



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

PAULINE RUSSO CUTTER – CHAIR
MARGARET ABE-KOGA
DAVID HAUBERT
DAVID HUDSON

ROB RENNIE – VICE-CHAIR
ERIN HANNIGAN
LYNDA HOPKINS
BRAD WAGENKNECHT

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

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

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

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LEGISLATIVE COMMITTEE MEETING AGENDA

MONDAY, APRIL 11, 2022

1:00 PM

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **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.

***Public Comment on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 4)

4. Approval of the Minutes of March 14, 2022

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of March 14, 2022.

PRESENTATIONS (Items 5 - 6)

5. Air District-Sponsored Bills

This is an informational item only and will be presented by Alan Abbs, Legislative Officer.

6. Consideration of New Bills

This is an action item to recommend the Committee recommend that the Board of Directors take positions on high priority bills where appropriate and will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- *Support Assembly Bill (AB) 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.*
- *Support AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.*
- *Support Senate Bill (SB) 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.*
- *Oppose SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.*
- *Oppose Unless Amended AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.*

OTHER BUSINESS

7. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting, will have two minutes each to address the Committee.

8. Committee Member Comments

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)

9. Time and Place of Next Meeting

Monday, May 9, 2022 at 1:00 p.m, via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

10. Adjournment

The Committee meeting shall be adjourned by the 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 Air 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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@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

APRIL 2022

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|---|------------|-------------|-------------|---|
| Advisory Council Meeting | Monday | 11 | 8:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Legislative Committee | Monday | 11 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Stationary Source and Climate Impacts Committee | Monday | 18 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Meeting | Wednesday | 20 | 9:00 a.m. | 1 st Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361 |
| Board of Directors Administration Committee | Wednesday | 20 | 11:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee | Monday | 25 | 5:30 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Budget and Finance Committee | Wednesday | 27 | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee | Thursday | 28 | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |

MAY 2022

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|---|------------|-------------|-------------|---|
| Board of Directors Special Meeting Budget Hearing | Wednesday | 4 | 8:30 a.m. | 1 st Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361 |
| Board of Directors Meeting | Wednesday | 4 | 9:00 a.m. | 1 st Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361 |
| Board of Directors Community Equity, Health and Justice Committee | Thursday | 5 | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Legislative Committee | Monday | 9 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Technology Implementation Office (TIO) Steering Committee | Friday | 13 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Stationary Source and Climate Impacts Committee | Monday | 16 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee | Monday | 16 | 5:30 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Meeting | Wednesday | 18 | 9:00 a.m. | 1 st Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361 |
| Board of Directors Administration Committee | Wednesday | 18 | 11:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Budget and Finance Committee | Wednesday | 25 | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee | Thursday | 26 | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |

HL 4/7/2022 – 11:00 A.M.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: April 11, 2022

Re: Approval of the Minutes of March 14, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of March 14, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of March 14, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of March 14, 2022

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
Monday, March 14, 2022

This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Pauline Russo Cutter, called the meeting to order at 1:01 p.m.

Roll Call:

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Lynda Hopkins, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, Erin Hannigan, and David Hudson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. AIR DISTRICT SPONSORED BILLS (OUT OF ORDER, ITEM 6)

Alan Abbs, Legislative Officer, gave an update on the following Air District-sponsored bills:

- **AB 1897 (Wicks) - *Nonvehicular air pollution control: refineries: penalties.*** Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. Mr. Abbs

reported that this bill is being referred to both the Assembly’s Committee on Natural Resources and Judiciary Committee.

- **AB 2214 (C. Garcia)** - *California Environmental Quality Act: schoolsites: acquisition of property*. This bill would also require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school.
- **AB 2721 (Lee)** - *Bay Area Air Quality Management District: district board: compensation and expenses..* This bill would revise the amount of compensation that a member of the Board may receive for attending a meeting of the Board or attending a meeting while on official business of the Air District to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the Board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit. Mr. Abbs reported that this bill is being referred to the Assembly’s Committee on Natural Resources.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.

Committee Comments

The Committee and staff discussed AB 1897’s proposed maximum violation penalty per day; and which agency finances the AB 2214 Planning Commission study, concerns that school districts will have to absorb the costs instead of the charter school in question, and the Air District's relationship with Assemblymember Cristina Garcia.

Committee Action

None; receive and file.

5. CONSIDERATION OF NEW BILLS (ITEM 7)

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including: outcome; outline; requested action; AB 2206 (Lee) – *Employee parking*; AB 2563 (Quirk) - *Air pollution: permits: mobile fueling on-demand tank vehicles*; and Senate Bill (SB) 1393 (Archuleta) - *Energy: appliances: local requirements*.

NOTED PRESENT: Director Wilson was noted present at 1:35 p.m.

Following the presentation, Mr. Abbs listed additional bills that are being monitored by the Air District:

- **AB 1749 (C. Garcia)** – *Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.* Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy, known as the “Community Air Protection Blueprint” or “Blueprint,” to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Existing law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Existing law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Existing law requires an air district encompassing any location selected by the state board to adopt, within one year of the state board’s selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures. Existing law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed, and to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program, among other things. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the community steering committee agrees. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with the statewide strategy. By increasing the duties of air districts, this bill would impose a state-mandated local program. This bill would require a district that issues permits to stationary sources of criteria air pollutants or toxic air contaminants to make available in an easily identifiable location on the district’s internet website all permits issued by the district for those stationary sources.
- **AB 2836 (E. Garcia)** - *Carl Moyer Memorial Air Quality Standards Attainment Program.* This bill would make nonsubstantive changes to the Carl Moyer Memorial Air Quality Standards Attainment Program, a program that authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources, and authorizes funding for a fueling infrastructure demonstration program and technology development efforts that are expected to result in commercially available technologies.
- **AB 2852 (Bloom)** - *Air pollution control districts and air quality management districts.* Existing law provides for the establishment of air pollution control districts and air quality management districts. Existing law declares a district a body corporate and politic and a public agency of the state. This bill would make a nonsubstantive change to that latter provision.
- **AB 2928 (Cooper)** - *Personal income taxes: Clean Cars 4 All Program: retirement and replacement.* This bill, for taxable years beginning on or after January 1, 2022, would exclude from gross income moneys awarded to a taxpayer pursuant to the Clean Cars 4 All Program. Existing law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will

achieve, detailed performance indicators, and data collection requirements. This bill would include additional information required for any bill authorizing a new tax expenditure.

- **AB 2056 (Grayson) - Bar pilots: pilotage rates: pilot boat surcharge.** This bill would specify, for purposes of the pilot boat surcharge provisions, that the costs of obtaining new pilot boats includes the costs of repowering existing pilot boats or the acquisition of new pilot boats to meet the requirements of any rule governing the emissions of commercial harbor craft adopted by the State Air Resources Board.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the leased element of AB 2206, and whether bicycle spaces and other commute benefits are offered as employee parking; the goal of the California Energy Commission regarding SB 1393; and why the Air District is choosing to oppose SB 1393.

Committee Action

Director Wagenknecht made a motion, seconded by Chairperson Cutter, to **recommend** the Board adopts the following positions for the following bills: SUPPORT AB 2206; OPPOSE AB 2563 and OPPOSE SB 1393; and the motion **carried** by the following vote of the Committee:

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

CONSENT CALENDAR (ITEMS 4 & 5)

- 6. APPROVAL OF THE MINUTES OF FEBRUARY 14, 2022 (ITEM 4)**
- 7. APPROVAL OF THE LEGISLATIVE PLATFORM FOR 2022 (ITEM 5)**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Chairperson Cutter, to **approve** the Consent Calendar Items 4-5, and the motion **carried** by the following vote of the Committee:

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

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Wagenknecht requested that Mr. Abbs reaches out to Dr. Rosenblum regarding his questions about AB 1897.

10. TIME AND PLACE OF NEXT MEETING

Monday, April 11, 2022 at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with AB 361 (Rivas 2021).

11. ADJOURNMENT

The meeting adjourned at 2:00 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: April 11, 2022

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This year, the Air District is sponsoring the following three bills:

- Assembly Bill (AB) 1897 (Wicks) - Nonvehicular air pollution control: refineries: penalties.
- AB 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property.
- AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation and expenses.

DISCUSSION

Staff will provide the Legislative Committee with a summary and status of the three Air District-sponsored bills.

AB 1897 (Wicks) - Nonvehicular air pollution control: refineries: penalties.

CapitolTrack Bill Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Under existing law, a person who violates this provision is guilty of a misdemeanor, as specified, or is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as

specified. This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge.

Current Status: AB 1897 was introduced by Assemblymember Wicks on February 9, 2022, and has been referred to the Assembly Natural Resources and the Assembly Judiciary Committees. It is scheduled to be heard on April 18, 2022.

AB 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property.

CapitolTrack Bill Summary: Would require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school, as provided. The bill would make the provisions relating to school districts also applicable to charter schools and private schools.

Current Status: AB 2214 was introduced by Assemblymember Cristina Garcia on February 15, 2022, and has been referred to the Assembly Natural Resources and Assembly Education Committees. As of this writing, it has not been scheduled for a hearing.

AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation and expenses.

CapitolTrack Bill Summary: Current law establishes a district board to govern the Bay Area Air Quality Management District and prescribes the membership of the district board. Current law authorizes the district board to provide, by ordinance, compensation not to exceed \$100 per day for board members for attending meetings of the board or committees of the board or while on official business of the district and not to exceed \$6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties. This bill would revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a meeting while on official business of the district to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit.

Current Status: AB 2721 was introduced by Assemblymember Lee on February 18, 2022, and was referred to the Assembly Natural Resources Committee. It is scheduled to be heard on April 4, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander Crockett

ATTACHMENTS:

1. AB 1897 (Wicks) - Bill Text - As Introduced on 2/9/2022
2. AB 2214 (C. Garcia) - Bill Text - As Introduced on 2/15/2022
3. AB 2721 (Lee) - Bill Text - As Amended on 3/10/2022

ASSEMBLY BILL

No. 1897

Introduced by Assembly Member Wicks

February 9, 2022

An act to amend Sections 42400.7, 42402, 42402.1, 42402.2, 42402.3, and 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as introduced, Wicks. Nonvehicular air pollution control: refineries: penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Under existing law, a person who violates this provision is guilty of a misdemeanor, as specified, or is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Existing law precludes prosecution under specified statutes if civil penalties are recovered pursuant to the above provisions for the same offense.

This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a

discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. The bill would additionally preclude prosecution under specified statutes if civil penalties are recovered pursuant to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42400.7 of the Health and Safety Code
2 is amended to read:

3 42400.7. (a) The recovery of civil penalties pursuant to
4 Section 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, ~~or~~
5 ~~42402.4~~ 42402.4, *or* 42402.6 precludes prosecution under Section
6 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, or 42400.4 for the
7 same offense. When a district refers a violation to a prosecuting
8 agency, the filing of a criminal complaint is grounds requiring the
9 dismissal of ~~any~~ a civil action brought pursuant to this article for
10 the same offense.

11 (b) If the pending civil action described in subdivision (a)
12 includes a request for injunctive relief, that portion of the civil
13 action shall not be dismissed upon the filing of a criminal complaint
14 for the same offense.

15 SEC. 2. Section 42402 of the Health and Safety Code is
16 amended to read:

17 42402. (a) Except as provided in Sections 42402.1, 42402.2,
18 42402.3, ~~and 42402.4,~~ ~~any~~ 42402.4, *and* 42402.6, a person who
19 violates this part, ~~any~~ an order issued pursuant to Section 42316,
20 ~~or any~~ a rule, regulation, permit, or order of a district, including a
21 district hearing board, or of the state board issued pursuant to Part
22 1 (commencing with Section 39000) to Part 4 (commencing with

1 Section 41500), inclusive, is strictly liable for a civil penalty of
2 not more than five thousand dollars (\$5,000).

3 (b) (1) A person who violates ~~any~~ a provision of this part, ~~any~~
4 an order issued pursuant to Section 42316, or ~~any~~ a rule, regulation,
5 permit or order of a district, including a district hearing board, or
6 of the state board issued pursuant to Part 1 (commencing with
7 Section 39000) to Part 4 (commencing with Section 41500),
8 inclusive, is strictly liable for a civil penalty of not more than ten
9 thousand dollars (\$10,000).

10 (2) (A) If a civil penalty in excess of five thousand dollars
11 (\$5,000) for each day in which a violation occurs is sought, there
12 is no liability under this subdivision if the person accused of the
13 violation alleges by affirmative defense and establishes that the
14 violation was caused by an act that was not the result of intentional
15 conduct or negligent conduct.

16 (B) Subparagraph (A) does not apply to a violation of a federally
17 enforceable ~~requirements~~ *requirement* that ~~occur~~ *occurs* at a Title
18 V source in a district in which a Title V permit program has been
19 fully approved.

20 (C) Subparagraph (A) does not apply to a person who is
21 determined to have violated an annual facility emissions cap
22 established pursuant to a market-based incentive program adopted
23 by a district pursuant to subdivision (b) of Section 39616.

24 (c) A person who owns or operates ~~any~~ a source of air
25 contaminants in violation of Section 41700 that causes actual
26 injury, as defined in subdivision (d) of Section 42400, to the health
27 and safety of a considerable number of persons or the public, is
28 liable for a civil penalty of not more than fifteen thousand dollars
29 (\$15,000).

30 (d) Each day during ~~any~~ a portion of which a violation occurs
31 is a separate offense.

32 SEC. 3. Section 42402.1 of the Health and Safety Code is
33 amended to read:

34 42402.1. (a) ~~Any~~ *Except as provided in Section 42402.6, a*
35 person who negligently emits an air contaminant in violation of
36 this part or ~~any~~ a rule, regulation, permit, or order of the state board
37 or of a district, including a district hearing board, pertaining to
38 emission regulations or limitations is liable for a civil penalty of
39 not more than twenty-five thousand dollars (\$25,000).

1 (b) ~~Any~~A person who negligently emits an air contaminant in
 2 violation of Section 41700 that causes great bodily injury, as
 3 defined ~~by~~ *in subdivision (f) of Section 12022.7 of the Penal Code,*
 4 ~~to any~~ a person or that causes the death of ~~any~~ a person, is liable
 5 for a civil penalty of not more than one hundred thousand dollars
 6 (\$100,000).

7 (c) Each day during ~~any~~ a portion of which a violation occurs
 8 is a separate offense.

9 SEC. 4. Section 42402.2 of the Health and Safety Code is
 10 amended to read:

11 42402.2. (a) ~~Any~~*Except as provided in Section 42402.6, a*
 12 *person who emits an air contaminant in violation of any a provision*
 13 *of this part, or any order, rule, regulation, or permit a rule,*
 14 *regulation, permit, or order of the state board or of a district,*
 15 *including a district hearing board, pertaining to emission*
 16 *regulations or limitations, and who knew of the emission and failed*
 17 *to take corrective action, as defined in subdivision (b) of Section*
 18 *42400.2, within a reasonable period of time under the*
 19 *circumstances, is liable for a civil penalty of not more than forty*
 20 *thousand dollars (\$40,000).*

21 (b) ~~Any~~A person who owns or operates ~~any~~ a source of air
 22 contaminants in violation of Section 41700 that causes great bodily
 23 injury, as defined ~~by~~ *in subdivision (f) of Section 12022.7 of the*
 24 *Penal Code, to any a person or that causes the death of any a*
 25 *person, and who knew of the emission and failed to take corrective*
 26 *action, as defined in subdivision (b) of Section 42400.2, within a*
 27 *reasonable period of time under the circumstances, is liable for a*
 28 *civil penalty not to exceed two hundred fifty thousand dollars*
 29 *(\$250,000).*

30 (c) Each day during ~~any~~ a portion of which a violation occurs
 31 is a separate offense.

32 SEC. 5. Section 42402.3 of the Health and Safety Code is
 33 amended to read:

34 42402.3. (a) ~~Any~~*Except as provided in Section 42402.6, a*
 35 *person who willfully and intentionally emits an air contaminant*
 36 *in violation of this part or any a rule, regulation, permit, or order*
 37 *of the state board, or of a district, including a district hearing board,*
 38 *pertaining to emission regulations or limitations, is liable for a*
 39 *civil penalty of not more than seventy-five thousand dollars*
 40 *(\$75,000).*

1 (b) ~~Any~~A person who willfully and intentionally, or with
 2 reckless disregard for the risk of great bodily injury, as defined by
 3 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
 4 of, ~~any a~~ person, emits an air contaminant in violation of Section
 5 41700 that results in an unreasonable risk of great bodily injury
 6 to, or death of, ~~any a~~ person, is liable for a civil penalty of not
 7 more than one hundred twenty-five thousand dollars (\$125,000).
 8 If the violator is a corporation, the maximum penalty may be up
 9 to five hundred thousand dollars (\$500,000).

10 (c) ~~Any~~A person who willfully and intentionally, or with
 11 reckless disregard for the risk of great bodily injury, as defined by
 12 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
 13 of, ~~any a~~ person, emits an air contaminant in violation of Section
 14 41700 that causes great bodily injury, as defined by *in subdivision*
 15 *(f) of Section 12022.7 of the Penal Code*, to ~~any a~~ person or that
 16 causes the death of ~~any a~~ person, is liable for a civil penalty of not
 17 more than two hundred fifty thousand dollars (\$250,000). If the
 18 violator is a corporation, the maximum penalty may be up to one
 19 million dollars (\$1,000,000).

20 (d) Each day during ~~any a~~ portion of which a violation occurs
 21 is a separate offense.

22 SEC. 6. Section 42402.6 is added to the Health and Safety
 23 Code, to read:

24 42402.6. (a) (1) A person is liable for a civil penalty of not
 25 more than thirty thousand dollars (\$30,000) if the person violates
 26 Section 41700 and all of the following occur:

27 (A) (i) The discharge is from a Title V source that is a refinery.

28 (ii) For purposes of this subparagraph, “refinery” means an
 29 establishment that is located on one or more contiguous or adjacent
 30 properties that processes a petroleum or alternative feedstock to
 31 produce a more usable product such as gasoline, diesel fuel,
 32 aviation fuel, lubricating oil, asphalt, petrochemical feedstock, or
 33 other similar product.

34 (B) The discharge results in a severe disruption to the
 35 community, including, but not limited to, residential displacement,
 36 shelter in place, evacuation, or destruction of property.

37 (C) The discharge contains or includes one or more toxic air
 38 contaminants, as identified by the state board pursuant to Section
 39 39657.

40 (D) Twenty-five or more persons are exposed to the discharge.

1 (2) A person shall be liable for a civil penalty of not more than
2 one hundred thousand dollars (\$100,000) for a discharge subject
3 to paragraph (1) if that discharge occurs within 12 months of a
4 prior discharge subject to paragraph (1).

5 (b) Except as provided in subdivision (b) of Section 42402.2 or
6 subdivision (b) or (c) of Section 42402.3, a civil penalty described
7 in subdivision (a) shall apply on the initial date of a violation.

8 (c) If a violation of subdivision (a) continues to occur subsequent
9 to the initial date of the violation, the civil penalty described in
10 Section 42402, 42402.1, 42402.2, or 42402.3 shall apply to those
11 subsequent days.

12 (d) The civil penalty described in paragraphs (1) and (2) of
13 subdivision (a) shall not apply if the violation is caused by
14 unforeseen and unforeseeable criminal acts, acts of war, acts of
15 terrorism, or civil unrest.

16 (e) Moneys collected pursuant to this section shall be expended
17 in support of air quality programs, including, but not limited to,
18 programs to research or mitigate the effects of air pollution.

19 SEC. 7. Section 42403 of the Health and Safety Code is
20 amended to read:

21 42403. (a) The civil penalties prescribed in Sections 39674,
22 42401, 42402, 42402.1, 42402.2, ~~and 42402.3~~ 42402.3, and
23 42402.6 shall be assessed and recovered in a civil action brought
24 in the name of the people of the State of California by the Attorney
25 General, by ~~any~~ a district attorney, or by the attorney for ~~any~~ the
26 district in which the violation occurs in ~~any~~ a court of competent
27 jurisdiction.

28 (b) In determining the amount of *the civil penalty* assessed, the
29 court, or in reaching ~~any~~ a settlement, the district, shall take into
30 consideration all relevant circumstances, including, but not limited
31 to, the following:

- 32 (1) The extent of harm caused by the violation.
- 33 (2) The nature and persistence of the violation.
- 34 (3) The length of time over which the violation occurs.
- 35 (4) The frequency of past violations.
- 36 (5) The record of maintenance.
- 37 (6) The unproven or innovative nature of the control equipment.
- 38 (7) ~~Any action~~ *Action, if any*, taken by the defendant, including
39 the nature, extent, and time of response of the cleanup and
40 construction undertaken, to mitigate the violation.

- 1 (8) The financial burden to the defendant.

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ASSEMBLY BILL

No. 2214

Introduced by Assembly Member Cristina Garcia

February 15, 2022

An act to amend Section 21151.2 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2214, as introduced, Cristina Garcia. California Environmental Quality Act: schoolsites: acquisition of property.

(1) The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

Existing law requires the governing board of a school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. Existing law requires the planning commission to investigate the proposed site and submit a written report to the governing board of the school district, as provided. Existing law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received.

This bill would also require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the

proposed site and submit a written report to the governing board or body of the charter school or private school, as provided. The bill would make the provisions relating to school districts also applicable to charter schools and private schools.

(2) To the extent that this bill would impose new duties on local agencies, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21151.2 of the Public Resources Code
2 is amended to read:

3 21151.2. (a) To promote the *health and* safety of pupils and
4 comprehensive community ~~planning~~ *planning*, the governing board
5 *or body* of each school ~~district~~ *district, charter school, or private*
6 *school shall*, before acquiring title to property for a new ~~school~~
7 *site schoolsite* or for an addition to a present ~~school site~~, ~~shall~~
8 *schoolsite*, give the planning commission having jurisdiction notice
9 in writing of the proposed acquisition. ~~The~~

10 (b) *The* planning commission shall investigate the proposed site
11 and within 30 days after receipt of the notice shall submit to the
12 governing board *or body of the school district, charter school, or*
13 *private school* a written report of the investigation and its
14 recommendations concerning acquisition of the site.

15 ~~The~~
16 (c) *The* governing board *or body of the school district, charter*
17 *school, or private school* shall not acquire title to the property until
18 the report of the planning commission has been received. ~~If~~

19 (d) *If* the report does not favor the acquisition of the property
20 for a ~~school site~~, *schoolsite*, or for an addition to a present ~~school~~
21 ~~site~~, *schoolsite*, the governing board *or body* of the school ~~district~~

1 *district, charter school, or private school* shall not acquire title to
2 the property until 30 days after the commission's report is received.
3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY MARCH 10, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2721

Introduced by Assembly Member Lee

February 18, 2022

An act to amend Section 40227 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, as amended, Lee. Bay Area Air Quality Management District: district board: ~~compensation and expenses.~~ *compensation.*

Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district and prescribes the membership of the district board. Existing law authorizes the district board to provide, by ordinance, compensation *not to exceed \$100 per day* for board members for attending meetings *of the board or committees of the board* or while on official business of the ~~district and~~ *district and not to exceed \$6,000 per year.* Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their ~~duties,~~ as specified: *duties.*

This bill would state the intent of the Legislature to enact subsequent legislation that would make changes to the compensation and expenses that members of the district board receive in the performance of their ~~board duties.~~ *revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a*

meeting while on official business of the district to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40227 of the Health and Safety Code is
2 amended to read:

3 40227. (a) Each member of the bay district board shall receive
4 actual and necessary expenses incurred in the performance of ~~board~~
5 ~~duties, and board duties.~~

6 (b) Each member of the bay district board may receive
7 compensation, to be determined by the bay district ~~board, not to~~
8 ~~exceed one hundred dollars (\$100) for each day attending the~~
9 ~~meetings board subject to subdivision (c), for any of the following:~~

10 (1) Attending a meeting of the bay district board ~~and or a~~
11 ~~committee meetings thereof, or, of the bay district board.~~

12 (2) Attending a meeting, upon authorization of the bay district
13 board, while on official business of the bay ~~district, but the~~ district.

14 (3) Active transportation travel to a meeting described in
15 paragraph (1) or (2).

16 (c) The compensation provided for attending a meeting pursuant
17 to paragraph (1) or (2) of subdivision (b) shall not exceed one
18 hundred dollars (\$100) for each meeting and shall not exceed two
19 hundred dollars (\$200) per day. The compensation provided
20 pursuant to subdivision (b) shall not exceed six thousand dollars
21 (\$6,000) in any one year. ~~Compensation~~

22 (d) Compensation pursuant to this section shall be fixed by
23 ordinance.

24 SECTION 1. ~~In order to promote active transportation, reduce~~
25 ~~air pollution, and protect public health in the bay area region, it is~~
26 ~~the intent of the Legislature to enact subsequent legislation that~~
27 ~~would make changes to the compensation and expenses that~~

- 1 ~~members of the board of the Bay Area Air Quality Management~~
- 2 ~~District receive in the performance of their board duties.~~

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: April 11, 2022

Re: Consideration of New Bills

RECOMMENDED ACTION

Approve staff's recommendation of support for the following bills:

- Assembly Bill (AB) 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.
- AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.
- Senate Bill (SB) 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.

Approve staff's recommendation of opposition for the following bill:

- SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.

Approve staff's recommendation to oppose unless amended for the following bill:

- AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.

BACKGROUND

AB 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.

CapitolTrack Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. This bill would designate, retroactive to January 1, 2020, a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources. A person who violates these laws and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Current law annually adjusts the maximum penalties for violations of these laws based on the California Consumer Price Index. This bill would increase the maximum amount of those civil penalties, as specified.

SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.

CapitolTrack Summary: Current law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board, to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. Current law requires the implementing regulations to ensure, among other things, that there is improved coordination, integration, and partnerships with other programs that target disadvantaged communities. This bill would require the implementing regulations for the Clean Cars 4 All Program to additionally ensure that the State Air Resources Board coordinates with air resource management districts and local nonprofit and community organizations to identify barriers to accessing the Clean Cars 4 All program and to develop outreach protocols and metrics to assess the success of outreach across the districts.

SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.

CapitolTrack Summary: Would codify the State Air Resources Board's regulation authorizing portable equipment to be operated during an emergency event, as defined above, and would also authorize portable equipment to be operated during a public safety power shut-off event. The bill would define "public safety power shut-off event," in part, as a planned power outage undertaken by an electrical corporation to reduce the risk of wildfires caused by utility equipment.

AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.

CapitolTrack Summary: Current law establishes various incentive programs that are administered or funded by the State Air Resources Board to provide financial assistance for the purchase of zero-emission vehicles by individuals, including, among others, the Clean Cars 4 All Program. This bill would require the state board, with respect to zero-emission vehicle (ZEV) incentive programs administered or funded by the state board, to ensure that beginning January 1, 2024, incentives awarded under those programs are awarded based on the average annual gallons of gasoline or diesel that the applicant's vehicle consumed. The bill would require the state board to develop a tool to determine the annual average gallons of gasoline or diesel consumed by a particular vehicle and would require the state board to make the tool publicly available on its internet website for use by potential applicants of a ZEV incentive program.

DISCUSSION

Staff will provide the Committee with a brief summary and status of bills listed on the attached list and will recommend bills to support and oppose during the session. Staff will review other bills that may be of interest to the Committee.

Specifically, staff will plan to discuss the following bills:

AB 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.

If passed, AB 2852 would allow air districts to be eligible for emergency funding, similar to stimulus funding provided from federal COVID relief funds. Previous COVID relief funding was limited to “independent special districts,” however, the California Department of Finance did not consider air quality management districts and air pollution control districts to be independent special districts for purposes of receiving funding.

The bill requires a majority vote in both the Assembly and Senate, and will be heard in Assembly Natural Resources on April 18, 2022.

Staff recommends the Committee recommend that the Board of Directors take a support position on the bill.

AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.

If passed, AB 2910 would raise civil penalty amounts for a list of penalties not covered by our sponsored bill, AB 1897 (Wicks). AB 2910 is being amended to ensure that it is complementary to AB 1897.

The bill requires a majority vote in both the Assembly and Senate and will be heard in tandem with AB 1897 in Assembly Natural Resources on April 18, 2022.

Staff recommends the Committee recommend that the Board of Directors take a support position on the bill.

SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.

If passed, SB 1382 would, among other things, exempt Clean Cars for All new and used car purchases from state sales tax.

The bill requires a majority vote in both the Assembly and Senate, and will be heard in Senate Environmental Quality on April 20, 2022.

Staff recommends the Committee recommend that the Board of Directors take a support position on the bill.

SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.

If passed, SB 1235 would exempt certain diesel backup engines from having to obtain air district permits if used for emergencies. Staff has identified several engines currently installed and under permit that would be removed from having permit requirements, and inspections, with the Air District

The bill requires a majority vote in both the Assembly and Senate, and will be heard in Senate Environmental Quality on April 25, 2022.

Staff recommends the Committee recommend that the Board of Directors take an oppose position on the bill.

AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.

If passed, AB 2816 would add a layer to the Clean Cars for All Program that creates a variable incentive amount entirely based on gasoline saved by the eventual new or used car purchase. While an interesting concept, the requirement creates a new hurdle that will curtail interest in the program within low-income communities and may in fact offer significantly lower incentive amounts. The bill also purports to create a similar requirement for the Clean Vehicle Replacement Program (CVRP), however, CVRP is not a “scrap and replace” program like Clean Cars for All. Because CVRP is not a scrap and replace, there’s no certainty that the goals of the bill will be achieved with respect to CVRP.

The bill requires a majority vote in both the Assembly and Senate. It will likely be heard in Assembly Transportation on April 18, 2022.

Staff recommends the Committee recommend that the Board of Directors take an oppose unless amended position on the bill. The acceptable amendment would be to remove the Clean Cars for All part of the language, and instead have it only focus on CVRP.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander Crockett

ATTACHMENTS:

1. Bills of Interest Matrix - As of 3/30/2022
2. AB 2582 (Bloom) - Bill Text - As Amended on 3/24/2022
3. AB 2910 (Santiago) - Bill Text - As Amended on 3/24/2022
4. SB 1382 (Gonzalez) - Bill Text - As Amended on 3/16/2022
5. SB 1235 (Borgeas) - Bill Text - As Introduced on 2/17/2022
6. AB 2816 (Ting) - Bill Text - As Amended on 3/17/2022

| Bill # | Author | Subject | Last Amended | Last Status - As of 3/30/2022 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|------------------|--|--------------|---|----------------------------|-------|----------|----------------------------|----------------|
| AB 1749 | Garcia, Cristina | Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants. | 3/14/2022 | 3/22/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (March 21). Re-referred to Com. on APPR. | 3/21/2022-A. APPR. | | | Medium | AB 617 |
| AB 284 | Rivas, Robert | California Global Warming Solutions Act of 2006: climate goal: natural and working lands. | 7/14/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022) | 9/10/2021-S. 2 YEAR | | | Low | Climate Change |
| AB 1369 | Bennett | Buy Clean California Act: eligible materials: product-specific global warming potential emissions. | 1/12/2022 | 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment. | 2/1/2022-S. RLS. | | | Low | Climate Change |
| AB 1395 | Muratsuchi | The California Climate Crisis Act. | 9/3/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022) | 9/10/2021-S. 2 YEAR | | | Low | Climate Change |
| AB 1676 | Burke | Greenhouse gases: carbon capture, utilization, and sequestration. | | 1/21/2022-From printer. May be heard in committee February 20. | 1/20/2022-A. PRINT | | | Low | Climate Change |
| AB 2442 | Rivas, Robert | Climate change. | 3/24/2022 | 3/28/2022-Re-referred to Com. on L. GOV. | 3/24/2022-A. L. GOV. | | | Low | Climate Change |
| AB 2446 | Holden | Embodied carbon emissions: construction materials. | | 3/3/2022-Referred to Com. on NAT. RES. | 3/3/2022-A. NAT. RES. | | | Low | Climate Change |
| AB 2532 | Bennett | Scoping plan: compliance and implementation: reports. | | 3/10/2022-Referred to Com. on NAT. RES. | 3/10/2022-A. NAT. RES. | | | Low | Climate Change |
| AB 2578 | Cunningham | State Energy Resources Conservation and Development Commission: integrated energy policy report: carbon capture, utilization, and sequestration. | 3/17/2022 | 3/21/2022-Re-referred to Com. on U. & E. | 3/17/2022-A. U. & E. | | | Low | Climate Change |
| AB 2674 | Villapudua | California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations. | | 3/10/2022-Referred to Com. on NAT. RES. | 3/10/2022-A. NAT. RES. | | | Low | Climate Change |
| AB 2700 | McCarty | Transportation electrification: electrical distribution grid upgrades. | 3/21/2022 | 3/28/2022-Re-referred to Coms. on U. & E. and TRANS. pursuant to Assembly Rule 96. | 3/28/2022-A. U. & E. | | | Low | Climate Change |
| AB 2722 | Grayson | Greenhouse gases: work-from-home option. | | 3/10/2022-Referred to Com. on NAT. RES. | 3/10/2022-A. NAT. RES. | | | Low | Climate Change |
| AB 2809 | Carrillo | Greenhouse gases: refrigerants. | | 2/19/2022-From printer. May be heard in committee March 21. | 2/18/2022-A. PRINT | | | Low | Climate Change |
| AB 2944 | Petrie-Norris | Greenhouse gases: carbon capture, utilization, and sequestration. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | | Low | Climate Change |
| SB 260 | Wiener | Climate Corporate Accountability Act. | 1/3/2022 | 1/26/2022-Read third time. Passed. (Ayes 23. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 1/26/2022-A. DESK | | | Medium | Climate Change |
| SB 852 | Dodd | Climate resilience districts: formation: funding mechanisms. | 3/9/2022 | 3/22/2022-Set for hearing March 31. March 31 set for first hearing canceled at the request of author. | 1/26/2022-S. GOV. & F. | | | Low | Climate Change |
| SB 905 | Skinner | Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act. | 2/18/2022 | 3/28/2022-From committee: Do pass and re-refer to Com. on ED. (Ayes 5. Noes 2.) (March 28). Re-referred to Com. on ED. | 3/28/2022-S. ED. | | | Low | Climate Change |
| SB 989 | Hertzberg | Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding. | 3/9/2022 | 3/17/2022-Re-referred to Com. on E.Q. | 3/17/2022-S. E.Q. | | | Low | Climate Change |
| SB 1020 | Atkins | California Global Warming Solutions Act of 2006: scoping plan. | | 3/25/2022-Set for hearing April 20. | 2/23/2022-S. E.Q. | | | Low | Climate Change |
| SB 1068 | Laird | Governor's Office of Business and Economic Development: Climate change. | 3/15/2022 | 3/25/2022-Set for hearing April 4. | 3/23/2022-S. B., P. & E.D. | | | Low | Climate Change |
| SB 1075 | Skinner | Hydrogen: green hydrogen: emissions of greenhouse gases. | | 3/21/2022-From committee: Do pass and re-refer to Com. on E., U. & C. (Ayes 12. Noes 0.) (March 21). Re-referred to Com. on E., U. & C. | 3/21/2022-S. E. U., & C. | | | Low | Climate Change |
| SB 1101 | Caballero | Carbon sequestration: pore space ownership and Carbon Capture, Utilization, and Storage Program. | 3/16/2022 | 3/25/2022-Set for hearing April 20. | 3/24/2022-S. E.Q. | | | Low | Climate Change |
| SB 1136 | Portantino | California Environmental Quality Act: expedited environmental review: climate change regulations. | 3/16/2022 | 3/25/2022-Set for hearing April 20. | 3/24/2022-S. E.Q. | | | Low | Climate Change |
| SB 1145 | Laird | California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard. | 3/1/2022 | 3/28/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 7. Noes 0.) (March 28). Re-referred to Com. on APPR. | 3/28/2022-S. APPR. | | | Low | Climate Change |
| SB 1206 | Skinner | Hydrofluorocarbon gases: sale or distribution. | 3/29/2022 | 3/29/2022-Read second time and amended. Re-referred to Com. on APPR. | 3/28/2022-S. APPR. | | | Low | Climate Change |
| SB 1230 | Limón | Zero-emission and near-zero emission vehicle incentive programs: requirements. | 3/15/2022 | 3/25/2022-Set for hearing April 20. | 3/23/2022-S. E.Q. | | | Low | Climate Change |
| SB 1297 | Cortese | Low-embodied carbon building materials: carbon sequestration. | 3/29/2022 | 3/29/2022-Read second time and amended. Re-referred to Com. on N.R. & W. | 3/28/2022-S. N.R. & W. | | | Low | Climate Change |
| SB 1301 | Becker | Corporation Tax Law: climate resiliency surcharge. | 3/16/2022 | 3/23/2022-Re-referred to Com. on GOV. & F. | 3/23/2022-S. GOV. & F. | | | Low | Climate Change |
| SB 1347 | Hueso | California Global Warming Solutions Act of 2006: scoping plan: renewable hydrogen production study. | 3/15/2022 | 3/23/2022-Re-referred to Com. on E.Q. | 3/23/2022-S. E.Q. | | | Low | Climate Change |
| SB 1399 | Wieckowski | Carbon capture and storage pilot program: industrial facilities. | | 3/9/2022-Referred to Com. on E., U. & C. | 3/9/2022-S. E. U., & C. | | | Low | Climate Change |
| AB 1814 | Grayson | Transportation electrification: community choice aggregators. | 3/28/2022 | 3/29/2022-Re-referred to Com. on U. & E. | 2/18/2022-A. U. & E. | | | Low | Energy |
| AB 2075 | Ting | Energy: electric vehicle charging standards. | | 3/22/2022-From committee: Do pass and re-refer to Com. on U. & E. (Ayes 8. Noes 0.) (March 21). Re-referred to Com. on U. & E. | 3/21/2022-A. U. & E. | | | Low | Energy |
| AB 2204 | Boerner Horvath | Clean energy: Office of Clean Energy Workforce. | | 3/3/2022-Referred to Coms. on L. & E. and U. & E. | 3/3/2022-A. L. & E. | | | Low | Energy |

| Bill # | Author | Subject | Last Amended | Last Status - As of 3/30/2022 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|------------------|---|--------------|---|--------------------------|-------|----------------------------|----------------------------|--|
| AB 2316 | Ward | Community Renewable Energy Program. | 3/28/2022 | 3/29/2022-Re-referred to Com. on U. & E. | 3/3/2022-A. U. & E. | | | Low | Energy |
| AB 2587 | Garcia, Eduardo | Energy: firm renewable energy resources and firm zero-carbon resources: procurement. | 3/28/2022 | 3/29/2022-Re-referred to Com. on U. & E. | 3/10/2022-A. U. & E. | | | Low | Energy |
| AB 2892 | Bigelow | Biodiesel fuels: renewable diesel fuel. | | 3/17/2022-Referred to Com. on REV. & TAX. | 3/17/2022-A. REV. & TAX | | | Low | Energy |
| SB 1039 | Wieckowski | Clean energy and pollution reduction objectives. | | 2/23/2022-Referred to Com. on RLS. | 2/15/2022-S. RLS. | | | Low | Energy |
| SB 1063 | Skinner | Energy: appliance standards and cost-effective measures. | 3/10/2022 | 3/23/2022-Re-referred to Com. on E., U. & C. | 3/23/2022-S. E. U., & C. | | | Low | Energy |
| SB 1112 | Becker | Energy suppliers: notice and recordation of a decarbonization charge. | | 2/23/2022-Referred to Com. on E., U. & C. | 2/23/2022-S. E. U., & C. | | | Low | Energy |
| SB 1156 | Grove | Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment. | | 3/17/2022-Referred to Com. on GOV. & F. | 3/17/2022-S. GOV. & F. | | | Low | Energy |
| SB 1164 | Stern | Energy: building energy efficiency: document repository and registry. | | 3/28/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Environmental Quality] (PASS) | 3/28/2022-S. E.Q. | | | Low | Energy |
| SB 1291 | Archuleta | Hydrogen-fueling stations: administrative approval. | 3/14/2022 | 3/24/2022-Referral to Com. on E.Q. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus. 3/16/2022-From committee with author's amendments. | 3/24/2022-S. E.Q. | | | Low | Energy |
| SB 1332 | Becker | Building performance standards. | 3/16/2022 | 3/28/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Governance and Finance] (PASS) | 2/18/2022-S. RLS. | | | Low | Energy |
| SB 1393 | Archuleta | Energy: appliances: local requirements. | | 3/28/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Governance and Finance] (PASS) | 3/28/2022-S. GOV. & F. | | Propose Oppose | Medium | Energy |
| AB 1001 | Garcia, Cristina | Environment: mitigation measures for air quality impacts: environmental justice. | 3/22/2022 | 3/22/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS. | 2/1/2022-S. RLS. | | | Medium | Environmental Justice |
| AB 1966 | Muratsuchi | Fossil fuel-dependent workers: California Equitable Just Transition Fund. | | 2/11/2022-From printer. May be heard in committee March 13. | 2/10/2022-A. PRINT | | | Low | Environmental Justice |
| AB 2419 | Bryan | Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee. | 3/28/2022 | 3/29/2022-Re-referred to Com. on NAT. RES. | 3/3/2022-A. NAT. RES. | | | Low | Environmental Justice |
| AB 1897 | Wicks | Nonvehicular air pollution control: refineries: penalties. | | 3/17/2022-In committee: Hearing postponed by committee. | 2/18/2022-A. NAT. RES. | | Air District- Sponsored | High | General-Air District |
| AB 2141 | Garcia, Eduardo | Greenhouse Gas Reduction Fund: community projects: funding. | 3/21/2022 | 3/22/2022-Re-referred to Com. on NAT. RES. | 3/17/2022-A. NAT. RES. | | Propose Support | Medium | General-Air District |
| AB 2563 | Quirk | Air pollution: permits: mobile fueling on-demand tank vehicles. | | 3/10/2022-Referred to Coms. on TRANS. and NAT. RES. | 3/10/2022-A. TRANS. | | Propose Oppose | Medium | General-Air District |
| AB 2649 | Garcia, Cristina | Natural Carbon Sequestration and Resilience Act of 2022. | 3/21/2022 | 3/22/2022-Re-referred to Com. on NAT. RES. | 3/17/2022-A. NAT. RES. | | | Medium | General-Air District |
| AB 2721 | Lee | Bay Area Air Quality Management District: district board: compensation. | 3/10/2022 | 3/14/2022-Re-referred to Com. on NAT. RES. | 3/10/2022-A. NAT. RES. | | Air District- Sponsored | High | General-Air District |
| AB 2836 | Garcia, Eduardo | Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee. | 3/24/2022 | 3/28/2022-Re-referred to Com. on TRANS. | 3/24/2022-A. TRANS. | | Propose Support | Medium | General-Air District |
| AB 2840 | Reyes | Qualifying logistics use projects. | 3/24/2022 | 3/28/2022-Re-referred to Com. on L. GOV. | 3/24/2022-A. L. GOV. | | | Low | General-Air District |
| AB 2852 | Bloom | Air pollution control districts and air quality management districts: independent special districts: funding. | 3/24/2022 | 3/28/2022-Re-referred to Com. on L. GOV. | 3/24/2022-A. L. GOV. | | Propose Support | Medium | General-Air District |
| AB 2910 | Santiago | Nonvehicular air pollution: civil penalties. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | Propose Support | Medium | General-Air District |
| SB 1095 | Durazo | Air quality: rules and regulations: socioeconomic impacts assessment. | 3/29/2022 | 3/29/2022-Read second time and amended. Re-referred to Com. on APPR. | 3/28/2022-S. APPR. | | | Medium | General-Air District |
| SB 1235 | Borgeas | Air pollution: portable equipment: emergency events. | | 3/17/2022-March 28 hearing postponed by committee. | 3/2/2022-S. E.Q. | | Propose Oppose | Medium | General-Air District |
| AB 363 | Medina | Carl Moyer Memorial Air Quality Standards Attainment Program. | 7/5/2021 | 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was TRANS. on 6/28/2021)(May be acted upon Jan 2022) | 7/14/2021-S. 2 YEAR | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 965 | Levine | Building standards: electric vehicle charging infrastructure. | 6/29/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022) | 9/10/2021-S. 2 YEAR | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1389 | Reyes | Alternative and Renewable Fuel and Vehicle Technology Program. | 9/3/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022) | 9/10/2021-S. 2 YEAR | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1644 | Burke | Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021 | | 1/20/2022-Referred to Coms. on L. & E. and NAT. RES. | 1/20/2022-A. L. & E. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1738 | Boerner Horvath | Building standards: installation of electric vehicle charging stations: existing buildings. | | 2/10/2022-Referred to Coms. on H. & C.D. and ED. | 2/10/2022-A. H. & C.D. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1778 | Garcia, Cristina | State transportation funding: freeway projects: poverty and pollution: Department of Transportation. | 3/24/2022 | 3/28/2022-Re-referred to Com. on TRANS. | 2/10/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1873 | Boerner Horvath | Personal Income Tax Law: Corporation Tax Law: credits: electric vehicle charging stations. | | 3/22/2022-In committee: Hearing for testimony only. | 2/18/2022-A. REV. & TAX | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2061 | Ting | Transportation electrification: electric vehicle charging infrastructure. | 3/21/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on U. & E. (Ayes 14. Noes 0.) (March 28). Re-referred to Com. on U. & E. | 3/29/2022-A. U. & E. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |

| Bill # | Author | Subject | Last Amended | Last Status - As of 3/30/2022 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|-----------------|---|--------------|--|-------------------------|-------|----------|----------------------------|--|
| AB 2074 | Gipson | Air Quality Improvement Program: micromobility devices. | | 3/22/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (March 21). Re-referred to Com. on APPR. | 3/22/2022-A. APPR. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2101 | Flora | Whole orchard recycling projects: carbon offsets. | | 2/24/2022-Referred to Com. on NAT. RES. | 2/24/2022-A. NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2111 | Bigelow | Motor vehicles: air pollution. | | 2/15/2022-From printer. May be heard in committee March 17. | 2/14/2022-A. PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2197 | Mullin | Caltrain electrification project: funding. | | 2/24/2022-Referred to Com. on TRANS. | 2/24/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2350 | Grayson | Vehicular air pollution: Zero-Emission Aftermarket Conversion Project. | 3/21/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 14. Noes 0.) (March 28). Re-referred to Com. on NAT. RES. | 3/29/2022-A. NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2358 | O'Donnell | Alternative vehicle and vessel technologies: funding programs: commercial harbor craft. | | 3/3/2022-Referred to Com. on TRANS. | 3/3/2022-A. TRANS. | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2554 | O'Donnell | Air pollution: assistance program: drayage vehicles. | | 3/10/2022-Referred to Com. on TRANS. | 3/10/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2562 | Bennett | Clean Transportation Program: hydrogen-fueling stations. | 3/21/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (March 28). Re-referred to Com. on APPR. | 3/29/2022-A. APPR. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2622 | Mullin | Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses. | | 3/17/2022-In committee: Hearing postponed by committee. | 3/10/2022-A. REV. & TAX | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2690 | Boerner Horvath | Small passenger vessels: emissions reductions: state funding. | 3/24/2022 | 3/28/2022-Re-referred to Com. on TRANS. | 3/24/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2703 | Muratsuchi | Zero-emission fueling station reliability standards: transportation: low-income and disadvantaged community financial assistance. | | 3/10/2022-Referred to Com. on TRANS. | 3/10/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2737 | Carrillo | Air pollution: purchase of new drayage and short-haul trucks: incentive programs: eligibility: labor standards. | 3/24/2022 | 3/28/2022-Re-referred to Com. on L. & E. | 3/24/2022-A. L. & E. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2793 | Muratsuchi | Greenhouse gases: market-based compliance mechanism. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2798 | Fong | Freight: development projects. | | 2/19/2022-From printer. May be heard in committee March 21. | 2/18/2022-A. PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2802 | Muratsuchi | Air pollution: carbon tax and dividend. | | 2/19/2022-From printer. May be heard in committee March 21. | 2/18/2022-A. PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2807 | Bonta, Mia | Transportation funding programs: eligibility: public transportation ferries. | | 3/17/2022-Referred to Com. on TRANS. | 3/17/2022-A. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2862 | Muratsuchi | California Global Warming Solutions Act of 2006: offset credits. | | 2/19/2022-From printer. May be heard in committee March 21. | 2/18/2022-A. PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2928 | Cooper | Personal income taxes: Clean Cars 4 All Program: retirement and replacement. | 3/17/2022 | 3/21/2022-Re-referred to Com. on TRANS. | 3/17/2022-A. TRANS. | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2954 | Cunningham | Vehicular air pollution: State Air Resources Board: regulations. | | 2/19/2022-From printer. May be heard in committee March 21. | 2/18/2022-A. PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 45 | Portantino | Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance. | 1/3/2022 | 1/24/2022-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 1/24/2022-A. DESK | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 542 | Limón | Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks. | 5/25/2021 | 1/18/2022-Read third time. Passed. (Ayes 33. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 1/18/2022-A. DESK | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 726 | Gonzalez | Alternative fuel and vehicle technologies: sustainable transportation. | 8/30/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022) | 9/10/2021-A. 2 YEAR | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 771 | Becker | Sales and Use Tax Law: zero emissions vehicle exemption. | 5/11/2021 | 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 5/26/2021)(May be acted upon Jan 2022) | 9/10/2021-A. 2 YEAR | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 894 | Jones | Off-highway vehicles. | 3/28/2022 | 3/28/2022-Read second time and amended. Re-referred to Com. on N.R. & W. | 3/22/2022-S. N.R. & W. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 922 | Wiener | California Environmental Quality Act: exemptions: transportation-related projects. | 3/16/2022 | 3/28/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Appropriations] (PASS) | 3/28/2022-S. APPR. | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 932 | Portantino | General plans: circulation element: bicycle and pedestrian plans and traffic calming plans. | 3/23/2022 | 3/23/2022-Read second time and amended. Re-referred to Com. on TRANS. | 3/17/2022-S. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 942 | Newman | Low Carbon Transit Operations Program: free or reduced fare transit program. | | 3/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 28). Re-referred to Com. on APPR. | 3/28/2022-S. APPR. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1010 | Skinner | Air pollution: state vehicle fleet: zero-emission vehicles. | 3/17/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on E.Q. (Ayes 11. Noes 3.) (March 29). Re-referred to Com. on E.Q. | 3/29/2022-S. E.Q. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1086 | Melendez | Greenhouse Gas Reduction Fund: Salton Sea restoration. | 3/14/2022 | 3/25/2022-Set for hearing April 20. | 3/23/2022-S. E.Q. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1104 | Gonzalez | Governor's Office of Business and Economic Development: Office of Freight. | | 3/29/2022-Set for hearing April 19. | 3/21/2022-S. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1203 | Becker | Zero net emissions of greenhouse gases: state agency operations. | 3/24/2022 | 3/29/2022-Set for hearing April 5. | 3/17/2022-S. G.O. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1217 | Allen | State-Regional Collaborative for Climate, Equity, and Resilience. | | 3/28/2022-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 1.) (March 28). Re-referred to Com. on TRANS. | 3/28/2022-S. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |

| Bill # | Author | Subject | Last Amended | Last Status - As of 3/30/2022 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|------------------|--|--------------|--|----------------------------|-------|-------------------------------|----------------------------|--|
| SB 1251 | Gonzalez | Office of the Zero-Emission Vehicle Equity Advocate. | 3/29/2022 | 3/29/2022-Set for hearing April 5. From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O. | 3/29/2022-S. G.O. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1258 | Allen | Clean Transportation Program: electric vehicle charging: fleet-operated autonomous vehicles. | 3/24/2022 | 3/24/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C. | 3/2/2022-S. E. U., & C. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1305 | Laird | State vehicle fleet: alternative fuel vehicles. | 3/17/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (March 29). Re-referred to Com. on APPR. | 3/29/2022-S. APPR. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1329 | Newman | Publicly available hydrogen-fueling stations. | 3/10/2022 | 3/24/2022-Referral to Com. on E.Q. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus. | 3/24/2022-S. E.Q. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1382 | Gonzalez | Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption. | 3/16/2022 | 3/25/2022-Set for hearing April 20. | 3/24/2022-S. E.Q. | | Propose Support | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1391 | Kamlager | greenhouse gases: market-based compliance mechanisms: linkages to the state. | 3/17/2022 | 3/17/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C. | 3/9/2022-S. E.Q. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1482 | Allen | Building standards: electric vehicle charging infrastructure. | | 3/24/2022-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 1.) (March 24). Re-referred to Com. on TRANS. | 3/24/2022-S. TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 983 | Garcia, Eduardo | Public contracts: construction projects: community workforce agreements: battery manufacturing and lithium-based technology. | 6/15/2021 | 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 6/22/2021)(May be acted upon Jan 2022) | 7/14/2021-S. 2 YEAR | | | Low | Other |
| AB 1240 | Ting | Indoor air pollution. | 1/24/2022 | 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment. | 2/1/2022-S. RLS. | | | Medium | Other |
| AB 1624 | Ting | Budget Act of 2022. | | 1/20/2022-Referred to Com. on BUDGET. | 1/10/2022-A. BUDGET | | | High | Other |
| AB 1717 | Aguar-Curry | Public works: definition. | | 3/17/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 16). Re-referred to Com. on APPR. | 3/16/2022-A. APPR. | | | Low | Other |
| AB 1935 | Grayson | California Environmental Quality Act: redevelopment: Concord Naval Weapons Station. | 3/10/2022 | 3/24/2022-Re-referred to Coms. on NAT. RES. and JUD. pursuant to Assembly Rule 96. | 3/24/2022-A. NAT. RES. | | | Low | Other |
| AB 1944 | Lee | Local government: open and public meetings. | | 2/18/2022-Referred to Com. on L. GOV. | 2/18/2022-A. L. GOV. | | Support | Medium | Other |
| AB 1957 | Medina | San Joaquin Valley Unified Air Pollution Control District: fees: assessments. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | | Low | Other |
| AB 2056 | Grayson | Bar pilots: pilotage rates: pilot boat surcharge. | 3/11/2022 | 3/22/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 1.) (March 21). Re-referred to Com. on APPR. | 3/22/2022-A. APPR. | | | Low | Other |
| AB 2057 | Carrillo | Transportation Agency: goods movement data. | 3/28/2022 | 3/29/2022-Re-referred to Com. on TRANS. | 2/24/2022-A. TRANS. | | | Low | Other |
| AB 2076 | Rivas, Luz | Extreme Heat and Community Resilience Program: Extreme Heat Hospitalization and Death Reporting System. | 3/23/2022 | 3/24/2022-Re-referred to Com. on HEALTH. | 3/21/2022-A. HEALTH | | | Low | Other |
| AB 2086 | Kiley | Air pollution: small off-road engines. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | | Low | |
| AB 2206 | Lee | Employee parking. | | 2/24/2022-Referred to Com. on TRANS. | 2/24/2022-A. TRANS. | | Propose Support | Medium | Other |
| AB 2214 | Garcia, Cristina | California Environmental Quality Act: schoolsites: acquisition of property. | | 2/24/2022-Referred to Coms. on NAT. RES. and ED. | 2/24/2022-A. NAT. RES. | | Air District-Sponsored | High | Other |
| AB 2219 | Smith | State Air Resources Board: members. | | 2/24/2022-Referred to Com. on NAT. RES. | 2/24/2022-A. NAT. RES. | | | Low | Other |
| AB 2237 | Friedman | Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals. | 3/22/2022 | 3/29/2022-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 8. Noes 4.) (March 28). Re-referred to Com. on NAT. RES. | 3/29/2022-A. NAT. RES. | | | Low | Other |
| AB 2449 | Rubio, Blanca | Open meetings: local agencies: teleconferences. | | 3/3/2022-Referred to Com. on L. GOV. | 3/3/2022-A. L. GOV. | | | Low | Other |
| AB 2620 | Valladares | Income taxes: credits: telecommuting: transfer of funds. | | 3/17/2022-In committee: Hearing postponed by committee. | 3/10/2022-A. REV. & TAX | | | Low | Other |
| AB 2647 | Levine | Local government: open meetings. | | 3/10/2022-Referred to Coms. on L. GOV. and JUD. | 3/10/2022-A. L. GOV. | | | Low | Other |
| AB 2816 | Ting | State Air Resources Board: zero-emission incentive programs: requirements. | 3/17/2022 | 3/21/2022-Re-referred to Com. on TRANS. | 3/17/2022-A. TRANS. | | Propose Oppose Unless Amended | Medium | Other |
| SB 560 | Rubio | Climate Pollution Reduction in Homes Initiative: grants. | 5/20/2021 | 1/24/2022-Read third time. Passed. (Ayes 33. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 1/24/2022-A. DESK | | | Medium | Other |
| SB 778 | Becker | Buy Clean California Act: Environmental Product Declarations: concrete. | 6/21/2021 | 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was A. & A.R. on 6/24/2021)(May be acted upon Jan 2022) | 7/14/2021-A. 2 YEAR | | | Low | Other |
| SB 833 | Dodd | Community Energy Resilience Act of 2022. | 3/21/2022 | 3/25/2022-Set for hearing April 4. | 3/14/2022-S. APPR. | | | Low | Other |
| SB 840 | Skinner | Budget Act of 2022. | | 1/11/2022-From printer. | 1/10/2022-S. BUDGET & F.R. | | | High | Other |
| SB 1100 | Cortese | Open meetings: orderly conduct. | 3/21/2022 | 3/22/2022-Set for hearing April 5. | 3/17/2022-S. JUD. | | | Low | Other |

| Bill # | Author | Subject | Last Amended | Last Status - As of 3/30/2022 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|---------------------------|-----------------|---|--------------|---|-----------------------------------|-------|----------|----------------------------|----------------|
| SB 1118 | Borgeas | California Environmental Quality Act: judicial relief. | 3/16/2022 | 3/25/2022-Set for hearing April 20. | 3/23/2022-S. E.Q. | | | Low | Other |
| SB 1132 | Wieckowski | Air quality health planning. | | 2/23/2022-Referred to Com. on RLS. | 2/16/2022-S. RLS. | | | Low | Other |
| SB 1314 | Limón | Oil and gas: Class II injection wells: enhanced oil recovery. | 3/16/2022 | 3/23/2022-Re-referred to Com. on N.R. & W. | 3/23/2022-S. N.R. & W. | | | Low | Other |
| SB 1319 | Grove | Oil import restrictions: human rights and environmental standards: air pollution reports of tanker ship emissions. | 3/16/2022 | 3/25/2022-Set for hearing April 5. | 3/23/2022-S. N.R. & W. | | | Low | Other |
| AB 2232 | McCarty | School facilities: heating, ventilation, and air conditioning systems. | | 3/3/2022-Referred to Coms. on ED. and HIGHER ED. | 3/3/2022-A. ED. | | | Medium | Wildfire/PSPS |
| AB 2243 | Garcia, Eduardo | Occupational safety and health standards: heat illness: wildfire smoke. | 3/21/2022 | 3/22/2022-Re-referred to Com. on L. & E. | 3/3/2022-A. L. & E. | | | Low | Wildfire/PSPS |
| AB 2258 | Wood | Property Assessed Clean Energy program: wildfire safety improvements. | | 3/3/2022-Referred to Coms. on L. GOV. and B. & F. | 3/3/2022-A. L. GOV. | | | Low | Wildfire/PSPS |
| AB 2387 | Garcia, Eduardo | Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. | 3/21/2022 | 3/22/2022-Re-referred to Com. on W., P., & W. | 3/3/2022-A. W., P. & W. | | | Low | Wildfire/PSPS |
| AB 2538 | Rivas, Robert | State Warning Center: wildfire smoke notification. | 3/28/2022 | 3/29/2022-Re-referred to Com. on E.M. | 3/10/2022-A. EMERGENCY MANAGEMENT | | | Low | Wildfire/PSPS |
| AB 2550 | Arambula | State Air Resources Board: ambient air quality standards: nonattainment districts. | 3/24/2022 | 3/28/2022-Re-referred to Com. on NAT. RES. | 3/24/2022-A. NAT. RES. | | | Medium | Wildfire/PSPS |
| AB 2645 | Rodriguez | Local emergency plans: integration of access and functional needs: community resilience centers. | | 3/10/2022-Referred to Com. on E.M. | 3/10/2022-A. EMERGENCY MANAGEMENT | | | Low | Wildfire/PSPS |
| SB 1264 | Dahle | Property Assessed Clean Energy program: wildfire safety improvements. | | 3/2/2022-Referred to Com. on GOV. & F. | 3/2/2022-S. GOV. & F. | | | Low | Wildfire/PSPS |
| SB 1266 | Borgeas | Income taxes: credits: designated wildfire zones. | | 3/17/2022-Referred to Com. on GOV. & F. | 3/17/2022-S. GOV. & F. | | | Low | Wildfire/PSPS |
| Total Active Bills | 142 | | | | | | | Low: Medium: High: | 110 27 5 |

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2852

Introduced by Assembly Member Bloom

February 18, 2022

An act to amend Section ~~40700~~ 40701.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2852, as amended, Bloom. Air pollution control districts and air quality management ~~districts~~. *districts: independent special districts: funding.*

Existing law provides for the establishment of air pollution control districts and air quality management districts. Existing law declares a district a body corporate and politic and a public agency of the ~~state~~. *state, and prescribes the general powers and duties of a district. Existing law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties.*

~~This bill would make a nonsubstantive change to that latter provision.~~ *designate, retroactive to January 1, 2020, a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 40701.5 of the Health and Safety Code*
- 2 *is amended to read:*

1 40701.5. (a) Funding for a district may be provided by, but is
2 not limited to, any one or any combination of the following sources:

- 3 (1) Grants.
- 4 (2) Subventions.
- 5 (3) Permit fees.
- 6 (4) Penalties.
- 7 (5) A surcharge or fee pursuant to Section 41081 or 44223 on
8 motor vehicles registered in the district.

9 (b) Expenses of a district that are not met by the funding sources
10 identified in subdivision (a) shall be provided by an annual per
11 capita assessment on those cities that have agreed to have a member
12 on the district board for purposes of Section 40100.5, 40100.6,
13 40152, 40322.5, 40704.5, or 40980 and on the county or counties
14 included within the district. Any annual per capita assessment
15 imposed by the district on those cities and counties included within
16 the district shall be imposed on an equitable per capita basis.

17 (c) Subdivision (b) does not apply to the San Joaquin Valley
18 Unified Air Pollution Control District or, if that unified district
19 ceases to exist, the San Joaquin Valley Air Quality Management
20 District, if that district is created.

21 (d) (1) Notwithstanding subdivision (b), expenses of the San
22 Diego County Air Pollution Control District that are not met by
23 the funding sources identified in subdivision (a) shall be provided
24 by an annual per capita assessment imposed on an equitable per
25 capita basis on each city and county included in the San Diego
26 County Air Pollution Control District by the governing board of
27 the San Diego County Air Pollution Control District created
28 pursuant to Section 40100.6.

29 (2) At least 30 days before the assessment is imposed, the
30 governing board shall hold a public hearing which shall include
31 data supporting the annual per capita assessment and any schedule
32 that may apply.

33 ~~(e) This section shall become operative on March 1, 2021.~~
34 *Notwithstanding any other law, retroactive to January 1, 2020, a*
35 *district shall be deemed an independent special district for*
36 *purposes of receiving state funds or funds disbursed by the state,*
37 *including federal funds. For purposes of this subdivision, "funds"*
38 *includes, but is not limited to, moneys, loans, grants, financial*
39 *incentives, and other economic benefits.*

1 SECTION 1. ~~Section 40700 of the Health and Safety Code is~~
2 ~~amended to read:~~
3 ~~40700. A district is a body corporate and politic and a district~~
4 ~~is a public agency of the state.~~

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AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2910

**Introduced by Assembly Member ~~Cunningham~~ *Santiago*
(Coauthors: Assembly Members ~~Low and Wicks~~) *Carrillo,
Cristina Garcia, and Muratsuchi***

February 18, 2022

An act to amend ~~Section 57016~~ *Sections 42402, 42402.1, 42402.2, 42402.3, and 42402.4* of the ~~Food and Agricultural~~ *Health and Safety* Code, relating to ~~agriculture~~: *air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2910, as amended, ~~Cunningham~~ *Santiago*. ~~Agriculture: produce markets.~~ *Nonvehicular air pollution: civil penalties.*

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources. A person who violates these laws and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Existing law annually adjusts the maximum penalties for violations of these laws based on the California Consumer Price Index.

This bill would increase the maximum amount of those civil penalties, as specified.

~~Existing law authorizes the Director of Industrial Relations to make regulations as he may deem necessary to carry out certain provisions~~

relating to produce markets in certain counties and to produce dealers and registered unloaders.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42402 of the Health and Safety Code is
2 amended to read:

3 42402. (a) Except as provided in Sections 42402.1, 42402.2,
4 42402.3, and 42402.4, ~~any~~ a person who violates this part, ~~any~~ an
5 order issued pursuant to Section 42316, or ~~any~~ a rule, regulation,
6 permit, or order of a district, including a district hearing board, or
7 of the state board issued pursuant to Part 1 (commencing with
8 Section 39000) to Part 4 (commencing with Section 41500),
9 inclusive, is strictly liable for a civil penalty of not more than ~~five~~
10 *fifteen* thousand dollars ~~(\$5,000)~~. *(\$15,000)*.

11 (b) (1) A person who violates ~~any~~ a provision of this part, ~~any~~
12 an order issued pursuant to Section 42316, or ~~any~~ a rule, regulation,
13 permit or order of a district, including a district hearing board, or
14 of the state board issued pursuant to Part 1 (commencing with
15 Section 39000) to Part 4 (commencing with Section 41500),
16 inclusive, is strictly liable for a civil penalty of not more than ~~ten~~
17 *thirty* thousand dollars ~~(\$10,000)~~. *(\$30,000)*.

18 (2) (A) If a civil penalty in excess of ~~five~~ *fifteen* thousand
19 dollars ~~(\$5,000)~~ *(\$15,000)* for each day in which a violation occurs
20 is sought, there is no liability under this subdivision if the person
21 accused of the violation alleges by affirmative defense and
22 establishes that the violation was caused by an act that was not the
23 result of intentional conduct or negligent conduct.

24 (B) Subparagraph (A) does not apply to a violation of a federally
25 enforceable ~~requirements~~ *requirement* that ~~occur~~ *occurs* at a Title
26 V source in a district in which a Title V permit program has been
27 fully approved.

28 (C) Subparagraph (A) does not apply to a person who is
29 determined to have violated an annual facility emissions cap
30 established pursuant to a market-based incentive program adopted
31 by a district pursuant to subdivision (b) of Section 39616.

1 (c) A person who owns or operates ~~any~~ a source of air
2 contaminants in violation of Section 41700 that causes actual
3 injury, as defined in subdivision (d) of Section 42400, to the health
4 and safety of a considerable number of persons or the public, is
5 liable for a civil penalty of not more than ~~fifteen~~ *forty-five* thousand
6 dollars ~~(\$15,000)~~. (*\$45,000*).

7 (d) Each day during ~~any~~ a portion of which a violation occurs
8 is a separate offense.

9 *SEC. 2. Section 42402.1 of the Health and Safety Code is*
10 *amended to read:*

11 42402.1. (a) ~~Any~~ A person who negligently emits an air
12 contaminant in violation of this part or ~~any~~ a rule, regulation,
13 permit, or order of the state board or of a district, including a
14 district hearing board, pertaining to emission regulations or
15 limitations is liable for a civil penalty of not more than ~~twenty-five~~
16 *forty* thousand dollars ~~(\$25,000)~~. (*\$40,000*).

17 (b) ~~Any~~ A person who negligently emits an air contaminant in
18 violation of Section 41700 that causes great bodily injury, as
19 defined ~~by~~ *in subdivision (f) of* Section 12022.7 of the Penal Code,
20 to ~~any~~ a person or that causes the death of ~~any~~ a person, is liable
21 for a civil penalty of not more than one hundred *twenty* thousand
22 dollars ~~(\$100,000)~~. (*\$120,000*).

23 (c) Each day during ~~any~~ a portion of which a violation occurs
24 is a separate offense.

25 *SEC. 3. Section 42402.2 of the Health and Safety Code is*
26 *amended to read:*

27 42402.2. (a) ~~Any~~ A person who emits an air contaminant in
28 violation of ~~any~~ a provision of this part, or ~~any order, rule,~~
29 ~~regulation, or permit~~ *a rule, regulation, permit, or order* of the
30 state board or of a district, including a district hearing board,
31 pertaining to emission regulations or limitations, and who knew
32 of the emission and failed to take corrective action, as defined in
33 subdivision (b) of Section 42400.2, within a reasonable period of
34 time under the circumstances, is liable for a civil penalty of not
35 more than ~~forty six~~ *sixty* thousand dollars ~~(\$40,000)~~. (*\$60,000*).

36 (b) ~~Any~~ A person who owns or operates ~~any~~ a source of air
37 contaminants in violation of Section 41700 that causes great bodily
38 injury, as defined ~~by~~ *in subdivision (f) of* Section 12022.7 of the
39 Penal Code, to ~~any~~ a person or that causes the death of ~~any~~ a
40 person, and who knew of the emission and failed to take corrective

1 action, as defined in subdivision (b) of Section 42400.2, within a
 2 reasonable period of time under the circumstances, is liable for a
 3 civil penalty not to exceed two hundred ~~forty~~ *seventy-five* thousand
 4 dollars ~~(\$250,000)~~; *(\$275,000)*.

5 (c) Each day during ~~any~~ a portion of which a violation occurs
 6 is a separate offense.

7 *SEC. 4. Section 42402.3 of the Health and Safety Code is*
 8 *amended to read:*

9 42402.3. (a) ~~Any~~ A person who willfully and intentionally
 10 emits an air contaminant in violation of this part or ~~any~~ a rule,
 11 regulation, permit, or order of the state board, or of a district,
 12 including a district hearing board, pertaining to emission
 13 regulations or limitations, is liable for a civil penalty of not more
 14 than ~~seventy-five~~ *ninety-five* thousand dollars ~~(\$75,000)~~; *(\$95,000)*.

15 (b) ~~Any~~ A person who willfully and intentionally, or with
 16 reckless disregard for the risk of great bodily injury, as defined ~~by~~
 17 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
 18 of, ~~any~~ a person, emits an air contaminant in violation of Section
 19 41700 that results in an unreasonable risk of great bodily injury
 20 to, or death of, ~~any~~ a person, is liable for a civil penalty of not
 21 more than one hundred ~~twenty-five~~ *forty* thousand dollars
 22 ~~(\$125,000)~~; *(\$140,000)*. If the violator is a corporation, the
 23 maximum penalty may be up to five hundred *fifty* thousand dollars
 24 ~~(\$500,000)~~; *(\$550,000)*.

25 (c) ~~Any~~ A person who willfully and intentionally, or with
 26 reckless disregard for the risk of great bodily injury, as defined ~~by~~
 27 *in subdivision (f) of Section 12022.7 of the Penal Code*, to, or death
 28 of, ~~any~~ a person, emits an air contaminant in violation of Section
 29 41700 that causes great bodily injury, as defined ~~by~~ *in subdivision*
 30 *(f) of Section 12022.7 of the Penal Code*, to ~~any~~ a person or that
 31 causes the death of ~~any~~ a person, is liable for a civil penalty of not
 32 more than two hundred ~~forty~~ *seventy-five* thousand dollars
 33 ~~(\$250,000)~~; *(\$275,000)*. If the violator is a corporation, the
 34 maximum penalty may be up to one million *one hundred thousand*
 35 dollars ~~(\$1,000,000)~~; *(\$1,100,000)*.

36 (d) Each day during ~~any~~ a portion of which a violation occurs
 37 is a separate offense.

38 *SEC. 5. Section 42402.4 of the Health and Safety Code is*
 39 *amended to read:*

1 42402.4. ~~Any~~A person who knowingly and with intent to
2 deceive, falsifies ~~any~~ a document required to be kept pursuant to
3 ~~any~~ a provision of this part, or ~~any~~ a rule, regulation, permit, or
4 order of the state board or of a district, including a district hearing
5 board, is liable for a civil penalty of not more than ~~thirty-five~~ *fifty*
6 thousand dollars ~~(\$35,000)~~. (*\$50,000*).

7 SECTION 1. ~~Section 57016 of the Food and Agricultural Code~~
8 ~~is amended to read:~~

9 ~~57016. The director may make regulations as the director may~~
10 ~~deem necessary to carry out this chapter and to effectuate its~~
11 ~~purposes.~~

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AMENDED IN SENATE MARCH 16, 2022

SENATE BILL

No. 1382

Introduced by Senator *Senators Gonzalez and Becker*

February 18, 2022

An act to amend ~~Section 6384 of the Revenue and Taxation Code, relating to taxation. Sections 44124.5 and 44125.5 of the Health and Safety Code, and to add Section 6368.2 to the Revenue and Taxation Code, relating to air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, as amended, Gonzalez. ~~Taxation: sales tax: exemptions.~~
Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.

(1) Existing law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board, to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. Existing law requires the implementing regulations to ensure, among other things, that there is improved coordination, integration, and partnerships with other programs that target disadvantaged communities.

Existing law creates the enhanced fleet modernization program to provide compensation for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters. Existing law requires the state board to annually post on its internet website a performance analysis of the replacement and mobility options component of the programs that includes information regarding how

incentive levels can be modified to maximize participation and emissions reductions.

This bill would require the implementing regulations for the Clean Cars 4 All Program to additionally ensure that the State Air Resources Board coordinates with air resource management districts and local nonprofit and community organizations to identify barriers to accessing the Clean Cars 4 All program and to develop outreach protocols and metrics to assess the success of outreach across the districts. The bill would additionally require, for purposes of the enhanced fleet modernization program, that the performance analysis include an assessment identifying target groups that are underserved by Clean Cars 4 All and assessing barriers to Clean Cars 4 All, and an evaluation of outreach efforts to target groups that are currently underserved by Clean Cars 4 All.

(2) Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes.

This bill, on or after January 1, 2023, 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, as defined, sold to a qualified buyer, as defined. The bill would 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.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing laws authorize districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which generally conforms to the Sales and Use Tax Law. Amendments to the Sales and Use Tax Law are automatically incorporated into the local tax laws.

This bill would specify that this exemption does not apply to local sales and use taxes or transactions and use taxes.

~~Existing law provides that sales and use taxes shall apply to the gross receipts from the sale of any tangible personal property to contractors purchasing that property as the agents of the United States or for their own account and subsequent resale to the United States for use in the~~

performance of contracts with the United States for the construction of improvements on or to real property in California.

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44124.5 of the Health and Safety Code
2 is amended to read:

3 44124.5. (a) The Clean Cars 4 All Program is hereby
4 established and is to be administered by the state board to focus
5 on achieving reductions in the emissions of greenhouse gases,
6 improvements in air quality, and benefits to low-income state
7 residents through the replacement of high-polluter motor vehicles
8 with cleaner and more efficient motor vehicles or a mobility option.

9 (b) Beginning in the 2018–19 fiscal year, and every fiscal year
10 thereafter, the state board shall set specific, measurable goals for
11 the replacement of passenger vehicles and light- and medium-duty
12 trucks that are high polluters.

13 (c) The state board shall take steps to meet the goals set forth
14 pursuant to subdivision (b). The steps shall include, but need not
15 be limited to, updating the guidelines for Clean Cars 4 All no later
16 than January 1, 2019.

17 (d) The regulation implementing this section shall ensure all of
18 the following:

19 (1) Where applicable, there is improved coordination,
20 integration, and partnerships with other programs that target
21 disadvantaged communities and receive moneys from the
22 Greenhouse Gas Reduction Fund, created pursuant to Section
23 16428.8 of the Government Code.

24 (2) *The state board shall coordinate with air quality
25 management districts and local nonprofit and community
26 organizations to identify barriers to accessing the Clean Cars 4
27 All program and to develop outreach protocols and metrics to
28 assess the success of outreach across the air quality management
29 districts.*

30 ~~(2)~~

31 (3) The replacement or a mobility option is consistent with
32 paragraph (6) of subdivision (d) of Section 44125.

1 (3)

2 (4) Provisions enhance the prescreening of applicants to Clean
3 Cars 4 All, if determined by the state board to be appropriate.

4 SEC. 2. Section 44125.5 of the Health and Safety Code is
5 amended to read:

6 44125.5. Beginning no later than July 1, 2019, and every year
7 thereafter, the state board, for both the program and Clean Cars 4
8 All, shall collect and post on its ~~Internet Web site~~ *internet website*
9 all of the following:

10 (a) The performance of both programs relative to the goals set
11 pursuant to subdivision (b) of Section 44124.5 and subdivision (b)
12 of Section 44125.

13 (b) An accounting that includes, but need not be limited to,
14 moneys allocated to the program and Clean Cars 4 All and the
15 expenditures of the program and Clean Cars 4 All by region.

16 (c) A performance analysis broken down by district of the
17 replacement and mobility options component of the program and
18 Clean Cars 4 All to identify areas to be emphasized when setting
19 future goals or updating the guidelines for the program and Clean
20 Cars 4 All. The analysis shall include all of the following:

21 (1) Whether a district implementing the replacement and
22 mobility options component of the program or Clean Cars 4 All
23 has a backlog or a waiting list for applicants and recommendations
24 from the district or state board on how to eliminate the backlog or
25 waiting list.

26 (2) An evaluation of the funding for targeted outreach in
27 low-income or disadvantaged communities, including whether the
28 funding should be enhanced or modified to reach the goals set
29 pursuant to subdivision (b) of Section 44124.5 and subdivision (b)
30 of Section 44125.

31 (3) How incentive levels can be modified to maximize
32 participation and emissions reductions.

33 (4) *An assessment identifying target groups that are underserved*
34 *by Clean Cars 4 All, and assessing barriers to Clean Cars 4 All,*
35 *including language access barriers, geographic barriers, or*
36 *information barriers.*

37 (5) *An evaluation of outreach efforts to target groups that are*
38 *currently underserved by Clean Cars 4 All.*

39 SEC. 3. Section 6368.2 is added to the Revenue and Taxation
40 Code, to read:

1 6368.2. (a) On or after January 1, 2023, there are exempted
2 from the taxes imposed by this part, the gross receipts from the
3 sale in this state of, and the storage, use, or other consumption in
4 this state of, a qualified motor vehicle sold to a qualified buyer.

5 (b) For purposes of this section, all of the following definitions
6 apply:

7 (1) “Qualified motor vehicle” means a plug-in hybrid or
8 zero-emission vehicle designated as an eligible vehicle under the
9 Clean Cars 4 All Program established by Section 44124.5 of the
10 Health and Safety Code.

11 (2) “Qualified buyer” means an individual with an award letter
12 or other approval documentation issued by any entity implementing
13 the Clean Cars 4 All Program to the individual indicating that
14 their application was approved for a grant under the Clean Cars
15 4 All Program.

16 (c) (1) Notwithstanding any provision of the Bradley-Burns
17 Uniform Local Sales and Use Tax Law (Part 1.5 (commencing
18 with Section 7200)) or the Transactions and Use Tax Law (Part
19 1.6 (commencing with Section 7251)), the exemption established
20 by this section does not apply with respect to any tax levied by a
21 county, city, or district pursuant to, or in accordance with, either
22 of those laws.

23 (2) Notwithstanding subdivision (a), the exemption established
24 by this section shall not apply with respect to any tax levied
25 pursuant to Section 6051.2 or 6201.2, pursuant to Section 35 of
26 Article XIII of the California Constitution, or any tax levied
27 pursuant to Section 6051 or 6201 that is deposited in the State
28 Treasury to the credit of the Local Revenue Fund 2011 pursuant
29 to Section 6051.15 or 6201.15.

30 SEC. 4. It is the intent of the Legislature to comply with Section
31 41 of the Revenue and Taxation Code for purposes of the exemption
32 under Section 6368.2 of the Revenue and Taxation Code, as added
33 by this act.

34 SECTION 1. ~~Section 6384 of the Revenue and Taxation Code~~
35 ~~is amended to read:~~

36 ~~6384. Notwithstanding any other law, the tax imposed under~~
37 ~~this part shall apply to the gross receipts from the sale of any~~
38 ~~tangible personal property to contractors purchasing that property~~
39 ~~either as the agents of the United States or for their own account~~
40 ~~and subsequent resale to the United States for use in the~~

- 1 performance of contracts with the United States for the construction
- 2 of improvements on or to real property in this state.

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Introduced by Senator Borgeas

February 17, 2022

An act to add Section 41756 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, as introduced, Borgeas. Air pollution: portable equipment: emergency events.

Existing law authorizes local air pollution control and air quality management districts (air districts) to establish a permit system requiring that any person who builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants obtain a permit to ensure compliance with applicable air quality standards. Existing law requires the State Air Resources Board to establish, by regulation, an optional registration program for portable equipment that is, or may be, used in more than a single air district. Pursuant to this directive, the state board established the Portable Equipment Registration Program, which allows portable engines and equipment units to operate throughout the state without authorization or permits from air districts. The state board's regulations allow for the temporary operation of otherwise unregistered or unpermitted portable engines during an emergency event if certain conditions are met. The state board's regulations define "emergency event" as any situation arising from a sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, or other unforeseen events beyond the control of the portable engine or equipment unit operator, its officers, employees, and contractors that threatens public health and safety and that requires the immediate temporary operation

of portable engines or equipment units to help alleviate the threat to public health and safety.

This bill would codify the state board’s regulation authorizing portable equipment to be operated during an emergency event, as defined above, and would also authorize portable equipment to be operated during a public safety power shut-off event. The bill would define “public safety power shut-off event,” in part, as a planned power outage undertaken by an electrical corporation to reduce the risk of wildfires caused by utility equipment.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 41756 is added to the Health and Safety
- 2 Code, to read:
- 3 41756. (a) Notwithstanding any other law, portable equipment
- 4 may be operated during an emergency event if the portable
- 5 equipment, and the owner or operator of the portable equipment,
- 6 complies with the requirements of subdivision (c) of Section 2455
- 7 of Title 13 of the California Code of Regulations.
- 8 (b) For purposes of this section, “emergency event” includes
- 9 both of the following:
- 10 (1) An “emergency event,” as defined in subdivision (j) of
- 11 Section 2452 of Title 13 of the California Code of Regulations.
- 12 (2) A public safety power shut-off event. For the purpose of
- 13 this subdivision, “public safety power shut-off event” has the same
- 14 meaning as “deenergization event” set forth in Section 351 of the
- 15 Water Code.

O

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2816

Introduced by Assembly Member Ting

February 18, 2022

An act to amend Section ~~3183~~ of the Public Resources Code, relating to oil and gas; 44124.5 of, and to add Chapter 4.5 (commencing with Section 43880) to Part 5 of Division 26 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2816, as amended, Ting. ~~Gas storage wells: reportable leaks: regulations. State Air Resources Board: zero-emission incentive programs: requirements.~~

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law establishes various incentive programs that are administered or funded by the State Air Resources Board to provide financial assistance for the purchase of zero-emission vehicles by individuals, including, among others, the Clean Cars 4 All Program.

This bill would require the state board, with respect to zero-emission vehicle (ZEV) incentive programs administered or funded by the state board, to ensure that beginning January 1, 2024, incentives awarded under those programs are awarded based on the average annual gallons of gasoline or diesel that the applicant's vehicle consumed. The bill would require the state board to develop a tool to determine the annual average gallons of gasoline or diesel consumed by a particular vehicle and would require the state board to make the tool publicly available

on its internet website for use by potential applicants of a ZEV incentive program. To maximize equity benefits, the bill would require the state board to ensure that additional per gallon incentive payments are provided to an applicant of a ZEV incentive program if the applicant meets specified income or place of residence criteria. The bill would require the state board to submit a report to the Legislature on or before January 1, 2024, and every 2 years thereafter, regarding the ZEV incentive programs.

~~Existing law establishes the Geologic Energy Management Division in the Department of Conservation, under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells, as provided. Existing law requires the division, in consultation with the State Air Resources Board, to determine and adopt by regulation what constitutes a reportable leak from a gas storage well, as defined, and the timeframe for reporting that leak. Existing law requires the division, in consultation with the State Air Resources Board, to review and, if necessary, revise the regulations developed pursuant to that requirement no less than once every 10 years.~~

~~This bill would instead require the division to review and revise those regulations no less than once every 5 years.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares the following:*
- 2 (a) *The transportation sector is the biggest source of carbon*
- 3 *emissions in California, with 39 percent of total emissions coming*
- 4 *from transportation and 28 percent of total emissions coming from*
- 5 *light-duty vehicles.*
- 6 (b) *The harms of vehicle emissions impact communities of color*
- 7 *and low-income communities disproportionately.*
- 8 (c) *Zero-emission vehicles (ZEV) have the potential to replace*
- 9 *vehicles powered by gasoline or diesel and thereby reduce vehicle*
- 10 *emissions at speed and scale.*
- 11 (d) *ZEVs only curb vehicle emissions to the extent they displace*
- 12 *gasoline or diesel that would have been burned in a vehicle*
- 13 *powered by one of those fuels.*

1 (e) Calculations of vehicle emissions reductions resulting from
2 ZEV incentives are based on assumptions and modeling that fail
3 to take into account the fact that the actual gasoline or diesel
4 displacement impact of ZEVs varies widely based on how much
5 gasoline or diesel was being consumed by the vehicle being
6 switched for a ZEV.

7 (f) ZEV incentives to date have been used disproportionately
8 by high-income drivers who use gasoline or diesel at rates below
9 the mean.

10 (g) Low- and middle-income households and families in
11 under-resourced communities in the top tier of gasoline or diesel
12 consumption in California are likely to have the longest commutes
13 in the least efficient internal combustion engine vehicles, which
14 forces them to spend a large percentage of their household income
15 on fuel.

16 (h) The demand for ZEVs and ZEV incentives exceeds supply,
17 and therefore it is critical to ensure that every ZEV maximizes
18 gasoline and diesel displacement.

19 (i) Allocating ZEV incentives to maximize gasoline and diesel
20 displacement would benefit drivers in under-resourced communities
21 and rural communities.

22 (j) Tying the amount of ZEV incentives to the amount of past
23 gasoline or diesel consumption, meaning the average annual
24 gallons of gasoline or diesel used, and residence in
25 under-resourced communities is a relatively simple way to
26 maximize the gasoline or diesel reduction and equity impacts of
27 ZEV incentives.

28 SEC. 2. Chapter 4.5 (commencing with Section 43880) is added
29 to Part 5 of Division 26 of the Health and Safety Code, to read:

30
31 *CHAPTER 4.5. ZERO-EMISSION VEHICLE INCENTIVE PROGRAM*
32 *REQUIREMENTS*

33
34 43880. For purposes of this chapter, the following definitions
35 apply:

36 (a) "Under-resourced community" has the same meaning as
37 defined in Section 71130 of the Public Resources Code.

38 (b) "Zero-emission vehicle incentive program" or "ZEV
39 incentive program" means a program to provide incentives to an
40 individual for the purchase of a light-duty zero-emission vehicle.

1 43881. *This chapter applies to zero-emission vehicle incentive*
2 *programs that receive funding from, or are administered by, the*
3 *state board, as applicable, including, but not limited to, all of the*
4 *following:*

5 (a) *The Clean Cars 4 All Program established pursuant Section*
6 *44124.5.*

7 (b) *The Clean Vehicle Rebate Project established as a part of*
8 *the Air Quality Improvement Program (Article 3 (commencing*
9 *with Section 44274) of Chapter 8.9).*

10 (c) *The Clean Vehicle Assistance Program established as a part*
11 *of the Air Quality Improvement Program (Article 3 (commencing*
12 *with Section 44274) of Chapter 8.9).*

13 43882. (a) *On or before January 1, 2024, the state board shall*
14 *develop a tool to calculate the average annual gallons of gasoline*
15 *or diesel that a particular vehicle has used. The tool shall calculate*
16 *the average annual gallons of gasoline or diesel that a particular*
17 *vehicle has used by using both of the following:*

18 (1) *Publicly available data on the miles per gallon that a*
19 *particular make and model of a vehicle uses.*

20 (2) *The odometer reading at the time the applicant purchased*
21 *the vehicle or the time the vehicle was transferred to the applicant*
22 *and the current odometer reading.*

23 (b) *The state board shall make the tool developed pursuant to*
24 *subdivision (a) publicly available on its internet website to enable*
25 *potential applicants of a ZEV incentive program to determine the*
26 *incentive amount they will receive under the particular program.*

27 43883. (a) (1) *The state board shall ensure that beginning*
28 *January 1, 2024, incentives awarded under a ZEV incentive*
29 *program subject to this chapter are awarded based on the average*
30 *annual gallons of gasoline or diesel that the applicant's vehicle*
31 *consumed, as determined using the tool developed pursuant to*
32 *Section 43882. The state board shall set the amount of the incentive*
33 *at a level that maximizes the displacement of gasoline or diesel*
34 *and the reduction of emissions criteria pollutants per dollar spent.*

35 (2) *To maximize the equity benefits of an incentive provided*
36 *under a ZEV incentive program subject to this chapter, the state*
37 *board shall ensure that additional per gallon incentive payments*
38 *are provided to an applicant of a ZEV incentive program if the*
39 *applicant meets either of the following criteria:*

40 (A) *The applicant is low or moderate income.*

1 (B) *The applicant resides in an under-resourced community.*

2 (b) *The state board may require that the applicant sell or*
3 *otherwise surrender the internal combustion engine vehicle on*
4 *which the incentive payment is based.*

5 (c) (1) *Notwithstanding any other law, the maximum amount*
6 *of an incentive provided under a ZEV incentive program subject*
7 *to this chapter shall be established by the state board pursuant to*
8 *this chapter.*

9 (2) *An incentive provided under a ZEV incentive program shall*
10 *not exceed ____ dollars per gallon of gasoline or diesel consumed.*

11 (d) *On or before January 1, 2024, the state board shall develop*
12 *and implement a strategy for doing both of the following:*

13 (1) *Identifying the drivers who use the most gasoline or diesel*
14 *who reside in under-resourced communities and who are lower*
15 *to middle income.*

16 (2) *Expediting the replacement of gasoline- or diesel-powered*
17 *vehicles of drivers identified pursuant to paragraph (1) with ZEVs.*

18 (e) *The state board shall report to the Legislature no later than*
19 *January 1, 2024, and biennially thereafter, all of the following*
20 *information:*

21 (1) *The actual gasoline or diesel and criteria emissions reduced*
22 *per dollar spent on ZEV incentives under programs subject to this*
23 *chapter.*

24 (2) *The impacts of ZEV incentive spending in terms of*
25 *quantifiable emissions reductions and transportation savings within*
26 *under-resourced communities and among low- to middle-income*
27 *individuals.*

28 (3) *The changes in annual gasoline and diesel use at local levels*
29 *by census tract or ZIP Code.*

30 (f) *A report to be submitted to the Legislature pursuant to*
31 *subdivision (e) shall be submitted in compliance with Section 9795*
32 *of the Government Code.*

33 *SEC. 3. Section 44124.5 of the Health and Safety Code is*
34 *amended to read:*

35 44124.5. (a) *The Clean Cars 4 All Program is hereby*
36 *established and is to be administered by the state board to focus*
37 *on achieving reductions in the emissions of greenhouse gases,*
38 *improvements in air quality, and benefits to low-income state*
39 *residents through the replacement of high-polluter motor vehicles*
40 *with cleaner and more efficient motor vehicles or a mobility option.*

1 (b) Beginning in the 2018–19 fiscal year, and every fiscal year
2 thereafter, the state board shall set specific, measurable goals for
3 the replacement of passenger vehicles and light- and medium-duty
4 trucks that are high polluters.

5 (c) The state board shall take steps to meet the goals set forth
6 pursuant to subdivision (b). The steps shall include, but need not
7 be limited to, updating the guidelines for Clean Cars 4 All no later
8 than January 1, 2019.

9 (d) The regulation implementing this section shall ensure all of
10 the following:

11 (1) Where applicable, there is improved coordination,
12 integration, and partnerships with other programs that target
13 disadvantaged communities and receive moneys from the
14 Greenhouse Gas Reduction Fund, created pursuant to Section
15 16428.8 of the Government Code.

16 (2) The replacement or a mobility option is consistent with
17 paragraph (6) of subdivision (d) of Section 44125.

18 (3) Provisions enhance the prescreening of applicants to Clean
19 Cars 4 All, if determined by the state board to be appropriate.

20 (e) *The state board shall ensure that incentives awarded under*
21 *the Clean Cars 4 All Program are awarded consistent with Chapter*
22 *4.5 (commencing with Section 43880).*

23 ~~SECTION 1. Section 3183 of the Public Resources Code is~~
24 ~~amended to read:~~

25 ~~3183. (a) The division, in consultation with the State Air~~
26 ~~Resources Board, shall determine and adopt by regulation what~~
27 ~~constitutes a reportable leak from a gas storage well and the~~
28 ~~timeframe for reporting that leak. The regulations shall require an~~
29 ~~operator to immediately report to the division a leak that poses a~~
30 ~~significant present or potential hazard to public health and safety,~~
31 ~~property, or to the environment.~~

32 ~~(b) Until the regulations pursuant to subdivision (a) are in effect,~~
33 ~~a leak of any size from a gas storage well shall be deemed a~~
34 ~~reportable leak, and the operator shall notify the division~~
35 ~~immediately.~~

36 ~~(c) If a leak from a gas storage well that is reported to the~~
37 ~~division pursuant to subdivision (a) or (b), as applicable, cannot~~
38 ~~be controlled within 48 hours, the division shall post information~~
39 ~~about the leak on its internet website and provide regular updates~~
40 ~~to the public until the leak is stopped.~~

1 ~~(d) The division, in consultation with the State Air Resources~~
2 ~~Board, shall review and, if necessary, revise the regulations~~
3 ~~developed pursuant to subdivision (a) no less than once every five~~
4 ~~years.~~

O