



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR	TYRONE JUE – VICE-CHAIR
BRIAN BARNACLE	KEN CARLSON
NOELIA CORZO	JOELLE GALLAGHER
JUAN GONZALEZ	ERIN HANNIGAN
DAVID HUDSON	RAY MUELLER

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC**

Main Meeting Location:

**Bay Area Metro Center
1st Floor Board Room or Yerba Buena Room
375 Beale Street, San Francisco, CA 94105**

In-Person Remote Teleconference Location(s):

**Office of Contra Costa County Supervisor John Gioia
Conference Room
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530**

**City of Palo Alto City Hall
250 Hamilton Ave., 7th Floor
Palo Alto, CA 94301**

**Office of Alameda County Supervisor David Haubert
4501 Pleasanton Ave.
Pleasanton, CA 94566**

**Santa Rosa Junior College Campus
Doyle Library, Room 148
1501 Mendocino Ave.
Santa Rosa, CA 95401**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Legislative Committee reserves the right to conduct the meeting without remote webcast and/or Zoom access.

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.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/84743740140>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 847 4374 0140

LEGISLATIVE COMMITTEE MEETING AGENDA

WEDNESDAY, APRIL 5, 2023

10:00 AM

1. **Call to Order - Roll Call**

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

2. **Pledge of Allegiance**

3. **Public Meeting Procedure**

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 a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 4)

4. Approval of the Minutes of the Legislative Committee Meeting of February 27, 2023

The Committee will consider approving the draft minutes of the Legislative Committee meeting of February 27, 2023.

ACTION ITEM(S)

5. Air District-Sponsored Bills

This is an action item for the Committee to consider recommending that the Board of Directors approve co-sponsoring the following bill:

- *AB 1609 (Garcia) - Air pollution: motor vehicle vehicle registration: pollution reduction.*

Staff will also provide the Committee with a summary and status of Air District sponsored and co-sponsored bills. This item will be presented by Alan Abbs, Legislative Officer.

6. Discussion and Consideration of Brown Act Bills

This is an action item for the Committee to consider recommending that the Board of Directors approve supporting the following bills related to the Brown Act:

- *AB 817 (Pacheco) - Open meetings: teleconferencing: subsidiary body.*
- *SB 537 (Becker) - Open meetings: local agencies: teleconferences.*

Staff will also provide the Committee with a summary and status of other bills related to the Brown Act. This item will be presented by Alan Abbs, Legislative Officer.

7. Consideration of New Bills

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

Staff recommends the following positions on current legislation:

- *Support – Assembly Bill (AB) 1267 (Ting) – Zero-emission vehicle incentive programs: gasoline superusers.*
- *Support – Senate Bill (SB) 397 (Wahab) – Safety roadside rests: electric vehicle service equipment.*
- *Oppose – AB 698 (Essayli) – Energy: gas stoves.*
- *Oppose Unless Amended – SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment.*
- *Work with Author – SB 768 (Caballero) – California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.*

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 will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair.

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

At the Call of the Chair.

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**

APRIL 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	5	8:30 a.m.	1st Floor Board Room
Board of Directors Meeting	Wednesday	5	9:00 a.m.	1st Floor Board Room
Board of Directors Legislative Committee	Wednesday	5	10:00 a.m.	1st Floor Board Room
Board of Directors Finance & Administration Committee	Wednesday	5	1:00 p.m.	1st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	12	10:00 a.m.	1st Floor, Yerba Buena and Ohlone Rooms
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	12	1:00 p.m.	1st Floor, Yerba Buena and Ohlone Rooms
Board of Directors Meeting	Wednesday	19	9:00 a.m.	1st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	19	1:00 p.m.	1st Floor Board Room

HL 3/29/2023 – 2:10 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: April 5, 2023

Re: Approval of the Minutes of the Legislative Committee Meeting of February 27, 2023

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee meeting of February 27, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee meeting of February 27, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of February 27, 2023

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

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, February 27, 2023

This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 9:01 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson Tyrone Jue; and Directors Ken Carlson, Noelia Corzo, Joelle Gallagher, Juan Gonzalez, and Erin Hannigan.

Absent: Board Chair Bauters; and Directors Brian Barnacle, and David Hudson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF DECEMBER 12, 2022

Director Hannigan made a motion, seconded by Chairperson Abe-Koga, to approve the Minutes of December 12, 2022; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Gallagher, Hannigan.
NOES: None.
ABSTAIN: Carlson, Gonzalez.
ABSENT: Barnacle, Bauters, Corzo, Hudson, Jue.

5. APPROVAL OF THE LEGISLATIVE PLATFORM FOR 2023

Alan Abbs, Legislative Officer, gave the staff presentation *2023 Legislative Platform*, including: outcome; outline; requested action; State Budget; State Legislation; and Federal Legislation and regulatory activity.

NOTED PRESENT: Vice Chair Jue was noted present at 9:11 a.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the history of how Assembly Bill (AB) 398 (E. Garcia, 2017) prevented the Air District from setting limits on carbon dioxide at stationary sources that are subject to the State’s Cap-and-Trade program, and the subsequent curtailing of the Air District’s regulatory authority; the desire that the Air District would pursue Federal legislation regarding decarbonization and zero-emission technologies and incentives; concerns about unintended consequences of energy diversification; the desire to focus on hydrogen fueling for power generation; concerns about leaded aviation gas-powered planes flying over schools; and why the Air District is no longer pursuing legislation that would place environmental school-site acquisition requirements on charter and private schools, and the importance of sharing the history of the bills that died (regarding this issue) with new Board members.

Committee Action

Director Hannigan made a motion, seconded by Director Carlson, to **approve** the proposed Legislative Platform for 2023:

State Budget	State Legislation	Federal Legislation & Regulatory Activity
1. State Funding for Clean Air Projects	1. Vehicle Emissions and Reducing Vehicle Miles Traveled	1. Federal Funding for Air District Clean Air Programs
2. AB 617 Community Air Protection Program Implementation and Incentive Funding	2. Climate Change	2. Wildfire Smoke Public Health Response
3. Wildfire Smoke Public Health Response	3. AB 617 Community Air Protection Program	3. Clean Transportation Programs
4. Support for Air District Activities Related to Wildfire Mitigation	4. Wildfire Smoke Public Health Response	4. Clean Energy Programs
5. Clean Tech Financing	5. Emergency Backup Generation	5. Particulate Matter Standards
6. Low-Carbon Transportation Incentives	6. Toxic Air Emissions	6. Vehicle Emission Standards
7. Commercial Harbor Craft Funding	7. Wildfire Smoke Mitigation/Prescribed Fire	7. Climate Change
	8. Stationary Source Greenhouse Gas Authority	8. Leaded Aviation Gas
	9. Land Use	

The motion carried by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Gallagher, Gonzalez, Hannigan, Jue.
 NOES: None.
 ABSTAIN: None.
 ABSENT: Barnacle, Bauters, Corzo, Hudson.

6. STATE LEGISLAIVE UPDATE AND CONSIDERATION OF NEW BILLS

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including: outcome; outline; requested action; AB 849 (Garcia); Senate Bill (SB) 312 (Wiener); SB 411 (Portantino); SB 415 (Durazo); SB 563 (Archuleta); and SB 674 (Gonzalez).

NOTED PRESENT: Director Corzo was noted present at 10:00 a.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District is monitoring AB 99 (Connolly), regarding State highways: vegetation management: herbicides and pesticides, and the Air District’s position might be; whether SB 674 is aligned with the Air District’s emergency response and reporting practices; the difference between SB 312 and existing laws; the difference between SB 415 and existing laws; the definition of “independent special district” as stated in SB 563; whether the Committee should recommend proposed action on the bills listed above on February 27, versus wait until the Committee meets on March 15; and the types of bills that the Air District has opposed in previous years.

Committee Action

Director Hannigan made a motion, seconded by Director Gonzalez, to recommend the Board **adopts** the following positions on the legislation listed below:

Bill	Suggested Action to the Board
AB 849 (Garcia) – Community emissions reduction programs.	Support
SB 563 (Archuleta) – Air pollution control districts and air quality management districts: independent special districts: funding.	Support
SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment.	Work with Author
SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.	Work with Author

The motion carried by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Hudson.

7. STATE LEGISLATIVE BUDGET UPDATE

Mr. Abbs gave the staff presentation *State Legislative Budget Update*, including: presentation for information only; outline; and 2023-24 State Budget versus previous year.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

8. AIR DISTRICT – SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District – Sponsored Bills*, listing five bills that the Air District is currently sponsoring, co-sponsoring, or will consider sponsoring or co-sponsoring once substantive language has been added to the bill:

- **AB 536 (Wilson)** – Bay Area Air Quality Management Advisory Council: compensation. (Sponsor);
- **AB 953 (Connolly and Hart)** – Coastal resources: voluntary vessel speed reduction and sustainable shipping program. (Co-Sponsor);
- **AB 1465 (Wicks)** – Nonvehicular air pollution: civil penalties. (Spot Bill - No position is being proposed at this time);
- **AB 1609 (Garcia)** – Air pollution: motor vehicles: district fees. (Spot Bill - No position is being proposed at this time); and
- **SB 849 (Stern)** – Air pollution: emissions from ports. (Intent Bill - No position is being proposed at this time).

Mr. Abbs noted that AB 1465, AB 1609, and SB 849 were currently in spot or intent bill form, meaning they had no actual bill language, and that he was working with the relevant author's offices and co-sponsors to add language.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the function of spot bills; whether AB 953 is more about air pollution or protecting marine life; and how the Air District would use the additional fees collected from surcharges on registration fees for motor vehicles, per the intent of AB 1609.

Committee Action

None; receive and file.

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by John Harris.

10. COMMITTEE MEMBERS' COMMENTS

None.

11. TIME AND PLACE OF NEXT MEETING

The next meeting had originally been scheduled for Wednesday, March 15, 2023, at 375 Beale Street, San Francisco, CA 94105 at 3:30 p.m. After the meeting adjourned, the next meeting was scheduled for Wednesday, April 5, 2023, at 375 Beale Street, San Francisco, CA 94105 at 10:00 a.m. The meeting will also be webcast for members of the public.

12. ADJOURNMENT

The meeting was adjourned at 11:02 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: April 5, 2023

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

Approve staff's recommendation to co-sponsor the following bill:

- Assembly Bill (AB) 1609 (Garcia) – Air pollution: motor vehicle registration: pollution reduction.

BACKGROUND

The Air District is sponsoring the following bills:

- AB 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.
- AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

The Air District is also co-sponsoring the following bill with the Santa Barbara County Air Pollution Control District and the Ventura County Air Pollution Control District:

- AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

As noted at the Legislative Committee (Committee) meeting in February, AB 1465 (Wicks) and AB 1609 (Garcia) were spot bills at the time. Both have since been amended and now include substantive language. The Board of Directors (Board) approved the reintroduction and sponsorship of last year's refinery penalty bill, now AB 1465 (Wicks), at their December 21, 2022, Board meeting. The Committee previously received staff's report on AB 1609 (Garcia) and the bill's intent to collect additional motor vehicle fees for air pollution reduction programs, and the request from the South Coast Air Quality Management District for co-sponsorship.

Another potential bill for co-sponsorship with the South Coast Air Quality Management District, Senate Bill (SB) 849 (Stern) – Air pollution: emissions from ports, was not amended and is unlikely to move as a bill this year.

DISCUSSION

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

AB 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.

CapitolTrack Summary: Current 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. Current law establishes a district board (bay district board) to govern the district. Current law also establishes the Bay Area Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Current law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties. This bill would repeal the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties.

Current Status: AB 536 passed through the Assembly fully on consent for Assembly Natural Resources and on the Assembly Floor. The bill has been ordered to the Senate and is awaiting committee referral.

AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

CapitolTrack Summary: Would require the Ocean Protection Council, on or before May 1, 2025, in coordination with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and build upon other existing vessel speed reduction programs and would authorize the program to include specified components, including, upon an appropriation by the Legislature, financial incentives to program participants based on a percentage of distance traveled by a participating vessel, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Current Status: Double-referred to the Assembly Committees on Water, Parks, and Wildlife and Natural Resources. This bill was heard in Assembly Water, Parks, and Wildlife on March 28, 2023, and received a vote in favor of 15-0. The hearing date for Assembly Natural Resources has been set for April 10, 2023.

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified.

Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. This bill would triple specified civil penalties, as provided, 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 specified provisions of the federal Clean Air Act, the stationary source is a refinery, and the discharge contains or includes one or more toxic air contaminants, as identified by the State Air Resources Board.

Current Status: Double-referred to the Assembly Committees on Natural Resources and Judiciary – hearing date not set as of this writing.

AB 1609 (Garcia) – Air pollution: motor vehicle registration: pollution reduction.

CapitolTrack Summary: Would impose an additional annual \$4 charge on each motor vehicle registered in the state except those vehicles that are expressly exempted from the payment of registration fees, thereby imposing a tax. The bill would require the department to collect the charge and deposit revenues from the charge in the Air Quality Improvement Fee Fund, which the bill would create. The bill would continuously appropriate the revenues in the fund to the department for distribution upon request to air pollution control districts and air quality management districts based upon the amount of the charges collected from motor vehicles registered within each air district, thereby creating an appropriation. The bill would require these revenues to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles. The bill would also authorize the department to withhold up to 1% of the annual revenues collected from the charge to cover its administrative costs. The bill would require the charge to be increased annually based on the California Consumer Price Index, as specified.

Current Status: Referred to the Assembly Committee on Transportation – hearing date not set as of this writing.

As information becomes available, staff will update the Committee on additional legislative activities that the Board of Directors has previously approved or may wish to become involved with.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. AB 536 (Wilson) - Bill Text - As Introduced on February 8, 2023
2. AB 953 (Connolly and Hart) - Bill Text - As Amended on March 16, 2023
3. AB 1465 (Wicks) - Bill Text - As Amended on March 16, 2023
4. AB 1609 (Garcia) - Bill Text - As Amended on March 16, 2023

ASSEMBLY BILL

No. 536

Introduced by Assembly Member Wilson
(Coauthors: Assembly Members ~~Lee and Ortega~~) *Lee, Ortega, and*
Ting
(Coauthor: Senator Becker)

February 8, 2023

An act to repeal and add Section 40266 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as introduced, Wilson. Bay Area Air Quality Management Advisory Council: 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 (bay district board) to govern the district. Existing law also establishes the Bay Area Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Existing law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties.

This bill would repeal the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties. The bill would also authorize each council member to receive compensation, to be determined by the

bay district board for either attending a meeting of the council or attending a meeting, upon authorization of the bay district board, as a representative of the council.

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 40266 of the Health and Safety Code is
2 repealed.

3 ~~40266. Council members shall serve without compensation,~~
4 ~~but may be allowed actual expenses incurred in the discharge of~~
5 ~~their duties.~~

6 SEC. 2. Section 40266 is added to the Health and Safety Code,
7 to read:

8 40266. (a) Each council member may receive actual and
9 necessary expenses incurred in the discharge of their duties.

10 (b) Each council member may receive compensation, to be
11 determined by the bay district board for either of the following:

12 (1) Attending a meeting of the council.

13 (2) Attending a meeting, upon authorization of the bay district
14 board, as a representative of the council.

15

16 REVISIONS: _____

17 **REVISIONS:**
18 **Heading—Line 2.**

19 _____

O

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 953

Introduced by Assembly Members Connolly and Hart

February 14, 2023

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Connolly. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before May 1, 2025, in coordination with various entities, including the State Air Resources Board, to ~~develop and~~ implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to *expand a certain existing program and build upon other existing vessel speed reduction programs and would authorize the*

program to include specified components, including, upon an appropriation by the Legislature, financial incentives to program participants based on a percentage of distance traveled by a participating vessel ~~through a vessel speed reduction zone~~, *vessel*, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s seaports are North America’s primary intermodal
- 4 gateway to Asia and Transpacific trade. Maritime industry activities
- 5 at California’s public seaports are responsible for employing more
- 6 than 500,000 people in the state. Nationwide, more than 2,000,000
- 7 jobs are linked to maritime industry business conducted at
- 8 California’s public seaports, contributing to California having the
- 9 largest state economy in the United States.
- 10 (b) Every year, the world’s largest container ships and auto
- 11 carriers make thousands of transits along the California coast, with
- 12 an estimated 120 tons per day of nitrogen dioxides, an ozone
- 13 precursor, being emitted within 100 nautical miles of the coast.
- 14 These emissions negatively affect the public health of coastal
- 15 communities and cause some areas of the coast to be in
- 16 nonattainment with the national ambient air quality standards for
- 17 ozone and particulate matter.
- 18 (c) Since 2014, the Santa Barbara *County* Air Pollution Control
- 19 District, *the* Ventura County Air Pollution Control District, and
- 20 the Bay Area Air Quality Management District, with the federal
- 21 Office of National Marine Sanctuaries, marine sanctuary
- 22 foundations, and environmental groups, have administered and
- 23 promoted the Blue Whales and Blue Skies Program, a voluntary
- 24 vessel speed reduction program off the Santa Barbara, Ventura,
- 25 and Bay Area ~~east~~ *coasts* to encourage transit speeds of 10 knots
- 26 or less to reduce air pollution, the risk of harmful whale strikes,
- 27 and the level of ocean noise.

1 (d) Since its inception, through 2021, the *Protecting Blue*
2 *Whales and Blue Skies Program* has provided small incentives
3 and publicity to program participants and has achieved ~~536,211~~
4 *526,211* slow speed miles, a reduction of ~~over 76,000~~ *more than*
5 *2,300* tons of nitrogen oxides, *a reduction of over 76,000 metric*
6 *tons of regional greenhouse gas emissions*, and an estimated 50
7 percent decreased risk of whale strikes during prime migration
8 season in the affected coastal areas.

9 (e) This highly ~~cost-effective~~ *cost-effective* voluntary pollution
10 reduction program benefits public health, protects the marine
11 ecosystem, and showcases the beneficial partnership between
12 shipping companies, public health agencies, marine sanctuaries,
13 and environmental organizations.

14 (f) Creation of a statewide vessel speed reduction program and
15 expansion to other areas of the California coast, including the San
16 Diego and Monterey coasts and the North Coast, would yield
17 additional public health and ecosystem benefits.

18 SEC. 2. Section 35618 is added to the Public Resources Code,
19 to read:

20 35618. (a) On or before May 1, 2025, the council shall, in
21 coordination with air pollution control districts and air quality
22 management districts along the coast and in consultation with the
23 federal Office of National Marine Sanctuaries, the federal
24 Environmental Protection Agency, the United States Navy, and
25 the State Air Resources Board, ~~develop and~~ implement a statewide
26 voluntary vessel speed reduction and sustainable shipping program
27 for the California coast in order to reduce air pollution, the risk of
28 fatal vessel strikes on whales, and harmful underwater acoustic
29 impacts.

30 (b) The program shall *expand the existing Protecting Blue*
31 *Whales and Blue Skies Program* and build upon ~~any other~~ existing
32 ~~local voluntary incentive vessel speed reduction~~ programs and
33 ~~shall~~ *may* include all of the following components:

34 (1) A marketing ~~and brand ambassador~~ program to promote
35 voluntary vessel speed reduction and sustainable shipping, and an
36 acknowledgment of the program's participants.

37 (2) Data collection on ship speeds along the California coast in
38 order to analyze the program for future refinement, expansion, or
39 both.

- 1 (3) Data collection on underwater acoustic impacts or fatal
- 2 vessel strikes on whales, to the extent data is available.
- 3 (4) Data collection and consideration of the regional air quality
- 4 impacts on the coast and the local air quality and other
- 5 environmental impacts to disadvantaged communities from
- 6 oceangoing-~~vehicle~~ vessel traffic.
- 7 (5) Financial incentives to program participants based on a
- 8 percentage of distance traveled by a participating vessel ~~through~~
- 9 ~~a vessel speed reduction zone established~~ at 10 knots or less, to
- 10 the extent that local, state, or federal funding is made available
- 11 pursuant to an appropriation by the Legislature.
- 12 (6) *Development of vessel speed reduction zones along the coast*
- 13 *that take into account protected marine mammal migration and*
- 14 *breeding seasons, federal marine sanctuaries and state marine*
- 15 *protected areas, shipping lanes, and any other relevant variables.*
- 16 (c) The council may impose additional qualifying criteria on
- 17 program participants in order to receive financial incentives under
- 18 the program, including, but not limited to, individual transit speeds,
- 19 such as maximum speed in transit or maximum transit average
- 20 speed.
- 21 (d) The council shall provide financial incentives pursuant to
- 22 this section upon appropriation by the Legislature.
- 23 (e) (1) On or before December 31, 2026, the council shall
- 24 submit a report to the Legislature regarding the implementation
- 25 of the program.
- 26 (2) The report required in paragraph (1) shall be submitted in
- 27 compliance with Section 9795 of the Government Code.
- 28 (3) Pursuant to Section 10231.5 of the Government Code, the
- 29 requirement for submitting a report imposed by paragraph (1) is
- 30 inoperative on December 31, 2030.

O

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to ~~amend~~ *add* Section ~~42402~~ of 42402.6 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as amended, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources.

This bill would triple specified civil penalties, as provided, 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 specified provisions of the federal Clean Air Act, the stationary source is a refinery, and the discharge contains or includes one or more toxic air contaminants, as identified by the State Air Resources Board. The bill would define "refinery" for this purpose.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law

establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources.

This bill would make nonsubstantive changes to the latter provision.

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

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

1 SECTION 1. Section 42402.6 is added to the Health and Safety
2 Code, to read:

3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 shall be tripled
5 if the person violates Section 41700 and both of the following
6 occur:

7 (1) The discharge is from a Title V source that is a refinery.

8 (2) The discharge contains or includes one or more toxic air
9 contaminants, as identified by the state board pursuant to Section
10 39657.

11 (b) For purposes of this section, “refinery” means an
12 establishment that is located on one or more contiguous or adjacent
13 properties that produces gasoline, diesel fuel, aviation fuel,
14 lubricating oil, asphalt, petrochemical feedstock, or other similar
15 product through the processing of crude oil or alternative
16 feedstock, redistillation of unfinished petroleum derivatives,
17 cracking, or other processes.

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

20 42402. (a) ~~Except as provided in Sections 42402.1, 42402.2,~~
21 ~~42402.3, and 42402.4, a person who violates this part, an order~~
22 ~~issued pursuant to Section 42316, or a rule, regulation, permit, or~~
23 ~~order of a district, including a district hearing board, or of the state~~
24 ~~board issued pursuant to Part 1 (commencing with Section 39000)~~
25 ~~to Part 4 (commencing with Section 41500), inclusive, is strictly~~
26 ~~liable for a civil penalty of not more than five thousand dollars~~
27 ~~(\$5,000).~~

28 (b) ~~(1) A person who violates a provision of this part, an order~~
29 ~~issued pursuant to Section 42316, or a rule, regulation, permit or~~
30 ~~order of a district, including a district hearing board, or of the state~~
31 ~~board issued pursuant to Part 1 (commencing with Section 39000)~~
32 ~~to Part 4 (commencing with Section 41500), inclusive, is strictly~~

1 liable for a civil penalty of not more than ten thousand dollars
2 (\$10,000):

3 ~~(2) (A) If a civil penalty in excess of five thousand dollars~~
4 ~~(\$5,000) for each day in which a violation occurs is sought, there~~
5 ~~is no liability under this subdivision if the person accused of the~~
6 ~~violation alleges by affirmative defense and establishes that the~~
7 ~~violation was caused by an act that was not the result of intentional~~
8 ~~conduct or negligent conduct.~~

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

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

16 ~~(e) A person who owns or operates a source of air contaminants~~
17 ~~in violation of Section 41700 that causes actual injury, as defined~~
18 ~~in subdivision (d) of Section 42400, to the health and safety of a~~
19 ~~considerable number of persons or the public, is liable for a civil~~
20 ~~penalty of not more than fifteen thousand dollars (\$15,000).~~

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

O

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1609

Introduced by Assembly Member Garcia

February 17, 2023

An act to amend ~~Section~~ *Sections 44225 and 44229* of the Health and Safety Code, and to add *Section 9250.3* to the Vehicle Code, relating to air ~~pollution~~: *pollution, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1609, as amended, Garcia. Air pollution: motor vehicles: ~~district fees~~: *vehicle registration: pollution reduction.*

(1) Existing law requires a registration fee to be paid to the Department of Motor Vehicles for the registration of each vehicle or trailer coach of a type subject to registration under the Vehicle Code, except those vehicles that are expressly exempted from the payment of registration fees. Existing law, until January 1, 2024, increases vehicle registration fees by \$3 and requires revenues from those fees to be used, upon appropriation by the Legislature, for programs to reduce air pollution from motor vehicles.

This bill would impose an additional annual \$4 charge on each motor vehicle registered in the state except those vehicles that are expressly exempted from the payment of registration fees, thereby imposing a tax. The bill would require the department to collect the charge and deposit revenues from the charge in the Air Quality Improvement Fee Fund, which the bill would create. The bill would continuously appropriate the revenues in the fund to the department for distribution upon request to air pollution control districts and air quality management districts based upon the amount of the charges collected from motor vehicles

registered within each air district, thereby creating an appropriation. The bill would require these revenues to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles. The bill would also authorize the department to withhold up to 1% of the annual revenues collected from the charge to cover its administrative costs. The bill would require the charge to be increased annually based on the California Consumer Price Index, as specified.

Existing

(2) Existing law authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge of up to \$6 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, 2034, ~~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 Memorial Air Quality Standards Attainment Program, among other programs.~~ *authorizes a \$2 increment of that surcharge to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles.*

This bill would ~~make a nonsubstantive change to the provision that authorizes the increase in the fee until January 1, 2034.~~ *authorize that increment to be used for both of those purposes indefinitely.*

(3) *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 ²/₃ of the membership of each house of the Legislature.*

Vote: ~~majority~~²/₃. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 **SECTION 1.** *Section 44225 of the Health and Safety Code, as*
2 *amended by Section 4 of Chapter 355 of the Statutes of 2022, is*
3 *amended to read:*

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

7 (1) A resolution providing for both the fee increase and a
8 corresponding program for expenditure of the increased fees for
9 the reduction of air pollution from motor vehicles pursuant to, and
10 for related planning, monitoring, enforcement, and technical studies
11 necessary for the implementation of, the California Clean Air Act
12 of 1988 (Chapter 1568 of the Statutes of ~~1988~~ 1988), or for the
13 attainment or maintenance of state or federal ambient air quality
14 standards or the reduction of toxic air contaminant emissions from
15 motor vehicles, is adopted and approved by the governing board
16 of the district.

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

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

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

25 **SEC. 2.** *Section 44229 of the Health and Safety Code, as*
26 *amended by Section 6 of Chapter 355 of the Statutes of 2022, is*
27 *amended to read:*

28 44229. (a) After deducting all administrative costs it incurs
29 through collection of fees pursuant to Section 44227, the
30 Department of Motor Vehicles shall distribute the revenues to
31 districts, which shall use the fees to reduce air pollution from motor
32 vehicles and to carry out related planning, monitoring, enforcement,
33 and technical studies necessary for implementation of the California
34 Clean Air Act of 1988 (Chapter 1568 of the Statutes of ~~1988~~
35 1988), or for the attainment or maintenance of state or federal
36 ambient air quality standards or the reduction of toxic air
37 contaminant emissions from motor vehicles. Fees collected by the
38 Department of Motor Vehicles pursuant to this chapter shall be

1 distributed to districts based upon the amount of fees collected
2 from motor vehicles registered within each district.

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

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

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

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

15 (c) This section shall become operative on January 1, 2034.

16 *SEC. 3. Section 44229 of the Health and Safety Code, as*
17 *amended by Section 7 of Chapter 355 of the Statutes of 2022, is*
18 *amended to read:*

19 44229. (a) After deducting all administrative costs it incurs
20 through collection of fees pursuant to Section 44227, the
21 Department of Motor Vehicles shall distribute the revenues to
22 districts, which shall use the revenues resulting from the first four
23 dollars (\$4) of each fee imposed *pursuant to Sections 44223 and*
24 *44225 to reduce air pollution from motor vehicles and to carry out*
25 *related planning, monitoring, enforcement, and technical studies*
26 *necessary for implementation of the California Clean Air Act of*
27 *1988 (Chapter 1568 of the Statutes of ~~1988~~: 1988), or for the*
28 *attainment or maintenance of state or federal ambient air quality*
29 *standards or the reduction of toxic air contaminant emissions from*
30 *motor vehicles. Fees collected by the Department of Motor*
31 *Vehicles pursuant to this chapter shall be distributed to districts*
32 *based upon the amount of fees collected from motor vehicles*
33 *registered within each district.*

34 (b) Notwithstanding Sections 44241 and 44243, a district shall
35 use the revenues resulting from the next two dollars (\$2) of each
36 fee imposed pursuant to *Section 44225 and collected pursuant to*
37 *Section 44227 to implement the following programs that the district*
38 *determines remediate air pollution harms created by motor vehicles*
39 *on which the surcharge is imposed:*

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

4 (2) The new purchase, retrofit, repower, or add-on equipment
5 for previously unregulated agricultural sources of air pollution, as
6 defined in Section 39011.5, for a minimum of three years from
7 the date of adoption of an applicable rule or standard, or until the
8 compliance date of that rule or standard, whichever is later, if the
9 state board has determined that the rule or standard complies with
10 Sections 40913, 40914, and 41503.1, after which period of time,
11 a new purchase, retrofit, repower, or add-on of equipment shall
12 not be funded pursuant to this chapter. The districts shall follow
13 any guidelines developed under subdivision (a) of Section 44287
14 for awarding grants under this program.

15 (3) The purchase of new schoolbuses or the repower or retrofit
16 of emissions control equipment for existing schoolbuses pursuant
17 to the Lower-Emission School Bus Program adopted by the state
18 board.

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

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

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

29 (c) The Department of Motor Vehicles may annually expend
30 not more than 1 percent of the fees collected pursuant to Section
31 44227 on administrative costs.

32 (d) A project funded by the program shall not be used for credit
33 under any state or federal emissions averaging, banking, or trading
34 program. An emission reduction generated by the program shall
35 not be used as marketable emission reduction credits or to offset
36 any emission reduction obligation of any person or entity. Projects
37 involving new engines that would otherwise generate marketable
38 credits under state or federal averaging, banking, and trading
39 programs shall include transfer of credits to the engine end user
40 and retirement of those credits toward reducing air emissions in

1 order to qualify for funding under the program. A purchase of a
 2 low-emission vehicle or of equipment pursuant to a corporate or
 3 a controlling board’s policy, but not otherwise required by law,
 4 shall generate surplus emissions reductions and may be funded by
 5 the program.

6 (e) This section shall remain in effect only until January 1, 2034,
 7 and as of that date is repealed, unless a later enacted statute, that
 8 is enacted before January 1, 2034, deletes or extends that date.

9 *SEC. 4. Section 9250.3 is added to the Vehicle Code, to read:*

10 9250.3. (a) *In addition to any other fees specified in this code,*
 11 *the Health and Safety Code, or the Revenue and Taxation Code,*
 12 *an annual air quality improvement fee of four dollars (\$4),*
 13 *beginning on January 1, 2024, is hereby imposed on each motor*
 14 *vehicle registered in the state except those vehicles expressly*
 15 *exempted under this code from the payment of registration fees.*

16 (b) *The department shall collect the fee imposed pursuant to*
 17 *subdivision (a) at the same time and in the same manner as the*
 18 *department collects the vehicle registration fee pursuant to Section*
 19 *9250.*

20 (c) *The department shall deposit the revenues collected pursuant*
 21 *to subdivision (b) in the Air Quality Improvement Fee Fund, which*
 22 *is hereby created in the State Treasury. Notwithstanding Section*
 23 *13340 of the Government Code, the moneys in the fund are*
 24 *continuously appropriated to the department without regard to*
 25 *fiscal years for distribution pursuant to subdivision (d).*

26 (d) (1) *Before distributing the moneys in the Air Quality*
 27 *Improvement Fee Fund to districts pursuant to paragraph (2), the*
 28 *department may withhold up to 1 percent of the annual revenues*
 29 *collected pursuant to subdivision (b) to cover its administrative*
 30 *costs relating to the collection of the air quality improvement fee*
 31 *and distribution of the revenues from that fee.*

32 (2) *The department shall distribute revenues collected pursuant*
 33 *to subdivision (b) upon request to districts based upon the amount*
 34 *of fees collected from motor vehicles registered within each district.*

35 (e) (1) *The South Coast Air Quality Management District shall*
 36 *allocate the revenues distributed to it pursuant to subdivision (d)*
 37 *in a manner consistent with Sections 44243 and 44244 of the*
 38 *Health and Safety Code.*

39 (2) *The Bay Area Air Quality Management District shall allocate*
 40 *the revenues distributed to it pursuant to subdivision (d) in a*

1 manner consistent with Section 44241 of the Health and Safety
2 Code.

3 (f) The revenues from the fees distributed to a district pursuant
4 to this section shall be used to reduce or mitigate air pollution
5 from motor vehicles and for related planning, monitoring,
6 enforcement, and technical studies necessary for the
7 implementation of the California Clean Air Act of 1988 (Chapter
8 1568 of the Statutes of 1988), or for the attainment or maintenance
9 of state or federal ambient air quality standards or the reduction
10 or mitigation of toxic air contaminant emissions from motor
11 vehicles.

12 (g) The fees established pursuant to this section shall be
13 increased annually based on the California Consumer Price Index
14 as compiled and reported by the Department of Industrial
15 Relations.

16 (h) For purposes of this section, “district” has the same meaning
17 as defined in Section 39025 of the Health and Safety Code.

18 SECTION 1. ~~Section 44225 of the Health and Safety Code, as~~
19 ~~amended by Section 5 of Chapter 355 of the Statutes of 2022, is~~
20 ~~amended to read:~~

21 ~~44225. (a) A district may increase the fee established under~~
22 ~~Section 44223 to up to six dollars (\$6). A district may increase the~~
23 ~~fee only if both of the following conditions are met:~~

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

34 ~~(2) In districts with nonelected officials on their governing~~
35 ~~boards, the resolution shall be adopted and approved by both a~~
36 ~~majority of the governing board and a majority of the board~~
37 ~~members who are elected officials.~~

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

- 1 (e) ~~This section shall remain in effect only until January 1, 2034,~~
- 2 ~~and as of that date is repealed.~~

O

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: April 5, 2023

Re: Discussion and Consideration of Brown Act Bills

RECOMMENDED ACTION

Approve staff's recommendation to support the following bills related to the Brown Act:

- Assembly Bill (AB) 817 (Pacheco) - Open meetings: teleconferencing: subsidiary body.
- Senate Bill (SB) 537 (Becker) - Open meetings: local agencies: teleconferences.

BACKGROUND

Included as part of the Legislative Activities for 2023, approved by the Board of Directors in December 2022, was to support efforts to address concerns regarding AB 2449 (Rubio, Chapter 285, Statutes of 2022) and the limitations that the teleconferencing provisions within the Brown Act have on the legislative bodies of regional agencies.

DISCUSSION

Staff will provide the Legislative Committee with a summary and status of bills related to the Brown Act.

On the following page is a breakdown of the different bills related to the Brown Act, a summary for each bill, and recommendation position, if any.

Bill Number	Bill Summary	Proposed Position
AB 557 (Hart)	This bill would eliminate the sunset date (January 1, 2024) of AB 361 (Rivas, Chapter 165, Statutes of 2021), and extend the window for public noticing to use AB 361 provisions from 30 days to 45 days. Use of remote teleconferencing would still be limited to a declared state of emergency and need for social distancing.	None
AB 817 (Pacheco)	This bill would allow remote teleconferencing without publicly noticing private locations to “subsidiary bodies,” i.e., ones that don’t have final decision-making authority, provided there was a remote public participation option. Would apply to all Air District Brown Act meetings except the Board meetings.	Support
AB 1379 (Papan)	Would require only one posting location to notice a Brown Act meeting, effectively allowing remote teleconferencing without personal location identification. Would eliminate the current January 1, 2026 sunset date for AB 2449 meeting requirements, and eliminate other AB 2449 provisions that limit the number of times that members can use a remote option to attend meetings. Would require two meetings per year of a legislative body with all in-person attendance.	None
SB 411 (Portantino)	As currently drafted, SB 411 would authorize legislative bodies with appointed membership to continue to meet remotely without providing the physical location of each appointed member. At this time, we understand that Senator Portantino’s bill is intended to address remote participation for the 99 neighborhood councils, as well as boards and commissions, in the City of Los Angeles. However, the bill must be amended if it is to address that more narrow class of Brown Act entities.	None
SB 537 (Becker)	Adds one additional reason (immunocompromised family member) for the “just cause” that allows for remote participation under AB 2449. It also allows blanket remote teleconferencing without personal location noticing for all legislative bodies that are appointed, including multijurisdictional bodies, which would include the Air District Board and committee meetings. The public would have to be provided a way to remotely participate.	Support

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. AB 557 (Hart) - Bill Text - As Introduced on February 8, 2023
2. AB 817 (Pacheco) - Bill Text - As Amended on March 16, 2023
3. AB 1379 (Papan) - Bill Text - As Amended on March 23, 2023
4. SB 411 (Portantino) - Bill Text - As Introduced on February 9, 2023
5. SB 537 (Becker) - Bill Text - As Amended on March 22, 2023

ASSEMBLY BILL

No. 557

Introduced by Assembly Member Hart

February 8, 2023

An act to amend and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Hart. Open meetings: local agencies: teleconferences.

(1) Existing law, 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 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.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous cross references .

(2) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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 54953 of the Government Code, as
2 amended by Section 1 of Chapter 285 of the Statutes of 2022, is
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the
9 legislative body of a local agency may use teleconferencing for
10 the benefit of the public and the legislative body of a local agency
11 in connection with any meeting or proceeding authorized by law.
12 The teleconferenced meeting or proceeding shall comply with all
13 otherwise applicable requirements of this chapter and all otherwise
14 applicable provisions of law relating to a specific type of meeting
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. If the legislative body
19 of a local agency elects to use teleconferencing, the legislative
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a
24 manner that protects the statutory and constitutional rights of the
25 parties or the public appearing before the legislative body of a
26 local agency.

27 (C) The legislative body shall give notice of the meeting and
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to
30 access the meeting and the agenda shall provide an opportunity
31 for members of the public to address the legislative body directly
32 pursuant to Section 54954.3.

33 (3) If the legislative body of a local agency elects to use
34 teleconferencing, it shall post agendas at all teleconference
35 locations. Each teleconference location shall be identified in the
36 notice and agenda of the meeting or proceeding, and each
37 teleconference location shall be accessible to the public. During
38 the teleconference, at least a quorum of the members of the

1 legislative body shall participate from locations within the
2 boundaries of the territory over which the local agency exercises
3 jurisdiction, except as provided in subdivisions (d) and (e).

4 (c) (1) No legislative body shall take action by secret ballot,
5 whether preliminary or final.

6 (2) The legislative body of a local agency shall publicly report
7 any action taken and the vote or abstention on that action of each
8 member present for the action.

9 (3) Prior to taking final action, the legislative body shall orally
10 report a summary of a recommendation for a final action on the
11 salaries, salary schedules, or compensation paid in the form of
12 fringe benefits of a local agency executive, as defined in
13 subdivision (d) of Section 3511.1, during the open meeting in
14 which the final action is to be taken. This paragraph shall not affect
15 the public's right under the California Public Records Act (Division
16 10 (commencing with Section 7920.000) of Title 1) to inspect or
17 copy records created or received in the process of developing the
18 recommendation.

19 (d) (1) Notwithstanding the provisions relating to a quorum in
20 paragraph (3) of subdivision (b), if a health authority conducts a
21 teleconference meeting, members who are outside the jurisdiction
22 of the authority may be counted toward the establishment of a
23 quorum when participating in the teleconference if at least 50
24 percent of the number of members that would establish a quorum
25 are present within the boundaries of the territory over which the
26 authority exercises jurisdiction, and the health authority provides
27 a teleconference number, and associated access codes, if any, that
28 allows any person to call in to participate in the meeting and the
29 number and access codes are identified in the notice and agenda
30 of the meeting.

31 (2) Nothing in this subdivision shall be construed as
32 discouraging health authority members from regularly meeting at
33 a common physical site within the jurisdiction of the authority or
34 from using teleconference locations within or near the jurisdiction
35 of the authority. A teleconference meeting for which a quorum is
36 established pursuant to this subdivision shall be subject to all other
37 requirements of this section.

38 (3) For purposes of this subdivision, a health authority means
39 any entity created pursuant to Sections 14018.7, 14087.31,
40 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare

1 and Institutions Code, any joint powers authority created pursuant
2 to Article 1 (commencing with Section 6500) of Chapter 5 of
3 Division 7 for the purpose of contracting pursuant to Section
4 14087.3 of the Welfare and Institutions Code, and any advisory
5 committee to a county-sponsored health plan licensed pursuant to
6 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
7 Health and Safety Code if the advisory committee has 12 or more
8 members.

9 (e) (1) The legislative body of a local agency may use
10 teleconferencing without complying with the requirements of
11 paragraph (3) of subdivision (b) if the legislative body complies
12 with the requirements of paragraph (2) of this subdivision in any
13 of the following circumstances:

14 (A) The legislative body holds a meeting during a proclaimed
15 state of emergency, and state or local officials have imposed or
16 recommended measures to promote social distancing.

17 (B) The legislative body holds a meeting during a proclaimed
18 state of emergency for the purpose of determining, by majority
19 vote, whether as a result of the emergency, meeting in person
20 would present imminent risks to the health or safety of attendees.

21 (C) The legislative body holds a meeting during a proclaimed
22 state of emergency and has determined, by majority vote, pursuant
23 to subparagraph (B), that, as a result of the emergency, meeting
24 in person would present imminent risks to the health or safety of
25 attendees.

26 (2) A legislative body that holds a meeting pursuant to this
27 subdivision shall do all of the following:

28 (A) In each instance in which notice of the time of the
29 teleconferenced meeting is otherwise given or the agenda for the
30 meeting is otherwise posted, the legislative body shall also give
31 notice of the means by which members of the public may access
32 the meeting and offer public comment. The agenda shall identify
33 and include an opportunity for all persons to attend via a call-in
34 option or an internet-based service option.

35 (B) In the event of a disruption that prevents the legislative body
36 from broadcasting the meeting to members of the public using the
37 call-in option or internet-based service option, or in the event of
38 a disruption within the local agency's control that prevents
39 members of the public from offering public comments using the
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting
2 agenda until public access to the meeting via the call-in option or
3 internet-based service option is restored. Actions taken on agenda
4 items during a disruption that prevents the legislative body from
5 broadcasting the meeting may be challenged pursuant to Section
6 54960.1.

7 (C) The legislative body shall not require public comments to
8 be submitted in advance of the meeting and must provide an
9 opportunity for the public to address the legislative body and offer
10 comment in real time.

11 (D) Notwithstanding Section 54953.3, an individual desiring to
12 provide public comment through the use of an internet website, or
13 other online platform, not under the control of the local legislative
14 body, that requires registration to log in to a teleconference may
15 be required to register as required by the third-party internet
16 website or online platform to participate.

17 (E) (i) A legislative body that provides a timed public comment
18 period for each agenda item shall not close the public comment
19 period for the agenda item, or the opportunity to register, pursuant
20 to subparagraph ~~(F)~~; (D), to provide public comment until that
21 timed public comment period has elapsed.

22 (ii) A legislative body that does not provide a timed public
23 comment period, but takes public comment separately on each
24 agenda item, shall allow a reasonable amount of time per agenda
25 item to allow public members the opportunity to provide public
26 comment, including time for members of the public to register
27 pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for
28 the purpose of providing public comment.

29 (iii) A legislative body that provides a timed general public
30 comment period that does not correspond to a specific agenda item
31 shall not close the public comment period or the opportunity to
32 register, pursuant to subparagraph ~~(F)~~; (D), until the timed general
33 public comment period has elapsed.

34 (3) If a state of emergency remains active, or state or local
35 officials have imposed or recommended measures to promote
36 social distancing, in order to continue to teleconference without
37 compliance with paragraph (3) of subdivision (b), the legislative
38 body shall, not later than ~~30~~ 45 days after teleconferencing for the
39 first time pursuant to subparagraph (A), (B), or (C) of paragraph

1 (1), and every ~~30~~ 45 days thereafter, make the following findings
2 by majority vote:

3 (A) The legislative body has reconsidered the circumstances of
4 the state of emergency.

5 (B) Any of the following circumstances exist:

6 (i) The state of emergency continues to directly impact the
7 ability of the members to meet safely in person.

8 (ii) State or local officials continue to impose or recommend
9 measures to promote social distancing.

10 (4) This subdivision shall not be construed to require the
11 legislative body to provide a physical location from which the
12 public may attend or comment.

13 (f) (1) The legislative body of a local agency may use
14 teleconferencing without complying with paragraph (3) of
15 subdivision (b) if, during the teleconference meeting, at least a
16 quorum of the members of the legislative body participates in
17 person from a singular physical location clearly identified on the
18 agenda, which location shall be open to the public and situated
19 within the boundaries of the territory over which the local agency
20 exercises jurisdiction and the legislative body complies with all
21 of the following:

22 (A) The legislative body shall provide at least one of the
23 following as a means by which the public may remotely hear and
24 visually observe the meeting, and remotely address the legislative
25 body:

26 (i) A two-way audiovisual platform.

27 (ii) A two-way telephonic service and a live webcasting of the
28 meeting.

29 (B) In each instance in which notice of the time of the
30 teleconferenced meeting is otherwise given or the agenda for the
31 meeting is otherwise posted, the legislative body shall also give
32 notice of the means by which members of the public may access
33 the meeting and offer public comment.

34 (C) The agenda shall identify and include an opportunity for all
35 persons to attend and address the legislative body directly pursuant
36 to Section 54954.3 via a call-in option, via an internet-based service
37 option, and at the in-person location of the meeting.

38 (D) In the event of a disruption that prevents the legislative body
39 from broadcasting the meeting to members of the public using the
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents
2 members of the public from offering public comments using the
3 call-in option or internet-based service option, the legislative body
4 shall take no further action on items appearing on the meeting
5 agenda until public access to the meeting via the call-in option or
6 internet-based service option is restored. Actions taken on agenda
7 items during a disruption that prevents the legislative body from
8 broadcasting the meeting may be challenged pursuant to Section
9 54960.1.

10 (E) The legislative body shall not require public comments to
11 be submitted in advance of the meeting and must provide an
12 opportunity for the public to address the legislative body and offer
13 comment in real time.

14 (F) Notwithstanding Section 54953.3, an individual desiring to
15 provide public comment through the use of an internet website, or
16 other online platform, not under the control of the local legislative
17 body, that requires registration to log in to a teleconference may
18 be required to register as required by the third-party internet
19 website or online platform to participate.

20 (2) A member of the legislative body shall only participate in
21 the meeting remotely pursuant to this subdivision, if all of the
22 following requirements are met:

23 (A) One of the following circumstances applies:

24 (i) The member notifies the legislative body at the earliest
25 opportunity possible, including at the start of a regular meeting,
26 of their need to participate remotely for just cause, including a
27 general description of the circumstances relating to their need to
28 appear remotely at the given meeting. The provisions of this clause
29 shall not be used by any member of the legislative body for more
30 than two meetings per calendar year.

31 (ii) The member requests the legislative body to allow them to
32 participate in the meeting remotely due to emergency circumstances
33 and the legislative body takes action to approve the request. The
34 legislative body shall request a general description of the
35 circumstances relating to their need to appear remotely at the given
36 meeting. A general description of an item generally need not exceed
37 20 words and shall not require the member to disclose any medical
38 diagnosis or disability, or any personal medical information that
39 is already exempt under existing law, such as the Confidentiality
40 of Medical Information Act (Chapter 1 (commencing with Section

1 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
2 of this clause, the following requirements apply:

3 (I) A member shall make a request to participate remotely at a
4 meeting pursuant to this clause as soon as possible. The member
5 shall make a separate request for each meeting in which they seek
6 to participate remotely.

7 (II) The legislative body may take action on a request to
8 participate remotely at the earliest opportunity. If the request does
9 not allow sufficient time to place proposed action on such a request
10 on the posted agenda for the meeting for which the request is made,
11 the legislative body may take action at the beginning of the meeting
12 in accordance with paragraph (4) of subdivision (b) of Section
13 54954.2.

14 (B) The member shall publicly disclose at the meeting before
15 any action is taken, whether any other individuals 18 years of age
16 or older are present in the room at the remote location with the
17 member, and the general nature of the member's relationship with
18 any such individuals.

19 (C) The member shall participate through both audio and visual
20 technology.

21 (3) The provisions of this subdivision shall not serve as a means
22 for any member of a legislative body to participate in meetings of
23 the legislative body solely by teleconference from a remote location
24 for a period of more than three consecutive months or 20 percent
25 of the regular meetings for the local agency within a calendar year,
26 or more than two meetings if the legislative body regularly meets
27 fewer than 10 times per calendar year.

28 (g) The legislative body shall have and implement a procedure
29 for receiving and swiftly resolving requests for reasonable
30 accommodation for individuals with disabilities, consistent with
31 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
32 Sec. 12132), and resolving any doubt in favor of accessibility. In
33 each instance in which notice of the time of the meeting is
34 otherwise given or the agenda for the meeting is otherwise posted,
35 the legislative body shall also give notice of the procedure for
36 receiving and resolving requests for accommodation.

37 (h) The legislative body shall conduct meetings subject to this
38 chapter consistent with applicable civil rights and
39 nondiscrimination laws.

1 (i) (1) Nothing in this section shall prohibit a legislative body
2 from providing the public with additional teleconference locations.

3 (2) Nothing in this section shall prohibit a legislative body from
4 providing ~~members of~~ the public with additional physical locations
5 in which the public may observe and address the legislative body
6 by electronic means.

7 (j) For the purposes of this section, the following definitions
8 shall apply:

9 (1) “Emergency circumstances” means a physical or family
10 medical emergency that prevents a member from attending in
11 person.

12 (2) “Just cause” means any of the following:

13 (A) A childcare or caregiving need of a child, parent,
14 grandparent, grandchild, sibling, spouse, or domestic partner that
15 requires them to participate remotely. “Child,” “parent,”
16 “grandparent,” “grandchild,” and “sibling” have the same meaning
17 as those terms do in Section 12945.2.

18 (B) A contagious illness that prevents a member from attending
19 in person.

20 (C) A need related to a physical or mental disability as defined
21 in Sections 12926 and 12926.1 not otherwise accommodated by
22 subdivision (g).

23 (D) Travel while on official business of the legislative body or
24 another state or local agency.

25 (3) “Remote location” means a location from which a member
26 of a legislative body participates in a meeting pursuant to
27 subdivision (f), other than any physical meeting location designated
28 in the notice of the meeting. Remote locations need not be
29 accessible to the public.

30 (4) “Remote participation” means participation in a meeting by
31 teleconference at a location other than any physical meeting
32 location designated in the notice of the meeting. Watching or
33 listening to a meeting via webcasting or another similar electronic
34 medium that does not permit members to interactively hear,
35 discuss, or deliberate on matters, does not constitute remote
36 participation.

37 (5) “State of emergency” means a state of emergency proclaimed
38 pursuant to Section 8625 of the California Emergency Services
39 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
40 Division 1 of Title 2).

1 (6) “Teleconference” means a meeting of a legislative body,
2 the members of which are in different locations, connected by
3 electronic means, through either audio or video, or both.

4 (7) “Two-way audiovisual platform” means an online platform
5 that provides participants with the ability to participate in a meeting
6 via both an interactive video conference and a two-way telephonic
7 function.

8 (8) “Two-way telephonic service” means a telephone service
9 that does not require internet access, is not provided as part of a
10 two-way audiovisual platform, and allows participants to dial a
11 telephone number to listen and verbally participate.

12 (9) “Webcasting” means a streaming video broadcast online or
13 on television, using streaming media technology to distribute a
14 single content source to many simultaneous listeners and viewers.

15 (k) This section shall remain in effect only until January 1, ~~2024,~~
16 ~~2026,~~ and as of that date is repealed.

17 SEC. 2. Section 54953 of the Government Code, as amended
18 by Section 2 of Chapter 285 of the Statutes of 2022, is amended
19 to read:

20 54953. (a) All meetings of the legislative body of a local
21 agency shall be open and public, and all persons shall be permitted
22 to attend any meeting of the legislative body of a local agency,
23 except as otherwise provided in this chapter.

24 (b) (1) Notwithstanding any other provision of law, the
25 legislative body of a local agency may use teleconferencing for
26 the benefit of the public and the legislative body of a local agency
27 in connection with any meeting or proceeding authorized by law.
28 The teleconferenced meeting or proceeding shall comply with all
29 otherwise applicable requirements of this chapter and all otherwise
30 applicable provisions of law relating to a specific type of meeting
31 or proceeding.

32 (2) Teleconferencing, as authorized by this section, may be used
33 for all purposes in connection with any meeting within the subject
34 matter jurisdiction of the legislative body. If the legislative body
35 of a local agency elects to use teleconferencing, the legislative
36 body of a local agency shall comply with all of the following:

37 (A) All votes taken during a teleconferenced meeting shall be
38 by rollcall.

39 (B) The teleconferenced meetings shall be conducted in a
40 manner that protects the statutory and constitutional rights of the

1 parties or the public appearing before the legislative body of a
 2 local agency.

3 (C) The legislative body shall give notice of the meeting and
 4 post agendas as otherwise required by this chapter.

5 (D) The legislative body shall allow members of the public to
 6 access the meeting and the agenda shall provide an opportunity
 7 for members of the public to address the legislative body directly
 8 pursuant to Section 54954.3.

9 (3) If the legislative body of a local agency elects to use
 10 teleconferencing, it shall post agendas at all teleconference
 11 locations. Each teleconference location shall be identified in the
 12 notice and agenda of the meeting or proceeding, and each
 13 teleconference location shall be accessible to the public. During
 14 the teleconference, at least a quorum of the members of the
 15 legislative body shall participate from locations within the
 16 boundaries of the territory over which the local agency exercises
 17 jurisdiction, except as provided in ~~subdivision (d)~~. *subdivisions*
 18 *(d) and (e)*.

19 (c) (1) No legislative body shall take action by secret ballot,
 20 whether preliminary or final.

21 (2) The legislative body of a local agency shall publicly report
 22 any action taken and the vote or abstention on that action of each
 23 member present for the action.

24 (3) Prior to taking final action, the legislative body shall orally
 25 report a summary of a recommendation for a final action on the
 26 salaries, salary schedules, or compensation paid in the form of
 27 fringe benefits of a local agency executive, as defined in
 28 subdivision (d) of Section 3511.1, during the open meeting in
 29 which the final action is to be taken. This paragraph shall not affect
 30 the public's right under the California Public Records Act (Division
 31 10 (commencing with Section 7920.000) of Title 1) to inspect or
 32 copy records created or received in the process of developing the
 33 recommendation.

34 (d) (1) Notwithstanding the provisions relating to a quorum in
 35 paragraph (3) of subdivision (b), if a health authority conducts a
 36 teleconference meeting, members who are outside the jurisdiction
 37 of the authority may be counted toward the establishment of a
 38 quorum when participating in the teleconference if at least 50
 39 percent of the number of members that would establish a quorum
 40 are present within the boundaries of the territory over which the

1 authority exercises jurisdiction, and the health authority provides
2 a teleconference number, and associated access codes, if any, that
3 allows any person to call in to participate in the meeting and the
4 number and access codes are identified in the notice and agenda
5 of the meeting.

6 (2) Nothing in this subdivision shall be construed as
7 discouraging health authority members from regularly meeting at
8 a common physical site within the jurisdiction of the authority or
9 from using teleconference locations within or near the jurisdiction
10 of the authority. A teleconference meeting for which a quorum is
11 established pursuant to this subdivision shall be subject to all other
12 requirements of this section.

13 (3) For purposes of this subdivision, a health authority means
14 any entity created pursuant to Sections 14018.7, 14087.31,
15 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
16 and Institutions Code, any joint powers authority created pursuant
17 to Article 1 (commencing with Section 6500) of Chapter 5 of
18 Division 7 for the purpose of contracting pursuant to Section
19 14087.3 of the Welfare and Institutions Code, and any advisory
20 committee to a county-sponsored health plan licensed pursuant to
21 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
22 Health and Safety Code if the advisory committee has 12 or more
23 members.

24 (e) (1) The legislative body of a local agency may use
25 teleconferencing without complying with *the requirements of*
26 *paragraph (3) of subdivision (b) if, during the teleconference*
27 *meeting, at least a quorum of the members of the legislative body*
28 *participates in person from a singular physical location clearly*
29 *identified on the agenda, which location shall be open to the public*
30 *and situated within the boundaries of the territory over which the*
31 *local agency exercises jurisdiction and the legislative body*
32 *complies with all of the following:*

33 (A) ~~The legislative body shall provide at least one of the~~
34 ~~following as a means by which the public may remotely hear and~~
35 ~~visually observe the meeting, and remotely address the legislative~~
36 ~~body:~~

37 (i) ~~A two-way audiovisual platform.~~

38 (ii) ~~A two-way telephonic service and a live webcasting of the~~
39 ~~meeting.~~

1 if the legislative body complies with the requirements of
2 paragraph (2) of this subdivision in any of the following
3 circumstances:

4 (A) The legislative body holds a meeting during a proclaimed
5 state of emergency, and state or local officials have imposed or
6 recommended measures to promote social distancing.

7 (B) The legislative body holds a meeting during a proclaimed
8 state of emergency for the purpose of determining, by majority
9 vote, whether as a result of the emergency, meeting in person
10 would present imminent risks to the health or safety of attendees.

11 (C) The legislative body holds a meeting during a proclaimed
12 state of emergency and has determined, by majority vote, pursuant
13 to subparagraph (B), that, as a result of the emergency, meeting
14 in person would present imminent risks to the health or safety of
15 attendees.

16 (2) A legislative body that holds a meeting pursuant to this
17 subdivision shall do all of the following:

18 ~~(B)~~

19 (A) In each instance in which notice of the time of the
20 teleconferenced meeting is otherwise given or the agenda for the
21 meeting is otherwise posted, the legislative body shall also give
22 notice of the means by which members of the public may access
23 the meeting and offer public comment. *The agenda shall identify
24 and include an opportunity for all persons to attend via a call-in
25 option or an internet-based service option.*

26 ~~(C) The agenda shall identify and include an opportunity for all
27 persons to attend and address the legislative body directly pursuant
28 to Section 54954.3 via a call-in option, via an internet-based service
29 option, and at the in-person location of the meeting.~~

30 ~~(D)~~

31 (B) In the event of a disruption that prevents the legislative body
32 from broadcasting the meeting to members of the public using the
33 call-in option or internet-based service option, or in the event of
34 a disruption within the local agency’s control that prevents
35 members of the public from offering public comments using the
36 call-in option or internet-based service option, the legislative body
37 shall take no further action on items appearing on the meeting
38 agenda until public access to the meeting via the call-in option or
39 internet-based service option is restored. Actions taken on agenda
40 items during a disruption that prevents the legislative body from

1 broadcasting the meeting may be challenged pursuant to Section
2 54960.1.

3 ~~(E)~~

4 (C) The legislative body shall not require public comments to
5 be submitted in advance of the meeting and must provide an
6 opportunity for the public to address the legislative body and offer
7 comment in real time.

8 ~~(F)~~

9 (D) Notwithstanding Section 54953.3, an individual desiring to
10 provide public comment through the use of an internet website, or
11 other online platform, not under the control of the local legislative
12 body, that requires registration to log in to a teleconference may
13 be required to register as required by the third-party internet
14 website or online platform to participate.

15 ~~(2) A member of the legislative body shall only participate in~~
16 ~~the meeting remotely pursuant to this subdivision, if all of the~~
17 ~~following requirements are met:~~

18 ~~(A) One of the following circumstances applies:~~

19 ~~(i) The member notifies the legislative body at the earliest~~
20 ~~opportunity possible, including at the start of a regular meeting,~~
21 ~~of their need to participate remotely for just cause, including a~~
22 ~~general description of the circumstances relating to their need to~~
23 ~~appear remotely at the given meeting. The provisions of this clause~~
24 ~~shall not be used by any member of the legislative body for more~~
25 ~~than two meetings per calendar year.~~

26 ~~(ii) The member requests the legislative body to allow them to~~
27 ~~participate in the meeting remotely due to emergency circumstances~~
28 ~~and the legislative body takes action to approve the request. The~~
29 ~~legislative body shall request a general description of the~~
30 ~~circumstances relating to their need to appear remotely at the given~~
31 ~~meeting. A general description of an item generally need not exceed~~
32 ~~20 words and shall not require the member to disclose any medical~~
33 ~~diagnosis or disability, or any personal medical information that~~
34 ~~is already exempt under existing law, such as the Confidentiality~~
35 ~~of Medical Information Act (Chapter 1 (commencing with Section~~
36 ~~56) of Part 2.6 of Division 1 of the Civil Code). For the purposes~~
37 ~~of this clause, the following requirements apply:~~

38 ~~(I) A member shall make a request to participate remotely at a~~
39 ~~meeting pursuant to this clause as soon as possible. The member~~

1 shall make a separate request for each meeting in which they seek
 2 to participate remotely.

3 ~~(H) The legislative body may take action on a request to~~
 4 ~~participate remotely at the earliest opportunity. If the request does~~
 5 ~~not allow sufficient time to place proposed action on such a request~~
 6 ~~on the posted agenda for the meeting for which the request is made,~~
 7 ~~the legislative body may take action at the beginning of the meeting~~
 8 ~~in accordance with paragraph (4) of subdivision (b) of Section~~
 9 ~~54954.2.~~

10 ~~(B) The member shall publicly disclose at the meeting before~~
 11 ~~any action is taken whether any other individuals 18 years of age~~
 12 ~~or older are present in the room at the remote location with the~~
 13 ~~member, and the general nature of the member's relationship with~~
 14 ~~any such individuals.~~

15 ~~(C) The member shall participate through both audio and visual~~
 16 ~~technology.~~

17 ~~(3) The provisions of this subdivision shall not serve as a means~~
 18 ~~for any member of a legislative body to participate in meetings of~~
 19 ~~the legislative body solely by teleconference from a remote location~~
 20 ~~for a period of more than three consecutive months or 20 percent~~
 21 ~~of the regular meetings for the local agency within a calendar year,~~
 22 ~~or more than two meetings if the legislative body regularly meets~~
 23 ~~fewer than 10 times per calendar year.~~

24 *(E) (i) A legislative body that provides a timed public comment*
 25 *period for each agenda item shall not close the public comment*
 26 *period for the agenda item, or the opportunity to register, pursuant*
 27 *to subparagraph (D), to provide public comment until that timed*
 28 *public comment period has elapsed.*

29 *(ii) A legislative body that does not provide a timed public*
 30 *comment period, but takes public comment separately on each*
 31 *agenda item, shall allow a reasonable amount of time per agenda*
 32 *item to allow public members the opportunity to provide public*
 33 *comment, including time for members of the public to register*
 34 *pursuant to subparagraph (D), or otherwise be recognized for the*
 35 *purpose of providing public comment.*

36 *(iii) A legislative body that provides a timed general public*
 37 *comment period that does not correspond to a specific agenda*
 38 *item shall not close the public comment period or the opportunity*
 39 *to register, pursuant to subparagraph (D), until the timed general*
 40 *public comment period has elapsed.*

1 (3) *If a state of emergency remains active, or state or local*
2 *officials have imposed or recommended measures to promote*
3 *social distancing, in order to continue to teleconference without*
4 *compliance with paragraph (3) of subdivision (b), the legislative*
5 *body shall, not later than 45 days after teleconferencing for the*
6 *first time pursuant to subparagraph (A), (B), or (C) of paragraph*
7 *(1), and every 45 days thereafter, make the following findings by*
8 *majority vote:*

9 (A) *The legislative body has reconsidered the circumstances of*
10 *the state of emergency.*

11 (B) *Any of the following circumstances exist:*

12 (i) *The state of emergency continues to directly impact the ability*
13 *of the members to meet safely in person.*

14 (ii) *State or local officials continue to impose or recommend*
15 *measures to promote social distancing.*

16 (4) *This subdivision shall not be construed to require the*
17 *legislative body to provide a physical location from which the*
18 *public may attend or comment.*

19 (f) *The legislative body shall have and implement a procedure*
20 *for receiving and swiftly resolving requests for reasonable*
21 *accommodation for individuals with disabilities, consistent with*
22 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*
23 *Sec. 12132), and resolving any doubt in favor of accessibility. In*
24 *each instance in which notice of the time of the meeting is*
25 *otherwise given or the agenda for the meeting is otherwise posted,*
26 *the legislative body shall also give notice of the procedure for*
27 *receiving and resolving requests for accommodation.*

28 (g) *The legislative body shall conduct meetings subject to this*
29 *chapter consistent with applicable civil rights and*
30 *nondiscrimination laws.*

31 (h) (1) *Nothing in this section shall prohibit a legislative body*
32 *from providing the public with additional teleconference locations.*

33 (2) *Nothing in this section shall prohibit a legislative body from*
34 *providing ~~members~~ of the public with additional physical locations*
35 *in which the public may observe and address the legislative body*
36 *by electronic means.*

37 (i) *For the purposes of this section, the following definitions*
38 *shall apply:*

- 1 ~~(1) “Emergency circumstances” means a physical or family~~
 2 ~~medical emergency that prevents a member from attending in~~
 3 ~~person.~~
 4 ~~(2) “Just cause” means any of the following:~~
 5 ~~(A) A childcare or caregiving need of a child, parent,~~
 6 ~~grandparent, grandchild, sibling, spouse, or domestic partner that~~
 7 ~~requires them to participate remotely. “Child,” “parent,”~~
 8 ~~“grandparent,” “grandchild,” and “sibling” have the same meaning~~
 9 ~~as those terms do in Section 12945.2.~~
 10 ~~(B) A contagious illness that prevents a member from attending~~
 11 ~~in person.~~
 12 ~~(C) A need related to a physical or mental disability as defined~~
 13 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~
 14 ~~subdivision (f).~~
 15 ~~(D) Travel while on official business of the legislative body or~~
 16 ~~another state or local agency.~~
 17 ~~(3) “Remote location” means a location from which a member~~
 18 ~~of a legislative body participates in a meeting pursuant to~~
 19 ~~subdivision (e), other than any physical meeting location designated~~
 20 ~~in the notice of the meeting. Remote locations need not be~~
 21 ~~accessible to the public.~~
 22 ~~(4) “Remote participation” means participation in a meeting by~~
 23 ~~teleconference at a location other than any physical meeting~~
 24 ~~location designated in the notice of the meeting. Watching or~~
 25 ~~listening to a meeting via webcasting or another similar electronic~~
 26 ~~medium that does not permit members to interactively hear,~~
 27 ~~discuss, or deliberate on matters, does not constitute remote~~
 28 ~~participation.~~
 29 ~~(1) “State of emergency” means a state of emergency~~
 30 ~~proclaimed pursuant to Section 8625 of the California Emergency~~
 31 ~~Services Act (Article 1 (commencing with Section 8550) of Chapter~~
 32 ~~7 of Division 1 of Title 2).~~
 33 ~~(5)~~
 34 ~~(2) “Teleconference” means a meeting of a legislative body,~~
 35 ~~the members of which are in different locations, connected by~~
 36 ~~electronic means, through either audio or video, or both.~~
 37 ~~(6) “Two-way audiovisual platform” means an online platform~~
 38 ~~that provides participants with the ability to participate in a meeting~~
 39 ~~via both an interactive video conference and a two-way telephonic~~
 40 ~~function.~~

1 ~~(7) “Two-way telephonic service” means a telephone service~~
2 ~~that does not require internet access, is not provided as part of a~~
3 ~~two-way audiovisual platform, and allows participants to dial a~~
4 ~~telephone number to listen and verbally participate.~~

5 ~~(8) “Webcasting” means a streaming video broadcast online or~~
6 ~~on television, using streaming media technology to distribute a~~
7 ~~single content source to many simultaneous listeners and viewers.~~

8 ~~(j) This section shall become operative January 1, 2024, shall~~
9 ~~remain in effect only until January 1, 2026, and as of that date is~~
10 ~~repealed.~~

11 ~~(j) This section shall become operative January 1, 2026.~~

12 SEC. 3. Section 54953 of the Government Code, as added by
13 Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

14 54953. ~~(a) All meetings of the legislative body of a local~~
15 ~~agency shall be open and public, and all persons shall be permitted~~
16 ~~to attend any meeting of the legislative body of a local agency,~~
17 ~~except as otherwise provided in this chapter.~~

18 ~~(b) (1) Notwithstanding any other provision of law, the~~
19 ~~legislative body of a local agency may use teleconferencing for~~
20 ~~the benefit of the public and the legislative body of a local agency~~
21 ~~in connection with any meeting or proceeding authorized by law.~~
22 ~~The teleconferenced meeting or proceeding shall comply with all~~
23 ~~requirements of this chapter and all otherwise applicable provisions~~
24 ~~of law relating to a specific type of meeting or proceeding.~~

25 ~~(2) Teleconferencing, as authorized by this section, may be used~~
26 ~~for all purposes in connection with any meeting within the subject~~
27 ~~matter jurisdiction of the legislative body. All votes taken during~~
28 ~~a teleconferenced meeting shall be by rollcall.~~

29 ~~(3) If the legislative body of a local agency elects to use~~
30 ~~teleconferencing, it shall post agendas at all teleconference~~
31 ~~locations and conduct teleconference meetings in a manner that~~
32 ~~protects the statutory and constitutional rights of the parties or the~~
33 ~~public appearing before the legislative body of a local agency.~~
34 ~~Each teleconference location shall be identified in the notice and~~
35 ~~agenda of the meeting or proceeding, and each teleconference~~
36 ~~location shall be accessible to the public. During the teleconference,~~
37 ~~at least a quorum of the members of the legislative body shall~~
38 ~~participate from locations within the boundaries of the territory~~
39 ~~over which the local agency exercises jurisdiction, except as~~
40 ~~provided in subdivision (d). The agenda shall provide an~~

1 opportunity for members of the public to address the legislative
2 body directly pursuant to Section 54954.3 at each teleconference
3 location.

4 (4) For the purposes of this section, “teleconference” means a
5 meeting of a legislative body, the members of which are in different
6 locations, connected by electronic means, through either audio or
7 video, or both. Nothing in this section shall prohibit a local agency
8 from providing the public with additional teleconference locations.

9 (e) (1) No legislative body shall take action by secret ballot,
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report
12 any action taken and the vote or abstention on that action of each
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally
15 report a summary of a recommendation for a final action on the
16 salaries, salary schedules, or compensation paid in the form of
17 fringe benefits of a local agency executive, as defined in
18 subdivision (d) of Section 3511.1, during the open meeting in
19 which the final action is to be taken. This paragraph shall not affect
20 the public’s right under the California Public Records Act (Chapter
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
22 inspect or copy records created or received in the process of
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in
25 paragraph (3) of subdivision (b), if a health authority conducts a
26 teleconference meeting, members who are outside the jurisdiction
27 of the authority may be counted toward the establishment of a
28 quorum when participating in the teleconference if at least 50
29 percent of the number of members that would establish a quorum
30 are present within the boundaries of the territory over which the
31 authority exercises jurisdiction, and the health authority provides
32 a teleconference number, and associated access codes, if any, that
33 allows any person to call in to participate in the meeting and the
34 number and access codes are identified in the notice and agenda
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as
37 discouraging health authority members from regularly meeting at
38 a common physical site within the jurisdiction of the authority or
39 from using teleconference locations within or near the jurisdiction
40 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 ~~(3) For purposes of this subdivision, a health authority means~~
4 ~~any entity created pursuant to Sections 14018.7, 14087.31,~~
5 ~~14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare~~
6 ~~and Institutions Code, any joint powers authority created pursuant~~
7 ~~to Article 1 (commencing with Section 6500) of Chapter 5 of~~
8 ~~Division 7 for the purpose of contracting pursuant to Section~~
9 ~~14087.3 of the Welfare and Institutions Code, and any advisory~~
10 ~~committee to a county-sponsored health plan licensed pursuant to~~
11 ~~Chapter 2.2 (commencing with Section 1340) of Division 2 of the~~
12 ~~Health and Safety Code if the advisory committee has 12 or more~~
13 ~~members.~~

14 ~~(e) This section shall become operative January 1, 2026.~~

15 SEC. 4. The Legislature finds and declares that Sections 1 and
16 2 of this act, which amend Section 54953 of the Government Code,
17 furthers, within the meaning of paragraph (7) of subdivision (b)
18 of Section 3 of Article I of the California Constitution, the purposes
19 of that constitutional section as it relates to the right of public
20 access to the meetings of local public bodies or the writings of
21 local public officials and local agencies. Pursuant to paragraph (7)
22 of subdivision (b) of Section 3 of Article I of the California
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public
25 participation and notice requirements allowing for greater public
26 participation in teleconference meetings.

O

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

**Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)**

February 13, 2023

An act to amend Section 54950 of the Government Code, relating to local government: *add Section 54953.05 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. ~~Local government: open meetings.~~ *Open meetings: teleconferencing: subsidiary body.*

Existing law, the Ralph M. Brown Act, ~~requires~~ *requires, with specified exceptions*, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. *The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

~~This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.~~

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 54953.05 is added to the Government*
2 *Code, to read:*

3 54953.05. (a) (1) *The definitions in Section 54953, as that*
4 *section may be amended from time to time, apply for purposes of*
5 *this section.*

6 (2) *For purposes of this section, “subsidiary body” means a*
7 *legislative body that meets all of the following:*

8 (A) *Is described in subdivision (b) of Section 54952.*

9 (B) *Serves exclusively in an advisory capacity.*

10 (C) *Is not authorized to take final action on legislation,*
11 *regulations, contracts, licenses, permits, or any other entitlements.*

12 (b) *A subsidiary body may use teleconferencing without*
13 *complying with paragraph (3) of subdivision (b) of Section 54953,*
14 *if the subsidiary body complies with all of the following:*

15 (1) *The teleconferenced meetings shall be conducted in a manner*
16 *that protects the statutory and constitutional rights of the parties*
17 *or the public appearing before the subsidiary body.*

18 (2) *Each member of the subsidiary body shall participate*
19 *through both audio and visual technology.*

20 (3) *The subsidiary body shall provide at least one of the*
21 *following as a means by which the public may remotely hear and*
22 *visually observe the meeting, and remotely address the subsidiary*
23 *body:*

24 (A) *A two-way audiovisual platform.*

25 (B) *A two-way telephonic service and a live webcasting of the*
26 *meeting.*

27 (4) *The subsidiary body shall give notice of the meeting and*
28 *post agendas as otherwise required by this chapter.*

29 (5) *In each instance in which notice of the time of the*
30 *teleconferenced meeting is otherwise given or the agenda for the*
31 *meeting is otherwise posted, the subsidiary body shall also give*
32 *notice of the means by which members of the public may access*
33 *the meeting and offer public comment.*

34 (6) *The agenda shall identify and include an opportunity for all*
35 *persons to attend and address the subsidiary body directly pursuant*
36 *to Section 54954.3 via a call-in option or via an internet-based*
37 *service option.*

1 (7) *In the event of a disruption that prevents the subsidiary body*
2 *from broadcasting the meeting to members of the public using the*
3 *call-in option or internet-based service option, or in the event of*
4 *a disruption within the subsidiary body's control that prevents*
5 *members of the public from offering public comments using the*
6 *call-in option or internet-based service option, the subsidiary body*
7 *shall take no further action on items appearing on the meeting*
8 *agenda until public access to the meeting via the call-in option or*
9 *internet-based service option is restored. Actions taken on agenda*
10 *items during a disruption that prevents the subsidiary body from*
11 *broadcasting the meeting may be challenged pursuant to Section*
12 *54960.1.*

13 (8) *Notwithstanding Section 54953.3, an individual desiring to*
14 *provide public comment through the use of an internet website, or*
15 *other online platform, not under the control of the subsidiary body,*
16 *that requires registration to log in to a teleconference may be*
17 *required to register as required by the third-party internet website*
18 *or online platform to participate.*

19 (9) *The subsidiary body shall not require public comments to*
20 *be submitted in advance of the meeting and must provide an*
21 *opportunity for the public to address the subsidiary body and offer*
22 *comment in real time.*

23 (A) *A subsidiary body that provides a timed public comment*
24 *period for each agenda item shall not close the public comment*
25 *period for the agenda item, or the opportunity to register, pursuant*
26 *to paragraph (8), to provide public comment until that timed public*
27 *comment period has elapsed.*

28 (B) *A subsidiary body that does not provide a timed public*
29 *comment period, but takes public comment separately on each*
30 *agenda item, shall allow a reasonable amount of time per agenda*
31 *item to allow public members the opportunity to provide public*
32 *comment, including time for members of the public to register*
33 *pursuant to paragraph (8), or otherwise be recognized for the*
34 *purpose of providing public comment.*

35 (C) *A subsidiary body that provides a timed general public*
36 *comment period that does not correspond to a specific agenda*
37 *item shall not close the public comment period or the opportunity*
38 *to register, pursuant to paragraph (8), until the timed general*
39 *public comment period has elapsed.*

1 (c) In order to use teleconferencing pursuant to this section, the
2 legislative body that established the subsidiary body by charter,
3 ordinance, resolution, or other formal action shall make the
4 following findings by majority vote before the subsidiary body
5 uses teleconferencing pursuant to this section for the first time,
6 and every 12 months thereafter:

7 (1) The legislative body has considered the circumstances of
8 the subsidiary body.

9 (2) Teleconference meetings of the subsidiary body would
10 enhance public access to meetings of the subsidiary body.

11 (3) Teleconference meetings of the subsidiary body would
12 promote the attraction, retention, and diversity of subsidiary body
13 members.

14 SEC. 2. The Legislature finds and declares that Section 1 of
15 this act, which adds Section 54953.05 to the Government Code,
16 imposes a limitation on the public's right of access to the meetings
17 of public bodies or the writings of public officials and agencies
18 within the meaning of Section 3 of Article I of the California
19 Constitution. Pursuant to that constitutional provision, the
20 Legislature makes the following findings to demonstrate the interest
21 protected by this limitation and the need for protecting that
22 interest:

23 By removing the requirement for agendas to be placed at the
24 location of each public official participating in a public meeting
25 remotely, this act protects the personal, private information of
26 public officials and their families while preserving the public's
27 right to access information concerning the conduct of the people's
28 business.

29 SEC. 3. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 54953.05 to the Government Code,
31 furthers, within the meaning of paragraph (7) of subdivision (b)
32 of Section 3 of Article I of the California Constitution, the purposes
33 of that constitutional section as it relates to the right of public
34 access to the meetings of local public bodies or the writings of
35 local public officials and local agencies. Pursuant to paragraph
36 (7) of subdivision (b) of Section 3 of Article I of the California
37 Constitution, the Legislature makes the following findings:

38 This act is necessary to provide opportunities for public
39 participation in meetings of specified public agencies and to
40 promote the attraction and retention of members of those agencies.

1 SECTION 1. ~~Section 54950 of the Government Code is~~
2 ~~amended to read:~~

3 54950. (a) ~~In enacting this chapter, the Legislature finds and~~
4 ~~declares that the public commissions, boards, councils, and the~~
5 ~~other public agencies in this state exist to aid in the conduct of the~~
6 ~~people's business. It is the intent of the law that their actions be~~
7 ~~taken openly and that their deliberations be conducted openly.~~

8 (b) ~~The people of this state do not yield their sovereignty to the~~
9 ~~agencies that serve them. The people, in delegating authority, do~~
10 ~~not give their public servants the right to decide what is good for~~
11 ~~the people to know and what is not good for them to know. The~~
12 ~~people insist on remaining informed, so that they may retain control~~
13 ~~over the instruments they have created.~~

O

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1379

Introduced by Assembly Member Papan

February 17, 2023

An act to amend ~~Section 53908~~ of and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Papan. ~~Local agencies: financial affairs. Open meetings: local agencies: teleconferences.~~

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that

each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would instead provide that, for purposes of establishing a quorum of the legislative body, members of the body may participate remotely, at the designated physical location, or at both the designated physical meeting location and remotely. The bill would require the legislative body to have at least 2 meetings per year in which the legislative body's members are in person at a singular designated physical meeting location.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing provisions without complying with the general teleconferencing requirements that agendas be posted at each teleconference, 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. Under existing law, these alternative teleconferencing provisions require the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. Under existing law, these alternative teleconferencing provisions authorize a member to participate remotely if the member is participating remotely for just cause, limited to twice per year, or due to emergency circumstances, contingent upon a request to, and action by, the legislative body, as prescribed. Existing law specifies that just cause includes travel while on official business of the legislative body or another state or local agency.

This bill would revise the alternative provisions, operative until January 1, 2026, to make these provisions operative indefinitely. The bill would delete the restriction that prohibits a member, based on just cause, from participating remotely for more than 2 meetings per calendar year. The bill would delete the requirement for the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. The bill would also delete a provision that requires a member participating remotely to publicly disclose at the meeting before action is taken whether there are individuals 18 years of age present in the room at the remote location and the general nature of the member's relationship to those

individuals. The bill would further delete a provision that prohibits a member from participating remotely for a period of more than 3 consecutive months or 20% of the regular meetings within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. The bill would expand the definition of just cause to include travel related to a member of a legislative body’s occupation. The bill would make related, conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Existing law requires that the officer of each local agency who has charge of the financial records furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year. If a local agency maintains an internet website, existing law requires that the local agency post information on the annual compensation of its elected officials, as specified.

This bill would make nonsubstantive changes to that law.

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

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

- 1 SECTION 1. Section 54953 of the Government Code, as
- 2 amended by Section 2 of Chapter 285 of the Statutes of 2022, is
- 3 amended to read:
- 4 54953. (a) All meetings of the legislative body of a local
- 5 agency shall be open and public, and all persons shall be permitted
- 6 to attend any meeting of the legislative body of a local agency,
- 7 except as otherwise provided in this chapter.

1 (b) (1) Notwithstanding any other provision of law, the
2 legislative body of a local agency may use teleconferencing for
3 the benefit of the public and the legislative body of a local agency
4 in connection with any meeting or proceeding authorized by law.
5 The teleconferenced meeting or proceeding shall comply with all
6 otherwise applicable requirements of this chapter and all otherwise
7 applicable provisions of law relating to a specific type of meeting
8 or proceeding.

9 (2) Teleconferencing, as authorized by this section, may be used
10 for all purposes in connection with any meeting within the subject
11 matter jurisdiction of the legislative body. If the legislative body
12 of a local agency elects to use teleconferencing, the legislative
13 body of a local agency shall comply with all of the following:

14 (A) All votes taken during a teleconferenced meeting shall be
15 by rollcall.

16 (B) The teleconferenced meetings shall be conducted in a
17 manner that protects the statutory and constitutional rights of the
18 parties or the public appearing before the legislative body of a
19 local agency.

20 (C) The legislative body shall give notice of the meeting and
21 post agendas as otherwise required by this chapter.

22 (D) The legislative body shall allow members of the public to
23 access the meeting and the agenda shall provide an opportunity
24 for members of the public to address the legislative body directly
25 pursuant to Section 54954.3.

26 (3) (A) If the legislative body of a local agency elects to use
27 teleconferencing, it shall post agendas at ~~all teleconference~~
28 ~~locations. Each teleconference location shall be identified in the~~
29 ~~notice and agenda of the meeting or proceeding, and each~~
30 ~~teleconference location shall be accessible to the public. During~~
31 ~~the teleconference, at least a quorum of the members of the~~
32 ~~legislative body shall participate from locations within the~~
33 ~~boundaries of the territory over which the local agency exercises~~
34 ~~jurisdiction, except as provided in subdivision (d). *the singular*~~
35 ~~*designated physical meeting location, as defined in subparagraph*~~
36 ~~*(B). Establishment of a quorum of a legislative body may include*~~
37 ~~*all of the following:*~~

38 (i) *A legislative body consisting of members participating*
39 *remotely.*

1 (ii) A legislative body consisting of members participating at
2 the designated physical meeting location.

3 (iii) A legislative body consisting of members participating at
4 the designated physical meeting location and members
5 participating remotely.

6 (B) “Singular designated physical meeting location” means the
7 location that is clearly identified on the agenda, is open to the
8 public and situated within the boundaries of the territory over
9 which the local agency exercises jurisdiction, and the legislative
10 body provides at least one of the following as a means by which
11 the public may remotely hear and visually observe the meeting,
12 and remotely address the legislative body:

13 (i) A two-way audiovisual platform.

14 (ii) A two-way telephonic service.

15 (C) The legislative body shall have at least two meetings per
16 calendar year in which the legislative body’s members are in
17 person at a singular designated physical meeting location.

18 (c) (1) No legislative body shall take action by secret ballot,
19 whether preliminary or final.

20 (2) The legislative body of a local agency shall publicly report
21 any action taken and the vote or abstention on that action of each
22 member present for the action.

23 (3) Prior to taking final action, the legislative body shall orally
24 report a summary of a recommendation for a final action on the
25 salaries, salary schedules, or compensation paid in the form of
26 fringe benefits of a local agency executive, as defined in
27 subdivision (d) of Section 3511.1, during the open meeting in
28 which the final action is to be taken. This paragraph shall not affect
29 the public’s right under the California Public Records Act (Division
30 10 (commencing with Section 7920.000) of Title 1) to inspect or
31 copy records created or received in the process of developing the
32 recommendation.

33 (d) (1) Notwithstanding the provisions relating to a quorum in
34 paragraph (3) of subdivision (b), if a health authority conducts a
35 teleconference meeting, members who are outside the jurisdiction
36 of the authority may be counted toward the establishment of a
37 quorum when participating in the teleconference if at least 50
38 percent of the number of members that would establish a quorum
39 are present within the boundaries of the territory over which the
40 authority exercises jurisdiction, and the health authority provides

1 a teleconference number, and associated access codes, if any, that
2 allows any person to call in to participate in the meeting and the
3 number and access codes are identified in the notice and agenda
4 of the meeting.

5 (2) Nothing in this subdivision shall be construed as
6 discouraging health authority members from regularly meeting at
7 a common physical site within the jurisdiction of the authority or
8 from using teleconference locations within or near the jurisdiction
9 of the authority. A teleconference meeting for which a quorum is
10 established pursuant to this subdivision shall be subject to all other
11 requirements of this section.

12 (3) For purposes of this subdivision, a health authority means
13 any entity created pursuant to Sections 14018.7, 14087.31,
14 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
15 and Institutions Code, any joint powers authority created pursuant
16 to Article 1 (commencing with Section 6500) of Chapter 5 of
17 Division 7 for the purpose of contracting pursuant to Section
18 14087.3 of the Welfare and Institutions Code, and any advisory
19 committee to a county-sponsored health plan licensed pursuant to
20 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
21 Health and Safety Code if the advisory committee has 12 or more
22 members.

23 (e) (1) The legislative body of a local agency may *also* use
24 teleconferencing ~~without complying in accordance~~ with paragraph
25 (3) of subdivision (b) if, during the teleconference meeting, ~~at least~~
26 ~~a quorum of the members of the legislative body participates in~~
27 ~~person from a singular physical location clearly identified on the~~
28 ~~agenda, which location shall be open to the public and situated~~
29 ~~within the boundaries of the territory over which the local agency~~
30 ~~exercises jurisdiction and the legislative body complies with all~~
31 ~~of the following: the legislative body complies with all of the~~
32 ~~following:~~

33 (A) ~~The legislative body shall provide at least one of the~~
34 ~~following as a means by which the public may remotely hear and~~
35 ~~visually observe the meeting, and remotely address the legislative~~
36 ~~body:~~

- 37 (i) ~~A two-way audiovisual platform.~~
- 38 (ii) ~~A two-way telephonic service and a live webcasting of the~~
39 ~~meeting.~~
- 40 (B)

1 (A) In each instance in which notice of the time of the
2 teleconferenced meeting is otherwise given or the agenda for the
3 meeting is otherwise posted, the legislative body shall also give
4 notice of the means by which members of the public may access
5 the meeting and offer public comment.

6 ~~(C)~~

7 (B) The agenda shall identify and include an opportunity for all
8 persons to attend and address the legislative body directly pursuant
9 to Section 54954.3 via a call-in option, via an internet-based service
10 option, and at the in-person location of the meeting.

11 ~~(D)~~

12 (C) In the event of a disruption that prevents the legislative body
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the local agency's control that prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the legislative body
18 shall take no further action on items appearing on the meeting
19 agenda until public access to the meeting via the call-in option or
20 internet-based service option is restored. Actions taken on agenda
21 items during a disruption that prevents the legislative body from
22 broadcasting the meeting may be challenged pursuant to Section
23 54960.1.

24 ~~(E)~~

25 (D) The legislative body shall not require public comments to
26 be submitted in advance of the meeting and must provide an
27 opportunity for the public to address the legislative body and offer
28 comment in real time.

29 ~~(F)~~

30 (E) Notwithstanding Section 54953.3, an individual desiring to
31 provide public comment through the use of an internet website, or
32 other online platform, not under the control of the local legislative
33 body, that requires registration to log in to a teleconference may
34 be required to register as required by the third-party internet
35 website or online platform to participate.

36 (2) A member of the legislative body shall only participate in
37 the meeting remotely pursuant to this subdivision, if all of the
38 following requirements are met:

39 (A) One of the following circumstances applies:

1 (i) The member notifies the legislative body at the earliest
 2 opportunity possible, including at the start of a regular meeting,
 3 of their need to participate remotely for just cause, including a
 4 general description of the circumstances relating to their need to
 5 appear remotely at the given meeting. ~~The provisions of this clause
 6 shall not be used by any member of the legislative body for more
 7 than two meetings per calendar year.~~

8 (ii) The member requests the legislative body to allow them to
 9 participate in the meeting remotely due to emergency circumstances
 10 and the legislative body takes action to approve the request. The
 11 legislative body shall request a general description of the
 12 circumstances relating to their need to appear remotely at the given
 13 meeting. A general description of an item generally need not exceed
 14 20 words and shall not require the member to disclose any medical
 15 diagnosis or disability, or any personal medical information that
 16 is already exempt under existing law, such as the Confidentiality
 17 of Medical Information Act (Chapter 1 (commencing with Section
 18 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
 19 of this clause, the following requirements apply:

20 (I) A member shall make a request to participate remotely at a
 21 meeting pursuant to this clause as soon as possible. The member
 22 shall make a separate request for each meeting in which they seek
 23 to participate remotely.

24 (II) The legislative body may take action on a request to
 25 participate remotely at the earliest opportunity. If the request does
 26 not allow sufficient time to place proposed action on such a request
 27 on the posted agenda for the meeting for which the request is made,
 28 the legislative body may take action at the beginning of the meeting
 29 in accordance with paragraph (4) of subdivision (b) of Section
 30 54954.2.

31 ~~(B) The member shall publicly disclose at the meeting before
 32 any action is taken whether any other individuals 18 years of age
 33 or older are present in the room at the remote location with the
 34 member, and the general nature of the member's relationship with
 35 any such individuals.~~

36 ~~(C)~~
 37 (B) The member shall participate through both audio and visual
 38 technology.

39 ~~(3) The provisions of this subdivision shall not serve as a means
 40 for any member of a legislative body to participate in meetings of~~

1 the legislative body solely by teleconference from a remote location
2 for a period of more than three consecutive months or 20 percent
3 of the regular meetings for the local agency within a calendar year,
4 or more than two meetings if the legislative body regularly meets
5 fewer than 10 times per calendar year.

6 (f) The legislative body shall have and implement a procedure
7 for receiving and swiftly resolving requests for reasonable
8 accommodation for individuals with disabilities, consistent with
9 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
10 Sec. 12132), and resolving any doubt in favor of accessibility. In
11 each instance in which notice of the time of the meeting is
12 otherwise given or the agenda for the meeting is otherwise posted,
13 the legislative body shall also give notice of the procedure for
14 receiving and resolving requests for accommodation.

15 (g) The legislative body shall conduct meetings subject to this
16 chapter consistent with applicable civil rights and
17 nondiscrimination laws.

18 (h) (1) Nothing in this section shall prohibit a legislative body
19 from providing the public with additional teleconference locations.

20 (2) Nothing in this section shall prohibit a legislative body from
21 providing members of the public with additional physical locations
22 in which the public may observe and address the legislative body
23 by electronic means.

24 (i) For the purposes of this section, the following definitions
25 shall apply:

26 (1) “Emergency circumstances” means a physical or family
27 medical emergency that prevents a member from attending in
28 person.

29 (2) “Just cause” means any of the following:

30 (A) A childcare or caregiving need of a child, parent,
31 grandparent, grandchild, sibling, spouse, or domestic partner that
32 requires them to participate remotely. “Child,” “parent,”
33 “grandparent,” “grandchild,” and “sibling” have the same meaning
34 as those terms do in Section 12945.2.

35 (B) A contagious illness that prevents a member from attending
36 in person.

37 (C) A need related to a physical or mental disability as defined
38 in Sections 12926 and 12926.1 not otherwise accommodated by
39 subdivision (f).

1 (D) Travel while on official business of the legislative body or
2 another state or local ~~agency.~~ *agency, or travel related to a member*
3 *of a legislative body’s occupation.*

4 (3) “Remote location” means a location from which a member
5 of a legislative body participates in a meeting pursuant to
6 subdivision (e), other than any physical meeting location designated
7 in the notice of the meeting. Remote locations need not be
8 accessible to the public.

9 (4) “Remote participation” means participation in a meeting by
10 teleconference at a location other than any physical meeting
11 location designated in the notice of the meeting. Watching or
12 listening to a meeting via webcasting or another similar electronic
13 medium that does not permit members to interactively hear,
14 discuss, or deliberate on matters, does not constitute remote
15 participation.

16 (5) “Teleconference” means a meeting of a legislative body,
17 the members of which are in different locations, connected by
18 electronic means, through either audio or video, or both.

19 (6) “Two-way audiovisual platform” means an online platform
20 that provides participants with the ability to participate in a meeting
21 via both an interactive video conference and a two-way telephonic
22 function.

23 (7) “Two-way telephonic service” means a telephone service
24 that does not require internet access, is not provided as part of a
25 two-way audiovisual platform, and allows participants to dial a
26 telephone number to listen and verbally participate.

27 ~~(8) “Webcasting” means a streaming video broadcast online or~~
28 ~~on television, using streaming media technology to distribute a~~
29 ~~single content source to many simultaneous listeners and viewers.~~

30 (j) This section shall become operative January 1, ~~2024,~~ shall
31 remain in effect only until January 1, 2026, and as of that date is
32 repealed. 2024.

33 *SEC. 2. Section 54953 of the Government Code, as added by*
34 *Section 3 of Chapter 285 of the Statutes of 2022, is repealed.*

35 ~~54953. (a) All meetings of the legislative body of a local~~
36 ~~agency shall be open and public, and all persons shall be permitted~~
37 ~~to attend any meeting of the legislative body of a local agency,~~
38 ~~except as otherwise provided in this chapter.~~

39 ~~(b) (1) Notwithstanding any other provision of law, the~~
40 ~~legislative body of a local agency may use teleconferencing for~~

1 the benefit of the public and the legislative body of a local agency
2 in connection with any meeting or proceeding authorized by law.
3 The teleconferenced meeting or proceeding shall comply with all
4 requirements of this chapter and all otherwise applicable provisions
5 of law relating to a specific type of meeting or proceeding.

6 ~~(2) Teleconferencing, as authorized by this section, may be used
7 for all purposes in connection with any meeting within the subject
8 matter jurisdiction of the legislative body. All votes taken during
9 a teleconferenced meeting shall be by rollcall.~~

10 ~~(3) If the legislative body of a local agency elects to use
11 teleconferencing, it shall post agendas at all teleconference
12 locations and conduct teleconference meetings in a manner that
13 protects the statutory and constitutional rights of the parties or the
14 public appearing before the legislative body of a local agency.
15 Each teleconference location shall be identified in the notice and
16 agenda of the meeting or proceeding, and each teleconference
17 location shall be accessible to the public. During the teleconference,
18 at least a quorum of the members of the legislative body shall
19 participate from locations within the boundaries of the territory
20 over which the local agency exercises jurisdiction, except as
21 provided in subdivision (d). The agenda shall provide an
22 opportunity for members of the public to address the legislative
23 body directly pursuant to Section 54954.3 at each teleconference
24 location.~~

25 ~~(4) For the purposes of this section, "teleconference" means a
26 meeting of a legislative body, the members of which are in different
27 locations, connected by electronic means, through either audio or
28 video, or both. Nothing in this section shall prohibit a local agency
29 from providing the public with additional teleconference locations.~~

30 ~~(e) (1) No legislative body shall take action by secret ballot,
31 whether preliminary or final.~~

32 ~~(2) The legislative body of a local agency shall publicly report
33 any action taken and the vote or abstention on that action of each
34 member present for the action.~~

35 ~~(3) Prior to taking final action, the legislative body shall orally
36 report a summary of a recommendation for a final action on the
37 salaries, salary schedules, or compensation paid in the form of
38 fringe benefits of a local agency executive, as defined in
39 subdivision (d) of Section 3511.1, during the open meeting in
40 which the final action is to be taken. This paragraph shall not affect~~

1 the public’s right under the California Public Records Act (Chapter
2 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
3 inspect or copy records created or received in the process of
4 developing the recommendation.

5 (d) (1) Notwithstanding the provisions relating to a quorum in
6 paragraph (3) of subdivision (b), if a health authority conducts a
7 teleconference meeting, members who are outside the jurisdiction
8 of the authority may be counted toward the establishment of a
9 quorum when participating in the teleconference if at least 50
10 percent of the number of members that would establish a quorum
11 are present within the boundaries of the territory over which the
12 authority exercises jurisdiction, and the health authority provides
13 a teleconference number, and associated access codes, if any, that
14 allows any person to call in to participate in the meeting and the
15 number and access codes are identified in the notice and agenda
16 of the meeting.

17 (2) Nothing in this subdivision shall be construed as
18 discouraging health authority members from regularly meeting at
19 a common physical site within the jurisdiction of the authority or
20 from using teleconference locations within or near the jurisdiction
21 of the authority. A teleconference meeting for which a quorum is
22 established pursuant to this subdivision shall be subject to all other
23 requirements of this section.

24 (3) For purposes of this subdivision, a health authority means
25 any entity created pursuant to Sections 14018.7, 14087.31,
26 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
27 and Institutions Code, any joint powers authority created pursuant
28 to Article 1 (commencing with Section 6500) of Chapter 5 of
29 Division 7 for the purpose of contracting pursuant to Section
30 14087.3 of the Welfare and Institutions Code, and any advisory
31 committee to a county-sponsored health plan licensed pursuant to
32 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
33 Health and Safety Code if the advisory committee has 12 or more
34 members.

35 (e) This section shall become operative January 1, 2026.

36 *SEC. 3. The Legislature finds and declares that Section 1 of*
37 *this act, which amends Section 54953 of the Government Code,*
38 *imposes a limitation on the public’s right of access to the meetings*
39 *of public bodies or the writings of public officials and agencies*
40 *within the meaning of Section 3 of Article I of the California*

1 *Constitution. Pursuant to that constitutional provision, the*
2 *Legislature makes the following findings to demonstrate the interest*
3 *protected by this limitation and the need for protecting that*
4 *interest:*

5 *By removing the requirement for agendas to be posted at all*
6 *teleconference locations, and removing the requirement for*
7 *members to publicly disclose whether any other individuals 18*
8 *years of age or older are present at the remote location with the*
9 *member, and the general nature of the member's relationship with*
10 *individuals before action is taken, this act protects the personal,*
11 *private information of public officials and their families while*
12 *preserving the public's right to access information concerning the*
13 *conduct of the people's business.*

14 *SEC. 4. The Legislature finds and declares that Section 1 of*
15 *this act, which amends Section 54953 of the Government Code,*
16 *further, within the meaning of paragraph (7) of subdivision (b)*
17 *of Section 3 of Article I of the California Constitution, the purposes*
18 *of that constitutional section as it relates to the right of public*
19 *access to the meetings of local public bodies or the writings of*
20 *local public officials and local agencies. Pursuant to paragraph*
21 *(7) of subdivision (b) of Section 3 of Article I of the California*
22 *Constitution, the Legislature makes the following findings:*

23 *This act is necessary to ensure minimum standards for public*
24 *participation and notice requirements allowing for greater public*
25 *participation in teleconference meetings.*

26 ~~SECTION 1. Section 53908 of the Government Code is~~
27 ~~amended to read:~~

28 ~~53908. (a) If a local agency, which is required to report to the~~
29 ~~Controller under Section 53891, maintains an internet website, it~~
30 ~~shall post, in a conspicuous location on its internet website,~~
31 ~~information on the annual compensation of its elected officials,~~
32 ~~officers, and employees that is submitted to the Controller under~~
33 ~~Section 53891.~~

34 ~~(b) A local agency may comply with subdivision (a) by posting,~~
35 ~~in a conspicuous location on its internet website, a link to the~~
36 ~~Controller's Government Compensation in California internet~~
37 ~~website.~~

O

Introduced by Senator Portantino
(Coauthor: Senator Menjivar)
(Coauthor: Assembly Member Luz Rivas)

February 9, 2023

An act to add Section 54953.4 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as introduced, Portantino. Open meetings: teleconferences: bodies with appointed membership.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,

agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 54953.4 is added to the Government
2 Code, to read:

1 54953.4. (a) (1) A legislative body included in subdivision
2 (c) may use teleconferencing without complying with paragraph
3 (3) of subdivision (b) of Section 54953 if the legislative body
4 complies with paragraph (2) of this section.

5 (2) A legislative body that holds a meeting pursuant to this
6 subdivision shall do all of the following:

7 (A) In each instance in which notice of the time of the
8 teleconferenced meeting is otherwise given or the agenda for the
9 meeting is otherwise posted, the legislative body shall also give
10 notice of the means by which members of the public may access
11 the meeting and offer public comment. The agenda shall identify
12 and include an opportunity for all persons to attend via a call-in
13 option or an internet-based service option.

14 (B) In the event of a disruption that prevents the legislative body
15 from broadcasting the meeting to members of the public using the
16 call-in option or internet-based service option, or in the event of
17 a disruption within the local agency's control that prevents
18 members of the public from offering public comments using the
19 call-in option or internet-based service option, the legislative body
20 shall take no further action on items appearing on the meeting
21 agenda until public access to the meeting via the call-in option or
22 internet-based service option is restored. Actions taken on agenda
23 items during a disruption that prevents the legislative body of a
24 neighborhood council from broadcasting the meeting may be
25 challenged pursuant to Section 54960.1.

26 (C) The legislative body shall not require public comments to
27 be submitted in advance of the meeting and must provide an
28 opportunity for the public to address the legislative body and offer
29 comment in real time.

30 (D) Notwithstanding Section 54953.3, an individual desiring to
31 provide public comment through the use of an internet website, or
32 other online platform, not under the control of the legislative body,
33 that requires registration to log in to a teleconference may be
34 required to register as required by the third-party internet website
35 or online platform to participate.

36 (E) (i) A legislative body that provides a timed public comment
37 period for each agenda item shall not close the public comment
38 period for the agenda item, or the opportunity to register, pursuant
39 to subparagraph (D), to provide public comment until that timed
40 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public
 2 comment period, but takes public comment separately on each
 3 agenda item, shall allow a reasonable amount of time per agenda
 4 item to allow public members the opportunity to provide public
 5 comment, including time for members of the public to register
 6 pursuant to subparagraph (D), or otherwise be recognized for the
 7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public
 9 comment period that does not correspond to a specific agenda item
 10 shall not close the public comment period or the opportunity to
 11 register, pursuant to subparagraph (D), until the timed general
 12 public comment period has elapsed.

13 (3) This subdivision shall not be construed to require the
 14 legislative body to provide a physical location from which the
 15 public may attend or comment.

16 (b) The legislative body shall comply with all other requirements
 17 of Section 54953.

18 (c) As used in this section, “legislative body” means a board,
 19 commission, or advisory body of a local agency, the membership
 20 of which board, commission, or advisory body is appointed and
 21 which board, commission, or advisory body is otherwise subject
 22 to this chapter. As used in this subdivision, “advisory body”
 23 includes, but is not limited to, a neighborhood council that is an
 24 advisory body with the purpose to promote more citizen
 25 participation in government and make government more responsive
 26 to local needs that is established pursuant to the charter of a city
 27 with a population of more than 3,000,000 people that is subject to
 28 this chapter.

29 SEC. 2. The Legislature finds and declares that Section 1 of
 30 this act, which adds Section 54953.4 to the Government Code,
 31 imposes a limitation on the public’s right of access to the meetings
 32 of public bodies or the writings of public officials and agencies
 33 within the meaning of Section 3 of Article I of the California
 34 Constitution. Pursuant to that constitutional provision, the
 35 Legislature makes the following findings to demonstrate the interest
 36 protected by this limitation and the need for protecting that interest:

37 During the COVID-19 public health emergency, audio and video
 38 teleconference were widely used to conduct public meetings in
 39 lieu of physical location meetings, and those public meetings have
 40 been productive, increased public participation by all members of

1 the public regardless of their location and ability to travel to
2 physical meeting locations, increased the pool of people who are
3 able to serve on these bodies, and protected the health and safety
4 of civil servants and the public. Extending the operation of
5 teleconference as conducted during the COVID-19 public health
6 emergency for bodies of local agencies with appointed membership
7 will continue these benefits.

8 SEC. 3. The Legislature finds and declares that Section 1 of
9 this act, which adds Section 54953.4 to the Government Code,
10 furthers, within the meaning of paragraph (7) of subdivision (b)
11 of Section 3 of Article I of the California Constitution, the purposes
12 of that constitutional section as it relates to the right of public
13 access to the meetings of local public bodies or the writings of
14 local public officials and local agencies. Pursuant to paragraph (7)
15 of subdivision (b) of Section 3 of Article I of the California
16 Constitution, the Legislature makes the following findings:

17 During the COVID-19 public health emergency, audio and video
18 teleconference were widely used to conduct public meetings in
19 lieu of physical location meetings, and those public meetings have
20 been productive, increased public participation by all members of
21 the public regardless of their location and ability to travel to
22 physical meeting locations, increased the pool of people who are
23 able to serve on these bodies, and protected the health and safety
24 of civil servants and the public. Extending the operation of
25 teleconference as conducted during the COVID-19 public health
26 emergency for bodies of local agencies with appointed membership
27 will continue these benefits.

28 SEC. 4. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the California Constitution and shall
31 go into immediate effect. The facts constituting the necessity are:

32 Virtual meetings have allowed much easier access to appointed
33 bodies of local agencies with far more members of the public
34 participating in each meeting. This has created greater equity in
35 the process and fostered the health of our democracy. In-person
36 meetings may jeopardize the health and safety of vulnerable
37 citizens due to ongoing risks of COVID-19 and other illnesses.

O

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 537

Introduced by Senator Becker

February 14, 2023

An act to amend Section 54953 of, and to add Section 54953.4 to, the Government Code, relating to local-government: government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Becker. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,

agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would authorize certain legislative bodies to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would also require a legislative body to provide a record of attendance on its internet website within 7 days after a teleconference meeting, as specified. The bill would define "legislative body" for this purpose to mean a board, commission, or advisory body of a multijurisdictional cross county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity.

With respect to the alternative teleconferencing provisions operative until January 1, 2026, the bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or

open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, 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 providing for the ability of the public to observe and provide comment. The act allows for meetings to occur through teleconference, subject to specified requirements.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation that expands local government’s access to hold public meetings through teleconferencing and remote access.~~

Vote: ~~majority~~^{2/3}. 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 54953 of the Government Code, as*
2 *amended by Section 2 of Chapter 285 of the Statutes of 2022, is*
3 *amended to read:*

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the
9 legislative body of a local agency may use teleconferencing for
10 the benefit of the public and the legislative body of a local agency
11 in connection with any meeting or proceeding authorized by law.
12 The teleconferenced meeting or proceeding shall comply with all
13 otherwise applicable requirements of this chapter and all otherwise
14 applicable provisions of law relating to a specific type of meeting
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. If the legislative body
19 of a local agency elects to use teleconferencing, the legislative
20 body of a local agency shall comply with all of the following:

1 (A) All votes taken during a teleconferenced meeting shall be
2 by rollcall.

3 (B) The teleconferenced meetings shall be conducted in a
4 manner that protects the statutory and constitutional rights of the
5 parties or the public appearing before the legislative body of a
6 local agency.

7 (C) The legislative body shall give notice of the meeting and
8 post agendas as otherwise required by this chapter.

9 (D) The legislative body shall allow members of the public to
10 access the meeting and the agenda shall provide an opportunity
11 for members of the public to address the legislative body directly
12 pursuant to Section 54954.3.

13 (3) If the legislative body of a local agency elects to use
14 teleconferencing, it shall post agendas at all teleconference
15 locations. Each teleconference location shall be identified in the
16 notice and agenda of the meeting or proceeding, and each
17 teleconference location shall be accessible to the public. During
18 the teleconference, at least a quorum of the members of the
19 legislative body shall participate from locations within the
20 boundaries of the territory over which the local agency exercises
21 jurisdiction, except as provided in subdivision (d).

22 (c) (1) No legislative body shall take action by secret ballot,
23 whether preliminary or final.

24 (2) The legislative body of a local agency shall publicly report
25 any action taken and the vote or abstention on that action of each
26 member present for the action.

27 (3) Prior to taking final action, the legislative body shall orally
28 report a summary of a recommendation for a final action on the
29 salaries, salary schedules, or compensation paid in the form of
30 fringe benefits of a local agency executive, as defined in
31 subdivision (d) of Section 3511.1, during the open meeting in
32 which the final action is to be taken. This paragraph shall not affect
33 the public’s right under the California Public Records Act (Division
34 10 (commencing with Section 7920.000) of Title 1) to inspect or
35 copy records created or received in the process of developing the
36 recommendation.

37 (d) (1) Notwithstanding the provisions relating to a quorum in
38 paragraph (3) of subdivision (b), if a health authority conducts a
39 teleconference meeting, members who are outside the jurisdiction
40 of the authority may be counted toward the establishment of a

1 quorum when participating in the teleconference if at least 50
2 percent of the number of members that would establish a quorum
3 are present within the boundaries of the territory over which the
4 authority exercises jurisdiction, and the health authority provides
5 a teleconference number, and associated access codes, if any, that
6 allows any person to call in to participate in the meeting and the
7 number and access codes are identified in the notice and agenda
8 of the meeting.

9 (2) Nothing in this subdivision shall be construed as
10 discouraging health authority members from regularly meeting at
11 a common physical site within the jurisdiction of the authority or
12 from using teleconference locations within or near the jurisdiction
13 of the authority. A teleconference meeting for which a quorum is
14 established pursuant to this subdivision shall be subject to all other
15 requirements of this section.

16 (3) For purposes of this subdivision, a health authority means
17 any entity created pursuant to Sections 14018.7, 14087.31,
18 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
19 and Institutions Code, any joint powers authority created pursuant
20 to Article 1 (commencing with Section 6500) of Chapter 5 of
21 Division 7 for the purpose of contracting pursuant to Section
22 14087.3 of the Welfare and Institutions Code, and any advisory
23 committee to a county-sponsored health plan licensed pursuant to
24 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
25 Health and Safety Code if the advisory committee has 12 or more
26 members.

27 (e) (1) The legislative body of a local agency may use
28 teleconferencing without complying with paragraph (3) of
29 subdivision (b) if, during the teleconference meeting, at least a
30 quorum of the members of the legislative body participates in
31 person from a singular physical location clearly identified on the
32 agenda, which location shall be open to the public and situated
33 within the boundaries of the territory over which the local agency
34 exercises jurisdiction and the legislative body complies with all
35 of the following:

36 (A) The legislative body shall provide at least one of the
37 following as a means by which the public may remotely hear and
38 visually observe the meeting, and remotely address the legislative
39 body:

40 (i) A two-way audiovisual platform.

1 (ii) A two-way telephonic service and a live webcasting of the
2 meeting.

3 (B) In each instance in which notice of the time of the
4 teleconferenced meeting is otherwise given or the agenda for the
5 meeting is otherwise posted, the legislative body shall also give
6 notice of the means by which members of the public may access
7 the meeting and offer public comment.

8 (C) The agenda shall identify and include an opportunity for all
9 persons to attend and address the legislative body directly pursuant
10 to Section 54954.3 via a call-in option, via an internet-based service
11 option, and at the in-person location of the meeting.

12 (D) In the event of a disruption that prevents the legislative body
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the local agency's control that prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the legislative body
18 shall take no further action on items appearing on the meeting
19 agenda until public access to the meeting via the call-in option or
20 internet-based service option is restored. Actions taken on agenda
21 items during a disruption that prevents the legislative body from
22 broadcasting the meeting may be challenged pursuant to Section
23 54960.1.

24 (E) The legislative body shall not require public comments to
25 be submitted in advance of the meeting and must provide an
26 opportunity for the public to address the legislative body and offer
27 comment in real time.

28 (F) Notwithstanding Section 54953.3, an individual desiring to
29 provide public comment through the use of an internet website, or
30 other online platform, not under the control of the local legislative
31 body, that requires registration to log in to a teleconference may
32 be required to register as required by the third-party internet
33 website or online platform to participate.

34 (2) A member of the legislative body shall only participate in
35 the meeting remotely pursuant to this subdivision, if all of the
36 following requirements are met:

37 (A) One of the following circumstances applies:

38 (i) The member notifies the legislative body at the earliest
39 opportunity possible, including at the start of a regular meeting,
40 of their need to participate remotely for just cause, including a

1 general description of the circumstances relating to their need to
2 appear remotely at the given meeting. The provisions of this clause
3 shall not be used by any member of the legislative body for more
4 than two meetings per calendar year.

5 (ii) The member requests the legislative body to allow them to
6 participate in the meeting remotely due to emergency circumstances
7 and the legislative body takes action to approve the request. The
8 legislative body shall request a general description of the
9 circumstances relating to their need to appear remotely at the given
10 meeting. A general description of an item generally need not exceed
11 20 words and shall not require the member to disclose any medical
12 diagnosis or disability, or any personal medical information that
13 is already exempt under existing law, such as the Confidentiality
14 of Medical Information Act (Chapter 1 (commencing with Section
15 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
16 of this clause, the following requirements apply:

17 (I) A member shall make a request to participate remotely at a
18 meeting pursuant to this clause as soon as possible. The member
19 shall make a separate request for each meeting in which they seek
20 to participate remotely.

21 (II) The legislative body may take action on a request to
22 participate remotely at the earliest opportunity. If the request does
23 not allow sufficient time to place proposed action on such a request
24 on the posted agenda for the meeting for which the request is made,
25 the legislative body may take action at the beginning of the meeting
26 in accordance with paragraph (4) of subdivision (b) of Section
27 54954.2.

28 (B) The member shall publicly disclose at the meeting before
29 any action is taken whether any other individuals 18 years of age
30 or older are present in the room at the remote location with the
31 member, and the general nature of the member's relationship with
32 any such individuals.

33 (C) The member shall participate through both audio and visual
34 technology.

35 (3) The provisions of this subdivision shall not serve as a means
36 for any member of a legislative body to participate in meetings of
37 the legislative body solely by teleconference from a remote location
38 for a period of more than three consecutive months or 20 percent
39 of the regular meetings for the local agency within a calendar year,

1 or more than two meetings if the legislative body regularly meets
2 fewer than 10 times per calendar year.

3 (f) The legislative body shall have and implement a procedure
4 for receiving and swiftly resolving requests for reasonable
5 accommodation for individuals with disabilities, consistent with
6 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
7 Sec. 12132), and resolving any doubt in favor of accessibility. In
8 each instance in which notice of the time of the meeting is
9 otherwise given or the agenda for the meeting is otherwise posted,
10 the legislative body shall also give notice of the procedure for
11 receiving and resolving requests for accommodation.

12 (g) The legislative body shall conduct meetings subject to this
13 chapter consistent with applicable civil rights and
14 nondiscrimination laws.

15 (h) (1) Nothing in this section shall prohibit a legislative body
16 from providing the public with additional teleconference locations.

17 (2) Nothing in this section shall prohibit a legislative body from
18 providing members of the public with additional physical locations
19 in which the public may observe and address the legislative body
20 by electronic means.

21 (i) For the purposes of this section, the following definitions
22 shall apply:

23 (1) “Emergency circumstances” means a physical or family
24 medical emergency that prevents a member from attending in
25 person.

26 (2) “Just cause” means any of the following:

27 (A) A childcare or caregiving need of a child, parent,
28 grandparent, grandchild, sibling, spouse, or domestic partner that
29 requires them to participate remotely. “Child,” “parent,”
30 “grandparent,” “grandchild,” and “sibling” have the same meaning
31 as those terms do in Section 12945.2.

32 (B) A contagious illness that prevents a member from attending
33 in person.

34 (C) A need related to a physical or mental disability as defined
35 in Sections 12926 and 12926.1 not otherwise accommodated by
36 subdivision (f).

37 (D) Travel while on official business of the legislative body or
38 another state or local agency.

1 (E) *An immunocompromised child, parent, grandparent,*
2 *grandchild, sibling, spouse, or domestic partner that requires them*
3 *to participate remotely.*

4 (3) “Remote location” means a location from which a member
5 of a legislative body participates in a meeting pursuant to
6 subdivision (e), other than any physical meeting location designated
7 in the notice of the meeting. Remote locations need not be
8 accessible to the public.

9 (4) “Remote participation” means participation in a meeting by
10 teleconference at a location other than any physical meeting
11 location designated in the notice of the meeting. Watching or
12 listening to a meeting via webcasting or another similar electronic
13 medium that does not permit members to interactively hear,
14 discuss, or deliberate on matters, does not constitute remote
15 participation.

16 (5) “Teleconference” means a meeting of a legislative body,
17 the members of which are in different locations, connected by
18 electronic means, through either audio or video, or both.

19 (6) “Two-way audiovisual platform” means an online platform
20 that provides participants with the ability to participate in a meeting
21 via both an interactive video conference and a two-way telephonic
22 function.

23 (7) “Two-way telephonic service” means a telephone service
24 that does not require internet access, is not provided as part of a
25 two-way audiovisual platform, and allows participants to dial a
26 telephone number to listen and verbally participate.

27 (8) “Webcasting” means a streaming video broadcast online or
28 on television, using streaming media technology to distribute a
29 single content source to many simultaneous listeners and viewers.

30 (j) This section shall become operative January 1, 2024, shall
31 remain in effect only until January 1, 2026, and as of that date is
32 repealed.

33 *SEC. 2. Section 54953.4 is added to the Government Code, to*
34 *read:*

35 *54953.4. (a) (1) A legislative body included in subdivision*
36 *(c) may use teleconferencing without complying with paragraph*
37 *(3) of subdivision (b) of Section 54953 if the legislative body*
38 *complies with paragraph (2) of this section.*

39 *(2) A legislative body that holds a meeting pursuant to this*
40 *subdivision shall do all of the following:*

1 (A) In each instance in which notice of the time of the
2 teleconferenced meeting is otherwise given or the agenda for the
3 meeting is otherwise posted, the legislative body shall also give
4 notice of the means by which members of the public may access
5 the meeting and offer public comment. The agenda shall identify
6 and include an opportunity for all persons to attend via a call-in
7 option or an internet-based service option.

8 (B) In the event of a disruption that prevents the legislative body
9 from broadcasting the meeting to members of the public using the
10 call-in option or internet-based service option, or in the event of
11 a disruption within the local agency's control that prevents
12 members of the public from offering public comments using the
13 call-in option or internet-based service option, the legislative body
14 shall take no further action on items appearing on the meeting
15 agenda until public access to the meeting via the call-in option or
16 internet-based service option is restored. Actions taken on agenda
17 items during a disruption that prevents the legislative body from
18 broadcasting the meeting may be challenged pursuant to Section
19 54960.1.

20 (C) The legislative body shall not require public comments to
21 be submitted in advance of the meeting and shall provide an
22 opportunity for the public to address the legislative body and offer
23 comment in real time.

24 (D) Notwithstanding Section 54953.3, an individual desiring
25 to provide public comment through the use of an internet website,
26 or other online platform, not under the control of the legislative
27 body, that requires registration to log in to a teleconference may
28 be required to register as required by the third-party internet
29 website or online platform to participate.

30 (E) (i) A legislative body that provides a timed public comment
31 period for each agenda item shall not close the public comment
32 period for the agenda item, or the opportunity to register, pursuant
33 to subparagraph (D), to provide public comment until that timed
34 public comment period has elapsed.

35 (ii) A legislative body that does not provide a timed public
36 comment period, but takes public comment separately on each
37 agenda item, shall allow a reasonable amount of time per agenda
38 item to allow public members the opportunity to provide public
39 comment, including time for members of the public to register

1 pursuant to subparagraph (D), or otherwise be recognized for the
2 purpose of providing public comment.

3 (iii) A legislative body that provides a timed general public
4 comment period that does not correspond to a specific agenda
5 item shall not close the public comment period or the opportunity
6 to register, pursuant to subparagraph (D), until the timed general
7 public comment period has elapsed.

8 (F) Except as provided in Section 54953.3, a legislative body
9 shall provide a record of attendance of both community members,
10 and legislative body seven days after a teleconference meeting on
11 its internet website. The legislative body shall also note on its
12 website the number of public comments in the previous meeting
13 within seven days.

14 (3) This subdivision shall not be construed to require the
15 legislative body to provide a physical location from which the
16 public may attend or comment.

17 (b) The legislative body shall comply with all other requirements
18 of Section 54953.

19 (c) As used in this section, “legislative body” means a board,
20 commission, or advisory body of a multijurisdictional, cross county
21 agency, the membership of which board, commission, or advisory
22 body is appointed and which board, commission, or advisory body
23 is otherwise subject to this chapter. As used in this subdivision,
24 “multijurisdictional” means a legislative body that includes
25 representatives from more than one county, city, city and county,
26 special district, or a joint powers entity formed pursuant to Article
27 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
28 Title 1.

29 SEC. 3. The Legislature finds and declares that Sections 1 and
30 2 of this act, which amend Section 54953 of, and add Section
31 54953.4 to, the Government Code, impose a limitation on the
32 public’s right of access to the meetings of public bodies or the
33 writings of public officials and agencies within the meaning of
34 Section 3 of Article I of the California Constitution. Pursuant to
35 that constitutional provision, the Legislature makes the following
36 findings to demonstrate the interest protected by this limitation
37 and the need for protecting that interest:

38 Permitting remote participation for just cause due to a member’s
39 immunocompromised family member, as well as extending the
40 operation of teleconferencing for legislative bodies of

1 *multijurisdictional, cross county agencies with appointed*
 2 *membership, will further increase public participation, increase*
 3 *the pool of people who are able to serve on these bodies, and*
 4 *protect the health and safety of the public.*

5 *SEC. 4. The Legislature finds and declares that Sections 1 and*
 6 *2 of this act, which amend Section 54953 of, and add Section*
 7 *54953.4 to, the Government Code, further, within the meaning of*
 8 *paragraph (7) of subdivision (b) of Section 3 of Article I of the*
 9 *California Constitution, the purposes of that constitutional section*
 10 *as it relates to the right of public access to the meetings of local*
 11 *public bodies or the writings of local public officials and local*
 12 *agencies. Pursuant to paragraph (7) of subdivision (b) of Section*
 13 *3 of Article I of the California Constitution, the Legislature makes*
 14 *the following findings:*

15 *Permitting remote participation for just cause due to a member's*
 16 *immunocompromised family member, as well as extending the*
 17 *operation of teleconferencing for legislative bodies of*
 18 *multijurisdictional, cross county agencies with appointed*
 19 *membership, will further increase public participation, increase*
 20 *the pool of people who are able to serve on these bodies, and*
 21 *protect the health and safety of the public.*

22 *SEC. 5. This act is an urgency statute necessary for the*
 23 *immediate preservation of the public peace, health, or safety within*
 24 *the meaning of Article IV of the California Constitution and shall*
 25 *go into immediate effect. The facts constituting the necessity are:*

26 *Virtual meetings have allowed much easier access to appointed*
 27 *bodies of local agencies with far more members of the public*
 28 *participating in each meeting. This has created greater equity in*
 29 *the process and fostered the health of our democracy. In-person*
 30 *meetings may jeopardize the health and safety of vulnerable*
 31 *citizens due to ongoing risks of illnesses.*

32 ~~*SECTION 1. It is the intent of the Legislature to enact*~~
 33 ~~*subsequent legislation that expands local government's access to*~~
 34 ~~*hold public meetings through teleconferencing and remote access.*~~

O

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: April 5, 2023

Re: Consideration of New Bills

RECOMMENDED ACTION

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

- Assembly Bill (AB) 1267 (Ting) – Zero-emission vehicle incentive programs: gasoline superusers.
- Senate Bill (SB) 397 (Wahab) – Safety roadside rests: electric vehicle service equipment.

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

- AB 698 (Essayli) – Energy: gas stoves.

Approve staff's recommendation of OPPOSE UNLESS AMENDED for the following bill:

- SB 415 (Durazo) - Air quality: rules and regulations: socioeconomic impacts assessment.

Approve staff's recommendation of WORK WITH AUTHOR for the following bill:

- SB 768 (Caballero) – California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

BACKGROUND

This is the first year of the two-year 2023-2024 Legislative Session.

Attached is the matrix of bills that the Air District is currently tracking and has been arranged by category.

Upcoming dates of importance:

April 28th	Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
May 5th	Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.
May 12th	Last day for policy committees to meet prior to June 5th.
May 19th	Last day for fiscal committees to hear and report to the Floor bills introduced in their house. Last day for fiscal committees to meet prior to June 5th.
June 2nd	Last day for each house to pass bills introduced in that house.
June 15th	Budget Bill must be passed by midnight.
July 14th	Last day for policy committees to meet and report bills.
July 14th – August 14th	Summer recess
September 1st	Last day for fiscal committees to meet and report bills.
September 14th	Last day for each house to pass bills.
October 14th	Last day for Governor to sign or veto bills passed by the Legislature on or before September 14th and in the Governor's possession on or after September 14 th .

DISCUSSION

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

Specifically, staff will plan to discuss the following bills:

AB 504 (Reyes) – State and local public employees: labor relations: disputes.

CapitolTrack Summary: The Meyers-Milias-Brown Act and the Ralph C. Dills Act grant specified employees of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. The acts grant the Public Employment Relations Board the power to hear specified disputes in relation to these provisions and to make determinations regarding them. This bill would provide that it is not unlawful or a cause for discipline or other adverse action against a state or local public employee for that employee to refuse to enter property that is the site of a primary labor dispute, perform work for an employer involved in a primary labor dispute, or go through or work behind

a primary picket line. The bill would prohibit an employer from directing an employee to take those actions.

If passed, AB 504 might complicate Air District compliance and enforcement activities at facilities that are sites of primary labor disputes.

Current Status: Referred to the Assembly Public Employment and Retirement Committee – hearing date not set.

Staff Recommendation: None, at this time.

AB 698 (Essayli) – Energy: gas stoves.

CapitolTrack Summary: Current law prohibits new residential-type gas appliances that are equipped with a pilot light from being sold in the state 24 months after an intermittent ignition device has been demonstrated and certified by the State Energy Resources Conservation and Development Commission. This bill would prohibit state agencies and local governments from adopting or enforcing a rule, regulation, resolution, or ordinance that directly or indirectly results in prohibiting the use of gas stoves in residential and nonresidential buildings. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

If passed, AB 698 would prohibit local governments from adopting decarbonization policies, including all-electric new home construction.

Current Status: Referred to the Assembly Utilities and Energy Committee – set for hearing on April 12, 2023.

Staff Recommendation: Oppose

AB 1267 (Ting) – Zero-emission vehicle incentive programs: gasoline superusers.

CapitolTrack Summary: Current law establishes various incentive programs that are administered or funded by the State Air Resources Board to provide financial assistance for the purchase of zero-emission vehicles by individuals, including, among others, the Clean Cars 4 All Program. This bill would require the state board, upon appropriation by the Legislature, to ensure that beginning January 1, 2025, an additional incentive, to be known as a “superuser incentive,” is awarded under a zero-emission vehicle incentive program that is administered or funded by the state board to a gasoline superuser, as defined, who otherwise qualifies for an incentive under the zero-emission vehicle incentive program. The bill would require the state board to set the amount of the superuser incentive at a level that maximizes the displacement of gasoline and the reduction of emissions of criteria pollutants and greenhouse gases per dollar spent. The bill would require specified information to be provided by an applicant for the additional incentive under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program.

If passed, AB 1267 would create an additional incentive within the Clean Cars 4 All Program, for high mileage drivers to purchase a zero-emission vehicle.

Current Status: Referred to the Assembly Transportation Committee – set for hearing on March 27, 2023.

Staff Recommendation: Support

AB 1464 (Connolly) – Richmond-San Rafael Bridge.

CapitolTrack Summary: Existing law establishes state-owned toll bridges in the San Francisco Bay area, including the Richmond-San Rafael Bridge. Under existing law, the Bay Area Toll Authority is responsible for the administration of the toll revenues from the state-owned toll bridges in the San Francisco Bay area. Existing law requires the Department of Transportation to collect tolls, operate, maintain, and provide rehabilitation of the state-owned toll bridges in the San Francisco Bay area and to be responsible for the design and construction of improvements on those bridges in accordance with programming and scheduling requirements adopted by the Bay Area Toll Authority. This bill would require the department and the authority, if they develop a project to open the 3rd lane on the westbound level of the Richmond-San Rafael Bridge to motor vehicle traffic, to consider operating the Richmond-San Rafael Bridge in a specified manner.

If passed, AB 1464 would make several requirements regarding operation of the third eastbound lane contingent upon a project to open the lane to motor vehicle traffic.

Current Status: Referred to Assembly Transportation Committee – set for hearing on April 17, 2023.

Staff Recommendation: None, at this time.

SB 397 (Wahab) – Safety roadside rests: electric vehicle service equipment.

CapitolTrack Summary: Would require the State Air Resources Board, upon appropriation by the Legislature, to establish a program to install and maintain electric vehicle service equipment at safety roadside rests, with the goal of serving at least one-half of the parking spaces, excluding those parking spaces designed for use by a tractor-trailer, at each safety roadside rest in California. The bill would require that the electric vehicle service equipment installed pursuant to the program be available to the public at no charge and be the fastest type that is reasonably commercially available.

If passed, SB 397 would task the California Air Resources Board (CARB) to establish a program to provide electric vehicle charging infrastructure at highway rest stops.

Current Status: This bill has not yet been referred to a committee or set for hearing.

Staff Recommendation: Support

SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment.

CapitolTrack Summary: Current law requires a local air pollution control district or an air quality management district (local air district) that intends to propose the adoption, amendment, or

repeal of a rule or regulation that will significantly affect air quality or emissions limitations to perform, except as specified, an assessment of the socioeconomic impacts of the proposed adoption, amendment, or repeal of the rule or regulation, as provided. Current law defines “socioeconomic impacts” to include, among other things, the type of industries or business, including small business, affected by the rule or regulation, the impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation, and the range of probable costs, including costs to industry or business, including small business, of the rule or regulation. This bill would authorize a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would require a local air district to ensure that a prospective third-party contractor includes in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment. This bill would expand the definition of “socioeconomic impacts” to include the disproportionate impact, if any, of the proposed adoption, amendment, or repeal of the rule or regulation on Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, gay, lesbian, bisexual, and transgender individuals and women.

If passed, SB 415 would expand the definitions and requirements of a socioeconomic impact assessment conducted by an air district or CARB.

Current Status: Referred to the Senate Environmental Quality Committee – set for hearing on April 19, 2023.

Staff Recommendation: Oppose unless amended to remove applicability to air districts.

SB 527 (Min) – Neighborhood Decarbonization Program.

CapitolTrack Summary: Current law requires the State Energy Resources Conservation and Development Commission to establish the Equitable Building Decarbonization Program, which includes establishing the direct install program to fund certain projects and remediation and safety measures to facilitate the installation of new technologies and a statewide incentive program for low-carbon building technologies, as specified. This bill would require the Public Utilities Commission, in consultation with gas corporations, to develop and supervise the administration of the Neighborhood Decarbonization Program to facilitate the cost-effective decarbonization of targeted natural gas zones with the intent to provide benefits that include, but are not limited to, reduced emissions of greenhouse gases and air pollution, increased safety, and the maintenance of rate affordability for California gas customers, and to decommission gas assets in zones with the highest community burdens and those that would result in the highest projected ratepayer cost savings. The bill would require the commission, in consultation with each gas corporation, to adopt guidelines and regulations for the program, as specified. The bill would require the commission, after 5 years of implementing the program, to review the efficacy of the program in providing benefits to gas customers and in assisting the state in meeting the state’s climate change goals. The bill would require the commission, based on its review, to determine whether or not to continue implementing the program.

If passed, SB 527 would establish a Neighborhood Decarbonization Program, and allow a gas corporation to propose to cease providing service in some areas.

Current Status: This bill has not yet been referred to a committee or set for hearing.

Staff Recommendation: None, at this time.

SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format. This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period. The bill would require the monitoring systems to monitor certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information.

If passed, SB 674 would make changes to existing fenceline monitoring requirements at refineries, including equipment, reporting, and emergency response.

Staff has recently been provided proposed amendments to review, and may propose a SUPPORT position at a later date.

Current Status: Referred to the Senate Environmental Quality Committee – set for hearing on March 29, 2023.

Staff Recommendation: Work with Author – To be considered by the Board on April 5, 2023.

SB 768 (Caballero) – California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

CapitolTrack Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or

avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

If passed, SB 768 may relax requirements for some lead agencies to address potential vehicle miles traveled (VMT) increases in CEQA analyses.

Current Status: This bill has not yet been referred to a committee or set for hearing.

Staff Recommendation: Work with Author

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. Bills of Interest Matrix - As of March 28, 2023
2. AB 504 (Reyes) - Bill Text - As Amended on March 13, 2023
3. AB 698 (Essayli) - Bill Text - As Amended on March 9, 2023
4. AB 1267 (Ting) - Bill Text - As Amended on March 16, 2023
5. AB 1464 (Connolly) - Bill Text - As Amended on March 23, 2023
6. SB 397 (Wahab) - Bill Text - As Amended on March 22, 2023
7. SB 415 (Durazo) - Bill Text - As Introduced on February 9, 2023
8. SB 527 (Min) - Bill Text - As Amended on March 22, 2023
9. SB 674 (Gonzalez) - Bill Text - As Introduced on February 16, 2023
10. SB 768 (Caballero) - Bill Text - As Amended on March 22, 2023

Bill #	Author	Subject	Last Amended	Last Status - As of 3/28/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 9	Muratsuchi	California Global Warming Solutions Act of 2006: emissions limit.		01/26/2023 - Referred to Com. on NAT. RES.	01/26/2023 - Assembly NAT. RES.			Low	Climate Change
AB 30	Ward	Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.		03/14/2023 - Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (March 14). Re-referred to Com. on APPR.	03/14/2023 - Assembly APPR.			Low	Climate Change
AB 43	Holden	Greenhouse gas emissions: building materials: embodied carbon trading system.	3/2/2023	03/27/2023 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	03/27/2023 - Assembly APPR.			Low	Climate Change
AB 45	Boerner Horvath	Coastal resources: coastal development permits: blue carbon demonstration projects: new development: greenhouse gas emissions.	3/15/2023	03/22/2023 - In committee: Set, first hearing. Referred to APPR. suspense file.	03/22/2023 - Assembly APPR. SUSPENSE FILE			Low	Climate Change
AB 397	Essayli	California Global Warming Solutions Act of 2006: scoping plan.		03/14/2023 - In committee: Set, first hearing. Failed passage. Reconsideration granted.	02/09/2023 - Assembly NAT. RES.			Low	Climate Change
AB 593	Haney	Carbon emission reduction strategy: building sector.	3/9/2023	03/13/2023 - Re-referred to Com. on NAT. RES.	03/09/2023 - Assembly NAT. RES.			Low	Climate Change
AB 882	Davies	Coastal resources: Climate Ready Program: State Coastal Conservancy.		03/27/2023 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	03/27/2023 - Assembly APPR.			Low	Climate Change
AB 1265	Gallagher	Transportation fuels: gasoline specifications.	3/9/2023	03/13/2023 - Re-referred to Com. on TRANS.	03/09/2023 - Assembly TRANS.			Low	Climate Change
AB 1305	Gabriel	Voluntary carbon offset disclosures.		03/02/2023 - Referred to Coms. on NAT. RES. and JUD.	03/02/2023 - Assembly NAT. RES.			Low	Climate Change
AB 1689	Grayson	Greenhouse gases: built environment: decarbonization.		02/18/2023 - From printer. May be heard in committee March 20.	02/17/2023 - Assembly PRINT			Low	Climate Change
SB 12	Stern	California Global Warming Solutions Act of 2006: emissions limit.		03/15/2023 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (March 15). Re-referred to Com. on APPR.	03/15/2023 - Senate APPR.			Low	Climate Change
SB 253	Wiener	Climate Corporate Data Accountability Act.		03/15/2023 - From committee: Do pass and re-refer to Com. on JUD. (Ayes 4. Noes 2.) (March 15). Re-referred to Com. on JUD.	03/15/2023 - Senate JUD.			Low	Climate Change
SB 306	Caballero	Climate change: Equitable Building Decarbonization Program: Extreme Heat Action Plan.	3/7/2023	03/16/2023 - March 21 set for first hearing canceled at the request of author.	02/15/2023 - Senate E. U., & C.			Low	Climate Change
SB 308	Becker	Carbon Dioxide Removal Market Development Act.	3/14/2023	03/22/2023 - Re-referred to Com. on E.Q.	03/22/2023 - Senate E.Q.			Low	Climate Change
SB 390	Limón	Voluntary carbon offsets: business regulation.	3/16/2023	03/16/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/09/2023 - Senate RLS.			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/13/2023 - Senate RLS.			Medium	Climate Change
SB 511	Blakespear	Greenhouse gas emissions inventories.		03/20/2023 - March 29 hearing postponed by committee.	02/22/2023 - Senate E.Q.			Low	Climate Change
SB 527	Min	Neighborhood Decarbonization Program.	3/22/2023	03/22/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/14/2023 - Senate RLS.			Low	Climate Change
SB 682	Skinner	Low-carbon cement and concrete.		03/07/2023 - Set for hearing March 29.	03/01/2023 - Senate E.Q.			Low	Climate Change
SJR 2	Gonzalez	Climate change: Fossil Fuel Non-Proliferation Treaty.	3/16/2023	03/16/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.	03/01/2023 - Senate E.Q.			Low	Climate Change
AB 631	Hart	Oil and gas: enforcement: penalties.	3/23/2023	03/27/2023 - Re-referred to Com. on NAT. RES.	03/23/2023 - Assembly NAT. RES.			Low	Energy
AB 698	Essayli	Energy: gas stoves.	3/9/2023	03/13/2023 - Re-referred to Com. on U. & E.	03/09/2023 - Assembly U. & E.		Propose Oppose	Medium	Energy
AB 841	Berman	State Energy Resources Conservation and Development Commission: Industrial Heat Electrification Roadmap.	3/16/2023	03/20/2023 - Re-referred to Com. on U. & E.	03/16/2023 - Assembly U. & E.			Low	Energy
AB 944	Irwin	Fire stations: alternative power generation.	3/20/2023	03/21/2023 - Re-referred to Com. on E.M.	03/16/2023 - Assembly EMERGENCY MANAGEMENT			Low	Energy
AB 998	Connolly	Biomass energy facilities: State Energy Resources Conservation and Development Commission: report.	3/15/2023	03/27/2023 - VOTE: Do pass and be re-referred to the Committee on [Utilities and Energy] with recommendation: To Consent Calendar (PASS)	03/27/2023 - Assembly U. & E.			Medium	Energy
AB 1550	Bennett	Green hydrogen.		03/09/2023 - Referred to Coms. on U. & E. and NAT. RES.	03/09/2023 - Assembly U. & E.			Low	Energy
AB 1561	Gallagher	Housing development: Camp Fire Housing Assistance Act of 2019.	3/9/2023	03/13/2023 - Re-referred to Com. on NAT. RES.	03/09/2023 - Assembly NAT. RES.			Low	Energy
AB 1591	Wallis	Energy: petroleum pricing.		03/23/2023 - In committee: Hearing postponed by committee.	03/09/2023 - Assembly NAT. RES.			Low	Energy
AB 1614	Gabriel	Gasoline fueling stations: phase out: study.		03/23/2023 - In committee: Hearing postponed by committee.	03/09/2023 - Assembly TRANS.			Low	Energy
AB 1687	Dahle	Greenhouse gas emissions: fixed-mount generators.	3/16/2023	03/20/2023 - Re-referred to Com. on NAT. RES.	03/16/2023 - Assembly NAT. RES.			Low	Energy
ABX1 1	Ting	Oil refineries: maintenance.		12/06/2022 - From printer.	12/05/2022 - Assembly PRINT			Low	Energy
ABX1 2	Fong	Motor Vehicle Fuel Tax Law: suspension of tax.		12/06/2022 - From printer.	12/05/2022 - Assembly PRINT			Low	Energy
ABX1 3	Bains	Petroleum refineries: imports.		02/18/2023 - From printer.	02/17/2023 - Assembly PRINT			Low	Energy
SB 5	Nguyen	Motor Vehicle Fuel Tax Law: limitation on adjustment.		01/18/2023 - Referred to Com. on GOV. & F.	01/18/2023 - Senate GOV. & F.			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 3/28/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 233	Skinner	Electricvehicles and electric vehicle supply equipment: bidirectional capability.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	01/24/2023 - Senate RLS.			Low	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.	02/22/2023 - Senate N.R. & W.			Low	Energy
SB 493	Min	Air pollution: alternative vehicles and electric and hydrogen infrastructure.		03/21/2023 - From committee: Do pass and re-refer to Com. on E.Q. (Ayes 17. Noes 0.) (March 21). Re-referred to Com. on E.Q.	03/21/2023 - Senate E.Q.			Low	Energy
SB 507	Gonzalez	Electric vehicle charging station infrastructure: assessments.		03/21/2023 - From committee: Do pass and re-refer to Com. on TRANS. (Ayes 17. Noes 0.) (March 21). Re-referred to Com. on TRANS.	03/21/2023 - Senate TRANS.			Low	Energy
SB 556	Gonzalez	Oil and gas wells: health protection zones: civil liability.	3/22/2023	03/22/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/15/2023 - Senate RLS.			Low	Energy
SB 746	Eggman	Energy conservation contracts: alternate energy equipment: electrolytic hydrogen.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E. U. & C.	03/01/2023 - Senate E. U. & C.			Low	Energy
SB 755	Becker	Energy efficiency and building decarbonization programs.	3/21/2023	03/21/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/17/2023 - Senate RLS.			Low	Energy
SBX1 2	Skinner	Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin.	3/20/2023	03/27/2023 - From committee: Do pass. (Ayes 11. Noes 4.) (March 27). Assembly Rule 63 suspended. Read second time. Read third time. Passed. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling. Enrolled and presented to the Governor at 4 p.m.	03/27/2023 - Senate ENROLLMENT			Low	Energy
SBX1 3	Grove	Oil imports: air quality emissions data.		01/04/2023 - Read first time.	12/06/2022 - Senate RLS.			Low	Energy
AB 1195	Calderon	Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding.		03/27/2023 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	03/27/2023 - Assembly APPR.			Low	Environmental Justice
AB 1224	Bryan	Workforce development: green jobs survey.	3/16/2023	03/20/2023 - Re-referred to Com. on L. & E.	03/16/2023 - Assembly L. & E.			Low	Environmental Justice
AB 1681	Bryan	Environmental justice.		02/18/2023 - From printer. May be heard in committee March 20.	02/17/2023 - Assembly PRINT			Low	Environmental Justice
AB 536	Wilson	Bay Area Air Quality Management Advisory Council: compensation.		03/20/2023 - Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.	03/20/2023 - Senate RLS.		Air District-Sponsored	High	General-Air District
AB 650	Arambula	San Joaquin Valley Unified Air Pollution Control District: board.	3/23/2023	03/27/2023 - Re-referred to Com. on L. GOV.	03/23/2023 - Assembly L. GOV.			Low	General-Air District
AB 849	Garcia	Community emissions reduction programs.	3/15/2023	03/27/2023 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	03/27/2023 - Assembly APPR.		Interim Support	Medium	General-Air District
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	3/23/2023	03/27/2023 - Re-referred to Com. on NAT. RES.	03/23/2023 - Assembly NAT. RES.			Low	General-Air District
AB 1609	Garcia	Air pollution: motor vehicle registration: pollution reduction.	3/16/2023	03/20/2023 - Re-referred to Com. on TRANS.	03/16/2023 - Assembly TRANS.		Propose Co-Sponsor	Medium	General-Air District
SB 415	Durazo	Air quality: rules and regulations: socioeconomic impacts assessment.		03/20/2023 - March 29 set for first hearing canceled at the request of author.	02/22/2023 - Senate E.Q.		Propose Oppose Unless Amended	Medium	General-Air District
SB 563	Archuleta	Air pollution control districts and air quality management districts: independent special districts: funding.		02/22/2023 - Referred to Com. on GOV. & F.	02/22/2023 - Senate GOV. & F.		Interim Support	Medium	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.		03/07/2023 - Set for hearing March 29.	03/01/2023 - Senate E.Q.		Interim Work with Author	Medium	General-Air District
AB 287	Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.		03/14/2023 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (March 13). Re-referred to Com. on APPR.	03/13/2023 - Assembly APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 321	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.	3/6/2023	03/14/2023 - In committee: Set, first hearing. Referred to suspense file.	03/14/2023 - Assembly APPR. SUSPENSE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 579	Ting	Schoolbuses: zero-emission vehicles.	3/13/2023	03/16/2023 - In committee: Set, first hearing. Hearing canceled at the request of author.	02/17/2023 - Assembly ED.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 627	Jackson	Heavy-duty trucks: grant program: operating requirements.		03/08/2023 - In committee: Set, first hearing. Hearing canceled at the request of author.	02/17/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 769	Bauer-Kahan	Personal Income Tax Law: Corporation Tax Law: credits: carbon reduction.		02/23/2023 - Referred to Com. on REV. & TAX.	02/23/2023 - Assembly REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 772	Jackson	Electric vehicle chargers.		03/27/2023 - In committee: Set, first hearing. Hearing canceled at the request of author.	03/02/2023 - Assembly U. & E.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 858	Muratsuchi	California Climate Cashback Program.		02/23/2023 - Referred to Com. on NAT. RES.	02/23/2023 - Assembly NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 953	Connolly	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.	3/16/2023	03/20/2023 - Re-referred to Com. on W., P., & W.	03/02/2023 - Assembly W., P. & W.		Air-District Co-Sponsor	High	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1012	Quirk-Silva	State Air Resources Board: mobile source regulations: lifecycle analysis.		03/23/2023 - In committee: Hearing postponed by committee.	03/02/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1267	Ting	Zero-emission vehicle incentive programs: gasoline superusers.	3/16/2023	03/27/2023 - VOTE: Do pass and be re-referred to the Committee on [Natural Resources] (PASS)	03/27/2023 - Assembly NAT. RES.		Propose Support	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Zero-emission vehicle charging stations: open data portal.	3/16/2023	03/20/2023 - Re-referred to Com. on TRANS.	03/16/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1372	Alvarez	Vehicle air pollution: medium- and heavy-duty vehicles: land ports of entry.		03/23/2023 - In committee: Hearing postponed by committee.	03/09/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 3/28/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1374	Alvarez	Greenhouse Gas Reduction Fund: investment plan.		03/02/2023 - Referred to Com. on NAT. RES.	03/02/2023 - Assembly NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1401	Garcia	Low Carbon Fuel Standard regulations: alternative diesel fuel regulations.	3/13/2023	03/20/2023 - In committee: Hearing postponed by committee.	03/09/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1525	Bonta	Transportation Agency: allocations for projects in priority populations.	3/16/2023	03/23/2023 - In committee: Hearing postponed by committee.	03/16/2023 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023.		03/09/2023 - Referred to Coms. on W., P., & W. and NAT. RES.	03/09/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
ACA 2	Alanis	Public resources: Water and Wildfire Resiliency Act of 2023.		12/06/2022 - From printer. May be heard in committee January 5.	12/05/2022 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 32	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		03/08/2023 - Referred to Coms. on E.Q. and GOV. & F.	03/08/2023 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicle air pollution: Zero-Emission Aftermarket Conversion Project.	3/16/2023	03/16/2023 - Read second time and amended. Re-referred to Com. on TRANS.	03/16/2023 - Senate TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 425	Newman	Clean Vehicle Rebate Project: fuel cell electric pickup trucks.	3/16/2023	03/16/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.	02/22/2023 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.	03/01/2023 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 709	Allen	Greenhouse Gas Reduction Fund: investment plan.		03/01/2023 - Referred to Com. on E.Q.	03/01/2023 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.		03/07/2023 - Set for hearing March 28.	03/01/2023 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 6	Friedman	Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.	3/16/2023	03/27/2023 - VOTE: Do pass and be re-referred to the Committee on [Natural Resources] (PASS)	03/27/2023 - Assembly NAT. RES.			Low	Other
AB 16	Dixon	Motor Vehicle Fuel Tax Law: adjustment suspension.		12/06/2022 - From printer. May be heard in committee January 5.	12/05/2022 - Assembly PRINT			Low	Other
AB 53	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		12/06/2022 - From printer. May be heard in committee January 5.	12/05/2022 - Assembly PRINT			Low	Other
AB 69	Waldron	Transportation: traffic signal synchronization: roadway improvement projects.		02/02/2023 - Referred to Com. on TRANS.	02/02/2023 - Assembly TRANS.			Low	Other
AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	3/21/2023	03/22/2023 - Re-referred to Com. on E.S. & T.M.	03/06/2023 - Assembly E.S. & T.M.			Low	Other
AB 221	Ting	Budget Act of 2023.		01/26/2023 - Referred to Com. on BUDGET.	01/26/2023 - Assembly BUDGET			High	Other
AB 241	Reyes	Clean Transportation Program: Air Quality Improvement Program: funding.	3/23/2023	03/27/2023 - Re-referred to Com. on TRANS.	03/23/2023 - Assembly TRANS.			Low	Other
AB 504	Reyes	State and local public employees: labor relations: disputes.	3/13/2023	03/14/2023 - Re-referred to Com. on P.E. & R.	03/09/2023 - Assembly P.E. & R.			Low	Other
AB 530	Boerner Horvath	Methane emissions.	3/9/2023	03/13/2023 - Re-referred to Com. on NAT. RES.	03/09/2023 - Assembly NAT. RES.			Low	Other
AB 557	Hart	Open meetings: local agencies: teleconferences.		02/17/2023 - Referred to Com. on L. GOV.	02/17/2023 - Assembly L. GOV.			Medium	Other
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	3/16/2023	03/20/2023 - Re-referred to Com. on L. GOV.	03/16/2023 - Assembly L. GOV.		Propose Support	Medium	Other
AB 1044	Gallagher	California Agriculture Relief Act.	3/16/2023	03/20/2023 - Re-referred to Com. on TRANS.	03/16/2023 - Assembly TRANS.			Low	Other
AB 1153	Alvarez	San Diego Unified Port District.		03/02/2023 - Referred to Com. on J., E.D., & E.	03/02/2023 - Assembly J., E.D. & E.			Low	Other
AB 1176	Zbur	General plans: Local Electrification Planning Act.	3/23/2023	03/27/2023 - Re-referred to Com. on L. GOV.	03/23/2023 - Assembly L. GOV.			Low	Other
AB 1183	Holden	Streamlined housing projects: construction permits: notice.	3/14/2023	03/15/2023 - In committee: Set, first hearing. Hearing canceled at the request of author. Re-referred to Com. on L. GOV.	03/02/2023 - Assembly L. GOV.			Low	Other
AB 1216	Muratsuchi	Wastewater treatment plants: monitoring of air pollutants.	3/16/2023	03/20/2023 - Re-referred to Com. on NAT. RES.	03/16/2023 - Assembly NAT. RES.			Low	Other
AB 1379	Papan	Open meetings: local agencies: teleconferences.	3/23/2023	03/27/2023 - Re-referred to Com. on L. GOV.	03/23/2023 - Assembly L. GOV.			Low	Other
AB 1464	Connolly	Richmond-San Rafael Bridge.	3/23/2023	03/27/2023 - Re-referred to Com. on TRANS.	03/23/2023 - Assembly TRANS.			Medium	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	3/16/2023	03/20/2023 - Re-referred to Com. on NAT. RES.	03/16/2023 - Assembly NAT. RES.		Air District-Sponsored	High	Other
AB 1504	McCarty	Planning and zoning: adoption of regulations: electric vehicle charging stations.		03/09/2023 - Referred to Com. on L. GOV.	03/09/2023 - Assembly L. GOV.			Low	Other
AB 1529	Gabriel	Electric vehicle charging stations.	3/16/2023	03/20/2023 - Re-referred to Com. on U. & E.	03/16/2023 - Assembly U. & E.			Low	Other
AB 1534	Irwin	Methane emissions: municipal solid waste landfills: remote sensing data.		03/09/2023 - Referred to Com. on NAT. RES.	03/09/2023 - Assembly NAT. RES.			Low	Other
AB 1535	Mathis	The Energy, Environment, and Economy Council.		03/09/2023 - Referred to Coms. on NAT. RES. and U. & E.	03/09/2023 - Assembly NAT. RES.			Low	Other
AB 1579	Garcia	Vehicles: batteries.	3/23/2023	03/27/2023 - Re-referred to Com. on A. & A.R.	03/23/2023 - Assembly A. & A.R.			Low	Other
AB 1580	Carrillo, Juan	Air pollution: electric vehicle infrastructure.		03/27/2023 - VOTE: Do pass and be re-referred to the Committee on [Utilities and Energy] with recommendation: To Consent Calendar (PASS)	03/27/2023 - Assembly U. & E.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 3/28/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1660	Ta	Cosmetic products: perfluoroalkyl and polyfluoroalkyl substances (PFAS).		03/09/2023 - Referred to Com. on E.S. & T.M.	03/09/2023 - Assembly E.S. & T.M.			Low	Other
AB 1700	Hoover	California Environmental Quality Act: population growth and noise impacts: housing projects.		03/09/2023 - Referred to Com. on NAT. RES.	03/09/2023 - Assembly NAT. RES.			Low	Other
AB 1702	Hart	Active Transportation Program.		02/18/2023 - From printer. May be heard in committee March 20.	02/17/2023 - Assembly PRINT			Low	Other
AB 1743	Bennett	Lower Emissions Transition Program.	3/15/2023	03/16/2023 - Re-referred to Com. on TRANS.	03/09/2023 - Assembly TRANS.			Low	Other
SB 15	Grove	Oil imports: air quality emissions data.		03/14/2023 - Set for hearing March 29.	03/08/2023 - Senate E.Q.			Low	Other
SB 30	Umberg	Transportation: zero-emission vehicle signage.	2/27/2023	03/08/2023 - Re-referred to Com. on TRANS.	03/08/2023 - Senate TRANS.			Low	Other
SB 48	Becker	Water and Energy Savings Act.	3/1/2023	03/16/2023 - March 21 hearing postponed by committee.	03/08/2023 - Senate E. U. & C.			Low	Other
SB 69	Cortese	California Environmental Quality Act: judicial and administrative proceedings: limitations.	3/16/2023	03/21/2023 - Set for hearing April 11.	03/15/2023 - Senate JUD.			Low	Other
SB 72	Skinner	Budget Act of 2023.		01/11/2023 - From printer.	01/10/2023 - Senate BUDGET & F.R.			High	Other
SB 84	Gonzalez	Clean Transportation Program: Air Quality Improvement Program: funding.	3/13/2023	03/22/2023 - Re-referred to Coms. on TRANS. and E.Q.	03/22/2023 - Senate TRANS.			Low	Other
SB 258	Roth	General aviation airports: funding needs assessment.	3/15/2023	03/15/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.	02/09/2023 - Senate TRANS.			Low	Other
SB 291	Newman	Pupil rights: recess.		03/21/2023 - Set for hearing April 12.	02/15/2023 - Senate ED.			Low	Other
SB 312	Wiener	State highways: true warm mix asphalt.	3/14/2023	03/22/2023 - Set for hearing April 11.	02/15/2023 - Senate TRANS.			Medium	Other
SB 394	Gonzalez	Master Plan for Healthy, Sustainable, and Climate-Resilient Schools.	3/13/2023	03/22/2023 - Re-referred to Coms. on E., U. & C. and ED.	03/22/2023 - Senate E. U. & C.			Low	Other
SB 397	Wahab	Safety roadside rests: electric vehicle service equipment.	3/22/2023	03/22/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/09/2023 - Senate RLS.		Propose Support	Medium	Other
SB 411	Portantino	Open meetings: teleconferences: bodies with appointed membership.		02/22/2023 - Referred to Coms. on GOV. & F. and JUD.	02/22/2023 - Senate GOV. & F.			Medium	Other
SB 529	Gonzalez	Electric vehicle sharing services: affordable housing facilities.	3/20/2023	03/20/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.	02/22/2023 - Senate E. U. & C.			Low	Other
SB 537	Becker	Open meetings: local agencies: teleconferences.	3/22/2023	03/22/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/14/2023 - Senate RLS.		Propose Support	Medium	Other
SB 670	Allen	State Air Resources Board: vehicle miles traveled: maps.	3/20/2023	03/21/2023 - Withdrawn from committee. Re-referred to Com. on RLS.	03/21/2023 - Senate RLS.			Low	Other
SB 768	Caballero	California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.	3/22/2023	03/22/2023 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/17/2023 - Senate RLS.		Propose Work With Author	Medium	Other
SB 781	Stern	Methane emissions: low-methane natural gas.		03/07/2023 - Set for hearing March 29.	03/01/2023 - Senate E.Q.			Low	Other
SB 823	Smallwood-Cuevas	Electrical corporations: Discounted Electric Vehicle Charging Payment Card Program.		03/01/2023 - Referred to Com. on E., U. & C.	03/01/2023 - Senate E. U. & C.			Low	Other
SB 849	Stern	Air pollution: emissions from ports.		03/01/2023 - Referred to Com. on RLS.	02/17/2023 - Senate RLS.			Medium	Other
SBX1.1	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		12/05/2022 - Introduced. Read first time. Referred to Com. on RLS.	12/05/2022 - Senate RLS.			Low	Other
AB 54	Aguiar-Curry	Department of Food and Agriculture: research funding: winegrapes: smoke exposure.		03/16/2023 - Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 15). Re-referred to Com. on APPR.	12/05/2022 - Assembly APPR.			Low	Wildfire/Smoke/PSPS
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.		03/23/2023 - Set for hearing April 11.	02/15/2023 - Senate N.R. & W.			Low	Wildfire/Smoke/PSPS
Total Active Bills	128							Low: 105 Medium: 18 High: 5	

AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Reyes

February 7, 2023

An act to ~~amend Section 2753 of the Labor Code, relating to employment.~~ *add Sections 3502.2 and 3515.3 to the Government Code, relating to public employment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Reyes. ~~Employment relations. State and local public employees: labor relations: disputes.~~

Existing law, the Meyers-Milias-Brown Act and the Ralph C. Dills Act, regulate the labor relations of employees and employers of local public agencies and the state, respectively. The acts grant specified employees of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. The acts grant the Public Employment Relations Board the power to hear specified disputes in relation to these provisions and to make determinations regarding them.

This bill would provide that it is not unlawful or a cause for discipline or other adverse action against a state or local public employee for that employee to refuse to enter property that is the site of a primary labor dispute, perform work for an employer involved in a primary labor dispute, or go through or work behind a primary picket line. The bill would prohibit an employer from directing an employee to take

those actions. The bill would authorize a recognized employee organization to inform employees of these rights and encourage them to exercise those rights. The bill would also state that a provision in a public employer policy or collective bargaining agreement that purports to limit or waive the rights set forth in this provision shall be void against public policy. The bill would include related legislative findings.

~~Existing law requires, except as prescribed, a person who, for money or other valuable consideration, knowingly advises an employer to treat an individual as an independent contractor to avoid employee status for that individual to be jointly and severally liable with the employer if the individual is found not to be an independent contractor.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

1 SECTION 1. Section 3502.2 is added to the Government Code,
2 to read:

3 3502.2. (a) The Legislature finds and declares that the right
4 of a public employee to demonstrate solidarity with other
5 employees by honoring a picket line, or by refusing to enter upon
6 the premises or perform work for an employer engaged in a
7 primary labor dispute, is a fundamental human right protected by
8 the Constitution and laws of this state.

9 (b) Notwithstanding any other law, policy, or collective
10 bargaining agreement, it shall not be unlawful or a cause for
11 discipline or other adverse action against a public employee for
12 that public employee to refuse to do any of the following:

13 (1) Enter property that is the site of a primary labor dispute.

14 (2) Perform work for an employer involved in a primary labor
15 dispute.

16 (3) Go through or work behind any primary picket line.

17 (c) A public employer shall not direct a public employee to take
18 any of the actions set forth in subdivision (b).

19 (d) A recognized employee organization may inform employees
20 of their rights and encourage employees to exercise their rights
21 under this section.

1 (e) A provision in a public employer policy or collective
2 bargaining agreement that purports to limit or waive the rights
3 set forth in this section shall be void as against public policy.

4 SEC. 2. Section 3515.3 is added to the Government Code, to
5 read:

6 3515.3. (a) The Legislature finds and declares that the right
7 of a state employee to demonstrate solidarity with other employees
8 by honoring a picket line, or by refusing to enter upon the premises
9 or perform work for an employer engaged in a primary labor
10 dispute, is a fundamental human right protected by the Constitution
11 and laws of this state.

12 (b) Notwithstanding any other law, policy, or collective
13 bargaining agreement, it shall not be unlawful or a cause for
14 discipline or other adverse action against a state employee for
15 that state employee to refuse to do any of the following:

16 (1) Enter property that is the site of a primary labor dispute.

17 (2) Perform work for an employer involved in a primary labor
18 dispute.

19 (3) Go through or work behind any primary picket line.

20 (c) A state employer shall not direct a state employee to take
21 any of the actions set forth in subdivision (b).

22 (d) A recognized employee organization may inform employees
23 of their rights and encourage employees to exercise their rights
24 under this section.

25 (e) A provision in a public employer policy or collective
26 bargaining agreement that purports to limit or waive the rights
27 set forth in this section shall be void as against public policy.

28 SECTION 1. ~~Section 2753 of the Labor Code is amended to~~
29 ~~read:~~

30 ~~2753.—(a) A person who, for money or other valuable~~
31 ~~consideration, knowingly advises an employer to treat an individual~~
32 ~~as an independent contractor to avoid employee status for that~~
33 ~~individual shall be jointly and severally liable with the employer~~
34 ~~if the individual is found not to be an independent contractor.~~

35 ~~(b) This section does not apply to the following persons:~~

36 ~~(1) A person who provides advice to that person's employer.~~

1 ~~(2) An attorney authorized to practice law in California or~~
2 ~~another United States jurisdiction who provides legal advice in~~
3 ~~the course of the practice of law.~~

O

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 698

Introduced by Assembly Member Essayli

February 13, 2023

An act to ~~amend Section 3270.3 of~~ *add Section 25969* to the Public Resources Code, relating to ~~oil and gas~~: *energy*.

LEGISLATIVE COUNSEL'S DIGEST

AB 698, as amended, Essayli. ~~Oil and gas: production facility: cease and desist order.~~ *Energy: gas stoves.*

Existing law prohibits new residential-type gas appliances that are equipped with a pilot light from being sold in the state 24 months after an intermittent ignition device has been demonstrated and certified by the State Energy Resources Conservation and Development Commission.

This bill would prohibit state agencies and local governments from adopting or enforcing a rule, regulation, resolution, or ordinance that directly or indirectly results in prohibiting the use of gas stoves in residential and nonresidential buildings.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~Existing law requires the Geologic Energy Management Division in the Department of Conservation to prescribe minimum facility maintenance standards, as described, for all production facilities, as defined, in the state. Existing law authorizes the State Oil and Gas Supervisor, upon the supervisor's determination or that of the district deputy that a production facility is being operated in violation of those standards, to issue a cease and desist order to a production facility~~

~~operator requiring the operator to cease operation until the operator demonstrates, to the satisfaction of the supervisor, that the violation has been corrected.~~

~~This bill would make a nonsubstantive change to that authorization.~~

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

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

1 SECTION 1. Section 25969 is added to the Public Resources
2 Code, to read:

3 25969. (a) A state agency or local government, including a
4 charter city, shall not adopt or enforce a rule, regulation,
5 resolution, or ordinance, including an ordinance prohibiting
6 natural gas hookups for new buildings, that directly or indirectly
7 results in prohibiting the use of gas stoves in residential and
8 nonresidential buildings.

9 (b) The Legislature finds and declares that this section addresses
10 a matter of statewide concern rather than a municipal affair as
11 that term is used in Section 5 of Article XI of the California
12 Constitution. Therefore, this section applies to all cities, including
13 charter cities.

14 SECTION 1. ~~Section 3270.3 of the Public Resources Code is~~
15 ~~amended to read:~~

16 ~~3270.3. In addition to any other remedy provided by law, the~~
17 ~~supervisor, upon the supervisor's determination or that of the~~
18 ~~district deputy that a production facility is being operated in~~
19 ~~violation of the standards prescribed in subdivision (a) of Section~~
20 ~~3270, may issue a cease and desist order to a production facility~~
21 ~~operator requiring the operator to cease operation until the operator~~
22 ~~demonstrates, to the satisfaction of the supervisor, that the violation~~
23 ~~has been corrected.~~

O

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1267

Introduced by Assembly Member Ting

February 16, 2023

An act to add Chapter 4.5 (commencing with Section 43880) to Part 5 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1267, as amended, Ting. Zero-emission vehicle incentive programs: ~~diesel and~~ gasoline superusers.

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

This bill would require the state board, upon appropriation by the Legislature, to ensure that beginning January 1, 2025, an additional ~~incentive~~ *incentive, to be known as a "superuser incentive,"* is awarded under a zero-emission vehicle incentive program that is administered or funded by the state board to a ~~recipient of an incentive under one of those programs who is a gasoline or diesel superuser, as defined.~~ *gasoline superuser, as defined, who otherwise qualifies for an incentive under the zero-emission vehicle incentive program.* The bill would require the state board to set the amount of the *superuser* incentive at a level that maximizes the displacement of gasoline ~~or diesel~~ and the reduction of emissions of *criteria pollutants and greenhouse gases* per dollar spent. The bill would require specified information to be provided

by an applicant for the additional incentive under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would require the state board, on or before January 1, 2025, to develop and implement a strategy to, among other things, identify the drivers who ~~use the most gasoline or diesel~~ *are gasoline superusers and are low or moderate income* and expedite the replacement of the vehicles of those drivers, as specified. The bill would require the state board to submit a report to the Legislature on or before January 1, 2025, and every 2 years thereafter, regarding the zero-emission vehicle incentive programs administered or funded by the state board.

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 no reimbursement is required by this act for a specified reason.

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

4
5 CHAPTER 4.5. ZEV INCENTIVES FOR ~~DIESEL AND~~ GASOLINE
6 SUPERUSERS
7

8 43880. For purposes of this chapter, the following definitions
9 apply:

10 (a) ~~“Diesel superuser” means a person who consumes an amount~~
11 ~~of diesel in excess of a threshold established by the state board in~~
12 ~~the operation of an internal combustion engine vehicle registered~~
13 ~~to that person. The state board shall establish the threshold in a~~
14 ~~manner that maximizes the displacement of diesel and the reduction~~
15 ~~of emissions criteria pollutants per dollar spent for an incentive~~
16 ~~awarded pursuant to Section 43882.~~

17 (b)

18 (a) “Gasoline superuser” means a person who consumes an
19 amount of gasoline in excess of a threshold established by the state

1 board in the operation of an internal combustion engine vehicle
2 registered to that person. The state board shall establish the
3 threshold in a manner that maximizes the displacement of ~~gasoline~~
4 ~~and gasoline~~, the reduction of emissions of criteria pollutants *and*
5 *greenhouse gases* per dollar ~~spent for an incentive spent~~, and the
6 *turnover of older vehicles, resulting from incentives* awarded
7 pursuant to Section 43882. The state board shall consider
8 establishing that threshold at *an average annual amount of 700*
9 gallons in a calendar year.

10 (e)

11 (b) “Zero-emission vehicle incentive program” or “ZEV
12 incentive program” means a program that provides incentives to
13 an individual for the purchase of a light-duty zero-emission vehicle
14 and that receives funding from, or is administered by, the state
15 board. A ZEV incentive program includes, but is not limited to,
16 all of the following programs:

17 (1) The Clean Cars 4 All Program established pursuant Section
18 44124.5.

19 (2) The Clean Vehicle Rebate Project established as a part of
20 the Air Quality Improvement Program (Article 3 (commencing
21 with Section 44274) of Chapter 8.9).

22 (3) The Clean Vehicle Assistance Program established as a part
23 of the Air Quality Improvement Program (Article 3 (commencing
24 with Section 44274) of Chapter 8.9).

25 43881. (a) On or before January 1, 2025, the state board shall
26 develop and implement a strategy for doing all of the following:

27 (1) Identifying the drivers who ~~use the most gasoline or diesel~~
28 *are gasoline superusers* and are low income or moderate income.

29 (2) Expediting the replacement of ~~gasoline- or diesel-powered~~
30 *gasoline-powered* vehicles of drivers identified pursuant to
31 paragraph (1) with zero-emission vehicles.

32 (3) Identifying barriers that prevent ~~gasoline or diesel~~ superusers
33 from accessing ZEV incentive programs and adopting
34 zero-emission vehicles.

35 (4) Developing *ZEV* outreach protocols ~~and metrics to assess~~
36 *to target gasoline superusers and prioritize those superusers who*
37 *are low income or moderate income and measure* the success of
38 outreach to ~~gasoline and diesel~~ superusers ~~across~~ *in* each district
39 in the state.

1 (b) In advertising the availability of ZEV incentive programs
2 to gasoline ~~and diesel~~ superusers, the state board shall consider
3 coordinating with districts and local nonprofit and community
4 organizations, prioritizing those organizations that have a strong
5 and ongoing local presence in areas within the applicable district.

6 43882. (a) The state board shall, upon appropriation by the
7 Legislature, ensure that beginning January 1, 2025, an additional
8 ~~incentive~~ *incentive, to be known as the “superuser incentive,”* is
9 awarded under a ZEV incentive program to a ~~recipient of an~~
10 ~~incentive of one of those programs who is a gasoline or diesel~~
11 ~~superuser.~~ *gasoline superuser who otherwise qualifies for an*
12 *incentive under the ZEV incentive program.*

13 (b) The state board shall set the amount of the *superuser*
14 incentive at a level that maximizes the displacement of gasoline
15 ~~or diesel~~ and the reduction of emissions of *criteria pollutants and*
16 *greenhouse gases* per dollar spent.

17 (c) The state board shall require an applicant to provide the
18 vehicle identification ~~number and an~~ *number, the* odometer reading
19 *from the applicant’s vehicle registration, and the current odometer*
20 *reading from the applicant’s vehicle* under penalty of perjury to
21 verify whether the applicant qualifies as a ~~diesel or~~ gasoline
22 superuser.

23 43883. (a) Notwithstanding Section 10231.5 of the
24 Government Code, the state board shall report to the Legislature
25 no later than January 1, 2025, and biennially thereafter, all of the
26 following information:

27 (1) The ~~actual~~ gasoline ~~or diesel~~ emissions reduced per dollar
28 spent on ZEV incentive programs.

29 (2) The impacts of ZEV incentive program spending in terms
30 of quantifiable *carbon* emissions reductions and transportation
31 savings among low- to moderate-income individuals.

32 (3) The changes in annual gasoline ~~and diesel~~ use at local levels
33 by census tract or ZIP Code.

34 (b) A report to be submitted to the Legislature pursuant to
35 subdivision (a) shall be submitted in compliance with Section 9795
36 of the Government Code.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

O

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1464

Introduced by Assembly Member Connolly

February 17, 2023

An act to add Section 30910.8 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1464, as amended, Connolly. ~~Toll Bridges: Richmond-San Rafael Bridge.~~

Existing law establishes state-owned toll bridges within the geographic jurisdiction of the Metropolitan Transportation Commission, in the San Francisco Bay area, including the Richmond-San Rafael Bridge. Under existing law, the Bay Area Toll Authority is responsible for the administration of the toll revenues from the state-owned toll bridges in the San Francisco Bay area. Existing law requires the Department of Transportation to collect tolls, operate, maintain, and provide rehabilitation of the state-owned toll bridges in the San Francisco Bay area and to be responsible for the design and construction of improvements on those bridges in accordance with programming and scheduling requirements adopted by the Bay Area Toll Authority.

This bill would ~~state the intent of the Legislature to enact subsequent legislation to improve traffic flow on the Richmond-San Rafael Bridge.~~ require the department and the authority, if they develop a project to open the 3rd lane on the westbound level of the Richmond-San Rafael Bridge to motor vehicle traffic, to consider operating the Richmond-San Rafael Bridge in a specified manner.

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*
3 (a) *The Richmond-San Rafael Bridge opened on September 1,*
4 *1956. At the time of construction, the bridge was one of the longest*
5 *bridges in the world and was constructed at a cost of \$62,000,000.*
6 (b) *The initial construction, with the help of additional funding*
7 *provided by the state (Chapter 159 of the Statutes of 1955),*
8 *provided for the construction of six 12-foot-wide lanes. The six*
9 *lanes were initially composed of three lanes in both the eastbound*
10 *and westbound directions.*
11 (c) *In 1977, the then little-used third lane on the Richmond-San*
12 *Rafael Bridge was closed to allow for a pipeline to transport*
13 *8,000,000 gallons of water a day from the East Bay Municipal*
14 *Utility District to drought-stricken Marin County. In 1978, the*
15 *pipeline was removed and the third lane was restriped as an*
16 *emergency shoulder.*
17 (d) *In 1989, following the Loma Prieta earthquake and the*
18 *closure of the San Francisco-Oakland Bay Bridge from October*
19 *17 to November 18, inclusive, the third lane on the Richmond-San*
20 *Rafael Bridge was opened in both the eastbound and westbound*
21 *directions to help ease traffic flow across the bay, and was closed*
22 *after the San Francisco-Oakland Bay Bridge reopened.*
23 (e) *In 2016, the Bay Area Toll Authority and the Metropolitan*
24 *Transportation Commission (MTC) declared that the Marin County*
25 *side of the bridge had “unacceptable levels of service,” not only*
26 *on the freeway, but also on the local Marin streets in the Cities of*
27 *Larkspur and San Rafael. As a result, they authorized a*
28 *\$74,000,000 project to reopen the third lane of the lower deck.*
29 *Completed two years later, the Department of Transportation and*
30 *MTC reported that the new lane “has eliminated afternoon*
31 *congestion on eastbound I-580 onto the bridge saving drivers*
32 *approximately 15 minutes daily on their seven mile trip from Marin*
33 *to Contra Costa County. This equates to annual savings of 700,000*
34 *vehicle-hours of delay on weekdays and another 91,000 vehicle*

1 hours on weekends.” The project was put up for awards, and won
2 “Project of the Year” in California.

3 (f) Unaddressed traffic on the East Bay approach of the
4 Richmond-San Rafael Bridge has steadily worsened, even during
5 the pandemic. Each workday, during the morning commute,
6 approximately 18,000 Bay Area residents cross the Richmond-San
7 Rafael Bridge. The vast majority of those commuters, 63 percent,
8 are people of color. Sixty-nine percent of them do not have a
9 college degree, and the majority of commuters, 60 percent, make
10 less than the median income in the San Francisco Bay area.
11 Virtually all of these drivers have no other reasonable means to
12 get to work.

13 (g) As these 18,000 drivers approach the Richmond-San Rafael
14 Bridge in the County of Contra Costa, they hit a very significant
15 and growing traffic issue. During the peak hour, on average, they
16 face an added 16 minutes of gridlocked, stop-and-go traffic. This
17 traffic jam on the freeway also backs up local streets and roads
18 in the City of Richmond, impacting many local families residing
19 in traditionally disadvantaged communities.

20 (h) According to air monitors in the City of Richmond, this
21 morning freeway backup is now the largest source of nonwildfire
22 air pollution in the City of Richmond. This pollution is largely
23 concentrated in disadvantaged communities.

24 (i) In the interest of social justice, environmental justice,
25 improving traffic flow, maximizing existing resources, reducing
26 greenhouse gases, and reducing the environmental impacts
27 resulting from traffic backup on the westbound Richmond-San
28 Rafael Bridge approach, the Department of Transportation and
29 the Bay Area Toll Authority should consider reopening the third
30 westbound lane on the Richmond-San Rafael Bridge to motor
31 vehicle traffic in a manner that considers expanding multimodal
32 transportation, preserving pathways for bicyclists, and reducing
33 localized greenhouse gas emissions.

34 SEC. 2. Section 30910.8 is added to the Streets and Highways
35 Code, to read:

36 30910.8. If the authority and the department develop a project
37 to open the third lane on the westbound level of the Richmond-San
38 Rafael Bridge to motor vehicle traffic, the authority and the
39 department shall consider doing all of the following as part of the
40 project:

1 (a) Restoring the third westbound lane on the Richmond-San
2 Rafael Bridge to motor vehicle traffic during the weekday morning
3 commute.

4 (b) Adding a movable “zipper” barrier to the eastbound level
5 of the Richmond-San Rafael Bridge similar to the barrier on the
6 westbound level so that a continuously operating bicycle and
7 pedestrian lane and the San Francisco Bay Trail can be
8 maintained.

9 (c) Operating the moveable “zipper” barriers on both levels of
10 the Richmond-San Rafael bridge in such a manner so as to allow
11 the most efficient flow of traffic in either direction while preserving
12 an open bicycle and pedestrian lane and the San Francisco Bay
13 Trail.

14 ~~SECTION 1. It is the intent of the Legislature to enact~~
15 ~~subsequent legislation to improve traffic flow on the Richmond-San~~
16 ~~Rafael Bridge.~~

O

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 397

**Introduced by Senator Wahab
(Coauthors: Senators Durazo and Gonzalez)**

February 9, 2023

An act to add Chapter 8.8 (commencing with Section 44269) to Part 5 of Division 26 of the Health and Safety Code, relating to transportation electrification.

LEGISLATIVE COUNSEL'S DIGEST

SB 397, as amended, Wahab. ~~Rest stops: Safety roadside rests: electric vehicle charging stations and alternative fuel sources: service equipment.~~

Existing law requires the State Energy Resources Conservation and Development Commission, working with the State Air Resources Board and the Public Utilities Commission, to prepare, and update biennially, a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030, and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030, as specified.

~~This bill would state the intent of the Legislature to enact future legislation to encourage the installation of electric vehicle charging stations, and access to alternative fuel sources, at rest stops: require the state board, upon appropriation by the Legislature, to establish a program to install and maintain electric vehicle service equipment at safety roadside rests, with the goal of serving at least one-half of the parking spaces, excluding those parking spaces designed for use by a tractor-trailer, at each safety roadside rest in California. The bill would~~

require that the electric vehicle service equipment installed pursuant to the program be available to the public at no charge and be the fastest type that is reasonably commercially available.

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

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

1 SECTION 1. Chapter 8.8 (commencing with Section 44269)
2 is added to Part 5 of Division 26 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 8.8. TRANSPORTATION ELECTRIFICATION

6
7 44269. For purposes of this chapter, both of the following
8 definitions apply:

9 (a) "Electric vehicle service equipment" has the same meaning
10 as defined in Section 44268.

11 (b) "Safety roadside rests" has the same meaning as used in
12 Article 7 (commencing with Section 218) of Chapter 1 of Division
13 1 of the Streets and Highways Code.

14 44269.1. (a) Upon appropriation by the Legislature, the state
15 board shall establish a program to install and maintain electric
16 vehicle service equipment at safety roadside rests.

17 (b) The goal of the program is to install and maintain electric
18 vehicle service equipment sufficient to serve at least one-half of
19 the parking spaces, excluding those parking spaces designed for
20 use by a tractor-trailer, at each safety roadside rest in California.

21 (c) The electric vehicle service equipment installed pursuant to
22 the program shall be available to the public at no charge.

23 (d) The electric vehicle service equipment installed pursuant to
24 the program shall be the fastest type that is reasonably
25 commercially available.

26 SECTION 1. ~~It is the intent of the Legislature to enact future~~
27 ~~legislation to encourage the installation of electric vehicle charging~~
28 ~~stations, and access to alternative fuel sources, at rest stops.~~

O

Introduced by Senator DurazoFebruary 9, 2023

An act to amend Section 40728.5 of, and to add Sections 40728.7 and 40728.9 to, the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as introduced, Durazo. Air quality: rules and regulations: socioeconomic impacts assessment.

Existing law requires a local air pollution control district or an air quality management district (local air district) that intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations to perform, except as specified, an assessment of the socioeconomic impacts of the proposed adoption, amendment, or repeal of the rule or regulation, as provided. Existing law defines "socioeconomic impacts" to include, among other things, the type of industries or business, including small business, affected by the rule or regulation, the impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation, and the range of probable costs, including costs to industry or business, including small business, of the rule or regulation.

This bill would authorize a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would require a local air district to ensure that a prospective third-party contractor includes in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment. This bill would expand the definition of "socioeconomic impacts" to include the disproportionate impact, if any, of the proposed

adoption, amendment, or repeal of the rule or regulation on Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, gay, lesbian, bisexual, and transgender individuals and women. The bill would require a local air district or the third-party contractor, if no disproportionate impact is identified, to describe the basis for its conclusion that there is no disproportionate impact. By expanding the definition of “socioeconomic impact” for purposes of a socioeconomic impacts assessment conducted by a local air district, this bill would increase the requirements on local officials, thereby imposing a state-mandated local program.

This bill would additionally require the State Air Resources Board, except as specified, to conduct an assessment of the socioeconomic impacts, as defined, of a proposed adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, as provided, and similarly authorize the state board to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would specify minimum standards for the assessment of socioeconomic impacts, and would require the state board or a third-party contractor to include in the assessment of socioeconomic impacts, specified information and analysis, including, but not limited to, the disproportionate impacts analysis described above. The bill would prohibit the state board from approving an assessment of socioeconomic impacts that fails to meet those requirements.

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

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

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

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

- 1 SECTION 1. Section 40728.5 of the Health and Safety Code
- 2 is amended to read:
- 3 40728.5. (a) Whenever a district intends to propose the
- 4 adoption, amendment, or repeal of a rule or regulation that will

1 significantly affect air quality or emissions limitations, ~~that agency~~
2 *the district board* shall, to the extent data are available, perform
3 an assessment of the socioeconomic impacts of the *proposed*
4 adoption, amendment, or repeal of the rule or regulation. The
5 district board shall actively consider the socioeconomic ~~impact of~~
6 ~~regulations~~ *impacts of the proposed adoption, amendment, or*
7 *repeal of the rule or regulation* and make a good faith effort to
8 minimize adverse socioeconomic ~~impacts, as defined below:~~
9 *impacts*. This section does not apply to the adoption, amendment,
10 or repeal of ~~any a~~ rule or regulation that results in ~~any a~~ less
11 restrictive emissions limit if the action does not interfere with the
12 district's adopted plan to attain ambient air quality standards, or
13 does not result in any significant increase in emissions.

14 ~~(b) For purposes of this section, "socioeconomic impact" means~~
15 ~~the following:~~

16 ~~(1) The type of industries or business, including small business,~~
17 ~~affected by the rule or regulation.~~

18 ~~(2) The impact of the rule or regulation on employment and~~
19 ~~the economy of the region affected by the adoption of the rule or~~
20 ~~regulation.~~

21 ~~(3) The range of probable costs, including costs to industry or~~
22 ~~business, including small business, of the rule or regulation.~~

23 ~~(4) The availability and cost-effectiveness of alternatives to the~~
24 ~~rule or regulation being proposed or amended.~~

25 ~~(5) The emission reduction potential of the rule or regulation.~~

26 ~~(6) The necessity of adopting, amending, or repealing the rule~~
27 ~~or regulation to attain state and federal ambient air standards~~
28 ~~pursuant to Chapter 10 (commencing with Section 40910).~~

29 ~~(e)~~

30 ~~(b)~~ To the extent that information on the socioeconomic ~~impact~~
31 ~~of a~~ *impacts of the proposed adoption, amendment, or repeal of a*
32 *rule or regulation* is required to be developed by a district pursuant
33 to other provisions of this division, *the district board may use or*
34 *reference* that information ~~may be used or referenced~~ in the
35 assessment ~~in order of socioeconomic impacts required pursuant~~
36 ~~to subdivision (a)~~ to comply with the requirements of this section.

37 ~~(d) This section does not apply to any district with a population~~
38 ~~of less than 500,000 persons.~~

39 ~~(e)~~

1 (c) Upon the approval by a majority vote of the district board,
 2 a county district is not required to include *in its assessment of*
 3 *socioeconomic impacts required pursuant to subdivision (a)* the
 4 analysis specified in paragraphs (2) and (4) of subdivision ~~(b)~~ *in*
 5 ~~any assessment of socioeconomic impacts for any (f) for a rule or~~
 6 regulation that only adopts a requirement that is substantially
 7 similar to, or is required by, a state or federal statute, regulation,
 8 or applicable formal guidance document. Examples of state ~~or~~ *and*
 9 federal formal guidance documents include, but are not limited to,
 10 federal Control Techniques Guidelines, state and federal reasonably
 11 available control technology determinations, state best available
 12 retrofit control technology determinations, and state air toxic
 13 control measures.

14 (d) *This section does not apply to a district with a population*
 15 *of less than 500,000 persons.*

16 (e) (I) *A district board may contract with a third-party*
 17 *contractor, consistent with applicable state and local laws, rules,*
 18 *and regulations, to conduct a socioeconomic impacts assessment,*
 19 *or portion thereof, and shall require the prospective third-party*
 20 *contractor to include all of the following in the prospective*
 21 *third-party contractor's proposal for the assessment:*

22 (A) *A conflicts statement that includes both of the following:*

23 (i) *A description of all work performed by the prospective*
 24 *third-party contractor in the last five years that potentially relates*
 25 *to or could potentially be directly impacted by the proposed action.*

26 (ii) *All financial, personal, or familial relationships of any*
 27 *person employed by the prospective third-party contractor with*
 28 *either of the following:*

29 (I) *An employee of the district that holds a designated position*
 30 *listed in Appendix A of Section 95000 of Title 17 of the Code of*
 31 *Regulations.*

32 (II) *An executive officer of any business or corporation that*
 33 *could potentially be directly impacted by the proposed action.*

34 (B) *A statement of the prospective third-party contractor's*
 35 *experience and key staff's expertise in conducting socioeconomic*
 36 *impact studies, or similar studies that involve cost analysis of*
 37 *environmental rules and regulations and their economic and*
 38 *demographic impacts, that includes both of the following:*

1 (i) A list of socioeconomic impact studies or similar studies
2 conducted by the prospective third-party contractor in the last five
3 years.

4 (ii) The curriculum vitae of the team leader and key professional
5 team members whom the prospective third-party contractor
6 proposes to conduct the assessment that includes the relevant
7 expertise, education, and certifications, if any, of the proposed
8 team leader and key professional team members.

9 (C) A proposed schedule for the assessment that includes the
10 date by which the prospective third-party contractor will provide
11 a draft assessment to the district board for review.

12 (D) A proposed budget for the assessment.

13 (2) The district board may disqualify a prospective third-party
14 contractor if the district board determines either of the following:

15 (A) The prospective third-party contractor's conflicts statement
16 submitted pursuant to subparagraph (A) of paragraph (1) reveals
17 a material conflict of interest that violates Section 18730 of Title
18 2 of the California Code of Regulations.

19 (B) The experience and qualifications of the prospective
20 third-party contractor or its employees identified pursuant to
21 subparagraph (B) of paragraph (1) are insufficient to conduct the
22 assessment.

23 (f) For purposes of this chapter, "socioeconomic impacts"
24 means all of the following:

25 (1) The types of industry and business, including small business,
26 affected by the rule or regulation proposed to be adopted, amended,
27 or repealed.

28 (2) The impact of the proposed adoption, amendment, or repeal
29 of the rule or regulation on employment and the economy of the
30 region affected by the proposed action.

31 (3) The range of probable costs, including costs to industry and
32 business, including small business, of the rule or regulation
33 proposed to be adopted, amended, or repealed.

34 (4) The availability and cost-effectiveness of alternatives to the
35 rule or regulation proposed to be adopted, amended, or repealed.

36 (5) The emissions reduction potential of the rule or regulation
37 proposed to be adopted, amended, or repealed.

38 (6) The necessity of adopting, amending, or repealing the rule
39 or regulation to attain state and federal ambient air standards
40 pursuant to Chapter 10 (commencing with Section 40910).

1 (7) *The disproportionate impact, if any, of the proposed action*
2 *on Black, African American, Hispanic, Latino, Asian, Pacific*
3 *Islander, Native American, Native Hawaiian, Alaska Native, gay,*
4 *lesbian, bisexual, and transgender individuals and women. If no*
5 *disproportionate impact is identified, the district board or the*
6 *third-party contractor shall describe the basis for its conclusion*
7 *that there is no disproportionate impact.*

8 SEC. 2. Section 40728.7 is added to the Health and Safety
9 Code, to read:

10 40728.7. (a) Whenever the state board intends to propose the
11 adoption, amendment, or repeal of a rule or regulation that will
12 significantly affect air quality or emissions limitations, the state
13 board shall, to the extent data are available and, consistent with
14 Section 40728.9, perform an assessment of the socioeconomic
15 impacts of the proposed adoption, amendment, or repeal of the
16 rule or regulation. The state board shall actively consider the
17 socioeconomic impacts of the proposed adoption, amendment, or
18 repeal of the rule or regulation and make a good faith effort to
19 minimize adverse socioeconomic impacts.

20 (b) To the extent that information on the socioeconomic impacts
21 of the proposed adoption, amendment, or repeal of a rule or
22 regulation is required to be developed by the state board pursuant
23 to other provisions of this division, the state board may use or
24 reference that information in the assessment of socioeconomic
25 impacts required pursuant to subdivision (a) to comply with the
26 requirements of this section.

27 (c) The state board may contract with a third party, consistent
28 with Section 40728.9 and with applicable state and local laws,
29 rules, and regulations, to conduct the assessment of socioeconomic
30 impacts, or a portion thereof, required pursuant to subdivision (a).
31 Nothing in this section, however, requires the state board to
32 contract with a third party to conduct the assessment.

33 (d) This section does not apply to either of the following:

34 (1) The proposed adoption, amendment, or repeal of a rule or
35 regulation that results in a less restrictive emissions limit if the
36 proposed action does not interfere with the state board's adopted
37 plan to attain ambient air quality standards or does not result in
38 any significant increase in emissions.

1 (2) The proposed adoption, amendment, or repeal by the state
2 board of a rule or regulation that has an economic impact of less
3 than ten million dollars (\$10,000,000).

4 (e) For purposes of this chapter, “socioeconomic impacts” means
5 all of the following:

6 (1) The type of industry and business, including small business,
7 affected by the rule or regulation proposed to be adopted, amended,
8 or repealed.

9 (2) The impact of the proposed adoption, amendment, or repeal
10 of the rule or regulation on employment and the economy of the
11 region affected by the proposed action.

12 (3) The range of probable costs, including costs to industry and
13 business, including small business, of the rule or regulation
14 proposed to be adopted, amended, or repealed.

15 (4) The availability and cost-effectiveness of alternatives to the
16 rule or regulation proposed to be adopted, amended, or repealed.

17 (5) The emissions reduction potential of the rule or regulation
18 proposed to be adopted, amended, or repealed.

19 (6) The necessity of adopting, amending, or repealing the rule
20 or regulation to attain state and federal ambient air standards
21 pursuant to Chapter 10 (commencing with Section 40910).

22 SEC. 3. Section 40728.9 is added to the Health and Safety
23 Code, to read:

24 40728.9. (a) For purposes of this section, the following terms
25 have the following meanings:

26 (1) “Assessment” means the assessment of socioeconomic
27 impacts of a proposed adoption, amendment, or repeal of a rule or
28 regulation required to be conducted by the state board pursuant to
29 subdivision (a) of Section 40728.7.

30 (2) “Proposed action” means the proposed adoption, amendment,
31 or repeal of a rule or regulation being contemplated by the state
32 board.

33 (3) “Third-party contractor” means a third party with whom the
34 state board contracts, consistent with state and local laws, rules,
35 and regulations, to conduct an assessment, or portion thereof.

36 (b) (1) This section outlines the minimum standards applicable
37 to the state board when it is required to conduct an assessment of
38 socioeconomic impacts required pursuant to subdivision (a) of
39 Section 40728.7. Nothing in this section prohibits the state board

1 from creating or imposing additional requirements on a third-party
2 contractor relating to an assessment.

3 (2) The state board shall not approve an assessment pursuant
4 to Section 40728.7 if the assessment does not comply with the
5 requirements of this section.

6 (3) Nothing in this section shall be construed to supersede,
7 modify, or otherwise affect, or exempt the state board from,
8 applicable state or local laws, rules, or regulations relating to the
9 ability or authority of the state board to contract with an outside
10 third party to conduct the assessment, including, but not limited
11 to, the State Contract Act (Chapter 1 (commencing with Section
12 10100) of Part 2 of Division 2 of the Public Contract Code).

13 (c) (1) A state board may contract with a third-party contractor,
14 consistent with applicable state laws, rules, and regulations, to
15 conduct an assessment, or portion thereof, and shall require the
16 prospective third-party contractor to include all of the following
17 in the prospective third-party contractor’s proposal for the
18 assessment:

19 (A) A conflicts statement that includes both of the following:

20 (i) A description of all work performed by the prospective
21 third-party contractor in the last five years that potentially relates
22 to or could potentially be directly impacted by the proposed action.

23 (ii) All financial, personal, or familial relationships of any person
24 employed by the prospective third-party contractor with either of
25 the following:

26 (I) An employee of the state board that holds a designated
27 position listed in Appendix A of Section 95000 of Title 17 of the
28 Code of Regulations.

29 (II) An executive officer of any business or corporation that
30 could potentially be directly impacted by the proposed action.

31 (B) A statement of the prospective third-party contractor’s
32 experience and key staff’s expertise in conducting socioeconomic
33 impact studies, or similar studies that involve cost analysis of
34 environmental rules and regulations and their economic and
35 demographic impacts, that includes both of the following:

36 (i) A list of socioeconomic impact studies or similar studies
37 conducted by the prospective third-party contractor in the last five
38 years.

39 (ii) The curriculum vitae of the team leader and key professional
40 team members whom the prospective third-party contractor

1 proposes to conduct the assessment that includes the relevant
2 expertise, education, and certifications, if any, of the proposed
3 team leader and key professional team members.

4 (C) A proposed schedule for the assessment that includes the
5 date by which the prospective third-party contractor will provide
6 a draft assessment to the state board for review.

7 (D) A proposed budget for the assessment.

8 (2) The state board may disqualify a prospective third-party
9 contractor if the state board determines either of the following:

10 (A) The prospective third-party contractor's conflicts statement
11 submitted pursuant to subparagraph (A) of paragraph (1) reveals
12 a material conflict of interest that violates Section 18730 of Title
13 2 of the California Code of Regulations.

14 (B) The experience and qualifications of the prospective
15 third-party contractor or its employees identified pursuant to
16 subparagraph (B) of paragraph (1) are insufficient to conduct the
17 assessment.

18 (d) The state board shall include, or require a third-party
19 contractor with whom the state board contracts to include, at a
20 minimum, all of the following in the assessment:

21 (1) All of the information and analysis required pursuant to
22 subdivision (e) of Section 40728.7.

23 (2) (A) A description of the specific methodologies employed
24 by the state board or the third-party contractor to conduct the
25 assessment.

26 (B) The state board and the third-party contractor shall comply
27 with the Department of Finance's methodological standards for
28 state agencies outlined in Chapter 1 (commencing with Section
29 2000) of Division 3 of Title 1 of the California Code of Regulations
30 in conducting the assessment.

31 (3) An analysis of the disproportionate impact, if any, of the
32 proposed action on Black, African American, Hispanic, Latino,
33 Asian, Pacific Islander, Native American, Native Hawaiian, Alaska
34 Native, gay, lesbian, bisexual, and transgender individuals and
35 women. If no disproportionate impact is identified, the state board
36 or the third-party contractor shall describe the basis for its
37 conclusion that there is no disproportionate impact.

38 (4) An econometric analysis that includes all of the following:

39 (A) A baseline estimate of the costs, revenues, income, and
40 other relevant economic factors for businesses and consumers

1 affected by the proposed action. The baseline estimate shall take
2 into account economic and regulatory factors based on data
3 available to the state board.

4 (B) A detailed description of the assumptions supporting the
5 baseline estimate required pursuant to subparagraph (A), and which
6 assumptions shall be based on the conditions specific to the region
7 affected by the proposed action.

8 (C) An estimate of the impacts of the proposed action on the
9 baseline estimate developed pursuant to subparagraph (A).

10 (D) An estimate of the impact that the proposed action will have
11 on state revenues.

12 (5) A citation to each data source relied on in the assessment
13 so that any person can view the original data source.

14 (6) Identification of the key assumptions and inputs entered into
15 any model created or used for the assessment, including, but not
16 limited to, assumptions regarding the responsiveness of labor
17 supply to changes in wage rates and the responsiveness of
18 consumer spending to changes in product or service prices.

19 (7) (A) Except as provided in subparagraph (B), a detailed
20 description of any manipulation, calculation, interpolation, or
21 extrapolation of original source data so that any person can
22 reproduce the same estimates presented in the assessment.

23 (B) Complex calculations using generally accepted and publicly
24 available input-output econometric models, such as the Regional
25 Input-Output Modeling System (RIMS II) published by the Bureau
26 of Economic Analysis of the United States Department of
27 Commerce and the proprietary Economic Impact Analysis for
28 Planning (IMPLAN), are exempt from the requirement in
29 subparagraph (A) if the state board or the third-party contractor
30 documents all inputs.

31 (e) In developing the estimate of the impacts of the proposed
32 actions on baseline estimates pursuant to subparagraph (C) of
33 paragraph (4) of subdivision (d), the state board or the third-party
34 contractor shall do all of the following:

35 (1) Identify the direct cost of the proposed action on the entities
36 impacted by the proposed action, including separately identifying
37 the costs for permitting, planning, purchasing, installation, and
38 ongoing operations associated with any major investment needed
39 to comply with the proposed action.

40 (2) Identify the basis for each component of the estimate.

1 (3) Consider input from entities affected by the proposed action
2 in developing the estimate.

3 (4) Ensure that the estimate reflects statewide market conditions.

4 (5) Include the basis for the assumptions used for the estimate,
5 develop a reasonable range surrounding the estimate, and describe
6 in detail the impacts of the range on the costs and benefits of the
7 proposed action.

8 (6) Analyze the likely behavioral changes by affected entities
9 and individuals in response to the proposed action, including, but
10 not limited to, the extent to which costs or benefits are retained by
11 the affected entities or are passed on to others, including customers
12 and employees.

13 (7) Take into account the types of occupations that would be
14 impacted by job cutbacks or increases associated with the proposed
15 action.

16 (8) Estimate direct, indirect, and induced impacts on consumers
17 by income level.

18 (f) The provisions of this section are severable. If any provision
19 of this section or its application is held invalid, that invalidity shall
20 not affect other provisions or applications that can be given effect
21 without the invalid provision or application.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

O

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 527

Introduced by Senator Min

February 14, 2023

An act to add Section 451.6 to, and to add and repeal Chapter 8.8 (commencing with Section 1650) of Part 1 of Division 1 of, the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 527, as amended, Min. ~~Equitable Zonal Neighborhood~~ Decarbonization Program.

Existing law requires the State Energy Resources Conservation and Development Commission to establish the Equitable Building Decarbonization Program, which includes establishing the direct install program to fund certain projects and remediation and safety measures to facilitate the installation of new technologies and a statewide incentive program for low-carbon building technologies, as specified.

~~This bill would state the intent of the Legislature to enact future legislation to direct the Public Utilities Commission (PUC) to establish the Equitable Zonal Decarbonization Program, which would establish a small-scale community-targeted decarbonization program, and to require the PUC to fund, administer, and implement the program to ensure rate affordability, dedicated and prioritized funding for disadvantaged and low-income customers, and the development of high road jobs and workforces.~~

This bill would require the Public Utilities Commission, in consultation with gas corporations, to develop and supervise the administration of the Neighborhood Decarbonization Program to facilitate the cost-effective decarbonization of targeted natural gas

zones with the intent to provide benefits that include, but are not limited to, reduced emissions of greenhouse gases and air pollution, increased safety, and the maintenance of rate affordability for California gas customers, and to decommission gas assets in zones with the highest community burdens and those that would result in the highest projected ratepayer cost savings. The bill would require the commission, in consultation with each gas corporation, to adopt guidelines and regulations for the program, as specified. The bill would require the commission, after 5 years of implementing the program, to review the efficacy of the program in providing benefits to gas customers and in assisting the state in meeting the state's climate change goals. The bill would require the commission, based on its review, to determine whether or not to continue implementing the program.

This bill would authorize a gas corporation to cease providing service in an area within its service territory if the commission determines that adequate substitute energy service is reasonably available to support the energy end use of affected gas customers as a part of the Neighborhood Decarbonization Program. The bill would require a gas corporation to be authorized to fully recover the undepreciated cost of a gas plant or asset if full cost recovery has not been achieved for the gas plant or asset that is decommissioned. The bill would require the commission, in a new or existing proceeding, to develop the roles, responsibilities, timelines, and processes for determining whether gas service may be discontinued. The bill would require the commission, in determining what constitutes adequate substitute energy service and when the substitute energy service is reasonably available, to adopt guidelines necessary to ensure that the rates for substitution of service for low-income customers and renters are just, adequate, and reasonable. The bill would authorize the commission, upon the termination of the program, to terminate, modify, or retain a gas corporation's obligation to provide service in an area within its service territory where adequate substitute energy service is reasonably available.

Under existing law, a violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of an order or decision of the commission implementing the requirements of this bill would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. ~~(a)~~The Legislature finds and declares all of the
2 following:

3 ~~(1) Buildings~~

4 *(a) In California, buildings are responsible for 25 percent of all*
5 *emissions and 13 percent of all direct emissions of greenhouse*
6 *gases, which contribute to indoor and outdoor pollution.*

7 ~~(2)~~

8 *(b) Building decarbonization should prioritize high road jobs*
9 *for workers and prioritize benefits to—environmental—justice*
10 *disadvantaged and low-income communities.*

11 ~~(3)~~

12 *(c) There are a range of technologies that can achieve deep*
13 *emission reductions in buildings, including advanced energy*
14 *efficiency technologies, clean heating technologies, and demand*
15 *and load management strategies.*

16 ~~(4)~~

17 *(d) Research has shown that targeted decarbonization—has been*
18 *shown to—can provide a potential decarbonization strategy that*
19 *both reduces emissions and provides greater gas rate stability for*
20 *utility customers.*

21 ~~(5)~~

22 *(e) Despite the favorable economics of targeted decarbonization,*
23 *regulatory and financial challenges have impeded California from*
24 *exploring and scaling targeted decarbonization efforts.*

25 ~~(6)~~

26 *(f) It is essential to enable cost-effective decarbonization*
27 *strategies, such as targeted decarbonization, to achieve California’s*
28 *greenhouse gas—emission—reduction—goals: emissions reduction*
29 *target.*

30 *(g) Closed-loop energy networks consist of pipe loops between*
31 *multiple buildings and energy sources carrying water at ambient*

1 *temperature. Building owners can connect to the ambient*
 2 *temperature loops with water source heat pumps installed within*
 3 *the building, which can be used for heating and cooling and hot*
 4 *water services.*

5 *(h) Advanced heat-pump technologies can maximize greenhouse*
 6 *gas emissions reduction in cooling and heating systems for*
 7 *buildings that deploy closed-looped or other onsite or district*
 8 *energy networks and provide jobs for a skilled workforce.*

9 ~~(7)~~

10 *(i) Network geothermal, thermal energy network, and*
 11 *closed-loop energy systems have the potential to decarbonize*
 12 *buildings at the community and utility-scale level and would assist*
 13 *in achieving California’s 2045 carbon neutrality goal.*

14 ~~(b) It is the intent of the Legislature to enact future legislation~~
 15 ~~to do both of the following:~~

16 ~~(1) Direct the Public Utilities Commission to establish the~~
 17 ~~Equitable Zonal Decarbonization Program, through a new or~~
 18 ~~existing proceeding, to establish a small-scale community-targeted~~
 19 ~~decarbonization program.~~

20 ~~(2) Require the commission to fund, administer, and implement~~
 21 ~~the Equitable Zonal Decarbonization Program to ensure rate~~
 22 ~~affordability, dedicated and prioritized funding for disadvantaged~~
 23 ~~and low-income customers, and the development of high road jobs~~
 24 ~~and workforces.~~

25 *SEC. 2. Section 451.6 is added to the Public Utilities Code, to*
 26 *read:*

27 *451.6. (a) Notwithstanding any other law, a gas corporation*
 28 *may cease providing service in an area within its service territory*
 29 *if the commission determines that adequate substitute energy*
 30 *service is reasonably available to support the energy end use of*
 31 *affected gas corporation customers as a part of the Neighborhood*
 32 *Decarbonization Program (Chapter 8.8 (commencing with Section*
 33 *1650)).*

34 *(b) A gas corporation shall be authorized to fully recover the*
 35 *undepreciated costs of any gas plant or asset, including the cost*
 36 *to retire the gas plant or asset, if full cost recovery has not been*
 37 *achieved for the gas plant or asset that is decommissioned.*

38 *(c) (1) The commission, in a new or existing proceeding, shall*
 39 *develop the roles, responsibilities, timelines, and processes for*
 40 *determining whether gas service may be discontinued to one or*

1 more gas customers as a part of the Neighborhood
2 Decarbonization Program to promote decarbonization because
3 adequate substitute energy service is reasonably available to
4 support the energy end use of affected gas corporation customers.

5 (2) In determining what constitutes adequate substitute energy
6 service and when the substitute energy service is reasonably
7 available, the commission shall adopt guidelines necessary to
8 ensure the rates for substitution of energy service for low-income
9 customers and renters are just, adequate, and reasonable.

10 (d) Upon termination of the Neighborhood Decarbonization
11 Program pursuant to Section 1654, the commission may terminate,
12 modify, or retain a gas corporation's obligation to provide service
13 in an area within its service territory where adequate substitute
14 energy service is reasonably available.

15 SEC. 3. Chapter 8.8 (commencing with Section 1650) is added
16 to Part 1 of Division 1 of the Public Utilities Code, to read:

17
18 CHAPTER 8.8. NEIGHBORHOOD DECARBONIZATION PROGRAM

19
20 1650. For purposes of this chapter, the following definitions
21 apply:

22 (a) "Disadvantaged community" means a community identified
23 as a disadvantaged community pursuant to Section 39711 of the
24 Health and Safety Code.

25 (b) "Neighborhood Decarbonization Program" or "program"
26 means the program developed pursuant to Section 1651.

27 (c) "Low-income community" means a geographic area in
28 which at least 50 percent of households have an income less than
29 80 percent of the area median gross income.

30 (d) "Targeted decarbonization" means geographically targeted
31 decommissioning of a portion of the gas system with an intent to
32 decarbonize buildings and to reduce gas corporation capital costs,
33 operational costs, or both of those costs, done in coordination with
34 the decarbonization of affected buildings.

35 1651. The commission, in consultation with gas corporations,
36 shall develop and supervise the administration of the Neighborhood
37 Decarbonization Program to facilitate the cost-effective
38 decarbonization of targeted natural gas zones, with the intent to
39 provide benefits that include, but are not limited to, reduced
40 emissions of greenhouse gases and air pollution, increased safety,

1 *and the maintenance of rate affordability for California gas*
2 *customers, and to decommission gas assets in zones with the*
3 *highest community burdens and those that would result in the*
4 *highest projected ratepayer cost savings.*

5 *1652. The commission, in collaboration with each gas*
6 *corporation, shall adopt guidelines and regulations for the*
7 *program that include all of the following:*

8 *(a) A process for gas corporations to determine and submit*
9 *eligible targeted decarbonization zones and the requirements and*
10 *standards for determining cost-effectiveness of decarbonization*
11 *projects as compared to the replacement, repair, or continued*
12 *operation of the affected gas system.*

13 *(b) The process and metrics used for evaluating success of the*
14 *program.*

15 *(c) Eligible program-related costs, including, but not limited*
16 *to, outreach, design, planning, demonstration, implementation,*
17 *and technical assistance.*

18 *(d) Preference for projects where the cost of decarbonization*
19 *is less than avoided gas asset replacement, repair, or operational*
20 *costs, such that decarbonization represents a cost-effective*
21 *alternative to continued gas asset use.*

22 *(e) Preference for projects that serve a large percentage of*
23 *low-income individuals or households.*

24 *(f) Preference for projects that provide prevailing wage and*
25 *use high road job programs.*

26 *(g) Priority for a minimum of one networked geothermal,*
27 *thermal energy network, or closed-loop energy network system*
28 *project in each gas corporation's service territory.*

29 *(h) Preference for projects that consider the deployment of*
30 *advanced heat-pump technology in closed-loop systems.*

31 *(i) Preference for projects that partner with other state and*
32 *federal funding programs, including, but not limited to, the*
33 *California Schools Healthy Air, Plumbing, and Efficiency Program,*
34 *federal programs administered by the United States Department*
35 *of Energy, and programs funded by the federal Inflation Reduction*
36 *Act of 2022 (Public Law 117-169).*

37 *1653. (a) The commission shall coordinate with the Strategic*
38 *Growth Council, the Governor's Office of Business and Economic*
39 *Development, the Energy Commission, gas corporations, and*
40 *relevant federal agencies to identify third-party funding, such as*

1 state and federal funds, that may be used to establish and
2 implement the program, including the use of external funding to
3 execute projects that would be cost effective with supplemental
4 nonratepayer funding.

5 (b) The commission shall seek to reduce the initial costs of the
6 program by maximizing the use of appropriate third-party funding,
7 such as state and federal incentive and financing funding.

8 1654. (a) After five years after the commencement of the
9 implementation of the program, the commission, in a new
10 proceeding, shall review the efficacy of the program in providing
11 benefits to gas customers and in assisting the state in meeting the
12 state’s climate change goals. Based on the review, the commission
13 shall determine whether or not to continue implementing the
14 program.

15 (b) If the commission determines to terminate the program, the
16 commission shall notify the Secretary of State of that determination
17 and the effective date of that determination.

18 1655. This chapter shall become inoperative on the effective
19 date of the determination of the commission to terminate the
20 program, and, as of January 1 of the following year, is repealed.

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

O

Introduced by Senator GonzalezFebruary 16, 2023

An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 674, as introduced, Gonzalez. Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format.

This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period. The bill would require the monitoring systems to monitor certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify

the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available reference exposure levels set by the office. The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing law a violation of requirements for stationary sources, or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of refineries engaging in other types of refining processes, as defined, and would impose additional requirements on owners and operators of refineries, a violation of which would be a crime, the bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for specified reasons.

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. This act shall be known, and may be cited, as the
- 2 Refinery Air Pollution Transparency and Reduction Act.
- 3 SEC. 2. Section 42705.6 of the Health and Safety Code is
- 4 amended to read:
- 5 42705.6. (a) For purposes of this section, the following
- 6 definitions apply:
- 7 (1) “Auxiliary facilities” means any site necessary to support
- 8 refining processes at a refinery, including storage tanks, hydrogen
- 9 plants, sulfuric acid plants, port terminals, and electrical

1 *generation plants that provide more than 50 percent of production*
2 *output to the refinery.*

3 (2) *“Biofuel” means biodiesel, renewable diesel, and renewable*
4 *aviation fuel, and other products derived from noncrude oil*
5 *feedstock.*

6 (3) *“Fence-line monitoring system” means equipment that*
7 *measures and records ambient air pollutant concentrations at or*
8 *adjacent to a refinery and that detects and estimates the quantity*
9 *of fugitive emissions, gas leaks, and other air emissions from the*
10 *refinery and that may be useful for estimating associated pollutant*
11 *exposures and health risks and in determining trends in air*
12 *pollutant levels over time.*

13 (4) *“Refinery” means an establishment that is located on one*
14 *or more adjacent properties that is primarily involved in refining*
15 *processes and related auxiliary facilities.*

16 (4)

17 (5) *“Refinery-related community air monitoring system” means*
18 *equipment that measures and records air pollutant concentrations*
19 *in the ambient air at or near sensitive receptor locations near a*
20 *petroleum refinery and that may be useful for estimating associated*
21 *pollutant exposures and health risks and in determining trends in*
22 *air pollutant levels over time.*

23 ~~(2) “Fence-line monitoring system” means equipment that~~
24 ~~measures and records air pollutant concentrations at or adjacent~~
25 ~~to a petroleum refinery and that may be useful for detecting or~~
26 ~~estimating the quantity of fugitive emissions, gas leaks, and other~~
27 ~~air emissions from the refinery.~~

28 (6) *“Refining processes” means the production, separation,*
29 *conversion, treating, handling, or blending of gasoline, diesel fuel,*
30 *aviation fuel, biofuel, petroleum distillates, lubricating oils,*
31 *petroleum coke, asphalt, or petrochemicals, among other products*
32 *derived from petroleum and alternative feedstock.*

33 (7) *“Sensitive receptor” means any of the following:*

34 (A) *A residence, including a private home, condominium,*
35 *apartment, and living quarter.*

36 (B) *An education resource, including a preschool, school*
37 *maintaining transitional kindergarten, kindergarten, or any of*
38 *grades 1 to 12, inclusive, daycare center, park, playground,*
39 *university, and college.*

40 (C) *A community resource center, including a youth center.*

1 (D) A health care facility, including a hospital, retirement home,
2 and nursing home.

3 (E) Live-in housing, including a long-term care hospital,
4 hospice, prison, detention center, and dormitory.

5 (F) A building housing a business that is open to the public.

6 (b) Notwithstanding Section 42708, and on or before January
7 1, ~~2020~~, 2026, a refinery-related community air monitoring system
8 ~~shall~~ shall, after a 30-day public comment period, be installed near
9 each refinery that is consistent with the requirements and guidance
10 applicable to the siting of air quality monitors as established by
11 the federal Environmental Protection Agency and that meets ~~all~~
12 both of the following requirements:

13 (1) A district shall design, develop, install, operate, and maintain
14 the refinery-related community air monitoring system, which shall
15 be operated and maintained in accordance with guidance from the
16 appropriate district. A district may contract with a third party to
17 implement this paragraph.

18 (2) The refinery-related community air monitoring system shall
19 include equipment capable of measuring compounds emitted to
20 the atmosphere from refinery processes, *meteorological monitoring,*
21 *and digital components capable of enabling real-time access to*
22 *air pollution and meteorological measurements via an internet*
23 *website and application programming interface*, as determined by
24 the appropriate district.

25 (c) On or before January 1, ~~2020~~, 2026, the owner or operator
26 of a ~~petroleum~~ refinery shall ~~shall~~, after a 30-day public comment
27 period and approval by the appropriate district, develop, install,
28 operate, and maintain a fence-line monitoring system *that covers*
29 *the entire perimeter of the refinery and is in accordance with*
30 *guidance developed by the appropriate district. The fence-line*
31 *monitoring system shall include equipment capable of measuring*
32 *compounds emitted to the atmosphere from refinery processes,*
33 *meteorological monitoring, and digital components capable of*
34 *enabling real-time access to air pollution and meteorological*
35 *measurements via an internet website and application*
36 *programming interface.*

37 (d) The refinery-related community air monitoring systems and
38 refinery fence-line monitoring systems shall, at a minimum, monitor
39 pollutants identified by the Office of Environmental Health Hazard
40 Assessment, including, but not limited to, the following pollutants

1 *identified in the office's March 2019 Analysis of Refinery Chemical*
2 *Emissions and Health Effects as candidates for air monitoring at*
3 *a refinery:*

4 (1) *Acetaldehyde.*

5 (2) *Ammonia.*

6 (3) *Benzene.*

7 (4) *1,3-butadiene.*

8 (5) *Cadmium.*

9 (6) *Diethanolamine.*

10 (7) *Formaldehyde.*

11 (8) *Hydrogen fluoride.*

12 (9) *Hydrogen sulfide.*

13 (10) *Manganese.*

14 (11) *Naphthalene.*

15 (12) *Nickel.*

16 (13) *Oxides of nitrogen.*

17 (14) *Polycyclic aromatic hydrocarbons.*

18 (15) *Particulate matter.*

19 (16) *Sulfur dioxide.*

20 (17) *Sulfuric acid.*

21 (18) *Toluene.*

22 ~~(d)~~

23 *(e) (1) The district and the owner or operator of a ~~petroleum~~*
24 *refinery shall collect real-time data from the refinery-related*
25 *community air monitoring system and the fence-line monitoring*
26 *system and shall maintain records of that ~~data~~. ~~To the extent~~*
27 *~~feasible~~, the data for at least five years. The owner or operator of*
28 *a refinery shall post online quarterly reports that summarize*
29 *pollutant levels, variations, and trends over a three-month period*
30 *timeframe and notify the public of the availability of the reports.*

31 *(2) The data generated by these systems shall be provided to*
32 *the public ~~as quickly as possible~~ within 24 hours in a publicly*
33 *accessible and machine-readable format. The data shall be*
34 *archived and made available to the public online for download*
35 *through an application programming interface or other widely*
36 *recognized standard and backend components shall be optimized*
37 *to minimize delays in accessing data. The data shall include all*
38 *historical and meteorological data, and pollution measurements*
39 *and metadata, including latitude and longitude, detection limits,*
40 *signal strength, calibration, and quality control checks.*

1 (f) The owner or operator of a refinery shall conduct third-party
2 audits, using an auditor approved by the district, of its fence-line
3 monitoring system to ensure the system is providing accurate data,
4 including conducting quality control checks, system calibration,
5 and evaluation of quality control and assurance plans. The audit
6 reports shall be submitted to the district and made available to
7 the public online by the refinery. The third-party audits shall be
8 conducted in accordance with the following schedule:

9 (1) An initial audit shall be conducted as follows:

10 (A) For a fence-line monitoring system installed on or after
11 January 1, 2024, within three months after the installation and
12 operation the system.

13 (B) For a fence-line monitoring system installed before January
14 1, 2024, by July 1, 2024.

15 (2) If the initial, subsequent, or followup audit does not identify
16 deficiencies in the fence-line monitoring system, subsequent audits
17 shall occur every two years and review at least one year of
18 monitoring data.

19 (3) If an initial, subsequent, or followup audit identifies
20 deficiencies in the fence-line monitoring system, a followup audit
21 shall be conducted within six months of the completion of actions
22 taken to correct the deficiencies identified in the audit.

23 (g) The owner or operator of a refinery shall notify the district
24 and public as quickly as possible of any exceedances of the lowest
25 available reference exposure or concentration levels set by the
26 Office of Environmental Health Hazard Assessment or the United
27 States Environmental Protection Agency that are detected by the
28 fence-line monitoring system. At a minimum, the notification to
29 the public shall include email and text message notifications to
30 members of the public requesting notification by email or text
31 message notification, as appropriate.

32 (h) (1) Within 24 hours of a fence-line system detecting an
33 exceedance of a historical one-hour average concentration of any
34 measured pollutant, the owner or operator of a refinery shall
35 initiate a root cause analysis to locate the cause of the exceedance
36 and to determine appropriate corrective action. The owner or
37 operator of the refinery shall prepare and submit a report to the
38 district and post online within five days of the exceedance
39 explaining the root cause analysis findings and corrective action
40 performed by the refinery. The root cause analysis shall include

1 a visual inspection to determine the cause of the exceedance and
2 any of the following:

3 (A) Optical gas imaging.

4 (B) Leak inspection using Method 21 under Appendix A-7 of
5 Part 60 (commencing with Section 60.1) of Title 40 of the Code
6 of Federal Regulations.

7 (C) Other test or monitoring method approved by the district,
8 the State Air Resources Board, or the federal Environmental
9 Protection Agency.

10 (2) If the root cause analysis requires corrective action, the
11 refinery shall conduct a reinspection of the source within 14 days
12 of the corrective action and submit a report to the district and post
13 online.

14 (3) The refinery shall be assessed a civil penalty pursuant to
15 Article 3 (commencing with Section 42400) of Chapter 4 by the
16 district for failing to conduct a root cause analysis and take
17 corrective action within five days.

18 (4) A fence-line monitoring system approved by the district shall
19 presumptively yield credible evidence that may be used to establish
20 whether a refinery has violated or is in violation of any plan, order,
21 permit, rule, regulation, or law.

22 (e)

23 (i) Guidance developed by a district pursuant to this section
24 shall require the preparation of a quality control and assurance
25 plan to ensure data quality and take into account technological
26 capabilities and incorporate input from affected parties and, to the
27 extent feasible, shall be informed by refinery-related guidance in
28 the monitoring plan prepared pursuant to subdivision (b) of Section
29 42705.5.

30 (f)

31 (j) (1) Except as provided in paragraph (2), the owner or
32 operator of a ~~petroleum~~ refinery shall be responsible for the costs
33 associated with implementing this section.

34 (2) To the extent a refinery-related community air monitoring
35 system is intentionally ~~utilized~~ used by a district to monitor
36 emissions from sources under its jurisdiction other than a ~~petroleum~~
37 refinery, the district shall ensure the costs of the system are shared
38 in a reasonably equitable manner.

39 (k) This section does not limit the authority or jurisdiction of
40 the Environmental Protection Agency, the State Air Resources

1 *Board, or the districts, and does not prohibit a city, county, or city*
2 *and county from imposing more stringent regulations, limits, or*
3 *prohibitions on a refinery.*

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act or because costs that may be
9 incurred by a local agency or school district will be incurred
10 because this act creates a new crime or infraction, eliminates a
11 crime or infraction, or changes the penalty for a crime or infraction,
12 within the meaning of Section 17556 of the Government Code, or
13 changes the definition of a crime within the meaning of Section 6
14 of Article XIII B of the California Constitution.

O

Introduced by Senator Caballero

February 17, 2023

An act to add Section 21081.1 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 768, as amended, Caballero. California Environmental Quality Act: ~~transportation impact analysis: rural areas: vehicle miles traveled: statement of overriding consideration.~~

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 (EIR) 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 also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public

agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration.

This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

By imposing additional duties on the lead agency in determining the applicability of the provisions of the bill to a project, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

~~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 also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.~~

~~CEQA exempts from its requirements a project for the development of a regional transportation improvement program, the state transportation program, or a congestion management program, as specified.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of CEQA.~~

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

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

1 SECTION 1. Section 21081.1 is added to the Public Resources
2 Code, to read:
3 21081.1. (a) For purposes of this section, “project” means a
4 housing development project, as defined in Section 65905.5 of the
5 Government Code, a commercial project, or an industrial project.
6 (b) Notwithstanding Section 21081, with respect to significant
7 effects on the environment identified by a project’s vehicle miles
8 traveled analysis or similar metrics, a public agency, in approving
9 or carrying out a project, is not required to comply with paragraph
10 (3) of subdivision (a) of, and subdivision (b) of, Section 21081 for
11 those effects on the environment if both of the following are met:
12 (1) The lead agency has imposed all feasible mitigation
13 measures on the project for those effects.
14 (2) The lead agency finds no feasible alternative to the project.
15 (c) This section shall not be interpreted to affect the definition
16 of “environment” set forth in Section 21060.5 or “significant effect
17 on the environment” set forth in Section 21068.
18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.
24 ~~SECTION 1. It is the intent of the Legislature to enact~~
25 ~~subsequent legislation that would create a new transportation~~
26 ~~impact analysis for rural areas for purposes of the California~~
27 ~~Environmental Quality Act.~~

O