



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

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

ROB RENNIE – VICE-CHAIR
ERIN HANNIGAN
LYNDA HOPKINS
SERGIO LOPEZ

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**

www.baaqmd.gov/bodagendas

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

<https://bayareametro.zoom.us/j/82270881478>

(669) 900-6833 or (408) 638-0968

WEBINAR ID: 822 7088 1478

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

LEGISLATIVE COMMITTEE MEETING AGENDA

MONDAY, JUNE 13, 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 May 9, 2022

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of May 9, 2022.

PRESENTATIONS (Items 5 - 7)

5. State Legislative Budget Update

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

6. Air District-Sponsored Bills

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

7. State Legislative Update

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

OTHER BUSINESS

8. 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.

9. 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)

10. Time and Place of Next Meeting

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

11. 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

JUNE 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Meeting - CANCELLED	Monday	13	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	13	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	13	2:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	15	11:00 a.m.	1 st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED & RESCHEDULED TO MONDAY, JUNE 13, 2022 AT 2:30 P.M.	Monday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee - CANCELLED	Wednesday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	23	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	27	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Community Advisory Council Meeting	Thursday	30	6:00 p.m.	Webcast only pursuant to Assembly Bill 361

JULY 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	6	9:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	7	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
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
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	18	5:30 p.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</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	20	11:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE 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

HL 6/9/2022 – 12:30 P.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: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 2022

Re: Approval of the Minutes of May 9, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of May 9, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of May 9, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of May 9, 2022

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

Legislative Committee Meeting
Monday, May 9, 2022

DRAFT MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

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

1. CALL TO ORDER - ROLL CALL

Opening Comments: Legislative Committee (Committee) Chair Pauline Russo Cutter called the meeting to order at 1:02 p.m.

Roll Call:

Present: Committee Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Sergio Lopez, and Brad Wagenknecht.

Absent: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF APRIL 11, 2022

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Hudson made a motion, seconded by Director Haubert, to **approve** the minutes of April 11, 2022; and the motion **carried** by the following vote of the Committee:

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

5. AIR DISTRICT-SPONSORED BILLS

Alan Abbs, Legislative Officer, gave the staff presentation *Air District-Sponsored Bills*, which referenced four bills:

- **Assembly Bill (AB) 1897 (Wicks) – Nonvehicular Air Pollution Control: civil penalties: refineries.** Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under existing law, a person who violates this provision, or any other statute, rule, regulation, permit, or order, as provided, 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 violator 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 requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs. Existing law precludes prosecution under specified statutes if civil penalties are recovered for the same offense. This bill would make a person who violates the above 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, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified. 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 require civil penalties collected pursuant to this provision, above the costs of prosecution, to be expended to mitigate the effects of air pollution in communities affected by the violation. 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 preclude prosecution under specified statutes if civil penalties are recovered pursuant to this provision. The bill would authorize the Attorney General, a district attorney, or an attorney for the district in which the violation occurs who prevails in a civil action for a violation of the above provisions, or any other statute, rule, regulation, permit, or order, as

provided, to recover the actual costs of investigation, expert witness fees, and reasonable attorney's fees. Mr. Abbs reported that this bill was well received at the Assembly's Committee on Natural Resources, and in the Assembly's Judiciary Committee. The first hearing is set for May 11, 2022, and the bill may be referred to suspense file. The California Council for Environmental and Economic Balance and Western States Petroleum Association oppose this bill.

- **AB 2214 (C. Garcia) - California Environmental Quality Act (CEQA): schoolsites: acquisition of property: school districts, charter schools, and private schools.** CEQA prohibits an Environmental Impact Report or Negative Declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations. This bill would impose those prohibitions on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools. The bill would apply the Phase I environmental assessment requirements to charter schools and private schools, without conditioning the requirements on the receipt of state funds. CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, and requires those guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are required to be exempt from CEQA. Mr. Abbs reported that this bill was doubly referred and passed by the Assembly's Committee on Education and the Assembly's Committee on Environmental Safety and Toxic Materials. The next hearing is scheduled for May 11, 2022, and the bill may be referred to suspense file.
- **AB 2721 (Lee) – Bay Area Air Quality Management District: district board: 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 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. Mr. Abbs reported that this bill was passed in the Assembly's Committee on Natural Resources, and as there was no fiscal component, it was heard and passed on the Assembly floor. The bill will next be heard in the Senate's Environmental Quality and Governance & Finance Committees.
- **AB 2836 (E. Garcia) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.** Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for

funding a fueling infrastructure demonstration program and technology development efforts. Existing law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Existing law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2034. Mr. Abbs reported that this bill was double-referred and passed in the Assembly's Committees on Natural Resources and Transportation. A date has yet to be determined for an Assembly Appropriations hearing.

NOTED PRESENT: Director Hannigan was noted present at 1:18 p.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed when AB 2721 would take effect, if approved by the Governor; and regarding AB 2721, the proposed per day and per year maximum amounts, and how other regional Bay Area agencies are paying their Board members.

Committee Action

None; receive and file.

6. STATE LEGISLATIVE UPDATE

Mr. Abbs provided an oral update regarding bills that the Air District has taken positions on during the 2022 Legislative Session, including:

- **AB 1944 (Lee)** - Local government: open and public meetings (SUPPORTED)
- **AB 2141 (E. Garcia)** - Greenhouse Gas Reduction Fund: community projects: funding (SUPPORTED)
- **AB 2206 (Lee)** - Nonattainment basins: employee parking: parking cash-out program (SUPPORTED)
- **AB 2563 (Quirk)** - Air pollution: permits: mobile fueling on-demand tank vehicles (OPPOSED)
- **AB 2816 (Ting)** - State Air Resources Board: zero-emission incentive programs: requirements (OPPOSED UNLESS AMENDED)
- **AB 2852 (Bloom)** - Air pollution control districts and air quality management districts: independent special districts: funding (SUPPORTED)
- **AB 2910 (Santiago)** - Nonvehicular air pollution: civil penalties (SUPPORTED)
- **Senate Bill (SB) 1235 (Borgeas)** - Air pollution: portable equipment: emergency events (OPPOSED)

- **SB 1382 (Gonzalez)** - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption (SUPPORTED)
- **SB 1393 (Archuleta)** - Energy: appliances: local requirements (OPPOSED)

NOTED PRESENT: Director Lopez was noted present at 1:30 p.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed which legislators are opposing AB 1944; and Board members' concerns about having to identify the address of their teleconference location in the noticing of a meeting agenda or having the location be accessible to the public.

Committee Action

None; receive and file.

OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBER COMMENTS

Director Hudson expressed his desire for a future Air & Waste Management Association Conference to be held in Honolulu, Hawaii.

9. TIME AND PLACE OF NEXT MEETING

Monday, June 13, 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 meeting was adjourned at 1:54 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: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 2022

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On January 10, 2022, Governor Newsom released his initial proposal for the fiscal year (FY) 2022-23 Budget. On May 13, 2022, the Governor released the May Revision (May Revise) to the proposed 2022-23 Budget. The Senate and Assembly must vote on and pass their proposed budget bill by June 15, 2022, to meet the state's constitutional deadline. The budget bill must be signed by the Governor by July 1, 2022.

Prior to the Assembly and Senate voting on a budget bill, the bill must be in print for 72 hours, or no later than June 12, 2022.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on activities related to the budget, as well as an update about the future Greenhouse Gas Reduction Fund Budget.

Attached is a table of programs significant to the Air District, along with budget data from the previous year. Compared to previous years, through the May Revise, there is significant new funding for zero-emission vehicle and infrastructure programs, as well as new funding for various building decarbonization initiatives.

On June 1, 2022, Senate and Assembly leadership announced a budget deal between the two houses that would meet the July 1st deadline, but would require a second budget later in the summer to address climate and energy issues. The budget deal as described includes \$300 million for AB 617, with the agreement that there would also be future ongoing funding for AB 617. The length of ongoing funding has not been revealed. The proposed budget still requires the Governor's approval, and further negotiations are likely.

Staff will likely see the agreed upon budget in print only a day or so prior to the Committee meeting, and will provide updates and commentary as necessary.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. 2022-23 Proposed State Budget vs. Previous Year

**2022-23 State Budget vs. Previous Year
Statewide Funding Amounts**

Program	FY 21/22 Approved Budget	FY 22/23 Proposed Budget (January)	FY 22/23 Proposed Budget (May Revise)	FY 22/23 Proposed Budget (AB 154/SB 154)
AB 617 – Implementation	\$50M	\$50M	\$50M	\$300M
AB 617 – Incentives	\$260M	\$180M	\$200M	
AB 617 – Community Grants	\$10M	\$10M	\$10M	
Clean Vehicle Rebate	\$525M	\$0	\$425M	*
Clean Truck & Bus	\$315M	\$600M	\$600M	*
Ag Diesel Engine Replacement	\$213M	\$150M	\$150M	*
Clean Cars For All/ School Bus/Equity	\$150M	\$256M	\$430M	*
AB 836 – Clean Air Centers	\$25M	\$0	\$0	\$0
Prescribed Fire	\$2M	\$2M	\$2M	*
Carl Moyer Program	\$247M	\$130M	\$130M	\$130M
Zero-Emission Lawn and Garden	\$30M	\$0	\$0	\$0
Woodstove Replacement	\$5M	\$0	\$0	\$0
Port and Freight Goods Movement Infrastructure		\$1.2B	\$1.2B	\$1.2B (over two years)
ZEV Port Equipment		\$875M	\$875M	
ZEV Drayage and Transit Bus		\$935M	\$935M	*
Long Duration Energy Storage		\$380M (over two years)	\$380M (over two years)	*
Low-Income Residential Decarbonization		\$622M (over two years)	\$622M (over two years)	*
Consumer Rebates for Residential Decarbonization		\$300M (over two years)	\$300M (over two years)	*

**Deferred to
Summer '22*

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 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: civil penalties: refineries.
- AB 2214 (C. Garcia and Lee) – California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.
- AB 2721 (Lee) – Bay Area Air Quality Management District: district board: compensation.

The Air District is also co-sponsoring the following bills:

- AB 2836 (E. Garcia) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

DISCUSSION

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

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

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 any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under current law, a person who violates this

provision, or any other statute, rule, regulation, permit, or order, as provided, 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 violator 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 requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs. Current law precludes prosecution under specified statutes if civil penalties are recovered for the same offense. This bill would make a person who violates the above 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, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified.

Current Status: AB 1897 was introduced by Assemblymember Wicks on February 9, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 41-25. With the first house completed, AB 1897 has been ordered to the Senate and is currently pending referral.

AB 2214 (C. Garcia and Lee) - California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

CapitolTrack Bill Summary: Current 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. Current 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. Current law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received. This bill would impose those prohibitions, and related requirements, on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools, as provided. The bill would apply the Phase I environmental assessment requirements to charter schools and private schools, without conditioning the requirements on the receipt of state funds.

Current Status: AB 2214 was introduced by Assembly Members Cristina Garcia and Alex Lee on February 15, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 23, 2022, where it received a vote in favor of 50-19. With the first house completed, AB 2214 has been ordered to the Senate and has been double-referred to Senate Committees on Environmental Quality and Education - hearing schedule pending.

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

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. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on April 18, 2022, where it received a vote in favor of 66-3. With the first house completed, AB 2721 was ordered to the Senate and has been double-referred to Senate Committees on Environmental Quality and Governance & Finance. The bill was heard in Senate Environmental Quality on June 1, 2022, where it received a vote in favor of 5:0. Scheduled hearing for Senate Governance & Finance Committee pending.

AB 2836 (E. Garcia) - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

CapitolTrack Summary: Current law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Current law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2033.

Current Status: AB 2836 was introduced by Assemblymember Eduardo Garcia on February 18, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 25, 2022, where it received a vote in favor of 65-0. With the first house completed, AB 2836 has been ordered to the Senate and is currently pending referral.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. AB 1897 (Wicks) - Bill Text - As Amended on April 27, 2022
2. AB 2214 (C. Garcia and Lee) - Bill Text - As Amended on April 25, 2022
3. AB 2721 (Lee) - Bill Text - As Amended on March 10, 2022
4. AB 2836 (E. Garcia) - Bill Text - As Amended on May 19, 2022

AMENDED IN ASSEMBLY APRIL 27, 2022

AMENDED IN ASSEMBLY APRIL 20, 2022

AMENDED IN ASSEMBLY APRIL 7, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

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~~ *Sections 42402.6 and 42412* to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under existing law, a person who violates this ~~provision is guilty of a misdemeanor, as specified, or provision, or any other statute, rule, regulation, permit, or order, as provided,~~ 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 violator~~ 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 requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs.* 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~~ *the above* 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, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified. 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 require civil penalties collected pursuant to this provision, above the costs of prosecution, to be expended to mitigate the effects of air pollution in communities affected by the violation. 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. *The bill would authorize the Attorney General, a district attorney, or an attorney for the district in which the violation occurs who prevails in a civil action for a violation of the above provisions, or any other statute, rule, regulation, permit, or order, as provided, to recover the actual costs of investigation, expert witness fees, and reasonable attorney’s fees.*

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 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, 42402.4,
- 5 or 42402.6 precludes prosecution under Section 42400, 42400.1,
- 6 42400.2, 42400.3, 42400.3.5, or 42400.4 for the same offense.

1 When a district refers a violation to a prosecuting agency, the filing
2 of a criminal complaint is grounds requiring the dismissal of a
3 civil action brought pursuant to this article for the same offense.

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

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

10 42402. (a) Except as provided in Sections 42402.1, 42402.2,
11 42402.3, 42402.4, and 42402.6, a person who violates this part,
12 an order issued pursuant to Section 42316, or 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 five
17 thousand dollars (\$5,000).

18 (b) (1) A person who violates a provision of this part, an order
19 issued pursuant to Section 42316, or a rule, regulation, permit, or
20 order of a district, including a district hearing board, or of the state
21 board issued pursuant to Part 1 (commencing with Section 39000)
22 to Part 4 (commencing with Section 41500), inclusive, is strictly
23 liable for a civil penalty of not more than ten thousand dollars
24 (\$10,000).

25 (2) (A) If a civil penalty in excess of five thousand dollars
26 (\$5,000) for each day in which a violation occurs is sought, there
27 is no liability under this subdivision if the person accused of the
28 violation alleges by affirmative defense and establishes that the
29 violation was caused by an act that was not the result of intentional
30 conduct or negligent conduct.

31 (B) Subparagraph (A) does not apply to a violation of a federally
32 enforceable requirement that occurs at a Title V source in a district
33 in which a Title V permit program has been fully approved.

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

38 (c) A person who owns or operates a source of air contaminants
39 in violation of Section 41700 that causes actual injury, as defined
40 in subdivision (d) of Section 42400, to the health and safety of a

1 considerable number of persons or the public, is liable for a civil
2 penalty of not more than fifteen thousand dollars (\$15,000).

3 (d) Each day during a portion of which a violation occurs is a
4 separate offense.

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

7 42402.1. (a) Except as provided in Section 42402.6, a person
8 who negligently emits an air contaminant in violation of this part
9 or a rule, regulation, permit, or order of the state board or of a
10 district, including a district hearing board, pertaining to emission
11 regulations or limitations is liable for a civil penalty of not more
12 than twenty-five thousand dollars (\$25,000).

13 (b) A person who negligently emits an air contaminant in
14 violation of Section 41700 that causes great bodily injury, as
15 defined in subdivision (f) of Section 12022.7 of the Penal Code,
16 to a person or that causes the death of a person, is liable for a civil
17 penalty of not more than one hundred thousand dollars (\$100,000).

18 (c) Each day during a portion of which a violation occurs is a
19 separate offense.

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

22 42402.2. (a) Except as provided in Section 42402.6, a person
23 who emits an air contaminant in violation of a provision of this
24 part, or a rule, regulation, permit, or order of the state board or of
25 a district, including a district hearing board, pertaining to emission
26 regulations or limitations, and who knew of the emission and failed
27 to take corrective action, as defined in subdivision (b) of Section
28 42400.2, within a reasonable period of time under the
29 circumstances, is liable for a civil penalty of not more than forty
30 thousand dollars (\$40,000).

31 (b) A person who owns or operates a source of air contaminants
32 in violation of Section 41700 that causes great bodily injury, as
33 defined in subdivision (f) of Section 12022.7 of the Penal Code,
34 to a person or that causes the death of a person, and who knew of
35 the emission and failed to take corrective action, as defined in
36 subdivision (b) of Section 42400.2, within a reasonable period of
37 time under the circumstances, is liable for a civil penalty not to
38 exceed two hundred fifty thousand dollars (\$250,000).

39 (c) Each day during a portion of which a violation occurs is a
40 separate offense.

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

3 42402.3. (a) Except as provided in Section 42402.6, a person
4 who willfully and intentionally emits an air contaminant in
5 violation of this part or a rule, regulation, permit, or order of the
6 state board, or of a district, including a district hearing board,
7 pertaining to emission regulations or limitations, is liable for a
8 civil penalty of not more than seventy-five thousand dollars
9 (\$75,000).

10 (b) A person who willfully and intentionally, or with reckless
11 disregard for the risk of great bodily injury, as defined in
12 subdivision (f) of Section 12022.7 of the Penal Code, to, or death
13 of, a person, emits an air contaminant in violation of Section 41700
14 that results in an unreasonable risk of great bodily injury to, or
15 death of, a person, is liable for a civil penalty of not more than one
16 hundred twenty-five thousand dollars (\$125,000). If the violator
17 is a corporation, the maximum penalty may be up to five hundred
18 thousand dollars (\$500,000).

19 (c) A person who willfully and intentionally, or with reckless
20 disregard for the risk of great bodily injury, as defined in
21 subdivision (f) of Section 12022.7 of the Penal Code, to, or death
22 of, a person, emits an air contaminant in violation of Section 41700
23 that causes great bodily injury, as defined in subdivision (f) of
24 Section 12022.7 of the Penal Code, to a person or that causes the
25 death of a person, is liable for a civil penalty of not more than two
26 hundred fifty thousand dollars (\$250,000). If the violator is a
27 corporation, the maximum penalty may be up to one million dollars
28 (\$1,000,000).

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

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

33 42402.6. (a) (1) A person is liable for a civil penalty of not
34 more than thirty thousand dollars (\$30,000) if the person violates
35 Section 41700 and all of the following occur:

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

37 (ii) For purposes of this subparagraph, "refinery" means an
38 establishment that is located on one or more contiguous or adjacent
39 properties that produces gasoline, diesel fuel, aviation fuel,
40 lubricating oil, asphalt, petrochemical feedstock, or other similar

1 product through the processing of crude oil or alternative feedstock,
2 redistillation of unfinished petroleum derivatives, cracking, or
3 other processes.

4 (B) The discharge results in a disruption to the community,
5 including, but not limited to, residential displacement, shelter in
6 place, evacuation, or destruction of property.

7 (C) The discharge contains or includes one or more toxic air
8 contaminants, as identified by the state board pursuant to Section
9 39657.

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

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

17 (c) If a violation of subdivision (a) continues to occur subsequent
18 to the initial date of the violation, the civil penalty described in
19 Section 42402, 42402.1, 42402.2, or 42402.3 shall apply to those
20 subsequent days.

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

25 (e) Civil penalties collected pursuant to this section above the
26 costs of prosecution shall be expended to mitigate the effects of
27 air pollution in communities affected by the violation.

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

30 42403. (a) The civil penalties prescribed in Sections 39674,
31 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be
32 assessed and recovered in a civil action brought in the name of the
33 people of the State of California by the Attorney General, by a
34 district attorney, or by the attorney for the district in which the
35 violation occurs in a court of competent jurisdiction.

36 (b) In determining the amount of the civil penalty assessed, the
37 court, or in reaching a settlement, the district, shall take into
38 consideration all relevant circumstances, including, but not limited
39 to, the following:

40 (1) The extent of harm caused by the violation.

- 1 (2) The nature and persistence of the violation.
- 2 (3) The length of time over which the violation occurs.
- 3 (4) The frequency of past violations.
- 4 (5) The record of maintenance.
- 5 (6) The unproven or innovative nature of the control equipment.
- 6 (7) Action, if any, taken by the defendant, including the nature,
- 7 extent, and time of response of the cleanup and construction
- 8 undertaken, to mitigate the violation.
- 9 (8) The financial burden to the defendant.

10 *SEC. 8. Section 42412 is added to the Health and Safety Code,*
11 *to read:*

12 *42412. In any action brought pursuant to this article, a*
13 *prevailing plaintiff may recover its actual costs of investigation,*
14 *expert witness fees, and reasonable attorney's fees.*

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AMENDED IN ASSEMBLY APRIL 25, 2022

AMENDED IN ASSEMBLY MARCH 31, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2214

Introduced by Assembly Members Cristina Garcia and Lee

February 15, 2022

An act to amend Sections 17212, 17213.1, and 17251 of, and to add Article 3 (commencing with Section 17235) to Chapter 1 of Part 10.5 of Division 1 of Title 1 of, the Education Code, and to amend Sections ~~21084, 21151.2, 21151.2~~ and 21151.8 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2214, as amended, Cristina Garcia. California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

(1) The California Environmental Quality Act (CEQA) 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. CEQA prohibits an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations, as provided.

Existing law requires the governing board of a school district, as a condition of receiving state funding under the Leroy F. Greene School Facilities Act of 1998, to conduct a Phase I environmental assessment of a proposed schoolsite before acquiring the site, as provided.

Existing law requires the State Department of Education, upon the request of the governing board of a school district, to advise the governing board on the acquisition of new schoolsites, as specified.

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 impose those prohibitions, and related requirements, on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools, as provided. The bill would apply the Phase I environmental assessment requirements to ~~school districts, charter schools,~~ *charter schools* and private schools, without conditioning the requirements on the receipt of state funds. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program.

~~(2) Under existing law, CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, and requires those guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are required to be exempt from CEQA.~~

~~This bill would prohibit a project that involves demolition, construction, or alteration of a public school, including a charter school, or a private school from being exempted from CEQA pursuant to those guidelines.~~

~~(3)~~

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so 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 17212 of the Education Code is amended
2 to read:

3 17212. (a) (1) The governing board of a school district, or the
4 governing body of a charter school, before acquiring any site on
5 which it proposes to construct any school building as defined in
6 Section 17283 shall have the site, or sites, under consideration
7 investigated by competent personnel to ensure that the final site
8 selection is determined by an evaluation of all factors affecting
9 the public interest and is not limited to selection on the basis of
10 raw land cost only. If the prospective schoolsite is located within
11 the boundaries of any special studies zone or within an area
12 designated as geologically hazardous in the safety element of the
13 local general plan as provided in subdivision (g) of Section 65302
14 of the Government Code, the investigation shall include any
15 geological and soil engineering studies by competent personnel
16 needed to provide an assessment of the nature of the site and
17 potential for earthquake or other geologic hazard damage.

18 (2) The geological and soil engineering studies of the site shall
19 be of a nature that will preclude siting of a school in any location
20 where the geological and site characteristics are such that the
21 construction effort required to make the school building safe for
22 occupancy is economically unfeasible. No studies are required to
23 be made if the site or sites under consideration have been the
24 subject of adequate prior studies. The evaluation shall also include
25 location of the site with respect to population, transportation, water
26 supply, waste disposal facilities, utilities, traffic hazards, surface
27 drainage conditions, and other factors affecting the operating costs,
28 as well as the initial costs, of the total project.

29 (b) For the purposes of this article, “special studies zone” means
30 an area that is identified as a special studies zone on any map, or
31 maps, compiled by the State Geologist pursuant to Chapter 7.5

1 (commencing with Section 2621) of Division 2 of the Public
2 Resources Code.

3 SEC. 2. Section 17213.1 of the Education Code is amended to
4 read:

5 ~~17213.1. The governing board of a school district, the~~
6 ~~governing~~

7 *17213.1. As a condition of receiving state funding pursuant to*
8 *Chapter 12.5 (commencing with Section 17070.10), the governing*
9 *board of a school district shall comply with subdivision (a), and*
10 *is not required to comply with subdivision (a) of Section 17213,*
11 *before acquiring a schoolsite, or if the school district owns or*
12 *leases a schoolsite, before the construction of a project. The*
13 *governing body of a charter school, school or the governing body*
14 *of a private school shall comply with subdivision (a), before*
15 *acquiring a schoolsite, or if the school district, charter school,*
16 *charter school or private school owns or leases a schoolsite, before*
17 *the construction of a project.*

18 (a) Before acquiring a schoolsite, the governing board or body
19 shall contract with an environmental assessor to supervise the
20 preparation of, and sign, a Phase I environmental assessment of
21 the proposed schoolsite unless the governing board or body decides
22 to proceed directly to a preliminary endangerment assessment, in
23 which case it shall comply with paragraph (4).

24 (1) The Phase I environmental assessment shall contain one of
25 the following recommendations:

- 26 (A) A further investigation of the site is not required.
- 27 (B) A preliminary endangerment assessment is needed, including
- 28 sampling or testing, to determine the following:
- 29 (i) If a release of hazardous material has occurred and, if so, the
- 30 extent of the release.
- 31 (ii) If there is the threat of a release of hazardous materials.
- 32 (iii) If a naturally occurring hazardous material is present.

33 (2) If the Phase I environmental assessment concludes that
34 further investigation of the site is not required, the signed
35 assessment, proof that the environmental assessor meets the
36 qualifications specified in subdivision (b) of Section 17210, and
37 the renewal fee shall be submitted to the Department of Toxic
38 Substances Control. The Department of Toxic Substances Control
39 shall conduct its review and approval, within 30 calendar days of
40 its receipt of that assessment, proof of qualifications, and the

1 renewal fee. In those instances in which the Department of Toxic
2 Substances Control requests additional information after receipt
3 of the Phase I environmental assessment pursuant to paragraph
4 (3), the Department of Toxic Substances Control shall conduct its
5 review and approval within 30 calendar days of its receipt of the
6 requested additional information. If the Department of Toxic
7 Substances Control concurs with the conclusion of the Phase I
8 environmental assessment that a further investigation of the site
9 is not required, the Department of Toxic Substances Control shall
10 approve the Phase I environmental assessment and shall notify, in
11 writing, the State Department of Education and the governing
12 board of the school district, the governing body of the charter
13 school, or the governing body of the private school of the approval.

14 (3) If the Department of Toxic Substances Control determines
15 that the Phase I environmental assessment is not complete or
16 disapproves the Phase I environmental assessment, the department
17 shall inform the school district, charter school, or private school
18 of the decision, the basis for the decision, and actions necessary
19 to secure department approval of the Phase I environmental
20 assessment. The school district, charter school, or private school
21 shall take actions necessary to secure the approval of the Phase I
22 environmental assessment, elect to conduct a preliminary
23 endangerment assessment, or elect not to pursue the acquisition
24 or the construction project. To facilitate completion of the Phase
25 I environmental assessment, the information required by this
26 paragraph may be provided by telephonic or electronic means.

27 (4) (A) If the Department of Toxic Substances Control
28 concludes after its review of a Phase I environmental assessment
29 pursuant to this section that a preliminary endangerment assessment
30 is needed, the Department of Toxic Substances Control shall notify,
31 in writing, the State Department of Education and the governing
32 board of the school district, the governing body of the charter
33 school, or the governing body of the private school of that decision
34 and the basis for that decision. The school district, charter school,
35 or private school shall submit to the State Department of Education
36 the Phase I environmental assessment and requested additional
37 information, if any, that was reviewed by the Department of Toxic
38 Substances Control pursuant to that subparagraph. Submittal of
39 the Phase I assessment and additional information, if any, to the
40 State Department of Education shall be before the State Department

1 of Education issuance of final site or plan approvals affected by
2 that Phase I assessment.

3 (B) If the Phase I environmental assessment concludes that a
4 preliminary endangerment assessment is needed, or if the
5 Department of Toxic Substances Control concludes after it reviews
6 a Phase I environmental assessment pursuant to this section that
7 a preliminary endangerment assessment is needed, the school
8 district, charter school, or private school shall either contract with
9 an environmental assessor to supervise the preparation of, and
10 sign, a preliminary endangerment assessment of the proposed
11 schoolsite and enter into an agreement with the Department of
12 Toxic Substances Control to oversee the preparation of the
13 preliminary endangerment assessment or elect not to pursue the
14 acquisition or construction project. The agreement entered into
15 with the Department of Toxic Substances Control may be entitled
16 an “Environmental Oversight Agreement” and shall reference this
17 paragraph. A school district, charter school, or private school may,
18 with the concurrence of the Department of Toxic Substances
19 Control, enter into an agreement with the Department of Toxic
20 Substances Control to oversee the preparation of a preliminary
21 endangerment assessment without first having prepared a Phase I
22 environmental assessment. Upon request from the school district,
23 charter school, or private school, the Director of Toxic Substances
24 Control shall exercise its authority to designate a person to enter
25 the site and inspect and obtain samples pursuant to Section 25358.1
26 of the Health and Safety Code, if the director determines that the
27 exercise of that authority will assist in expeditiously completing
28 the preliminary endangerment assessment. The preliminary
29 endangerment assessment shall contain one of the following
30 conclusions:

- 31 (i) A further investigation of the site is not required.
- 32 (ii) A release of hazardous materials has occurred, and if so, the
33 extent of the release, that there is the threat of a release of
34 hazardous materials, or that a naturally occurring hazardous
35 material is present, or any combination thereof.

36 (5) The school district, charter school, or private school shall
37 submit the preliminary endangerment assessment to the Department
38 of Toxic Substances Control for its review and approval and to
39 the State Department of Education for its files. The school district,
40 charter school, or private school may entitle a document that is

1 meant to fulfill the requirements of a preliminary endangerment
2 assessment a “preliminary environmental assessment” and that
3 document shall be deemed to be a preliminary endangerment
4 assessment if it specifically refers to the statutory provisions whose
5 requirements it intends to meet and the document meets the
6 requirements of a preliminary endangerment assessment.

7 (6) At the same time a school district, charter school, or private
8 school submits a preliminary endangerment assessment to the
9 Department of Toxic Substances Control pursuant to paragraph
10 (5), the school district, charter school, or private school shall
11 publish a notice that the assessment has been submitted to the
12 department in a local newspaper of general circulation, and shall
13 post the notice in a prominent manner at the proposed schoolsite
14 that is the subject of that notice. The notice shall state the school
15 district’s, charter school’s, or private school’s determination to
16 make the preliminary endangerment assessment available for public
17 review and comment pursuant to subparagraph (A) or ~~(B)~~: (C):

18 (A) If the school district, charter school, or private school
19 chooses to make the assessment available for public review and
20 comment pursuant to this subparagraph, it shall offer to receive
21 written comments for a period of at least 30 calendar days after
22 the assessment is submitted to the Department of Toxic Substances
23 Control, commencing on the date the notice is originally published,
24 and shall hold a public hearing to receive further comments. The
25 school district, charter school, or private school shall make all of
26 the following documents available to the public upon request
27 through the time of the public hearing:

- 28 (i) The preliminary endangerment assessment.
- 29 (ii) The changes requested by the Department of Toxic
30 Substances Control for the preliminary endangerment assessment,
31 if any.
- 32 (iii) Any correspondence between the school district, charter
33 school, or private school, and the Department of Toxic Substances
34 Control that relates to the preliminary endangerment assessment.

35 ~~For the~~
36 (B) ~~For the purposes of this subparagraph,~~ *subparagraph (A),*
37 *the notice of the public hearing shall include the date and location*
38 *of the public hearing, and the location where the public may review*
39 *the documents described in clauses (i) to (iii), inclusive: inclusive,*
40 *of subparagraph (A).* If the preliminary endangerment assessment

1 is revised or altered following the public hearing, the school
2 district, charter school, or private school shall make those revisions
3 or alterations available to the public. The school district, charter
4 school, or private school shall transmit a copy of all public
5 comments received by the school district, charter school, or private
6 school on the preliminary endangerment assessment to the
7 Department of Toxic Substances Control. The Department of Toxic
8 Substances Control shall complete its review of the preliminary
9 endangerment assessment and public comments received thereon
10 and shall either approve or disapprove the assessment within 30
11 calendar days of the close of the public review period. If the
12 Department of Toxic Substances Control determines that it is likely
13 to disapprove the assessment prior to its receipt of the public
14 comments, it shall inform the school district, charter school, or
15 private school of that determination and of any action that the
16 school district, charter school, or private school is required to take
17 for the Department of Toxic Substances Control to approve the
18 assessment.

19 ~~(B)~~

20 (C) If the school district, charter school, or private school
21 chooses to make the preliminary endangerment assessment
22 available for public review and comment pursuant to this
23 subparagraph, the Department of Toxic Substances Control shall
24 complete its review of the assessment within 60 calendar days of
25 receipt of the assessment and shall either return the assessment to
26 the school district, charter school, or private school with comments
27 and requested modifications or requested further assessment or
28 concur with the adequacy of the assessment pending review of
29 public comment. If the Department of Toxic Substances Control
30 concurs with the adequacy of the assessment, and the school
31 district, charter school, or private school proposes to proceed with
32 site acquisition or a construction project, the school district, charter
33 school, or private school shall make the assessment available to
34 the public on the same basis and at the same time it makes available
35 the draft environmental impact report or negative declaration
36 pursuant to the California Environmental Quality Act (Division
37 13 (commencing with Section 21000) of the Public Resources
38 Code) for the site, unless the document developed pursuant to the
39 California Environmental Quality Act (Division 13 (commencing
40 with Section 21000) of the Public Resources Code) will not be

1 made available until more than 90 days after the assessment is
2 approved, in which case the school district, charter school, or
3 private school shall, within 60 days of the approval of the
4 assessment, separately publish a notice of the availability of the
5 assessment for public review in a local newspaper of general
6 circulation. The school district, charter school, or private school
7 shall hold a public hearing on the preliminary endangerment
8 assessment and the draft environmental impact report or negative
9 declaration at the same time, pursuant to the California
10 Environmental Quality Act (Division 13 (commencing with Section
11 21000) of the Public Resources Code). All public comments
12 pertaining to the preliminary endangerment assessment shall be
13 forwarded to the Department of Toxic Substances Control
14 immediately. The Department of Toxic Substances Control shall
15 review the public comments forwarded by the school district,
16 charter school, or private school, and shall approve or disapprove
17 the preliminary endangerment assessment within 30 days of the
18 district's, charter school's, or private school's approval action of
19 the environmental impact report or the negative declaration.

20 (7) The school district, charter school, or private school shall
21 comply with the public participation requirements of Sections
22 25358.7 and 25358.7.1 of the Health and Safety Code and other
23 applicable provisions of the state act with respect to those response
24 actions only if further response actions beyond a preliminary
25 endangerment assessment are required and the school district,
26 charter school, or private school determines that it will proceed
27 with the acquisition or construction project.

28 (8) If the Department of Toxic Substances Control disapproves
29 the preliminary endangerment assessment, it shall inform the school
30 district, charter school, or private school of the decision, the basis
31 for the decision, and actions necessary to secure the Department
32 of Toxic Substances Control approval of the assessment. The
33 school district, charter school, or private school shall take actions
34 necessary to secure the approval of the Department of Toxic
35 Substances Control of the preliminary endangerment assessment
36 or elect not to pursue the acquisition or construction project.

37 (9) If the preliminary endangerment assessment determines that
38 a further investigation of the site is not required and the Department
39 of Toxic Substances Control approves this determination, it shall
40 notify the State Department of Education and the school district,

1 charter school, or private school of its approval. The school district,
2 charter school, or private school may then proceed with the
3 acquisition or construction project.

4 (10) If the preliminary endangerment assessment determines
5 that a release of hazardous material has occurred, that there is the
6 threat of a release of hazardous materials, that a naturally occurring
7 hazardous material is present, or any combination thereof, that
8 requires further investigation, and the Department of Toxic
9 Substances Control approves this determination, the school district,
10 charter school, or private school may elect not to pursue the
11 acquisition or construction project. If the school district, charter
12 school, or private school elects to pursue the acquisition or
13 construction project, it shall do all of the following:

14 (A) Prepare a financial analysis that estimates the cost of
15 response action that will be required at the proposed schoolsite.

16 (B) Assess the benefits that accrue from using the proposed
17 schoolsite when compared to the use of alternative schoolsites, if
18 any.

19 (C) Obtain the approval of the State Department of Education
20 that the proposed schoolsite meets the schoolsite selection standards
21 adopted by the State Department of Education pursuant to
22 subdivision (b) of Section 17251.

23 (D) Evaluate the suitability of the proposed schoolsite in light
24 of the recommended alternative schoolsite locations in order of
25 merit if the school district has requested the assistance of the State
26 Department of Education, based upon the standards of the State
27 Department of Education, pursuant to subdivision (a) of Section
28 17251.

29 (11) The school district, charter school, or private school shall
30 reimburse the Department of Toxic Substances Control for all of
31 the department's response costs.

32 (b) The costs incurred by the school districts when complying
33 with this section are allowable costs for purposes of an applicant
34 under Chapter 12.5 (commencing with Section 17070.10) of Part
35 10 and may be reimbursed in accordance with Section 17072.13.

36 (c) A school district, charter school, or private school that
37 releases a Phase I environmental assessment, a preliminary
38 endangerment assessment, or information concerning either of
39 these assessments, any of which is required by this section, may
40 not be held liable in any action filed against the school district,

1 charter school, or private school for making either of these
2 assessments available for public review.

3 (d) The changes made to this section by the act amending this
4 section during the 2001 portion of the 2001–02 Regular Session
5 do not apply to a schoolsite acquisition project or a school
6 construction project, if either of the following occurred on or before
7 the effective date of the act amending this section during the 2001
8 portion of the 2001–02 Regular Session:

9 (1) The final preliminary endangerment assessment for the
10 project was approved by the Department of Toxic Substances
11 Control pursuant to this section as this section read on the date of
12 the approval.

13 (2) The school district seeking state funding for the project
14 completed a public hearing for the project pursuant to this section,
15 as this section read on the date of the hearing.

16 ~~(e) The changes made to this section by Assembly Bill 2214 of
17 the 2021–22 Regular Session apply to a schoolsite acquisition
18 project or a schoolsite construction project pending approval before
19 a local or state agency on or before January 1, 2023, in addition
20 to a new schoolsite acquisition project or a schoolsite construction
21 project on or after January 1, 2023.~~

22 SEC. 3. Article 3 (commencing with Section 17235) is added
23 to Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education
24 Code, to read:

25

26 Article 3. Charter School and Private School Schoolsites

27

28 17235. (a) For purposes of this section, the following
29 definitions apply:

30 (1) “Administering agency” means an agency authorized
31 pursuant to Section 25502 of the Health and Safety Code to
32 implement and enforce Chapter 6.95 (commencing with Section
33 25500) of Division 20 of the Health and Safety Code.

34 (2) “Extremely hazardous substance” has the same meaning as
35 defined in paragraph (2) of subdivision (i) of Section 25532 of the
36 Health and Safety Code.

37 (3) “Facilities” means a source with a potential to use, generate,
38 emit, or discharge hazardous air pollutants, including, but not
39 limited to, pollutants that meet the definition of a hazardous
40 substance, and whose process or operation is identified as an

1 emission source pursuant to the most recent list of source categories
2 published by the State Air Resources Board.

3 (4) “Freeway or other busy traffic corridor” means those
4 roadways that, on an average day, have traffic in excess of 50,000
5 vehicles in a rural area, as defined in Section 50101 of the Health
6 and Safety Code, and 100,000 vehicles in an urban area, as defined
7 in Section 50104.7 of the Health and Safety Code.

8 (5) “Handle” has the same meaning as defined in Section 25501
9 of the Health and Safety Code.

10 (6) “Hazardous air emissions” means emissions into the ambient
11 air of air contaminants that have been identified as a toxic air
12 contaminant by the State Air Resources Board or by the air
13 pollution control officer for the jurisdiction in which the project
14 is located. As determined by the air pollution control officer,
15 hazardous air emissions also means emissions into the ambient air
16 from any substances identified in subdivisions (a) to (f), inclusive,
17 of Section 44321 of the Health and Safety Code.

18 (7) “Hazardous substance” has the same meaning as defined in
19 Section 25316 of the Health and Safety Code.

20 (8) “Hazardous waste” has the same meaning as defined in
21 Section 25117 of the Health and Safety Code.

22 (9) “Hazardous waste disposal site” has the same meaning as
23 “disposal site,” as defined in Section 25114 of the Health and
24 Safety Code.

25 (b) The governing body of a charter school or the governing
26 board of a private school shall not approve the acquisition or
27 purchase of a schoolsite, or the construction of a new elementary
28 or secondary school, by, or for use by, a charter school or a private
29 school unless all of the following occur:

30 (1) The city or county determines that the property proposed to
31 be acquired or purchased, or to be constructed upon, is not any of
32 the following:

33 (A) The site of a current or former hazardous waste disposal
34 site or solid waste disposal site, unless, if the site was a former
35 solid waste disposal site, the city or county concludes that the
36 wastes have been removed.

37 (B) A hazardous substance release site identified by the
38 Department of Toxic Substances Control in a current list adopted
39 pursuant to Section 25356 of the Health and Safety Code for

1 removal or remedial action pursuant to Chapter 6.8 (commencing
2 with Section 25300) of Division 20 of the Health and Safety Code.

3 (C) A site that contains one or more pipelines, situated
4 underground or aboveground, that carry hazardous substances,
5 extremely hazardous substances, or hazardous wastes, unless the
6 pipeline is a natural gas line that is used only to supply natural gas
7 to that school or neighborhood, or other nearby schools.

8 (2) (A) The governing body or board has notified in writing
9 and consulted with the administering agency in which the proposed
10 schoolsite is located, and with any air pollution control district or
11 air quality management district having jurisdiction in the area, to
12 identify both permitted and nonpermitted facilities within that
13 district's authority, including, but not limited to, freeways or other
14 busy traffic corridors, large agricultural operations, and railyards,
15 within one-fourth of one mile of the proposed schoolsite, that might
16 reasonably be anticipated to emit hazardous emissions or handle
17 hazardous or extremely hazardous substances or waste. The
18 notification by the governing body or board shall include a list of
19 the locations for which information is sought.

20 (B) Each administering agency, air pollution control district, or
21 air quality management district receiving written notification from
22 a governing body or board to identify facilities pursuant to
23 subparagraph (A) shall provide the requested information and
24 provide a written response to the governing body or board within
25 30 days of receiving the notification.

26 (3) The city or county makes one of the following written
27 findings:

28 (A) Consultation identified no facilities of the type specified in
29 paragraph (2) or other significant pollution sources.

30 (B) One or more facilities specified in paragraph (2) or other
31 pollution sources exist, but one of the following conditions applies:

32 (i) The health risks from the facilities or other pollution sources
33 do not and will not constitute an actual or potential endangerment
34 of public health to persons who would attend or be employed at
35 the proposed school.

36 (ii) Corrective measures required under an existing order by
37 another agency having jurisdiction over the facilities or other
38 pollution sources will, before the school is occupied, result in the
39 mitigation of all chronic or accidental hazardous air emissions to
40 levels that do not constitute an actual or potential endangerment

1 of public health to persons who would attend or be employed at
2 the proposed school. If the city or county makes a finding pursuant
3 to this clause, it shall also make a subsequent finding, before
4 occupancy of the school, that the emissions have been so mitigated.

5 (iii) For a schoolsite with a boundary that is within 500 feet of
6 the edge of the closest traffic lane of a freeway or other busy traffic
7 corridor, the city or county determines, through analysis pursuant
8 to paragraph (2) of subdivision (b) of Section 44360 of the Health
9 and Safety Code, based on appropriate air dispersion modeling,
10 and after considering any potential mitigation measures, that the
11 air quality at the proposed site is such that neither short-term nor
12 long-term exposure poses significant health risks to pupils.

13 (C) One or more facilities specified in paragraph (2) or other
14 pollution sources exist, but conditions in clause (i), (ii), or (iii) of
15 subparagraph (B) cannot be met, and the charter school or private
16 school is unable to locate an alternative site that is suitable due to
17 a severe shortage of sites that meet the requirements in this section.

18 SEC. 4. Section 17251 of the Education Code is amended to
19 read:

20 17251. The department shall:

21 (a) Upon the request of the governing board of a school district
22 or the governing body of a charter school, advise the governing
23 board of the school district or the governing body of the charter
24 school on the acquisition of new schoolsites and, after a review of
25 available plots, give the governing board of the school district or
26 the governing body of the charter school in writing a list of the
27 recommended locations in the order of their merit, considering
28 especially the matters of educational merit, safety, reduction of
29 traffic hazards, and conformity to the land use element in the
30 general plan of the city, county, or city and county having
31 jurisdiction. The governing board of the school district or the
32 governing body of the charter school may purchase a site deemed
33 unsuitable for school purposes by the department only after
34 reviewing the report of the department on proposed sites at a public
35 hearing. The department shall charge the school district or charter
36 school a reasonable fee for each schoolsite reviewed not to exceed
37 the actual administrative costs incurred for that purpose.

38 (b) Develop standards for use by a school district or charter
39 school in the selection of schoolsites, in accordance with the
40 objectives set forth in subdivision (a). The department shall

1 investigate complaints of noncompliance with site selection
2 standards, and shall notify the governing board of the school district
3 or the governing body of the charter school of the results of the
4 investigation. If that notification is received before the acquisition
5 of the site, the governing board of the school district or the
6 governing body of the charter school shall discuss the findings of
7 the investigation in a public hearing.

8 (c) Establish standards for use by school districts and charter
9 schools to ensure that the design and construction of school
10 facilities are educationally appropriate, promote school safety, and
11 provide school districts and charter schools with flexibility in
12 designing instructional facilities.

13 (d) Upon the request of the governing board of a school district
14 or the governing body of a charter school, review plans and
15 specifications for school buildings in the school district or charter
16 school. The department shall charge the school district or charter
17 school, for the review of plans and specifications, a reasonable fee
18 not to exceed the actual administrative costs incurred for that
19 purpose.

20 (e) Upon the request of the governing board of a school district
21 or the governing body of a charter school, make a survey of the
22 building needs of the school district or charter school, advise the
23 governing board of the school district or the governing body of
24 the charter school concerning the building needs, and suggest plans
25 for financing a building program to meet the needs. The department
26 shall charge the school district or charter school, for the cost of
27 the survey, a reasonable fee not to exceed the actual administrative
28 costs incurred for that purpose.

29 (f) Provide information relating to the impact or potential impact
30 upon a schoolsite of hazardous substances, solid waste, safety,
31 hazardous air emissions, and other information as the department
32 may deem appropriate.

33 (g) (1) Develop strategies to assist small school districts with
34 technical assistance relating to school construction and the funding
35 of school facilities. The strategies may include informing those
36 small school districts of how to receive the approval required for
37 school construction, including the requirements of the Division of
38 the State Architect, and how to secure state funding, including
39 from the state bond funds made available pursuant to the Leroy F.

1 Greene School Facilities Act of 1998 (Chapter 12.5 (commencing
2 with Section 17070.10) of Part 10).

3 (2) For purposes of this subdivision, “small school district”
4 means a school district with fewer than 2,501 units of average
5 daily attendance.

6 ~~SEC. 5. Section 21084 of the Public Resources Code is~~
7 ~~amended to read:~~

8 21084. (a) ~~The guidelines prepared and adopted pursuant to~~
9 ~~Section 21083 shall include a list of classes of projects that have~~
10 ~~been determined not to have a significant effect on the environment~~
11 ~~and that shall be exempt from this division. In adopting the~~
12 ~~guidelines, the Secretary of the Natural Resources Agency shall~~
13 ~~make a finding that the listed classes of projects referred to in this~~
14 ~~section do not have a significant effect on the environment.~~

15 (b) ~~A project’s greenhouse gas emissions shall not, in and of~~
16 ~~themselves, be deemed to cause an exemption adopted pursuant~~
17 ~~to subdivision (a) to be inapplicable if the project complies with~~
18 ~~all applicable regulations or requirements adopted to implement~~
19 ~~statewide, regional, or local plans consistent with Section 15183.5~~
20 ~~of Title 14 of the California Code of Regulations.~~

21 (c) ~~A project that may result in damage to scenic resources,~~
22 ~~including, but not limited to, trees, historic buildings, rock~~
23 ~~outcroppings, or similar resources, within a highway designated~~
24 ~~as an official state scenic highway, pursuant to Article 2.5~~
25 ~~(commencing with Section 260) of Chapter 2 of Division 1 of the~~
26 ~~Streets and Highways Code, shall not be exempted from this~~
27 ~~division pursuant to subdivision (a). This subdivision does not~~
28 ~~apply to improvements as mitigation for a project for which a~~
29 ~~negative declaration has been approved or an environmental impact~~
30 ~~report has been certified.~~

31 (d) ~~A project located on a site that is included on any list~~
32 ~~compiled pursuant to Section 65962.5 of the Government Code~~
33 ~~shall not be exempted from this division pursuant to subdivision~~
34 ~~(a).~~

35 (e) ~~A project that may cause a substantial adverse change in the~~
36 ~~significance of a historical resource, as specified in Section~~
37 ~~21084.1, shall not be exempted from this division pursuant to~~
38 ~~subdivision (a).~~

39 (f) ~~A project that involves demolition, construction, or alteration~~
40 ~~of a public school, including a charter school, or a private school~~

1 shall not be exempted from this division pursuant to subdivision
2 (a):

3 ~~SEC. 6.~~

4 *SEC. 5.* Section 21151.2 of the Public Resources Code is
5 amended to read:

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

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

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

20 (d) If the report does not favor the acquisition of the property
21 for a schoolsite, or for an addition to a present schoolsite, the
22 governing board or body of the school district, charter school, or
23 private school shall not acquire title to the property until 30 days
24 after the commission's report is received.

25 ~~SEC. 7.~~

26 *SEC. 6.* Section 21151.8 of the Public Resources Code is
27 amended to read:

28 21151.8. (a) A lead agency shall not certify an environmental
29 impact report or approve a negative declaration for a project
30 involving the purchase of a schoolsite or the construction of a new
31 elementary or secondary school by a school district, a charter
32 school, or a private school unless all of the following occur:

33 (1) The environmental impact report or negative declaration
34 includes information that is needed to determine if the property
35 proposed to be purchased, or to be constructed upon, is any of the
36 following:

37 (A) The site of a current or former hazardous waste disposal
38 site or solid waste disposal site and, if so, whether the wastes have
39 been removed.

1 (B) A hazardous substance release site identified by the
2 Department of Toxic Substances Control in a current list adopted
3 pursuant to Section 25356 of the Health and Safety Code for
4 removal or remedial action pursuant to Chapter 6.8 (commencing
5 with Section 25300) of Division 20 of the Health and Safety Code.

6 (C) A site that contains one or more pipelines, situated
7 underground or aboveground, that carries hazardous substances,
8 extremely hazardous substances, or hazardous wastes, unless the
9 pipeline is a natural gas line that is used only to supply natural gas
10 to that school or neighborhood, or other nearby schools.

11 (D) A site that is within 500 feet of the edge of the closest traffic
12 lane of a freeway or other busy traffic corridor.

13 (2) (A) The lead agency in preparing the environmental impact
14 report or negative declaration has notified in writing and consulted
15 with the administering agency in which the proposed schoolsite
16 is located, pursuant to Section 2735.3 of Title 19 of the California
17 Code of Regulations, and with any air pollution control district or
18 air quality management district having jurisdiction in the area, to
19 identify both permitted and nonpermitted facilities within that
20 district's authority, including, but not limited to, freeways or other
21 busy traffic corridors, large agricultural operations, and railyards,
22 within one-fourth of one mile of the proposed schoolsite, that might
23 reasonably be anticipated to emit hazardous emissions or handle
24 hazardous or extremely hazardous substances or waste. The
25 notification by the lead agency shall include a list of the locations
26 for which information is sought.

27 (B) Each administering agency, air pollution control district, or
28 air quality management district receiving written notification from
29 a lead agency to identify facilities pursuant to subparagraph (A)
30 shall provide the requested information and provide a written
31 response to the lead agency within 30 days of receiving the
32 notification. The environmental impact report or negative
33 declaration shall be conclusively presumed to comply with
34 subparagraph (A) as to the area of responsibility of an agency that
35 does not respond within 30 days.

36 (C) If the lead agency has carried out the consultation required
37 by subparagraph (A), the environmental impact report or the
38 negative declaration shall be conclusively presumed to comply
39 with subparagraph (A), notwithstanding any failure of the

1 consultation to identify an existing facility or other pollution source
2 specified in subparagraph (A).

3 (3) The lead agency makes one of the following written findings:

4 (A) Consultation identified no facilities of this type or other
5 significant pollution sources specified in paragraph (2).

6 (B) The facilities or other pollution sources specified in
7 paragraph (2) exist, but one of the following conditions applies:

8 (i) The health risks from the facilities or other pollution sources
9 do not and will not constitute an actual or potential endangerment
10 of public health to persons who would attend or be employed at
11 the proposed school.

12 (ii) Corrective measures required under an existing order by
13 another agency having jurisdiction over the facilities or other
14 pollution sources will, before the school is occupied, result in the
15 mitigation of all chronic or accidental hazardous air emissions to
16 levels that do not constitute an actual or potential endangerment
17 of public health to persons who would attend or be employed at
18 the proposed school. If the lead agency makes a finding pursuant
19 to this clause, it shall also make a subsequent finding, before
20 occupancy of the school, that the emissions have been so mitigated.

21 (iii) For a schoolsite with a boundary that is within 500 feet of
22 the edge of the closest traffic lane of a freeway or other busy traffic
23 corridor, the lead agency determines, through analysis pursuant to
24 paragraph (2) of subdivision (b) of Section 44360 of the Health
25 and Safety Code, based on appropriate air dispersion modeling,
26 and after considering any potential mitigation measures, that the
27 air quality at the proposed site is such that neither short-term nor
28 long-term exposure poses significant health risks to pupils.

29 (C) The facilities or other pollution sources specified in
30 paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of
31 subparagraph (B) cannot be met, and the lead agency is unable to
32 locate an alternative site that is suitable due to a severe shortage
33 of sites that meet the requirements in subdivision (a) of Section
34 17213 of the Education Code. If the lead agency makes this finding,
35 the lead agency shall adopt a statement of overriding considerations
36 pursuant to Section 15093 of Title 14 of the California Code of
37 Regulations.

38 (b) For purposes of this section, the following definitions apply:

39 (1) "Administering agency" means an agency authorized
40 pursuant to Section 25502 of the Health and Safety Code to

1 implement and enforce Chapter 6.95 (commencing with Section
2 25500) of Division 20 of the Health and Safety Code.

3 (2) “Extremely hazardous substances” means an extremely
4 hazardous substance, as defined pursuant to paragraph (2) of
5 subdivision (i) of Section 25532 of the Health and Safety Code.

6 (3) “Facilities” means a source with a potential to use, generate,
7 emit, or discharge hazardous air pollutants, including, but not
8 limited to, pollutants that meet the definition of a hazardous
9 substance, and whose process or operation is identified as an
10 emission source pursuant to the most recent list of source categories
11 published by the State Air Resources Board.

12 (4) “Freeway or other busy traffic corridor” means those
13 roadways that, on an average day, have traffic in excess of 50,000
14 vehicles in a rural area, as defined in Section 50101 of the Health
15 and Safety Code, and 100,000 vehicles in an urban area, as defined
16 in Section 50104.7 of the Health and Safety Code.

17 (5) “Handle” means handle as defined in Article 1 (commencing
18 with Section 25500) of Chapter 6.95 of Division 20 of the Health
19 and Safety Code.

20 (6) “Hazardous air emissions” means emissions into the ambient
21 air of air contaminants that have been identified as a toxic air
22 contaminant by the State Air Resources Board or by the air
23 pollution control officer for the jurisdiction in which the project
24 is located. As determined by the air pollution control officer,
25 hazardous air emissions also means emissions into the ambient air
26 from any substances identified in subdivisions (a) to (f), inclusive,
27 of Section 44321 of the Health and Safety Code.

28 (7) “Hazardous substance” means a substance defined in Section
29 25316 of the Health and Safety Code.

30 (8) “Hazardous waste” means a waste defined in Section 25117
31 of the Health and Safety Code.

32 (9) “Hazardous waste disposal site” means a site defined in
33 Section 25114 of the Health and Safety Code.

34 ~~SEC. 8.~~

35 *SEC. 7.* No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or
39 level of service mandated by this act, within the meaning of Section
40 17556 of the Government Code.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O

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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AMENDED IN ASSEMBLY MAY 19, 2022
AMENDED IN ASSEMBLY MARCH 30, 2022
AMENDED IN ASSEMBLY MARCH 24, 2022
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2836

Introduced by Assembly Member Eduardo Garcia

February 18, 2022

An act to amend Sections ~~40612~~, 41081, 44225, 44229, 44275, 44280, 44281, 44282, 44283, and 44287 ~~of of~~, and to amend and repeal Section 40612 of, the Health and Safety Code, to amend Sections 42885 and 42889 of the Public Resources Code, and to amend Section 9250.2 of the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2836, as amended, Eduardo Garcia. Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

(1) Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Existing law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any

marine vessel and any other category necessary for the state and air districts to meet air quality goals.

This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, ~~2033~~. 2034.

(2) Existing law authorizes the Sacramento Metropolitan Air Quality Management District to adopt a surcharge on motor vehicle registration fees applicable to all motor vehicles registered in counties within the district. Existing law, until January 1, 2024, raises the limit on the amount of that surcharge from \$4 to \$6 and requires that \$2 of the surcharge be used to implement the Carl Moyer Program, among other programs. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by the district, and requires the department, after deducting its administrative costs, to distribute the revenues to the district. Beginning January 1, 2024, existing law returns the surcharge limit to its previous amount of \$4.

This bill would extend the authorization to increase the surcharge to \$6 until January 1, ~~2033~~. 2034.

(3) Existing law authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge on the registration fees for motor vehicles registered in the air district, as specified by the governing body of the air district. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by an air district, and requires the department, after deducting its administrative costs, to distribute the revenues to the air districts. Existing law, until January 1, 2024, raises the limit on the amount of that surcharge from \$4 to \$6 and requires that \$2 of the surcharge be used to implement the Carl Moyer Program, among other programs. Beginning January 1, 2024, existing law returns the surcharge limit to its previous amount of \$4. Existing law authorizes the San Joaquin Valley Unified Air Pollution Control District to increase the surcharge up to, but not exceeding, \$30 for incentive-based programs to achieve surplus emissions reductions, as specified, and authorizes an adopted increased surcharge to be charged in any fiscal years 2009–10 to 2023–24, inclusive.

This bill would extend the authorization to increase the surcharge to \$6 until January 1, ~~2033~~. 2034. The bill would ~~also~~ *also*, until June 30, 2034, extend the authorization for the San Joaquin Valley Unified Air Pollution Control District to charge an adopted increased surcharge up to, but not exceeding, \$30, through fiscal year ~~2032–33~~. 2033–34.

(4) Existing law imposes, until January 1, 2024, a California tire fee of \$1.75 per tire on a person who purchases a new tire, with the revenues generated to be allocated for prescribed purposes related to disposal and use of used tires. Existing law requires that \$0.75 per tire on which the fee is imposed be deposited in the Air Pollution Control Fund with these moneys to be available upon appropriation by the Legislature for use by the state board and air districts for specified purposes. Existing law reduces the tire fee to \$0.75 per tire on and after January 1, 2024.

This bill would extend the collection of the tire fee at \$1.75 per tire until January 1, ~~2033~~, 2034, and would therefore impose a tax.

(5) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. 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 40612 of the Health and Safety Code is
2 amended to read:
3 40612. (a) In order to provide funding for air pollution control
4 programs needed to achieve and maintain state and federal air
5 quality, the district may do both of the following:
6 (1) Notwithstanding the limits on the amount of the motor
7 vehicle fee specified in Sections 44223 and 44225, increase the
8 fee established pursuant to these sections to up to, but not
9 exceeding, thirty dollars (\$30) per motor vehicle per year for the
10 purposes of establishing and implementing incentive-based
11 programs to achieve surplus emissions reductions that the district
12 determines are needed to remediate air pollution harms created by
13 motor vehicles on which the fee is imposed and that are intended
14 to achieve and maintain state and federal ambient air quality
15 standards required by the federal Clean Air Act (42 U.S.C. Sec.
16 7401 et seq.). Except for the amount of the fee, any increase shall
17 be subject to Chapter 7 (commencing with Section 44220) of Part
18 5, including, but not limited to, the adoption of a resolution
19 providing for both the fee increase and a corresponding program

1 for expenditure of the moneys raised by the increased fees for the
2 reduction of mobile source emissions.

3 (2) Notwithstanding Section 40717.9, adopt rules and regulations
4 to reduce vehicle trips in order to reduce air pollution from
5 vehicular sources.

6 (b) Fees adopted pursuant to this section are in addition to any
7 other fees imposed by the district, and may be charged in any of
8 fiscal years 2009–10 to ~~2032–33~~, 2033–34, inclusive. Fees may
9 be assessed after the 2012–13 fiscal year only if the United States
10 Environmental Protection Agency approves the district’s proposed
11 reclassification of its nonattainment status for ozone from severe
12 to extreme. The fees adopted pursuant to this section are for the
13 district portion of the total amount needed to achieve and maintain
14 state and federal ambient air quality standards. At least ten million
15 dollars (\$10,000,000) shall be used to mitigate the impacts of air
16 pollution on public health and the environment in
17 disproportionately impacted environmental justice communities
18 in the San Joaquin Valley. The district board shall convene an
19 environmental justice advisory committee, selected from a list
20 given to the board by environmental justice groups from the San
21 Joaquin Valley, to recommend the neighborhoods in the district
22 that constitute environmental justice communities, and how to
23 expend funds within these communities.

24 (c) (1) The fees adopted pursuant to this section shall become
25 effective after the state board makes both of the following findings:

26 (A) The district has undertaken all feasible measures to reduce
27 nonattainment air pollutants from sources within the district’s
28 jurisdiction and regulatory control.

29 (B) The district has notified the state board that fees have been
30 adopted pursuant to this section and provided the state board with
31 an estimate of the total funds that will be provided annually by
32 each of those fees.

33 (2) The state board shall file a written copy of its findings made
34 pursuant to this subdivision with the Secretary of State within two
35 days of its determination.

36 (3) The fees adopted pursuant to this section shall be collected
37 nine months after the requirements of paragraph (2) are met.

38 (d) *This section shall remain in effect only until June 30, 2034,*
39 *and as of that date is repealed.*

1 SEC. 2. Section 41081 of the Health and Safety Code, as
2 amended by Section 2 of Chapter 401 of the Statutes of 2013, is
3 amended to read:

4 41081. (a) Subject to Article 3.7 (commencing with Section
5 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the
6 Government Code, or with the approval of the board of supervisors
7 of each county included, in whole or in part, within the Sacramento
8 district, the Sacramento district board may adopt a surcharge on
9 the motor vehicle registration fees applicable to all motor vehicles
10 registered in those counties within the Sacramento district whose
11 boards of supervisors have adopted a resolution approving the
12 surcharge. The surcharge shall be collected by the Department of
13 Motor Vehicles and, after deducting the department's
14 administrative costs, the remaining funds shall be transferred to
15 the Sacramento district. Before the adoption of any surcharge
16 pursuant to this subdivision, the district board shall make a finding
17 that any funds allocated to the district as a result of the adoption
18 of a county transportation sales and use tax are insufficient to carry
19 out the purposes of this chapter.

20 (b) The surcharge shall not exceed four dollars (\$4).

21 (c) After consulting with the Department of Motor Vehicles on
22 the feasibility thereof, the Sacramento district board may provide,
23 in the surcharge adopted pursuant to subdivision (a), to exempt
24 from all or part of the surcharge any category of low-emission
25 motor vehicle.

26 (d) Funds received by the Sacramento district pursuant to this
27 section shall be used to implement the strategy with respect to the
28 reduction in emissions from vehicular sources, including, but not
29 limited to, a clean fuels program and motor vehicle use reduction
30 measures. Not more than 5 percent of the funds collected pursuant
31 to this section shall be used by the district for administrative
32 expenses.

33 (e) This section shall become operative on January 1, ~~2033~~.
34 ~~2034~~.

35 SEC. 3. Section 41081 of the Health and Safety Code, as
36 amended by Section 1 of Chapter 610 of the Statutes of 2015, is
37 amended to read:

38 41081. (a) Subject to Article 3.7 (commencing with Section
39 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the
40 Government Code, or with the approval of the board of supervisors

1 of each county included, in whole or in part, within the Sacramento
 2 district, the Sacramento district board may adopt a surcharge on
 3 the motor vehicle registration fees applicable to all motor vehicles
 4 registered in those counties within the Sacramento district whose
 5 boards of supervisors have adopted a resolution approving the
 6 surcharge. The surcharge shall be collected by the Department of
 7 Motor Vehicles and, after deducting the department's
 8 administrative costs, the remaining funds shall be transferred to
 9 the Sacramento district. Before the adoption of any surcharge
 10 pursuant to this subdivision, the district board shall make a finding
 11 that any funds allocated to the district as a result of the adoption
 12 of a county transportation sales and use tax are insufficient to carry
 13 out the purposes of this chapter.

14 (b) The surcharge shall not exceed six dollars (\$6).

15 (c) After consulting with the Department of Motor Vehicles on
 16 the feasibility thereof, the Sacramento district board may provide,
 17 in the surcharge adopted pursuant to subdivision (a), to exempt
 18 from all or part of the surcharge any category of low-emission
 19 motor vehicle.

20 (d) Funds received by the Sacramento district pursuant to this
 21 section shall be used by that district as follows:

22 (1) The revenues resulting from the first four dollars (\$4) of
 23 each surcharge shall be used to implement reductions in emissions
 24 from vehicular sources, including, but not limited to, a clean fuels
 25 program and motor vehicle use reduction measures.

26 (2) The revenues resulting from the next two dollars (\$2) of
 27 each surcharge shall be used to implement the following programs
 28 that achieve emission reductions from vehicular sources and
 29 off-road engines, to the extent that the district determines the
 30 program remediates air pollution harms created by motor vehicles
 31 on which the surcharge is imposed:

32 (A) Projects eligible for grants under the Carl Moyer Memorial
 33 Air Quality Standards Attainment Program (Chapter 9
 34 (commencing with Section 44275) of Part 5).

35 (B) The new purchase, retrofit, repower, or add-on of equipment
 36 for previously unregulated agricultural sources of air pollution, as
 37 defined in Section 39011.5, within the Sacramento district, for a
 38 minimum of three years from the date of adoption of an applicable
 39 rule or standard, or until the compliance date of that rule or
 40 standard, whichever is later, if the state board has determined that

1 the rule or standard complies with Sections 40913, 40914, and
2 41503.1, after which period of time, a new purchase, retrofit,
3 repower, or add-on of equipment shall not be funded pursuant to
4 this chapter. The district shall follow any guidelines developed
5 under subdivision (a) of Section 44287 for awarding grants under
6 this program.

7 (C) The purchase of new schoolbuses or the repower or retrofit
8 of emissions control equipment for existing schoolbuses pursuant
9 to the Lower-Emission School Bus Program adopted by the state
10 board.

11 (D) An accelerated vehicle retirement or repair program that is
12 adopted by the state board pursuant to authority granted hereafter
13 by the Legislature by statute.

14 (E) The replacement of onboard natural gas fuel tanks on
15 schoolbuses that are 14 years or older or the enhancement of
16 deteriorating natural gas fueling dispensers of fueling infrastructure,
17 pursuant to the Lower-Emission School Bus Program adopted by
18 the state board.

19 (F) The funding of alternative fuel and electric infrastructure
20 projects solicited and selected through a competitive bid process.

21 (e) Not more than 6.25 percent of the funds collected pursuant
22 to this section shall be used by the district for administrative
23 expenses.

24 (f) A project funded by the program shall not be used for credit
25 under any state or federal emissions averaging, banking, or trading
26 program. An emission reduction generated by the program shall
27 not be used as marketable emission reduction credits or to offset
28 any emission reduction obligation of any person or entity. Projects
29 involving new engines that would otherwise generate marketable
30 credits under state or federal averaging, banking, and trading
31 programs shall include transfer of credits to the engine end user
32 and retirement of those credits toward reducing air emissions in
33 order to qualify for funding under the program. A purchase of a
34 low-emission vehicle or of equipment pursuant to a corporate or
35 a controlling board's policy, but not otherwise required by law,
36 shall generate surplus emissions reductions and may be funded by
37 the program.

38 (g) This section shall remain in effect only until January 1, ~~2033,~~
39 ~~2034,~~ and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
2 that date.

3 SEC. 4. Section 44225 of the Health and Safety Code, as
4 amended by Section 7 of Chapter 401 of the Statutes of 2013, is
5 amended to read:

6 44225. (a) A district may increase the fee established under
7 Section 44223 to up to four dollars (\$4). A district may increase
8 the fee only if both of the following conditions are met:

9 (1) A resolution providing for both the fee increase and a
10 corresponding program for expenditure of the increased fees for
11 the reduction of air pollution from motor vehicles pursuant to, and
12 for related planning, monitoring, enforcement, and technical studies
13 necessary for the implementation of, the California Clean Air Act
14 of 1988 (Chapter 1568 of the Statutes of 1988) is adopted and
15 approved by the governing board of the district.

16 (2) In districts with nonelected officials on their governing
17 boards, the resolution shall be adopted and approved by both a
18 majority of the governing board and a majority of the board
19 members who are elected officials.

20 (b) An increase in fees established pursuant to this section shall
21 become effective on either April 1 or October 1, as provided in
22 the resolution adopted by the board pursuant to subdivision (a).

23 (c) This section shall become operative on January 1, ~~2033~~.
24 2034.

25 SEC. 5. Section 44225 of the Health and Safety Code, as
26 amended by Section 3 of Chapter 610 of the Statutes of 2015, is
27 amended to read:

28 44225. (a) A district may increase the fee established under
29 Section 44223 to up to six dollars (\$6). A district may increase the
30 fee only if both of the following conditions are met:

31 (1) A resolution providing for both the fee increase and a
32 corresponding program for expenditure of the increased fees for
33 the reduction of air pollution from motor vehicles pursuant to, and
34 for related planning, monitoring, enforcement, and technical studies
35 necessary for the implementation of, the California Clean Air Act
36 of 1988 (Chapter 1568 of the Statutes of 1988), or for the
37 attainment or maintenance of state or federal ambient air quality
38 standards or the reduction of toxic air contaminant emissions from
39 motor vehicles, is adopted and approved by the governing board
40 of the district.

1 (2) In districts with nonelected officials on their governing
2 boards, the resolution shall be adopted and approved by both a
3 majority of the governing board and a majority of the board
4 members who are elected officials.

5 (b) An increase in fees established pursuant to this section shall
6 become effective on either April 1 or October 1, as provided in
7 the resolution adopted by the board pursuant to subdivision (a).

8 (c) This section shall remain in effect only until January 1, ~~2033~~,
9 2034, and as of that date is repealed, unless a later enacted statute,
10 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
11 that date.

12 SEC. 6. Section 44229 of the Health and Safety Code, as
13 amended by Section 9 of Chapter 401 of the Statutes of 2013, is
14 amended to read:

15 44229. (a) After deducting all administrative costs it incurs
16 through collection of fees pursuant to Section 44227, the
17 Department of Motor Vehicles shall distribute the revenues to
18 districts, which shall use the fees to reduce air pollution from motor
19 vehicles and to carry out related planning, monitoring, enforcement,
20 and technical studies necessary for implementation of the California
21 Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988). Fees
22 collected by the Department of Motor Vehicles pursuant to this
23 chapter shall be distributed to districts based upon the amount of
24 fees collected from motor vehicles registered within each district.

25 (b) The Department of Motor Vehicles may annually expend
26 not more than the following percentages of the fees collected
27 pursuant to Section 44227 on administrative costs:

28 (1) During the first year after the operative date of this chapter,
29 not more than 5 percent of the fees collected may be used for
30 administrative costs.

31 (2) During the second year after the operative date of this
32 chapter, not more than 3 percent of the fees collected may be used
33 for administrative costs.

34 (3) During any year subsequent to the second year after the
35 operative date of this chapter, not more than 1 percent of the fees
36 collected may be used for administrative costs.

37 (c) This section shall become operative on January 1, ~~2033~~.
38 2034.

1 SEC. 7. Section 44229 of the Health and Safety Code, as
2 amended by Section 4 of Chapter 610 of the Statutes of 2015, is
3 amended to read:

4 44229. (a) After deducting all administrative costs it incurs
5 through collection of fees pursuant to Section 44227, the
6 Department of Motor Vehicles shall distribute the revenues to
7 districts, which shall use the revenues resulting from the first four
8 dollars (\$4) of each fee imposed to reduce air pollution from motor
9 vehicles and to carry out related planning, monitoring, enforcement,
10 and technical studies necessary for implementation of the California
11 Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988). Fees
12 collected by the Department of Motor Vehicles pursuant to this
13 chapter shall be distributed to districts based upon the amount of
14 fees collected from motor vehicles registered within each district.

15 (b) Notwithstanding Sections 44241 and 44243, a district shall
16 use the revenues resulting from the next two dollars (\$2) of each
17 fee imposed pursuant to Section 44227 to implement the following
18 programs that the district determines remediate air pollution harms
19 created by motor vehicles on which the surcharge is imposed:

20 (1) Projects eligible for grants under the Carl Moyer Memorial
21 Air Quality Standards Attainment Program (Chapter 9
22 (commencing with Section 44275) of Part 5).

23 (2) The new purchase, retrofit, repower, or add-on equipment
24 for previously unregulated agricultural sources of air pollution, as
25 defined in Section 39011.5, for a minimum of three years from
26 the date of adoption of an applicable rule or standard, or until the
27 compliance date of that rule or standard, whichever is later, if the
28 state board has determined that the rule or standard complies with
29 Sections 40913, 40914, and 41503.1, after which period of time,
30 a new purchase, retrofit, repower, or add-on of equipment shall
31 not be funded pursuant to this chapter. The districts shall follow
32 any guidelines developed under subdivision (a) of Section 44287
33 for awarding grants under this program.

34 (3) The purchase of new schoolbuses or the repower or retrofit
35 of emissions control equipment for existing schoolbuses pursuant
36 to the Lower-Emission School Bus Program adopted by the state
37 board.

38 (4) An accelerated vehicle retirement or repair program that is
39 adopted by the state board pursuant to authority granted hereafter
40 by the Legislature by statute.

1 (5) The replacement of onboard natural gas fuel tanks on
2 schoolbuses that are 14 years or older or the enhancement of
3 deteriorating natural gas fueling dispensers of fueling infrastructure,
4 pursuant to the Lower-Emission School Bus Program adopted by
5 the state board.

6 (6) The funding of alternative fuel and electric infrastructure
7 projects solicited and selected through a competitive bid process.

8 (c) The Department of Motor Vehicles may annually expend
9 not more than 1 percent of the fees collected pursuant to Section
10 44227 on administrative costs.

11 (d) A project funded by the program shall not be used for credit
12 under any state or federal emissions averaging, banking, or trading
13 program. An emission reduction generated by the program shall
14 not be used as marketable emission reduction credits or to offset
15 any emission reduction obligation of any person or entity. Projects
16 involving new engines that would otherwise generate marketable
17 credits under state or federal averaging, banking, and trading
18 programs shall include transfer of credits to the engine end user
19 and retirement of those credits toward reducing air emissions in
20 order to qualify for funding under the program. A purchase of a
21 low-emission vehicle or of equipment pursuant to a corporate or
22 a controlling board's policy, but not otherwise required by law,
23 shall generate surplus emissions reductions and may be funded by
24 the program.

25 (e) This section shall remain in effect only until January 1, ~~2033~~,
26 2034, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
28 that date.

29 SEC. 8. Section 44275 of the Health and Safety Code, as
30 amended by Section 1 of Chapter 634 of the Statutes of 2017, is
31 amended to read:

32 44275. (a) As used in this chapter, the following terms have
33 the following meanings:

34 (1) [Reserved]

35 (2) "Btu" means British thermal unit.

36 (3) "Commission" means the State Energy Resources
37 Conservation and Development Commission.

38 (4) "Cost-effectiveness" means dollars provided to a project
39 pursuant to subdivision (d) of Section 44283 for each ton of
40 covered emission reduction attributed to a project or to the program

1 as a whole. In calculating cost-effectiveness, one-time grants of
2 funds made at the beginning of a project shall be annualized using
3 a time value of public funds or discount rate determined for each
4 project by the state board, taking into account the interest rate on
5 bonds, interest earned by state funds, and other factors as
6 determined appropriate by the state board. Cost-effectiveness shall
7 be calculated by dividing annualized costs by average annual
8 emissions reduction. The state board, in consultation with the
9 districts and concerned members of the public, shall establish
10 appropriate cost-effective limits for oxides of nitrogen, particulate
11 matter, and reactive organic gases and a reasonable system for
12 comparing the cost-effectiveness of proposed projects as described
13 in subdivision (a) of Section 44283.

14 (5) “Covered emissions” include emissions of oxides of nitrogen,
15 particulate matter, and reactive organic gases from any covered
16 source.

17 (6) “Covered engine” includes any internal combustion engine
18 or electric motor and drive powering a covered source.

19 (7) “Covered source” includes onroad vehicles, off-road
20 nonrecreational equipment and vehicles, locomotives, marine
21 vessels, agricultural sources of air pollution, as defined in Section
22 39011.5, stationary irrigation or water conveyance engines, and,
23 as determined by the state board, other categories necessary for
24 the state and districts to meet air quality goals.

25 (8) “Covered vehicle” includes any vehicle or piece of
26 equipment powered by a covered engine.

27 (9) “District” means a county air pollution control district or an
28 air quality management district.

29 (10) “Fund” means the Air Pollution Control Fund established
30 pursuant to Section 43015.

31 (11) “Incremental cost” means the cost of the project less a
32 baseline cost that would otherwise be incurred by the applicant in
33 the normal course of business. Incremental costs may include
34 added lease, energy, or fuel costs pursuant to Section 44283 as
35 well as incremental capital costs.

36 (12) “Liquidated” means that all moneys for a specified fiscal
37 year have been spent by a district to reimburse grantees for valid
38 and eligible project invoices and district administrative costs.
39 Payments withheld from the grantee by a district until all

1 contractual reporting requirements are met may be excluded from
2 these amounts for purposes of liquidation.

3 (13) “Mobile Source Air Pollution Reduction Review
4 Committee” means the Mobile Source Air Pollution Reduction
5 Review Committee created by Section 44244.

6 (14) “New very low emission vehicle” means a heavy-duty
7 vehicle that qualifies as a very low emission vehicle when it is a
8 new vehicle, where new vehicle has the same meaning as defined
9 in Section 430 of the Vehicle Code, or that is modified with the
10 approval and warranty of the original equipment manufacturer to
11 qualify as a very low emission vehicle within 12 months of delivery
12 to an owner for private or commercial use.

13 (15) “NO_x” means oxides of nitrogen.

14 (16) “Program” means the Carl Moyer Memorial Air Quality
15 Standards Attainment Program created by subdivision (a) of
16 Section 44280.

17 (17) “Recaptured” means those moneys that are returned to a
18 district or the state board by a grantee because that grantee did not
19 meet contractual obligations.

20 (18) “Repower” means replacing an engine with a different
21 engine. The term repower, as used in this chapter, generally refers
22 to replacing an older, uncontrolled engine with a new,
23 emissions-certified engine, although replacing an older
24 emissions-certified engine with a newer engine certified to lower
25 emissions standards may be eligible for funding under this program.

26 (19) “Retrofit” means making modifications to the engine and
27 fuel system so that the retrofitted engine does not have the same
28 specifications as the original engine.

29 (20) “Returned” means those moneys sent by a district to the
30 state board for reallocation because those moneys are not liquidated
31 by a liquidation deadline.

32 (21) “Schoolbus project” means the purchase of new schoolbuses
33 or the repower or retrofit of emissions control equipment for
34 existing schoolbuses.

35 (22) “Very low emission vehicle” means a heavy-duty vehicle
36 with emissions significantly lower than otherwise applicable
37 baseline emission standards or uncontrolled emission levels
38 pursuant to Section 44282.

39 (b) This section shall remain in effect only until January 1, ~~2033,~~
40 ~~2034,~~ and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
2 that date.

3 SEC. 9. Section 44275 of the Health and Safety Code, as
4 amended by Section 2 of Chapter 634 of the Statutes of 2017, is
5 amended to read:

6 44275. (a) As used in this chapter, the following terms have
7 the following meanings:

8 (1) [Reserved]

9 (2) “Btu” means British thermal unit.

10 (3) “Commission” means the State Energy Resources
11 Conservation and Development Commission.

12 (4) “Cost-effectiveness” means dollars provided to a project
13 pursuant to subdivision (d) of Section 44283 for each ton of NO_x
14 reduction attributed to a project or to the program as a whole. In
15 calculating cost-effectiveness, one-time grants of funds made at
16 the beginning of a project shall be annualized using a time value
17 of public funds or discount rate determined for each project by the
18 state board, taking into account the interest rate on bonds, interest
19 earned by state funds, and other factors as determined appropriate
20 by the state board. Cost-effectiveness shall be calculated by
21 dividing annualized costs by average annual emissions reduction
22 of NO_x in this state.

23 (5) “Covered engine” includes any internal combustion engine
24 or electric motor and drive powering a covered source.

25 (6) “Covered source” includes onroad vehicles of 14,000 pounds
26 gross vehicle weight rating (GVWR) or greater, off-road
27 nonrecreational equipment and vehicles, locomotives, diesel marine
28 vessels, stationary agricultural engines, stationary irrigation or
29 water conveyance engines, and, as determined by the state board,
30 other high-emitting diesel engine categories.

31 (7) “Covered vehicle” includes any vehicle or piece of
32 equipment powered by a covered engine.

33 (8) “District” means a county air pollution control district or an
34 air quality management district.

35 (9) “Fund” means the Air Pollution Control Fund established
36 pursuant to Section 43015.

37 (10) “Incremental cost” means the cost of the project less a
38 baseline cost that would otherwise be incurred by the applicant in
39 the normal course of business. Incremental costs may include

1 added lease or fuel costs pursuant to Section 44283 as well as
2 incremental capital costs.

3 (11) “Liquidated” means that all moneys for a specified fiscal
4 year have been spent by a district to reimburse grantees for valid
5 and eligible project invoices and district administrative costs.
6 Payments withheld from the grantee by a district until all
7 contractual reporting requirements are met may be excluded from
8 these amounts for purposes of liquidation.

9 (12) “Mobile Source Air Pollution Reduction Review
10 Committee” means the Mobile Source Air Pollution Reduction
11 Review Committee created by Section 44244.

12 (13) “New very low emission vehicle” means a vehicle that
13 qualifies as a very low emission vehicle when it is a new vehicle,
14 where new vehicle has the same meaning as defined in Section
15 430 of the Vehicle Code, or that is modified with the approval and
16 warranty of the original equipment manufacturer to qualify as a
17 very low emission vehicle within 12 months of delivery to an
18 owner for private or commercial use.

19 (14) “NO_x” means oxides of nitrogen.

20 (15) “Program” means the Carl Moyer Memorial Air Quality
21 Standards Attainment Program created by subdivision (a) of
22 Section 44280.

23 (16) “Recaptured” means those moneys that are returned to a
24 district or the state board by a grantee because that grantee did not
25 meet contractual obligations.

26 (17) “Repower” means replacing an engine with a different
27 engine. The term repower, as used in this chapter, generally refers
28 to replacing an older, uncontrolled engine with a new,
29 emissions-certified engine, although replacing an older
30 emissions-certified engine with a newer engine certified to lower
31 emissions standards may be eligible for funding under this program.

32 (18) “Retrofit” means making modifications to the engine and
33 fuel system such that the retrofitted engine does not have the same
34 specifications as the original engine.

35 (19) “Returned” means those moneys sent by a district to the
36 state board for reallocation because those moneys are not liquidated
37 by a liquidation deadline.

38 (20) “Schoolbus project” means the purchase of new schoolbuses
39 or the repower or retrofit of emissions control equipment for
40 existing schoolbuses.

1 (21) “Very low emission vehicle” means a vehicle with
 2 emissions significantly lower than otherwise applicable baseline
 3 emission standards or uncontrolled emission levels pursuant to
 4 Section 44282.

5 (b) This section shall become operative on January 1, ~~2033~~.
 6 2034.

7 SEC. 10. Section 44280 of the Health and Safety Code, as
 8 amended by Section 17 of Chapter 401 of the Statutes of 2013, is
 9 amended to read:

10 44280. (a) There is hereby created the Carl Moyer Memorial
 11 Air Quality Standards Attainment Program. The program shall be
 12 administered by the state board in accordance with this chapter.
 13 The administration of the program may be delegated to the districts.

14 (b) The program shall provide grants to offset the incremental
 15 cost of projects that reduce covered emissions from covered sources
 16 in the state. Eligibility for grant awards shall be determined by the
 17 state board, in consultation with the districts, in accordance with
 18 this chapter.

19 (c) The program shall also provide funding for a fueling
 20 infrastructure demonstration program and for technology
 21 development efforts that are expected to result in commercially
 22 available technologies in the near-term that would improve the
 23 ability of the program to achieve its goals. The infrastructure
 24 demonstration and technology development portions of the program
 25 shall be managed by the commission, in consultation with the state
 26 board.

27 (d) This section shall remain in effect only until January 1, ~~2033~~,
 28 2034, and as of that date is repealed, unless a later enacted statute,
 29 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
 30 that date.

31 SEC. 11. Section 44280 of the Health and Safety Code, as
 32 amended by Section 18 of Chapter 401 of the Statutes of 2013, is
 33 amended to read:

34 44280. (a) There is hereby created the Carl Moyer Memorial
 35 Air Quality Standards Attainment Program. The program shall be
 36 administered by the state board in accordance with this chapter.
 37 The administration of the program may be delegated to the districts.

38 (b) The program shall provide grants to offset the incremental
 39 cost of projects that reduce emissions of NO_x from covered sources
 40 in the state. Eligibility for grant awards shall be determined by the

1 state board, in consultation with the districts, in accordance with
2 this chapter.

3 (c) The program shall also provide funding for a fueling
4 infrastructure demonstration program and for technology
5 development efforts that are expected to result in commercially
6 available technologies in the near-term that would improve the
7 ability of the program to achieve its goals. The infrastructure
8 demonstration and technology development portions of the program
9 shall be managed by the commission, in consultation with the state
10 board.

11 (d) This section shall become operative on January 1, ~~2033~~.
12 ~~2034~~.

13 SEC. 12. Section 44281 of the Health and Safety Code, as
14 amended by Section 20 of Chapter 401 of the Statutes of 2013, is
15 amended to read:

16 44281. (a) Eligible projects are any of the following:

17 (1) Purchase of new very low or zero-emission covered vehicles
18 or covered engines.

19 (2) Emission-reducing retrofit of covered engines, or
20 replacement of old engines powering covered sources with newer
21 engines certified to more stringent emissions standards than the
22 engine being replaced, or with electric motors or drives.

23 (3) Purchase and use of emission-reducing add-on equipment
24 for covered vehicles.

25 (4) Development and demonstration of practical, low-emission
26 retrofit technologies, repower options, and advanced technologies
27 for covered engines and vehicles with very low emissions of NO_x.

28 (b) No new purchase, retrofit, repower, or add-on equipment
29 shall be funded under this chapter if it is required by any local,
30 state, or federal statute, rule, regulation, memoranda of agreement
31 or understanding, or other legally binding document, except that
32 an otherwise qualified project may be funded even if the state
33 implementation plan assumes that the change in equipment,
34 vehicles, or operations will occur, if the change is not required by
35 a statute, regulation, or other legally binding document in effect
36 as of the date the grant is awarded. No project funded by the
37 program shall be used for credit under any state or federal
38 emissions averaging, banking, or trading program. No emission
39 reduction generated by the program shall be used as marketable
40 emission reduction credits or to offset any emission reduction

1 obligation of any entity. Projects involving new engines that would
 2 otherwise generate marketable credits under state or federal
 3 averaging, banking, and trading programs shall include transfer
 4 of credits to the engine end user and retirement of those credits
 5 toward reducing air emissions in order to qualify for funding under
 6 the program. A purchase of a low-emission vehicle or of equipment
 7 pursuant to a corporate or a controlling board’s policy, but not
 8 otherwise required by law, shall generate surplus emissions
 9 reductions and may be funded by the program.

10 (c) The program may also provide funding toward installation
 11 of fueling or electrification infrastructure as provided in Section
 12 44284.

13 (d) Eligible applicants may be any individual, company, or
 14 public agency that owns one or more covered vehicles that operate
 15 primarily in the state or otherwise contribute substantially to the
 16 NO_x emissions inventory in the state.

17 (e) It is the intent of the Legislature that all emission reductions
 18 generated by this chapter shall contribute to public health by
 19 reducing, for the life of the vehicle being funded, the total amount
 20 of emissions in the state.

21 (f) This section shall become operative on January 1, ~~2033~~.
 22 ~~2034~~.

23 SEC. 13. Section 44281 of the Health and Safety Code, as
 24 amended by Section 8 of Chapter 610 of the Statutes of 2015, is
 25 amended to read:

26 44281. (a) Eligible projects include, but are not limited to, any
 27 of the following:

28 (1) Purchase of new very low or zero-emission covered vehicles
 29 or covered heavy-duty engines.

30 (2) Emission-reducing retrofit of covered engines, or
 31 replacement of old engines powering covered sources with newer
 32 engines certified to more stringent emissions standards than the
 33 engine being replaced, or with electric motors or drives.

34 (3) Purchase and use of emission-reducing add-on equipment
 35 that has been verified by the state board for covered vehicles.

36 (4) Development and demonstration of practical, low-emission
 37 retrofit technologies, repower options, and advanced technologies
 38 for covered engines and vehicles with very low emissions of NO_x.

1 (5) Light- and medium-duty vehicle projects in compliance with
2 guidelines adopted by the state board pursuant to Title 13 of the
3 California Code of Regulations.

4 (b) No project shall be funded under this chapter after the
5 compliance date required by any local, state, or federal statute,
6 rule, regulation, memoranda of agreement or understanding, or
7 other legally binding document, except that an otherwise qualified
8 project may be funded even if the state implementation plan
9 assumes that the change in equipment, vehicles, or operations will
10 occur, if the change is not required by the compliance date of a
11 statute, regulation, or other legally binding document in effect as
12 of the date the grant is awarded. No project funded by the program
13 shall be used for credit under any state or federal emissions
14 averaging, banking, or trading program. No covered emission
15 reduction generated by the program shall be used as marketable
16 emission reduction credits or to offset any emission reduction
17 obligation of any person or entity. Projects involving new engines
18 that would otherwise generate marketable credits under state or
19 federal averaging, banking, and trading programs shall include
20 transfer of credits to the engine end user and retirement of those
21 credits toward reducing air emissions in order to qualify for funding
22 under the program. A purchase of a low-emission vehicle or of
23 equipment pursuant to a corporate or a controlling board's policy,
24 but not otherwise required by law, shall generate surplus emissions
25 reductions and may be funded by the program.

26 (c) The program may also provide funding toward the
27 installation of fueling or energy infrastructure to fuel or power
28 covered sources.

29 (d) Eligible applicants may be any individual, company, or
30 public agency that owns one or more covered vehicles that operate
31 primarily in the state or otherwise contribute substantially to the
32 NO_x, particulate matter (PM), or reactive organic gas (ROG)
33 emissions inventory in the state.

34 (e) It is the intent of the Legislature that all emission reductions
35 generated by this chapter shall contribute to public health by
36 reducing, for the life of the vehicle being funded, the total amount
37 of emissions in the state.

38 (f) This section shall remain in effect only until January 1, ~~2033,~~
39 ~~2034,~~ and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
2 that date.

3 SEC. 14. Section 44282 of the Health and Safety Code, as
4 amended by Section 8 of Chapter 748 of the Statutes of 2021, is
5 amended to read:

6 44282. The following criteria apply to all projects to be funded
7 through the program except for projects funded through the
8 infrastructure demonstration program and infrastructure projects,
9 pursuant to subdivision (c) of Section 44281 and Section 44284:

10 (a) The state board may establish project criteria, including
11 minimum project life for source categories, in the guidelines
12 described in Section 44287. For previously unregulated source
13 categories, project criteria shall consider the timing of newly
14 established regulatory requirements.

15 (b) To be eligible, projects shall meet the cost-effectiveness per
16 ton of covered emissions reduced requirements of Section 44283.

17 (c) To be eligible, retrofits, repowers, and installation of add-on
18 equipment for covered vehicles shall be performed, or new covered
19 vehicles delivered to the end user, or covered vehicles scrapped
20 on or after the date the program is implemented.

21 (d) Retrofit technologies, new engines, and new vehicles shall
22 be certified for sale or under experimental permit for operation in
23 the state.

24 (e) Repower projects that replace older, uncontrolled engines
25 with new, emissions-certified engines or that replace
26 emissions-certified engines with new engines certified to a more
27 stringent NO_x emissions standard are approvable subject to the
28 other applicable selection criteria. The state board shall determine
29 appropriate baseline emission levels for the uncontrolled engines
30 being replaced.

31 (f) For heavy-duty-vehicle projects, retrofit and add-on
32 equipment projects shall document a NO_x or PM emission
33 reduction of at least 25 percent and no increase in other covered
34 emissions compared to the applicable baseline emissions accepted
35 by the state board for that engine year and application. The state
36 board shall determine appropriate baseline emission levels.
37 Acceptable documentation shall be defined by the state board.
38 After study of available emission reduction technologies and after
39 public notice and comment, the state board may revise the
40 minimum percentage emission reduction criterion for retrofits and

1 add-on equipment provided for in this section to improve the ability
2 of the program to achieve its goals.

3 (g) (1) For heavy-duty-vehicle projects involving the purchase
4 of new very low or zero-emission vehicles, engines shall be
5 certified to an optional low NO_x emissions standard established
6 by the state board, except as provided for in paragraph (2).

7 (2) For heavy-duty-vehicle projects involving the purchase of
8 new very low or zero-emission covered vehicles for which no
9 optional low NO_x emission standards are available, documentation
10 shall be provided showing that the low or zero-emission engine
11 emits not more than 70 percent of the NO_x or NO_x plus
12 hydrocarbon emissions of a new engine certified to the applicable
13 baseline NO_x or NO_x plus hydrocarbon emission standard for that
14 engine and meets applicable particulate standards. The state board
15 shall specify the documentation required. If no baseline emission
16 standard exists for new vehicles in a particular category, the state
17 board shall determine an appropriate baseline emission level for
18 comparison.

19 (h) For projects other than heavy-duty-vehicle projects, the state
20 board shall determine appropriate criteria under the provisions of
21 Section 44287.

22 (i) Projects using grants, loans, vouchers, or other incentives
23 pursuant to this chapter shall condition eligibility on the
24 requirements of Chapter 3.6 (commencing with Section 39680) of
25 Part 2, as applicable.

26 (j) This section shall remain in effect only until January 1, ~~2033,~~
27 ~~2034~~, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2033,~~ ~~2034~~, deletes or extends
29 that date.

30 SEC. 15. Section 44282 of the Health and Safety Code, as
31 amended by Section 9 of Chapter 748 of the Statutes of 2021, is
32 amended to read:

33 44282. The following criteria apply to all projects to be funded
34 through the program except for projects funded through the
35 infrastructure demonstration program:

36 (a) Except for projects involving marine vessels, 75 percent or
37 more of vehicle miles traveled or hours of operation shall be
38 projected to be in the state for at least five years following the
39 grant award. Projects involving marine vessels and engines shall
40 be limited to those that spend enough time operating in air basins

1 in the state over the lifetime of the project to meet the
2 cost-effectiveness criteria based on NO_x reductions in the state, as
3 provided in Section 44283.

4 (b) To be eligible, projects shall meet cost-effectiveness per ton
5 of NO_x reduced requirements of Section 44283.

6 (c) To be eligible, retrofits, repowers, and installation of add-on
7 equipment for covered vehicles shall be performed, or new covered
8 vehicles delivered to the end user, on or after the date the program
9 is implemented.

10 (d) Retrofit technologies, new engines, and new vehicles shall
11 be certified for sale or under experimental permit for operation in
12 the state.

13 (e) Repower projects that replace older, uncontrolled engines
14 with new, emissions-certified engines or that replace
15 emissions-certified engines with new engines certified to a more
16 stringent NO_x emissions standard are approvable subject to the
17 other applicable selection criteria. The state board shall determine
18 appropriate baseline emission levels for the uncontrolled engines
19 being replaced.

20 (f) Retrofit and add-on equipment projects shall document a
21 NO_x emission reduction of at least 25 percent and no increase in
22 particulate emissions compared to the applicable baseline emissions
23 accepted by the state board for that engine year and application.
24 The state board shall determine appropriate baseline emission
25 levels. Acceptable documentation shall be defined by the state
26 board. After study of available emission reduction technologies
27 and after public notice and comment, the state board may revise
28 the minimum percentage NO_x reduction criterion for retrofits and
29 add-on equipment provided for in this section to improve the ability
30 of the program to achieve its goals.

31 (g) (1) For projects involving the purchase of new very low or
32 zero-emission vehicles, engines shall be certified to an optional
33 low NO_x emissions standard established by the state board, except
34 as provided for in paragraph (2).

35 (2) For projects involving the purchase of new very low or
36 zero-emission covered vehicles for which no optional low NO_x
37 emission standards are available, documentation shall be provided
38 showing that the low- or zero-emission engine emits not more than
39 70 percent of the NO_x or NO_x plus hydrocarbon emissions of a
40 new engine certified to the applicable baseline NO_x or NO_x plus

1 hydrocarbon emission standard for that engine and meets applicable
2 particulate standards. The state board shall specify the
3 documentation required. If no baseline emission standard exists
4 for new vehicles in a particular category, the state board shall
5 determine an appropriate baseline emission level for comparison.

6 (h) Projects using grants, loans, vouchers, or other incentives
7 pursuant to this chapter shall condition eligibility on the
8 requirements of Chapter 3.6 (commencing with Section 39680) of
9 Part 2, as applicable.

10 (i) This section shall become operative on January 1, ~~2033~~.
11 2034.

12 SEC. 16. Section 44283 of the Health and Safety Code, as
13 amended by Section 24 of Chapter 401 of the Statutes of 2013, is
14 amended to read:

15 44283. (a) Grants shall not be made for projects with a
16 cost-effectiveness, calculated in accordance with this section, of
17 more than twelve thousand dollars (\$12,000) per ton of NO_x
18 reduced in the state or a higher value that reflects state consumer
19 price index adjustments on or after January 1, ~~2033~~, 2034, as
20 determined by the state board.

21 (b) Only NO_x reductions occurring in this state shall be included
22 in the cost-effectiveness determination. The extent to which
23 emissions generated at sea contribute to air quality in nonattainment
24 areas in the state shall be incorporated into these methodologies
25 based on a reasonable assessment of currently available information
26 and modeling assumptions.

27 (c) The state board shall develop protocols for calculating the
28 surplus NO_x reductions in the state from representative project
29 types over the life of the project.

30 (d) The cost of the NO_x reduction is the amount of the grant
31 from the program, including matching funds provided pursuant to
32 subdivision (e) of Section 44287, plus any other state funds, or
33 funds under the district's budget authority or fiduciary control,
34 provided toward the project, not including funds described in
35 paragraphs (1) and (2) of subdivision (a) of Section 44287.2. The
36 state board shall establish reasonable methodologies for evaluating
37 project cost-effectiveness, consistent with the definition contained
38 in paragraph (4) of subdivision (a) of Section 44275, and with
39 accepted methods, taking into account a fair and reasonable
40 discount rate or time value of public funds.

1 (e) A grant shall not be made that, net of taxes, provides the
2 applicant with funds in excess of the incremental cost of the project.
3 Incremental lease costs may be capitalized according to guidelines
4 adopted by the state board so that these incremental costs may be
5 offset by a one-time grant award.

6 (f) Funds under a district's budget authority or fiduciary control
7 may be used to pay for the incremental cost of liquid or gaseous
8 fuel, other than standard gasoline or diesel, which is integral to a
9 NO_x reducing technology that is part of a project receiving grant
10 funding under the program. The fuel shall be approved for sale by
11 the state board. The incremental fuel cost over the expected lifetime
12 of the vehicle may be offset by the district if the project as a whole,
13 including the incremental fuel cost, meets all of the requirements
14 of this chapter, including the maximum allowed cost-effectiveness.
15 The state board shall develop an appropriate methodology for
16 converting incremental fuel costs over the vehicle lifetime into an
17 initial cost for purposes of determining project cost-effectiveness.
18 Incremental fuel costs shall not be included in project costs for
19 fuels dispensed from any facility that was funded, in whole or in
20 part, from the fund.

21 (g) For purposes of determining any grant amount pursuant to
22 this chapter, the incremental cost of any new purchase, retrofit,
23 repower, or add-on equipment shall be reduced by the value of
24 any current financial incentive that directly reduces the project
25 price, including any tax credits or deductions, grants, or other
26 public financial assistance, not including funds described in
27 paragraphs (1) and (2) of subdivision (a) of Section 44287.2.
28 Project proponents applying for funding shall be required to state
29 in their application any other public financial assistance to the
30 project.

31 (h) For projects that would repower off-road equipment by
32 replacing uncontrolled diesel engines with new, certified diesel
33 engines, the state board may establish maximum grant award
34 amounts per repower. A repower project shall also be subject to
35 the incremental cost maximum pursuant to subdivision (e).

36 (i) After study of available emission reduction technologies and
37 costs and after public notice and comment, the state board may
38 reduce the values of the maximum grant award criteria stated in
39 this section to improve the ability of the program to achieve its
40 goals. Every year the state board shall adjust the maximum

1 cost-effectiveness amount established in subdivision (a) and any
2 per-project maximum set by the state board pursuant to subdivision
3 (h) to account for inflation.

4 (j) This section shall become operative on January 1, ~~2033~~.
5 2034.

6 SEC. 17. Section 44283 of the Health and Safety Code, as
7 amended by Section 10 of Chapter 610 of the Statutes of 2015, is
8 amended to read:

9 44283. (a) (1) For all projects funded pursuant to this chapter,
10 except for an infrastructure project described in subdivision (c) of
11 Section 44281, the following cost-effectiveness criteria shall apply:

12 (A) (i) Project grants shall not be made that exceed
13 cost-effectiveness values calculated in accordance with this section.

14 (ii) The state board, in collaboration with the districts, shall
15 establish cost-effectiveness values in the guidelines issued pursuant
16 to Section 44287, taking into consideration factors, including, but
17 not limited to, the following:

18 (I) The cost of emission control technologies identified in
19 Section 44281.

20 (II) The cost-effectiveness values for NO_x, particulate matter,
21 or reactive organic gases for any adopted rule or control measure
22 in any district's approved state implementation plan, or rule
23 adopted by the state board.

24 (iii) A grant for a schoolbus project shall not exceed the cost
25 caps established in the Lower-Emission School Bus Program and
26 consistent with Section 44299.901. The cost-effectiveness value
27 for these projects shall be set forth in the guidelines issued pursuant
28 to Section 44287.

29 (B) For projects obtaining reactive organic gas and particulate
30 matter reductions, the state board shall determine appropriate
31 adjustment factors to calculate a weighted cost-effectiveness value.

32 (2) When a district board approves funding for a project or
33 project category, the district board shall include, in its agenda or
34 supporting materials for the meeting approving funding for the
35 project or project category, a brief statement of the rationale for
36 funding that source category, including the basis for selection and
37 the importance of that project type.

38 (b) Only covered emission reductions occurring in this state
39 shall be included in the cost-effectiveness determination. The
40 extent to which emissions generated at sea contribute to air quality

1 in nonattainment areas in the state shall be incorporated into these
2 methodologies based on a reasonable assessment of currently
3 available information and modeling assumptions.

4 (c) The state board shall develop protocols for calculating the
5 surplus covered emission reductions in the state from representative
6 project types over the life of the project.

7 (d) The cost of the covered emission reduction is the amount
8 of the grant from the program, including matching funds provided
9 pursuant to subdivision (e) of Section 44287, or funding provided
10 pursuant to paragraph (2) of subdivision (d) of Section 41081 or
11 subdivision (b) of Section 44229, not including funds described
12 in subdivision (a) of Section 44287.2. The state board shall
13 establish reasonable methodologies for evaluating project
14 cost-effectiveness, consistent with the definition contained in
15 paragraph (4) of subdivision (a) of Section 44275, and with
16 accepted methods, taking into account a fair and reasonable
17 discount rate or time value of public funds.

18 (e) A grant shall not be made that, net of taxes, provides the
19 applicant with funds in excess of the incremental cost of the project.
20 Incremental lease costs may be capitalized according to guidelines
21 adopted by the state board so that these incremental costs may be
22 offset by a one-time grant award.

23 (f) Funds under a district's budget authority or fiduciary control
24 may be used to pay for the incremental cost of energy or liquid or
25 gaseous fuel, other than standard gasoline or diesel, which is
26 integral to a covered emission reducing technology that is part of
27 a project receiving grant funding under the program. The fuel shall
28 be approved for sale in the state. The incremental energy or fuel
29 cost over the expected lifetime of the vehicle may be offset by the
30 district if the project as a whole, including the incremental energy
31 or fuel cost, meets all of the requirements of this chapter, including
32 the maximum allowed cost-effectiveness. The state board shall
33 develop an appropriate methodology for converting incremental
34 energy or fuel costs over the vehicle lifetime into an initial cost
35 for purposes of determining project cost-effectiveness. Incremental
36 energy or fuel costs shall not be included in project costs for fuels
37 dispensed from any facility that was funded, in whole or in part,
38 from the fund.

39 (g) For purposes of determining any grant amount pursuant to
40 this chapter, project proponents applying for funding shall be

1 required to state in their application any other public financial
2 assistance to the project.

3 (h) For projects that would repower off-road equipment by
4 replacing uncontrolled diesel engines with new, certified diesel
5 engines, the state board may establish maximum grant award
6 amounts per repower. A repower project shall also be subject to
7 the incremental cost maximum pursuant to subdivision (e).

8 (i) After study of available emission reduction technologies and
9 costs and after public notice and comment, the state board may
10 adjust the values of the maximum grant award criteria stated in
11 this section to improve the ability of the program to achieve its
12 goals. Every year the state board shall adjust the maximum
13 cost-effectiveness amount established in subdivision (a) and any
14 per-project maximum set by the state board pursuant to subdivision
15 (h) to account for inflation and other factors as authorized by this
16 section.

17 (j) This section shall remain in effect only until January 1, ~~2033~~,
18 2034, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
20 that date.

21 SEC. 18. Section 44287 of the Health and Safety Code, as
22 amended by Section 26 of Chapter 401 of the Statutes of 2013, is
23 amended to read:

24 44287. (a) The state board shall establish grant criteria and
25 guidelines consistent with this chapter for covered vehicle projects
26 as soon as practicable, but not later than January 1, 2000. The
27 adoption of guidelines is exempt from the rulemaking provisions
28 of the Administrative Procedure Act, Chapter 3.5 (commencing
29 with Section 11340) of Part 1 of Division 3 of Title 2 of the
30 Government Code. The state board shall solicit input and comment
31 from the districts during the development of the criteria and
32 guidelines and shall make every effort to develop criteria and
33 guidelines that are compatible with existing district programs that
34 are also consistent with this chapter. Guidelines shall include
35 protocols to calculate project cost-effectiveness. The grant criteria
36 and guidelines shall include safeguards to ensure that the project
37 generates surplus emissions reductions. Guidelines shall enable
38 and encourage districts to cofund projects that provide emissions
39 reductions in more than one district. The state board shall make
40 draft criteria and guidelines available to the public 45 days before

1 final adoption, and shall hold at least one public meeting to
2 consider public comments before final adoption.

3 (b) The state board, in consultation with the participating
4 districts, may propose revisions to the criteria and guidelines
5 established pursuant to subdivision (a) as necessary to improve
6 the ability of the program to achieve its goals. A proposed revision
7 shall be made available to the public 45 days before final adoption
8 of the revision and the state board shall hold at least one public
9 meeting to consider public comments before final adoption of the
10 revision.

11 (c) The state board shall reserve funds for, and disburse funds
12 to, districts from the fund for administration pursuant to this section
13 and Section 44299.1.

14 (d) The state board shall develop guidelines for a district to
15 follow in applying for the reservation of funds, in accordance with
16 this chapter. It is the intent of the Legislature that district
17 administration of any reserved funds be in accordance with the
18 project selection criteria specified in Sections 44281, 44282, and
19 44283 and all other provisions of this chapter. The guidelines shall
20 be established and published by the state board as soon as
21 practicable, but not later than January 1, 2000.

22 (e) Funds shall be reserved by the state board for administration
23 by a district that adopts an eligible program pursuant to this chapter
24 and offers matching funds at a ratio of one dollar (\$1) of matching
25 funds committed by the district or the Mobile Source Air Pollution
26 Reduction Review Committee for every two dollars (\$2) committed
27 from the fund. Funds available to the Mobile Source Air Pollution
28 Reduction Review Committee may be counted as matching funds
29 for projects in the South Coast Air Basin only if the committee
30 approves the use of these funds for matching purposes. Matching
31 funds may be any funds under the district’s budget authority that
32 are committed to be expended in accordance with the program.
33 Funds committed by a port authority or a local government, in
34 cooperation with a district, to be expended in accordance with the
35 program may also be counted as district matching funds. Matching
36 funds provided by a port authority or a local government may not
37 exceed 30 percent of the total required matching funds in any
38 district that applies for more than three hundred thousand dollars
39 (\$300,000) of the state board funds. Only a district, or a port

1 authority or a local government teamed with a district, may provide
2 matching funds.

3 (f) The state board may adjust the ratio of matching funds
4 described in subdivision (e), if it determines that an adjustment is
5 necessary in order to maximize the use of, or the air quality benefits
6 provided by, the program, based on a consideration of the financial
7 resources of the district.

8 (g) Notwithstanding subdivision (e), a district need not provide
9 matching funds for state board funds allocated to the district for
10 program outreach activities pursuant to paragraph (4) of subdivision
11 (a) of Section 44299.1.

12 (h) A district may include within its matching funds a reasonable
13 estimate of direct or in-kind costs for assistance in providing
14 program outreach and application evaluation. In-kind and direct
15 matching funds shall not exceed 15 percent of the total matching
16 funds offered by a district. A district may also include within its
17 matching funds any money spent on or after February 25, 1999,
18 that would have qualified as matching funds but were not
19 previously claimed as matching funds.

20 (i) A district desiring a reservation of funds shall apply to the
21 state board following the application guidelines established
22 pursuant to this section. The state board shall approve or disapprove
23 a district application not later than 60 days after receipt. Upon
24 approval of any district application, the state board shall
25 simultaneously approve a reservation of funding for that district
26 to administer. Reserved funds shall be disbursed to the district so
27 that funding of a district-approved project is not impeded.

28 (j) Notwithstanding any other provision of this chapter, districts
29 and the Mobile Source Air Pollution Reduction Review Committee
30 shall not use funds collected pursuant to Section 41081 or Chapter
31 7 (commencing with Section 44220), or pursuant to Section
32 9250.11 of the Vehicle Code, as matching funds to fund a project
33 with stationary or portable engines, locomotives, or marine vessels.

34 (k) Any funds reserved for a district pursuant to this section are
35 available to the district for a period of not more than two years
36 from the time of reservation. Funds not expended by June 30 of
37 the second calendar year following the date of the reservation shall
38 revert back to the state board as of that June 30, and shall be
39 deposited in the fund for use by the program. The funds may then
40 be redirected based on applications to the fund. Regardless of any

1 reversion of funds back to the state board, the district may continue
 2 to request other reservations of funds for local administration. Each
 3 reservation of funds shall be accounted for separately, and unused
 4 funds from each application shall revert back to the state board as
 5 specified in this subdivision.

6 (l) The state board shall specify a date each year when district
 7 applications are due. If the eligible applications received in any
 8 year oversubscribe the available funds, the state board shall reserve
 9 funds on an allocation basis, pursuant to subdivision (b) of Section
 10 44299.1. The state board may accept a district application after
 11 the due date for a period of months specified by the state board.
 12 Funds may be reserved in response to those applications, in
 13 accordance with this chapter, out of funds remaining after the
 14 original reservation of funds for the year.

15 (m) Guidelines for a district application shall require information
 16 from an applicant district to the extent necessary to meet the
 17 requirements of this chapter, but shall otherwise minimize the
 18 information required of a district.

19 (n) A district application shall be reviewed by the state board
 20 immediately upon receipt. If the state board determines that an
 21 application is incomplete, the applicant shall be notified within 10
 22 working days with an explanation of what is missing from the
 23 application. A completed application fulfilling the criteria shall be
 24 approved as soon as practicable, but not later than 60 working days
 25 after receipt.

26 (o) The state board, in consultation with the districts, shall
 27 establish project approval criteria and guidelines for infrastructure
 28 projects consistent with Section 44284 as soon as practicable, but
 29 not later than February 15, 2000. The commission shall make draft
 30 criteria and guidelines available to the public 45 days before final
 31 adoption, and shall hold at least one public meeting to consider
 32 public comments before final adoption.

33 (p) The state board, in consultation with the participating
 34 districts, may propose revisions to the criteria and guidelines
 35 established pursuant to subdivision (o) as necessary to improve
 36 the ability of the program to achieve its goals. A revision may be
 37 proposed at any time, or may be proposed in response to a finding
 38 made in the annual report on the program published by the state
 39 board pursuant to Section 44295. A proposed revision shall be
 40 made available to the public 45 days before final adoption of the

1 revision and the commission shall hold at least one public meeting
2 to consider public comments before final adoption of the revision.

3 (q) This section shall become operative on January 1, ~~2033~~.
4 ~~2034~~.

5 SEC. 19. Section 44287 of the Health and Safety Code, as
6 amended by Section 12 of Chapter 610 of the Statutes of 2015, is
7 amended to read:

8 44287. (a) The state board shall establish or update grant
9 criteria and guidelines consistent with this chapter for covered
10 vehicle and infrastructure projects as soon as practicable, but not
11 later than July 1, 2017. The adoption of guidelines is exempt from
12 the rulemaking provisions of the Administrative Procedure Act
13 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
14 Division 3 of Title 2 of the Government Code). The state board
15 shall solicit input and comment from the districts during the
16 development of the criteria and guidelines and shall make every
17 effort to develop criteria and guidelines that are compatible with
18 existing district programs that are also consistent with this chapter.
19 Guidelines shall include protocols to calculate project
20 cost-effectiveness. The grant criteria and guidelines shall include
21 safeguards to ensure that the project generates surplus emissions
22 reductions. Guidelines shall enable and encourage districts to
23 cofund projects that provide emissions reductions in more than
24 one district. The state board shall make draft criteria and guidelines
25 available to the public 45 days before final adoption, and shall
26 hold at least one public meeting to consider public comments
27 before final adoption. The state board may develop separate
28 guidelines and criteria for the different types of eligible projects
29 described in subdivision (a) of Section 44281.

30 (b) The state board, in consultation with the participating
31 districts, may propose revisions to the criteria and guidelines
32 established pursuant to subdivision (a) as necessary to improve
33 the ability of the program to achieve its goals. A proposed revision
34 shall be made available to the public 45 days before final adoption
35 of the revision and the state board shall hold at least one public
36 meeting to consider public comments before final adoption of the
37 revision.

38 (c) The state board shall reserve funds for, and disburse funds
39 to, districts from the fund for administration pursuant to this section
40 and Section 44299.1.

1 (d) The state board shall develop guidelines for a district to
2 follow in applying for the reservation of funds, in accordance with
3 this chapter. It is the intent of the Legislature that district
4 administration of any reserved funds be in accordance with the
5 project selection criteria specified in Sections 44281, 44282, and
6 44283 and all other provisions of this chapter. The guidelines shall
7 be established and published by the state board as soon as
8 practicable, but not later than January 1, 2006.

9 (e) Funds shall be reserved by the state board for administration
10 by a district that adopts an eligible program pursuant to this chapter
11 and offers matching funds at a ratio of one dollar (\$1) of matching
12 funds committed by the district or the Mobile Source Air Pollution
13 Reduction Review Committee for every two dollars (\$2) committed
14 from the fund. Funds available to the Mobile Source Air Pollution
15 Reduction Review Committee may be counted as matching funds
16 for projects in the South Coast Air Basin only if the committee
17 approves the use of these funds for matching purposes. Matching
18 funds may be any funds under the district's budget authority that
19 are committed to be expended in accordance with the program.
20 Funds committed by a port authority or a local government, in
21 cooperation with a district, to be expended in accordance with the
22 program may also be counted as district matching funds. Matching
23 funds provided by a port authority or a local government shall not
24 exceed 30 percent of the total required matching funds in any
25 district that applies for more than three hundred thousand dollars
26 (\$300,000) of the state board funds. Only a district, or a port
27 authority or a local government teamed with a district, may provide
28 matching funds.

29 (f) The state board may adjust the ratio of matching funds
30 described in subdivision (e), if it determines that an adjustment is
31 necessary in order to maximize the use of, or the air quality benefits
32 provided by, the program, based on a consideration of the financial
33 resources of the district.

34 (g) Notwithstanding subdivision (e), a district need not provide
35 matching funds for state board funds allocated to the district for
36 program outreach activities pursuant to paragraph (4) of subdivision
37 (a) of Section 44299.1.

38 (h) A district may include within its matching funds a reasonable
39 estimate of direct or in-kind costs for assistance in providing
40 program outreach and application evaluation. In-kind and direct

1 matching funds shall not exceed 15 percent of the total matching
2 funds offered by a district. A district may also include within its
3 matching funds any money spent on or after February 25, 1999,
4 that would have qualified as matching funds but were not
5 previously claimed as matching funds.

6 (i) A district desiring a reservation of funds shall apply to the
7 state board following the application guidelines established
8 pursuant to this section. The state board shall approve or disapprove
9 a district application not later than 60 days after receipt. Upon
10 approval of any district application, the state board shall
11 simultaneously approve a reservation of funding for that district
12 to administer. Reserved funds shall be disbursed to the district so
13 that funding of a district-approved project is not impeded.

14 (j) Any funds reserved for a district by the state board pursuant
15 to this section are available for disbursement to the district for a
16 period of not more than two years from the time of reservation.
17 Funds not liquidated by a district by June 30 of the fourth calendar
18 year following the date of the reservation shall be returned to the
19 state board within 90 days for future allocation pursuant to this
20 chapter. Each reservation of funds shall be accounted for separately,
21 and unused funds from each application shall revert back to the
22 state board for use pursuant to this chapter as specified in this
23 subdivision.

24 (k) The state board shall specify a date each year when district
25 applications are due. If the eligible applications received in any
26 year oversubscribe the available funds, the state board shall reserve
27 funds on an allocation basis, pursuant to Section 44299.2. The
28 state board may accept a district application after the due date for
29 a period of months specified by the state board. Funds may be
30 reserved in response to those applications, in accordance with this
31 chapter, out of funds remaining after the original reservation of
32 funds for the year.

33 (l) Guidelines for a district application shall require information
34 from an applicant district to the extent necessary to meet the
35 requirements of this chapter, but shall otherwise minimize the
36 information required of a district.

37 (m) A district application shall be reviewed by the state board
38 immediately upon receipt. If the state board determines that an
39 application is incomplete, the applicant shall be notified within 10
40 working days with an explanation of what is missing from the

1 application. A completed application fulfilling the criteria shall be
2 approved as soon as practicable, but not later than 60 working days
3 after receipt.

4 (n) The commission, in consultation with the districts, shall
5 establish project approval criteria and guidelines for infrastructure
6 projects consistent with Section 44284 as soon as practicable, but
7 not later than February 15, 2000. The commission shall make draft
8 criteria and guidelines available to the public 45 days before final
9 adoption, and shall hold at least one public meeting to consider
10 public comments before final adoption.

11 (o) The commission, in consultation with the participating
12 districts, may propose revisions to the criteria and guidelines
13 established pursuant to subdivision (n) as necessary to improve
14 the ability of the program to achieve its goals. A revision may be
15 proposed at any time, or may be proposed in response to a finding
16 made in the annual report on the program published by the state
17 board pursuant to Section 44295. A proposed revision shall be
18 made available to the public 45 days before final adoption of the
19 revision and the commission shall hold at least one public meeting
20 to consider public comments before final adoption of the revision.

21 (p) Unclaimed funds will be allocated by the state board in
22 accordance with Section 44299.2.

23 (q) This section shall remain in effect only until January 1, ~~2033~~,
24 2034, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
26 that date.

27 SEC. 20. Section 42885 of the Public Resources Code, as
28 amended by Section 31 of Chapter 401 of the Statutes of 2013, is
29 amended to read:

30 42885. (a) For purposes of this section, “California tire fee”
31 means the fee imposed pursuant to this section.

32 (b) (1) A person who purchases a new tire, as defined in
33 subdivision (g), shall pay a California tire fee of one dollar and
34 seventy-five cents (\$1.75) per tire.

35 (2) The retail seller shall charge the retail purchaser the amount
36 of the California tire fee as a charge that is separate from, and not
37 included in, any other fee, charge, or other amount paid by the
38 retail purchaser.

39 (3) The retail seller shall collect the California tire fee from the
40 retail purchaser at the time of sale and may retain 1 ½ percent of

1 the fee as reimbursement for any costs associated with the
2 collection of the fee. The retail seller shall remit the remainder to
3 the state on a quarterly schedule for deposit in the California Tire
4 Recycling Management Fund, which is hereby created in the State
5 Treasury.

6 (c) The department, or its agent authorized pursuant to Section
7 42882, shall be reimbursed for its costs of collection, auditing, and
8 making refunds associated with the California Tire Recycling
9 Management Fund, but not to exceed 3 percent of the total annual
10 revenue deposited in the fund.

11 (d) The California tire fee imposed pursuant to subdivision (b)
12 shall be separately stated by the retail seller on the invoice given
13 to the customer at the time of sale. Any other disposal or
14 transaction fee charged by the retail seller related to the tire
15 purchase shall be identified separately from the California tire fee.

16 (e) A person or business who knowingly, or with reckless
17 disregard, makes a false statement or representation in a document
18 used to comply with this section is liable for a civil penalty for
19 each violation or, for continuing violations, for each day that the
20 violation continues. Liability under this section may be imposed
21 in a civil action and shall not exceed twenty-five thousand dollars
22 (\$25,000) for each violation.

23 (f) In addition to the civil penalty that may be imposed pursuant
24 to subdivision (e), the department may impose an administrative
25 penalty in an amount not to exceed five thousand dollars (\$5,000)
26 for each violation of a separate provision or, for continuing
27 violations, for each day that the violation continues, on a person
28 who intentionally or negligently violates a permit, rule, regulation,
29 standard, or requirement issued or adopted pursuant to this chapter.
30 The department shall adopt regulations that specify the amount of
31 the administrative penalty and the procedure for imposing an
32 administrative penalty pursuant to this subdivision.

33 (g) For purposes of this section, “new tire” means a pneumatic
34 or solid tire intended for use with onroad or off-road motor
35 vehicles, motorized equipment, construction equipment, or farm
36 equipment that is sold separately from the motorized equipment,
37 or a new tire sold with a new or used motor vehicle, as defined in
38 Section 42803.5, including the spare tire, construction equipment,
39 or farm equipment. “New tire” does not include retreaded, reused,
40 or recycled tires.

1 (h) The California tire fee shall not be imposed on a tire sold
2 with, or sold separately for use on, any of the following:

3 (1) A self-propelled wheelchair.

4 (2) A motorized tricycle or motorized quadricycle, as defined
5 in Section 407 of the Vehicle Code.

6 (3) A vehicle that is similar to a motorized tricycle or motorized
7 quadricycle and is designed to be operated by a person who, by
8 reason of the person's physical disability, is otherwise unable to
9 move about as a pedestrian.

10 (i) This section shall remain in effect only until January 1, ~~2033~~,
11 2034, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
13 that date.

14 SEC. 21. Section 42885 of the Public Resources Code, as
15 amended by Section 32 of Chapter 401 of the Statutes of 2013, is
16 amended to read:

17 42885. (a) For purposes of this section, "California tire fee"
18 means the fee imposed pursuant to this section.

19 (b) (1) Every person who purchases a new tire, as defined in
20 subdivision (g), shall pay a California tire fee of seventy-five cents
21 (\$0.75) per tire.

22 (2) The retail seller shall charge the retail purchaser the amount
23 of the California tire fee as a charge that is separate from, and not
24 included in, any other fee, charge, or other amount paid by the
25 retail purchaser.

26 (3) The retail seller shall collect the California tire fee from the
27 retail purchaser at the time of sale and may retain 3 percent of the
28 fee as reimbursement for any costs associated with the collection
29 of the fee. The retail seller shall remit the remainder to the state
30 on a quarterly schedule for deposit in the California Tire Recycling
31 Management Fund, which is hereby created in the State Treasury.

32 (c) The department, or its agent authorized pursuant to Section
33 42882, shall be reimbursed for its costs of collection, auditing, and
34 making refunds associated with the California Tire Recycling
35 Management Fund, but not to exceed 3 percent of the total annual
36 revenue deposited in the fund.

37 (d) The California tire fee imposed pursuant to subdivision (b)
38 shall be separately stated by the retail seller on the invoice given
39 to the customer at the time of sale. Any other disposal or

1 transaction fee charged by the retail seller related to the tire
2 purchase shall be identified separately from the California tire fee.

3 (e) Any person or business who knowingly, or with reckless
4 disregard, makes any false statement or representation in any
5 document used to comply with this section is liable for a civil
6 penalty for each violation or, for continuing violations, for each
7 day that the violation continues. Liability under this section may
8 be imposed in a civil action and shall not exceed twenty-five
9 thousand dollars (\$25,000) for each violation.

10 (f) In addition to the civil penalty that may be imposed pursuant
11 to subdivision (e), the department may impose an administrative
12 penalty in an amount not to exceed five thousand dollars (\$5,000)
13 for each violation of a separate provision or, for continuing
14 violations, for each day that the violation continues, on any person
15 who intentionally or negligently violates any permit, rule,
16 regulation, standard, or requirement issued or adopted pursuant to
17 this chapter. The department shall adopt regulations that specify
18 the amount of the administrative penalty and the procedure for
19 imposing an administrative penalty pursuant to this subdivision.

20 (g) For purposes of this section, “new tire” means a pneumatic
21 or solid tire intended for use with onroad or off-road motor
22 vehicles, motorized equipment, construction equipment, or farm
23 equipment that is sold separately from the motorized equipment,
24 or a new tire sold with a new or used motor vehicle, as defined in
25 Section 42803.5, including the spare tire, construction equipment,
26 or farm equipment. “New tire” does not include retreaded, reused,
27 or recycled tires.

28 (h) The California tire fee may not be imposed on any tire sold
29 with, or sold separately for use on, any of the following:

- 30 (1) Any self-propelled wheelchair.
31 (2) Any motorized tricycle or motorized quadricycle, as defined
32 in Section 407 of the Vehicle Code.
33 (3) Any vehicle that is similar to a motorized tricycle or
34 motorized quadricycle and is designed to be operated by a person
35 who, by reason of the person’s physical disability, is otherwise
36 unable to move about as a pedestrian.

37 (i) This section shall become operative on January 1, ~~2033~~.
38 2034.

1 SEC. 22. Section 42889 of the Public Resources Code, as
2 amended by Section 152 of Chapter 35 of the Statutes of 2014, is
3 amended to read:

4 42889. (a) Of the moneys collected pursuant to Section 42885,
5 an amount equal to seventy-five cents (\$0.75) per tire on which
6 the fee is imposed shall be transferred by the State Board of
7 Equalization to the Air Pollution Control Fund. The state board
8 shall expend those moneys, or allocate those moneys to the districts
9 for expenditure, to fund programs and projects that mitigate or
10 remediate air pollution caused by tires in the state, to the extent
11 that the state board or the applicable district determines that the
12 program or project remediates air pollution harms created by tires
13 upon which the fee described in Section 42885 is imposed.

14 (b) The remaining moneys collected pursuant to Section 42885
15 shall be used to fund the waste tire program, and shall be
16 appropriated to the department in the annual Budget Act in a
17 manner consistent with the five-year plan adopted and updated by
18 the department. These moneys shall be expended for the payment
19 of refunds under this chapter and for the following purposes:

20 (1) To pay the administrative overhead cost of this chapter, not
21 to exceed 6 percent of the total revenue deposited in the fund
22 annually, or an amount otherwise specified in the annual Budget
23 Act.

24 (2) To pay the costs of administration associated with collection,
25 making refunds, and auditing revenues in the fund, not to exceed
26 3 percent of the total revenue deposited in the fund, as provided
27 in subdivision (c) of Section 42885.

28 (3) To pay the costs associated with operating the tire recycling
29 program specified in Article 3 (commencing with Section 42870).

30 (4) To pay the costs associated with the development and
31 enforcement of regulations relating to the storage of waste tires
32 and used tires. The department shall consider designating a city,
33 county, or city and county as the enforcement authority of
34 regulations relating to the storage of waste tires and used tires, as
35 provided in subdivision (c) of Section 42850, and regulations
36 relating to the hauling of waste and used tires, as provided in
37 subdivision (b) of Section 42963. If the department designates a
38 local entity for that purpose, the department shall provide sufficient,
39 stable, and noncompetitive funding to that entity for that purpose,
40 based on available resources, as provided in the five-year plan

1 adopted and updated as provided in subdivision (a) of Section
2 42885.5. The department may consider and create, as appropriate,
3 financial incentives for citizens who report the illegal hauling or
4 disposal of waste tires as a means of enhancing local and statewide
5 waste tire and used tire enforcement programs.

6 (5) To pay the costs of cleanup, abatement, removal, or other
7 remedial action related to waste tire stockpiles throughout the state,
8 including all approved costs incurred by other public agencies
9 involved in these activities by contract with the department. Not
10 less than six million five hundred thousand dollars (\$6,500,000)
11 shall be expended by the department during each of the following
12 fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

13 (6) To make studies and conduct research directed at promoting
14 and developing alternatives to the landfill disposal of waste tires.

15 (7) To assist in developing markets and new technologies for
16 used tires and waste tires. The department's expenditure of funds
17 for purposes of this subdivision shall reflect the priorities for waste
18 management practices specified in subdivision (a) of Section
19 40051.

20 (8) To pay the costs associated with implementing and operating
21 a waste tire and used tire hauler program and manifest system
22 pursuant to Chapter 19 (commencing with Section 42950).

23 (9) To pay the costs to create and maintain an emergency
24 reserve, which shall not exceed one million dollars (\$1,000,000).

25 (10) To pay the costs of cleanup, abatement, or other remedial
26 action related to the disposal of waste tires in implementing and
27 operating the Farm and Ranch Solid Waste Cleanup and Abatement
28 Grant Program established pursuant to Chapter 2.5 (commencing
29 with Section 48100) of Part 7.

30 (11) To fund border region activities specified in paragraph (8)
31 of subdivision (b) of Section 42885.5.

32 (12) For expenditure pursuant to paragraph (3) of subdivision
33 (a) of, and paragraph (3) of subdivision (b) of, Section 17001.

34 (c) This section shall remain in effect only until January 1, ~~2033~~,
35 2034, and as of that date is repealed, unless a later enacted statute
36 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
37 that date.

38 SEC. 23. Section 42889 of the Public Resources Code, as
39 amended by Section 153 of Chapter 35 of the Statutes of 2014, is
40 amended to read:

1 42889. Funding for the waste tire program shall be appropriated
2 to the department in the annual Budget Act. The moneys in the
3 fund shall be expended for the payment of refunds under this
4 chapter and for the following purposes:

5 (a) To pay the administrative overhead cost of this chapter, not
6 to exceed 5 percent of the total revenue deposited in the fund
7 annually, or an amount otherwise specified in the annual Budget
8 Act.

9 (b) To pay the costs of administration associated with collection,
10 making refunds, and auditing revenues in the fund, not to exceed
11 3 percent of the total revenue deposited in the fund, as provided
12 in subdivision (b) of Section 42885.

13 (c) To pay the costs associated with operating the tire recycling
14 program specified in Article 3 (commencing with Section 42870).

15 (d) To pay the costs associated with the development and
16 enforcement of regulations relating to the storage of waste tires
17 and used tires. The department shall consider designating a city,
18 county, or city and county as the enforcement authority of
19 regulations relating to the storage of waste tires and used tires, as
20 provided in subdivision (c) of Section 42850, and regulations
21 relating to the hauling of waste and used tires, as provided in
22 subdivision (b) of Section 42963. If the department designates a
23 local entity for that purpose, the department shall provide sufficient,
24 stable, and noncompetitive funding to that entity for that purpose,
25 based on available resources, as provided in the five-year plan
26 adopted and updated as provided in subdivision (a) of Section
27 42885.5. The department may consider and create, as appropriate,
28 financial incentives for citizens who report the illegal hauling or
29 disposal of waste tires as a means of enhancing local and statewide
30 waste tire and used tire enforcement programs.

31 (e) To pay the costs of cleanup, abatement, removal, or other
32 remedial action related to waste tire stockpiles throughout the state,
33 including all approved costs incurred by other public agencies
34 involved in these activities by contract with the department. Not
35 less than six million five hundred thousand dollars (\$6,500,000)
36 shall be expended by the department during each of the following
37 fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

38 (f) To fund border region activities specified in paragraph (8)
39 of subdivision (b) of Section 42885.5.

1 (g) For expenditure pursuant to paragraph (3) of subdivision (a)
2 of, and paragraph (3) of subdivision (b) of, Section 17001.

3 (h) This section shall become operative on January 1, ~~2033~~.
4 2034.

5 SEC. 24. Section 9250.2 of the Vehicle Code, as amended by
6 Section 36 of Chapter 401 of the Statutes of 2013, is amended to
7 read:

8 9250.2. (a) The department, if requested by the Sacramento
9 Metropolitan Air Quality Management District pursuant to Section
10 41081 of the Health and Safety Code, shall impose and collect a
11 surcharge on the registration fees for every motor vehicle registered
12 in that district, not to exceed the amount of six dollars (\$6), as
13 specified by the governing body of that district.

14 (b) This section shall remain in effect only until January 1, ~~2033~~,
15 2034, and as of that date is repealed, unless a later enacted statute,
16 that is enacted before January 1, ~~2033~~, 2034, deletes or extends
17 that date.

18 SEC. 25. Section 9250.2 of the Vehicle Code, as amended by
19 Section 37 of Chapter 401 of the Statutes of 2013, is amended to
20 read:

21 9250.2. (a) The department, if requested by the Sacramento
22 Metropolitan Air Quality Management District pursuant to Section
23 41081 of the Health and Safety Code, shall impose and collect a
24 surcharge on the registration fees for every motor vehicle registered
25 in that district, not to exceed four dollars (\$4).

26 (b) This section shall become operative on January 1, ~~2033~~.
27 2034.

O

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 2022

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The last day for each house to pass bills introduced in that house was May 27, 2022.

Below are bills the Air District has taken positions on or discussed during the 2022 Legislative Session and their current status:

- Assembly Bill (AB) 1944 (Lee) - Local government: open and public meetings.
- AB 2449 (Rubio) - Open meetings: local agencies: teleconferences.
- AB 2141 (E. Garcia) - Greenhouse Gas Reduction Fund: community projects: funding.
- AB 2206 (Lee) - Nonattainment basins: employee parking: parking cash-out program.
- AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.
- AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.
- 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) 1235 (Borgeas) - Air pollution: portable equipment: emergency events.
- SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
- SB 1393 (Archuleta) - Energy: appliances: local requirements.

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a brief summary and status of bills listed on the attached list. Specifically, staff will discuss the following bills:

AB 1944 (Lee) - Local government: open and public meetings.

CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 44-12. Ordered to the Senate – this bill is currently pending referral.

Position: Support

AB 2449 (Rubio) - Open meetings: local agencies: teleconferences.

CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 65:4. Ordered to the Senate – this bill is currently pending referral.

Position: None

AB 2141 (E. Garcia) - Greenhouse Gas Reduction Fund: community projects: funding.

CapitolTrack Summary: Current law requires that all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism be deposited in the Greenhouse Gas Reduction Fund and be available, upon appropriation by the Legislature, for purposes relating to the reduction of greenhouse gas emissions. Current law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project. This bill would continuously appropriate to the state board, beginning in the 2023–24 fiscal year, 20% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to \$600,000,000, for allocation to air pollution control districts and air quality management districts for the purpose of supporting community emissions reduction strategies in, and reimbursement for participation by, communities selected by the state board, as specified.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 23, 2022, where it received a vote in favor of 54-18. Ordered to the Senate – this bill is currently pending referral.

Position: Support

AB 2206 (Lee) - Nonattainment basins: employee parking: parking cash-out program.

CapitolTrack Summary: Current law requires, in any air basin designated as nonattainment for certain air quality standards, an employer, defined as an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program. Current law defines “parking cash-out program” as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Current law defines a “parking subsidy” as the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space. This bill would revise the definitions of “employer,” “parking cash-out program,” and “parking subsidy.” The bill would require a lessor that enters into or renews a lease on or after January 1, 2023, with a lessee that is an employer and that offers parking to the employer to list the market-rate parking costs as a separate line item in the lease, as provided, or to provide a list of parking costs to the employer within 30 days after the lease is entered into or renewed.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 9, 2022, where it received a vote in favor of 47-15. Ordered to the Senate – this bill has been referred to Senate Committees on Transportation and Judiciary and is scheduled to be heard in Senate Transportation on June 14, 2022.

Position: Support

AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.

CapitolTrack Summary: Current law requires air pollution control and air quality management districts, except county districts with a population of less than 250,000, to establish, by regulation, a program to provide for the expedited review of permits. A person who violates these requirements, or any rules, regulation, permit, or order of a district is guilty of a misdemeanor. This bill would, except as provided, require air pollution control and air quality management districts to establish a mobile fueling on-demand tank vehicle permit program for mobile fueling on-demand tank vehicle operations, as defined. The bill would require that a mobile fueling on-demand tank vehicle permit program provide, among other things, a consistent permitting process for an operation that requires more than one permit and an expedited permit review and fee schedule.

Current Status: Dead – Last location was the Assembly Appropriations Suspense File.

Position: Oppose

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

CapitolTrack Summary: Would require the State Air Resources 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 is low or moderate income. 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.

Current Status: Dead – Last location was the Assembly Appropriations Suspense File.

Position: Oppose unless amended

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.

Current Status: Dead – Last location was the Assembly Local Government Committee.

Position: Support

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 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 and would subject those maximum amounts to the annual adjustment based on the California Consumer Price Index, as specified.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 52:17. Ordered to the Senate – this bill is currently pending approval.

Position: Support

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.

Current Status: Dead – Last location was the Senate Environmental Quality Committee.

Position: Oppose

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 specified 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 board coordinates with air quality 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.

Current Status: Made its way through the Senate committee process and was voted on the Senate Floor on May 26, 2022, where it received a vote in favor of 33:5. Ordered to the Assembly – this bill is currently pending referral.

Position: Support

SB 1393 (Archuleta) - Energy: appliances: local requirements.

CapitolTrack Summary: Current law requires the State Energy Resources Conservation and Development Commission to gather or develop, and publish on its internet website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment that include one or more specified topics. This bill would require the commission to gather or develop, and publish on its internet website, the guidance and best practices by July 1, 2023, and would require the guidance to include all of those specified topics and additional topics. The bill would require the commission to update annually the guidance and best practices. The bill would require a city, including a charter city, or county, when adopting an ordinance requiring the replacement of a fossil fuel-fired appliance with an electric appliance upon the alteration or retrofit of a residential and nonresidential building, to consider the guidance published by the commission.

Current Status: Made its way through the Senate committee process and was voted on the Senate Floor on May 26, 2022, where it received a vote in favor of 21:3. Ordered to the Assembly – this bill is currently pending referral.

Position: Oppose

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. Bills of Interest Matrix - As of June 2, 2022

Bill #	Author	Subject	Last Amended	Last Status - As of 6/2/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1749	Garcia, Cristina	Community emissions reduction programs: toxic air contaminants and criteria air pollutants.	5/19/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			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 [an 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	5/4/2022-Referred to Coms. on G.O. and E.Q.	5/4/2022-S. G.O.			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 [an 2022])	9/10/2021-S. 2 YEAR			Low	Climate Change
AB 2442	Rivas, Robert	Climate change.	4/5/2022	6/1/2022-Referred to Coms. on G.O., GOV. & F. and E.Q.	6/1/2022-S. G.O.			Low	Climate Change
AB 2446	Holden	Embodied carbon emissions: construction materials.	4/7/2022	6/1/2022-Referred to Coms. on E., U. & C. and E.Q.	6/1/2022-S. E. U., & C.			Low	Climate Change
AB 2532	Bennett	Scoping plan: state agency, board, and department compliance and implementation: reports.	4/19/2022	6/1/2022-Referred to Coms. on G.O. and E.Q.	6/1/2022-S. G.O.			Low	Climate Change
AB 2578	Cunningham	State Energy Resources Conservation and Development Commission: integrated energy policy report: carbon capture, utilization, and sequestration.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Climate Change
AB 2700	McCarty	Transportation electrification: electrical distribution grid upgrades.	4/27/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Climate Change
AB 2944	Petrie-Norris	Greenhouse gases: carbon capture, utilization, and sequestration.	5/2/2022	6/1/2022-Referred to Coms. on E.Q. and JUD.	6/1/2022-S. E.Q.			Low	Climate Change
SB 260	Wiener	Climate Corporate Accountability Act.	1/3/2022	5/31/2022-June 6 set for first hearing canceled at the request of author.	5/5/2022-A. NAT. RES.			Medium	Climate Change
SB 852	Dodd	Climate resilience districts: formation: funding mechanisms.	5/18/2022	5/27/2022-Referred to Coms. on L. GOV. and NAT. RES.	5/27/2022-A. L. GOV.			Low	Climate Change
SB 905	Skinner	Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act.	5/19/2022	5/25/2022-In Assembly. Read first time. Held at Desk.	5/24/2022-A. DESK			Low	Climate Change
SB 989	Hertzberg	Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding.	4/18/2022	5/27/2022-Referred to Com. on NAT. RES.	5/27/2022-A. NAT. RES.			Low	Climate Change
SB 1020	Laird	Clean Energy, Jobs, and Affordability Act of 2022.	5/23/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	Climate Change
SB 1075	Skinner	Hydrogen: green hydrogen: emissions of greenhouse gases.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	Climate Change
SB 1101	Caballero	Carbon sequestration: pore space ownership and Carbon Capture, Utilization, and Storage Program.	5/2/2022	5/27/2022-Referred to Com. on NAT. RES.	5/27/2022-A. NAT. RES.			Low	Climate Change
SB 1136	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/16/2022	5/25/2022-In Assembly. Read first time. Held at Desk.	5/24/2022-A. DESK			Low	Climate Change
SB 1145	Laird	California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	Climate Change
SB 1206	Skinner	Hydrofluorocarbon gases: sale or distribution.	5/19/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Climate Change
SB 1230	Limón	Zero-emission and near-zero-emission vehicle incentive programs: requirements.	5/19/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Climate Change
SB 1297	Cortese	Low-embodied carbon building materials: carbon sequestration.	5/10/2022	5/27/2022-Referred to Com. on NAT. RES.	5/27/2022-A. NAT. RES.			Low	Climate Change
SB 1301	Becker	Corporation Tax Law: Personal Income Tax Law: credits: green energy: manufacturing.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	Climate Change
SB 1347	Hueso	California Global Warming Solutions Act of 2006: renewable hydrogen production study.	5/2/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Climate Change
SB 1399	Wieckowski	Carbon Capture Technology Demonstration Project Grant Program.	5/19/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Climate Change
AB 2075	Ting	Energy: electric vehicle charging standards.	5/2/2022	6/1/2022-Referred to Coms. on HOUSING and E., U. & C.	6/1/2022-S. HOUSING			Low	Energy
AB 2204	Boerner Horvath	Clean energy: Office of Clean Energy Workforce.	5/19/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	Energy
AB 2316	Ward	Public Utilities Commission: community renewable energy program.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Energy
AB 2587	Garcia, Eduardo	Energy: firm renewable energy resources and firm zero-carbon resources: procurement.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Energy
AB 2892	Bigelow	Income taxes: credits: backup electricity generators.	4/18/2022	4/26/2022-In committee: Hearing for testimony only.	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.	4/18/2022	5/27/2022-Referred to Coms. on NAT. RES. and U. & E.	5/27/2022-A. NAT. RES.			Low	Energy
SB 1112	Becker	Energy: building decarbonization: notice and recordation of a decarbonization charge.	5/19/2022	5/27/2022-Referred to Com. on U. & E.	5/27/2022-A. U. & E.			Low	Energy
SB 1156	Grove	Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.		5/4/2022-May 4 set for first hearing. Failed passage in committee. (Aves 2, Noes 2.) Reconsideration granted.	3/17/2022-S. GOV. & F.			Low	Energy
SB 1291	Archuleta	Hydrogen-fueling stations: administrative approval.	4/5/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Energy
SB 1332	Becker	Building performance standards.	3/16/2022	3/16/2022-Prom committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/18/2022-S. RLS.			Low	Energy
SB 1393	Archuleta	Energy: appliances: local requirements.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK		Oppose	Medium	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 6/2/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1001	Garcia, Cristina	Environment: mitigation measures for air quality impacts: environmental justice.	3/22/2022	5/23/2022-In committee: Hearing postponed by committee.	5/4/2022-S. E.Q.			Medium	Environmental Justice
AB 2419	Bryan	Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Advisory Committee.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Environmental Justice
AB 1897	Wicks	Nonvehicular air pollution control: civil penalties: refineries.	4/27/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.		Air District-Sponsored	High	General-Air District
AB 2141	Garcia, Eduardo	Greenhouse Gas Reduction Fund: community projects: funding.	4/18/2022	6/1/2022-Referred to Com. on E.Q.	6/1/2022-S. E.Q.		Support	Medium	General-Air District
AB 2649	Garcia, Cristina	Natural Carbon Sequestration and Resilience Act of 2022.	5/3/2022	6/1/2022-Referred to Coms. on N.R. & W. and E.Q.	6/1/2022-S. N.R. & W.			Medium	General-Air District
AB 2721	Lee	Bay Area Air Quality Management District: district board: compensation.	3/10/2022	6/1/2022-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 5. Noes 0.) (June 1). Re-referred to Com. on GOV. & F.	6/1/2022-S. GOV. & F.		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.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.		Air-District Co-Sponsor	High	General-Air District
AB 2840	Reyes	Qualifying logistics use projects.	4/21/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	General-Air District
AB 2910	Santiago	Nonvehicular air pollution: civil penalties.	4/20/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.		Support	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	Flora	Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.	3/30/2022	5/25/2022-Referred to Com. on L., P.E. & R.	5/25/2022-S. L., P.E. & R.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1738	Boerner Horvath	Building standards: installation of electric vehicle charging stations: existing buildings.	4/25/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			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	6/1/2022-Referred to Com. on TRANS.	6/1/2022-S. 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.	4/18/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2101	Flora	California Carbon Sequestration and Climate Resiliency Project Registry: whole orchard recycling projects.	4/5/2022	6/1/2022-Referred to Coms. on N.R. & W. and E.Q.	6/1/2022-S. N.R. & W.			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	Wilson	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	5/16/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2358	O'Donnell	Alternative vehicle and vessel technologies: funding programs: commercial harbor craft.	4/18/2022	6/1/2022-Referred to Coms. on TRANS. and E.Q.	6/1/2022-S. TRANS.			Medium	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.	4/7/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2703	Muratsuchi	Electric vehicle charging stations: reliability standards: low-income and disadvantaged community financial assistance.	4/18/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2737	Carrillo	Air pollution: purchase of new drayage and short-haul trucks: incentive programs: lessees: labor standards.	4/7/2022	6/1/2022-Referred to Coms. on L., P.E. & R., E.Q. and TRANS.	5/19/2022-S. L., P.E. & R.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2798	Fong	Freight: development projects.	4/21/2022	6/1/2022-Referred to Com. on GOV. & F.	6/1/2022-S. GOV. & F.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2807	Bonta, Mia	Transportation funding programs: eligibility: public transportation ferries.	4/21/2022	6/1/2022-Referred to Coms. on TRANS. and E.Q.	6/1/2022-S. TRANS.			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	5/5/2022-Referred to Com. on NAT. RES.	5/5/2022-A. NAT. RES.			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	5/5/2022-Referred to Com. on REV. & TAX.	5/5/2022-A. REV. & TAX			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 894	Jones	Off-highway vehicles.	3/28/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 922	Wiener	California Environmental Quality Act: exemptions: transportation-related projects.	5/11/2022	5/27/2022-Referred to Com. on NAT. RES.	5/27/2022-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 932	Portantino	General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.	5/4/2022	5/27/2022-Referred to Coms. on L. GOV. and TRANS.	5/27/2022-A. L. GOV.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 942	Newman	Low Carbon Transit Operations Program: free or reduced fare transit program.		5/19/2022-Referred to Com. on TRANS.	5/19/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1010	Skinner	Air pollution: state vehicle fleet: zero-emission vehicles.	5/19/2022	5/27/2022-Referred to Com. on A. & A.R.	5/27/2022-A. A. & A.R.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1104	Gonzalez	Governor's Office of Business and Economic Development: Office of Freight.	4/6/2022	5/27/2022-Referred to Coms. on J.,E.D., & E. and TRANS.	5/27/2022-A. J., E.D. & E.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1203	Becker	Zero net emissions of greenhouse gases: state agency operations.	5/19/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 6/2/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1217	Allen	State-Regional Collaborative for Climate, Equity, and Resilience.		5/25/2022-In Assembly. Read first time. Held at Desk.	5/24/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1251	Gonzalez	Office of the Zero-Emission Vehicle Equity Advocate.	5/19/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1258	Allen	Clean Transportation Program: electric vehicle charging: fleet-operated vehicles.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1305	Laird	State vehicle fleet: alternative fuel vehicles.	4/19/2022	5/19/2022-Deferred to Com. on A. & A.R.	5/19/2022-A. A. & A.R.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1329	Newman	Publicly available hydrogen-fueling stations: electric vehicle charging stations.	5/4/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			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.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK		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	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1482	Allen	Building standards: electric vehicle charging infrastructure.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 983	Kalra	Employee obligations: exclusivity options.	5/5/2022	5/18/2022-Re-referred to Coms. on L., P.E. & R. and JUD.	5/18/2022-S. L., P.E. & R.			Low	Other
AB 1240	Ting	Indoor air pollution.	1/24/2022	6/1/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 1). Re-referred to Com. on APPR.	6/1/2022-S. APPR.			Medium	Other
AB 1624	Ting	Budget Act of 2022.		1/20/2022-Deferred to Com. on BUDGET.	1/10/2022-A. BUDGET			High	Other
AB 1717	Aguar-Curry	Public works: definition.	5/19/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	Other
AB 1935	Grayson	California Environmental Quality Act: redevelopment: Concord Naval Weapons Station.	4/19/2022	6/1/2022-Deferred to Com. on E.Q.	6/1/2022-S. E.Q.			Low	Other
AB 1944	Lee	Local government: open and public meetings.	5/25/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.		Support	Medium	Other
AB 2056	Grayson	Bar pilots: pilotage rates: pilot boat surcharge.	6/1/2022	6/1/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.	5/25/2022-S. G.O.			Low	Other
AB 2057	Carrillo	Transportation Agency: goods movement data.	3/28/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	Other
AB 2076	Rivas, Luz	Extreme Heat and Community Resilience Program: Extreme Heat and Health Reporting System.	5/19/2022	6/1/2022-Deferred to Coms. on E.Q., HEALTH and JUD.	6/1/2022-S. E.Q.			Low	Other
AB 2206	Lee	Nonattainment basins: employee parking: parking cash-out program.	4/20/2022	5/26/2022-Action rescinded whereby the bill was referred to Com. on E.Q.	5/26/2022-S. TRANS.		Support	Medium	Other
AB 2214	Garcia, Cristina	California Environmental Quality Act: school sites: acquisition of property: school districts, charter schools, and private schools.	4/25/2022	6/1/2022-Deferred to Coms. on E.Q. and ED.	6/1/2022-S. E.Q.		Air District-Sponsored	High	Other
AB 2237	Friedman	Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Other
AB 2449	Rubio, Blanca	Open meetings: local agencies: teleconferences.	5/23/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	Other
AB 2647	Levine	Local government: open meetings.	4/19/2022	5/25/2022-Deferred to Com. on GOV. & F.	5/25/2022-S. GOV. & F.			Low	Other
SB 560	Rubio	Climate Pollution Reduction in Homes Initiative: grants.	5/20/2021	5/5/2022-Deferred to Com. on NAT. RES.	5/5/2022-A. NAT. RES.			Medium	Other
SB 778	Becker	Buy Clean California Act: Environmental Product Declarations: concrete.	5/24/2022	5/24/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on A. & A.R.	5/24/2022-A. A. & A.R.			Low	Other
SB 833	Dodd	Community Energy Resilience Act of 2022.	3/21/2022	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			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.	4/21/2022	5/26/2022-June 8 set for first hearing canceled at the request of author.	5/5/2022-A. L. GOV.			Low	Other
SB 1132	Wieckowski	Air quality health planning.		2/23/2022-Deferred 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	5/26/2022-In Assembly. Read first time. Held at Desk.	5/25/2022-A. DESK			Low	Other
SB 1319	Grove	Oil imports: air quality emissions data.	5/2/2022	5/27/2022-Deferred to Com. on NAT. RES.	5/27/2022-A. NAT. RES.			Low	Other
AB 2070	Bauer-Kahan	Fire protection districts: electrical corporations and local publicly owned electric utilities: wildfire mitigation: notice requirements.	5/19/2022	5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/27/2022-S. RLS.			Low	Wildfire/PSPS
AB 2232	McCarty	School facilities: heating, ventilation, and air conditioning systems.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Medium	Wildfire/PSPS
AB 2243	Garcia, Eduardo	Occupational safety and health standards: heat illness: wildfire smoke.	5/19/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Wildfire/PSPS
AB 2550	Arambula	State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.	4/28/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Medium	Wildfire/PSPS
AB 2645	Rodriguez	Local emergency plans: integration of access and functional needs: community resilience centers.	4/18/2022	5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.	5/26/2022-S. RLS.			Low	Wildfire/PSPS
SB 1266	Borgeas	Income taxes: credits: designated wildfire zones.	5/19/2022	5/27/2022-In Assembly. Read first time. Held at Desk.	5/26/2022-A. DESK			Low	Wildfire/PSPS
Total Active Bills	109							Low: 85 Medium: 18 High: 6	