass the Assembly; and the request for the amended language.

Committee Action

None; receive and file.

**5. STATE LEGISLATIVE UPDATE AND CONSIDERATION OF NEW BILLS**

Mr. Abbs provided an update on the following bills of interest to the Air District:

- **Senate Bill (SB) 771 (Becker) – Sales and Use Tax Law: Zero Emissions Vehicle Exemption.** This bill, on or after January 1, 2022, would: provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle sold to a qualified buyer; provide that this exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund; specify that this exemption does not apply to local sales and use taxes or transactions and use taxes; and take effect immediately as a tax levy. Mr. Abbs reported that he was asked by Senator Becker to give witness testimony, which included the Air District’s Clean Cars for All program and equity goals until the Committee recommended that the Board take a position on this bill. **(SUPPORT)**

Other bills highlighted by Mr. Abbs included:

- **AB 794 (Carrillo) – Air Pollution: Purchase of New Vehicles: Incentive Programs: Eligibility: Labor and Workforce Standards.** This bill would establish specified labor and workforce standards that a manufacturer of new vehicles would be required to meet in order for the vehicles to be eligible under the incentive programs. The bill would specify that new vehicles eligible for incentives would be required to comply with the Federal Transit Administration’s domestic content standards for federal procurement of vehicles. The bill would require that 100% of the vehicles eligible for incentives be assembled at a final assembly point, as defined, in the United States. The bill would also establish specified labor and workforce standards that a fleet purchaser would be required to meet in order to be eligible to receive incentives for new vehicles under the incentive programs.
- **SB 31 (Cortese) – Building Decarbonization.** This bill would require the Energy Commission to identify and implement programs to promote existing and new building decarbonization. The bill would, to the extent clean energy or energy efficiency funds are made available from the federal government to address economic recovery and development due to the COVID-19 pandemic, authorize the Energy Commission to expend federal moneys, to the extent authorized by federal law, for projects for existing and new building decarbonization. The bill would expressly require the Energy Commission, under the EPIC program, to award funds for projects for the development and deployment of commercial and residential building decarbonization technologies and investments that reduce or eliminate greenhouse gas generation in those buildings, as defined.
- **SB 68 (Becker) – Building electrification and electric vehicle charging.** This bill would require the Energy Commission to gather or develop, and publish on its internet website, guidance and best practices to help building owners, the construction industry,

and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment.

- **AB 363 (Medina) – Carl Moyer Memorial Air Quality Standards Attainment Program.** This bill would require the state board, by July 1, 2022, to revise the program guidelines to provide additional incentives for projects eligible for program funding that are deployed in disadvantaged communities, as defined. The bill would also require the state board to revise the program guidelines, for purposes of the VIP, to allow all on-road heavy-duty vehicle types, regardless of vehicle type or application, to participate in the VIP, existing engines, as defined, to be replaced with new engines with lower emissions, and fleets participating in the VIP to lease replacement vehicles, as specified, among other VIP modifications.
- **AB 1346 (Berman) – Air Pollution: Small Off-Road Engines.** This bill would require the California Air Resources Board, by July 1, 2022, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.
- **SB 32 Cortese) – Energy: general plan: building decarbonization requirements.** This bill would require a city or county to make, commencing January 1, 2023, a one-time amendment to the appropriate elements of its general plan, climate action or greenhouse gas emissions reduction plan, or building or other codes, as described, to include goals, policies, objectives, targets, and feasible implementation strategies, as specified, to decarbonize newly constructed, as defined, commercial and residential buildings. The bill would require a city or county to submit these draft amendments to the commission at least 45 days prior to the adoption of the amendments. The bill would require the legislative body of the city or county to consider the commission’s advisory comments, if any, prior to adopting the amendments.
- **AB 649 (Bennett) – CalRecycle greenhouse gas reduction revolving loan program.** (No longer being tracked, as subject matter of the bill changed)
- **AB 1512 (Bauer-Kahan) – Forest practices: burning of brush covered lands.** (No longer being tracked, as subject matter of the bill changed)
- **AB 28 (Chau) – Service stations: alternative fuels.** (No longer being tracked, as subject matter of the bill changed)
- **AB 1469 (Santiago) – Energy: Energy efficient programs.** (No longer being tracked, as subject matter of the bill changed.)

NOTED PRESENT: Director Hopkins was noted present at 2:03 p.m.

#### Public Comments

None; receive and file.

#### Committee Comments

The Committee and staff discussed the hope that market adjustments on electric vehicles will not impact participants of the Air District’s Clean Cars for All (CCFA) program; eligibility criteria

CCFA; why people are opposing AB 363; and whether public meetings will have a virtual option for voting members and the public after Executive Order N-29-20 is lifted, whether legislation to amend the Ralph M. Brown Act (to keep a virtual option) will be required, and the Air District's position on this issue, various Board members' desire to maintain a virtual option.

### Committee Action

Director Canepa made a motion, seconded by Vice Chair Wagenknecht, to recommend the Board **adopts** a position of SUPPORT on AB 771 (Becker); and the motion carried by the following vote of the Committee:

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

## **6. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs provided updates on the following federal bills and recent federal events of significance, including:

- **House of Representatives (H.R.) 1512 (Climate Leadership and Environmental Action for our Nation's Future Act ("CLEAN Future Act") (Pallone)** – This bill would build a clean and prosperous future by addressing the climate crisis, protecting the health and welfare of all Americans, and putting the Nation on the path to a net-zero greenhouse gas economy by 2050.
- **Senate (S.) 1202, Reconnecting Communities Act (Carper)** – This bill would establish a program to improve community connectivity by identifying and removing or mitigating infrastructural barriers that create obstacles to mobility or economic development or expose the community to pollution and other health and safety risks, and for other purposes.
- **S. 1271, Clean Commute for Kids Act of 2021 (Padilla)** – This bill would reauthorize the Clean School Bus Program.
- **H.R. 2021, Clean Corridors Act of 2021 (DeSaulnier)** – This bill would establish a grant program for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along the National Highway System.
- Meetings with Bay Area congressional staff members for various appropriations bills
- The Air District's involvement in sign-on letters supporting transportation earmarks for hydrogen fueling infrastructure for bus fleets.
- Congressman Mark DeSaulnier is interested in carbon capture and storage related to refineries and he has asked for the Air District's assistance regarding mitigation of impacts.

### Public Comments

No requests received.

Committee Comments

Director Hudson said that as a Board member of the Tri-Valley/San Joaquin Valley Regional Rail Authority, he would like to see more congestion management development and transit connectivity between the Bay Area Rapid Transit system and the Altamont Commuter Express.

Committee Action

None; receive and file.

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

No requests received.

**8. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

None.

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

At the conclusion of the meeting, the next meeting date was to be Wednesday, June 16, 2021. After the meeting adjourned, the next meeting was scheduled for Wednesday, October 6, 2021, at 1:00 p.m., via webcast, pursuant to procedures in accordance with Government Code Section 54593.

**10. ADJOURNMENT**

The meeting adjourned at 2:51 p.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards