



BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR
BRIAN BARNACLE
NOELIA CORZO
JUAN GONZALEZ
DAVID HUDSON

TYRONE JUE – VICE-CHAIR
KEN CARLSON
JOELLE GALLAGHER
ERIN HANNIGAN
RAY MUELLER

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

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

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

**San Ramon City Hall
Community Conference Room, 2nd Floor
7000 Bollinger Canyon Road
San Ramon, CA 94583**

**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/81550130067>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 815 5013 0067

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.

The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

LEGISLATIVE COMMITTEE MEETING AGENDA

WEDNESDAY, OCTOBER 4, 2023

10:30 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

CONSENT CALENDAR (Item 3)

3. Approval of the Draft Minutes of the Legislative Committee Meeting of June 7, 2023

The Committee will consider approving the draft minutes of the Legislative Committee meeting of June 7, 2023.

INFORMATIONAL ITEM(S)

4. State Legislative Budget Update

This is an informational item to provide the Committee with an update of the activities related to the state budget. This item will be presented by Alan Abbs, Legislative Officer.

5. Air District-Sponsored Bills

This is an informational item to 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. State Legislative Update

This is an informational item to provide the Committee with the status of bills of interest to the Air District introduced during the 2023 Legislative Session. This item will be presented by Alan Abbs, Legislative Officer.

7. 2024 Ballot Updates

This is an informational item to provide the Committee with a summary and status of 2024 ballot initiative #21-0042A1 "The Taxpayer Protection and Government Accountability Act" and Assembly Constitutional Amendment (ACA) 13 (Ward) - Voting thresholds. This item will be presented by Alan Abbs, Legislative Officer.

OTHER BUSINESS

8. Committee Member Comments

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

9. Time and Place of Next Meeting

At the Call of the Chair.

10. 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. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

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**

OCTOBER 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	4	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee	Wednesday	4	10:30 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	4	1:00 p.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	11	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	11	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Meeting - CANCELLED	Wednesday	18	9:00 a.m.	1 st Floor Board Room
Board of Directors Special Finance and Administration Committee	Wednesday	18	10:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	18	1:00 p.m.	1 st Floor Board Room

HL 9/27/2023 – 3:45 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: October 4, 2023

Re: Approval of the Draft Minutes of the Legislative Committee Meeting of June 7, 2023

RECOMMENDED ACTION

Approve the draft minutes of the Legislative Committee meeting of June 7, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee meeting of June 7, 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 June 7, 2023

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

Legislative Committee
Wednesday, June 7, 2023

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 12:00 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson Margaret Abe-Koga; Vice Chairperson Tyrone Jue; Board Chairperson John J. Bauters; and Directors Ken Carlson, Juan Gonzalez, and Ray Mueller.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Director Erin Hannigan.

Absent: Directors Brian Barnacle, Noelia Corzo, Joelle Gallagher, and David Hudson.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE LEGISLATIVE COMMITTEE MEETING OF APRIL 5, 2023**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Carlson made a motion, seconded by Director Gonzalez, to **approve** the Draft Minutes of the Legislative Committee meeting of April 5, 2023; and the motion **carried** by the following vote of the Committee:

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

ACTION ITEM

4. STATE LEGISLATIVE UPDATE AND CONSIDERATION OF NEW BILLS

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Update and Consideration of New Bills*: outcome; outline; requested action; staff recommendations: SUPPORT Assembly Bill (AB) 50 (Wood) – Public Utilities: Timely Service: Customer Energization, and SUPPORT Senate Bill (SB) 410 (Becker) – Powering Up Californians Act; bill review: AB 99 (Connolly) – Department of Transportation: State Roads and Highways: Integrated Pest Management, and AB 593 (Haney) – Carbon Emissions Reduction Strategy: Building Sector; and position bill update: AB 698 (Essaylli) – Energy: Gas Stoves, AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body, AB 849 (Garcia) – Community Emissions Reduction Programs, SB 415 (Duranzo) – Air Quality: Rules and Regulations: Socioeconomic Impacts Assessment, SB 527 (Min) – Neighborhood Decarbonization Program, SB 537 (Becker) – Open Meetings: Local Agencies: Teleconferences, SB 563 (Archuleta) – Air Pollution Control Districts and Air Quality Management Districts: Dependent and Independent Special Districts: Funding, SB 674 (Gonzalez) – Air Pollution: Refineries: Community Air Monitoring Systems: Fence Line Monitoring Systems, and SB 768 (Caballero) – California Environmental Quality Act: Vehicle Miles Traveled: Statement of Overriding Consideration.

Public Comments

No requests received.

Committee Comments

The Board and staff discussed:

- Regarding AB 50 (Wood) – whether the Air District is concerned about electrical corporations delaying grid interconnection application approvals and their commitment to providing electrification service; the request for clarifying language regarding timelines for electricity providers’ commitment to serve; and whether municipal utilities (as opposed to investor-owned utilities) are included in this bill.
- Regarding AB 99 (Connolly) – whether cities are included in this bill, in addition to counties.

Committee Action

Board Chair Bauters made a motion, seconded by Director Gonzalez, to recommend the Board take the following positions on the following bills:

- **Support in principle but continue working with authors to address District’s concerns** - AB 50 (Wood) - Public utilities: timely service: customer energization.
- **Support** - SB 410 (Becker) - Powering Up Californians Act.

The motion **carried** by the following vote of the Committee:

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

INFORMATIONAL ITEMS

5. STATE LEGISLATIVE BUDGET UPDATE

Mr. Abbs gave the staff presentation *State Legislative Budget Update*, including: presentation for information only; outline; and proposed State Budget (Fiscal Year 23/24) versus previous year.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

6. AIR DISTRICT – SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District-Sponsored Bills*, including: presentation for information only; outline; AB 536 (Wilson) – Bay Area Air Quality Management Advisory Council: Compensation; AB 953 (Connolly and Hart) – Coastal resources: Voluntary Vessel Speed Reduction and Sustainable Shipping Program; AB 1465 (Wicks) – Nonvehicular Air Pollution: Civil Penalties; and AB 1609 (Garcia) – Air pollution: Motor Vehicle Registration: Pollution Reduction.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

7. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including: presentation for information only; outline; debt ceiling; Cleaner Air Spaces Act of 2023; and recap of Federal Advocacy Trip in February 2023.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed what Mr. Abbs learned in Washington DC regarding leaded aviation gas.

Committee Action

None; receive and file.

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

9. COMMITTEE MEMBER COMMENTS

None.

10. TIME AND PLACE OF NEXT MEETING

At the end of the meeting, the next meeting was to be held at the Call of the Chair. After the meeting adjourned, the next meeting was scheduled on Wednesday, October 4, 2023, at 10:30 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

11. ADJOURNMENT

The meeting was adjourned at 12:55 p.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: October 4, 2023

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Since the June 7, 2023, Legislative Committee (Committee) meeting, the Legislature passed, and the Governor signed the Budget Bill for fiscal year (FY) 2023-24, Senate Bill (SB) 101, Budget Bill Jr., Assembly Bill (AB) 102, which makes changes to the adopted June budget and provides additional funding, and in some cases new language, for various items of interest, and a number of trailer bills of interest related to energy, public resources, and transportation budget.

The Department of Finance (DOF) released their Finance Bulletin for the month of July 2023, which is the first month of the FY 2023-24 budget. The state received \$1.268 billion below the 2023-24 Budget Act forecast of \$9.748 billion.

Adjustments to the budget will continue to be made and it is important to note that the state will still not have final tax data until October 16th. This is due to the severe storms that hit California this past winter resulting in a State and Federal tax filing extension that was issued for most Californians.

DISCUSSION

Staff will provide an update to the Committee on activities related to the budget. Attached is a table of programs significant to the Air District, along with budget data from the previous year. These items may be subject to change based on future budget adjustments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

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

ATTACHMENTS:

1. Budget Table Current vs. Previous Year

Program	FY 22/23 Approved Budget, Trailer Bills, and Addendum	FY 23/24 Approved Budget, Budget Bill Jr.
AB 617 - Implementation	\$50M	\$60M
AB 617 - Incentives	\$240M	\$234M
AB 617 - Community Grants	\$10M	\$6M
AB 617 - Additional (CERP)	\$10M	\$0
Clean Vehicle Rebate	\$0	\$0
Clean Truck & Bus	\$600M	\$0
Ag Diesel Engine Replacement	\$150M	\$75M
Clean Cars For All/School Bus/Equity	\$256M	\$80M
Resilience Centers	\$85M	\$0
Prescribed Fire	\$2M	\$2M
Carl Moyer Program	\$130M	\$130M
Zero-Emission Lawn and Garden	\$0	\$0
Woodstove Replacement	\$5M	\$0
Port and Freight Goods Movement Infrastructure	\$600M	\$50M
ZEV Drayage/Transit Bus/School Bus	\$280M	\$80M
Long Duration Energy Storage	\$140M	\$171M
Residential Decarbonization	\$112M	\$310.5M
Commercial Harbor Craft	\$60M	\$0

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: October 4, 2023

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District sponsored the following two bills in 2023:

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

The Air District co-sponsored the following two bills in 2023:

- [AB 953 \(Connolly and Hart\)](#) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.
- [AB 1609 \(Garcia\)](#) – Air pollution: motor vehicle registration: pollution reduction.

DISCUSSION

Staff will provide the Legislative Committee with a status of the Air District sponsored bills and co-sponsored bills as the 2023 Legislative Session comes to a close.

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

AB 536 was introduced by Assemblymember Wilson and sponsored by the Air District. This bill passed through the Assembly fully on consent in the Assembly Natural Resources Committee and on the Assembly Floor. In the Senate, AB 536 passed through the Senate fully on consent in the Senate Environmental Quality Committee and on the Senate Floor.

Current Status: Approved by the Governor on June 29, 2023.

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

AB 953 passed the Assembly, receiving zero “no” votes. The bill was referred to the Senate Committee on Natural Resources and Water, again, receiving zero "no" votes. The bill was referred to the Senate Appropriations Committee where it was placed on the Suspense File, and subsequently held under submission on September 1, 2023.

Current Status: Dead

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

AB 1465 passed the Assembly favorably. The bill was double-referred to the Senate Judiciary Committee and the Senate Environmental Quality Committee and passed each committee favorably. The bill was referred to the Senate Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Current Status: Ordered to the inactive file on September 6, 2023.

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

AB 1609 was referred to the Assembly Transportation Committee and passed favorably. The bill was then referred to the Assembly Appropriations Committee and placed on the Suspense File, and subsequently held under submission on May 18, 2023.

Current Status: Dead

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

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

ATTACHMENTS:

None

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: October 4, 2023

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Below are bills the Air District has taken positions on during the 2023 Legislative Session:

- [Assembly Bill \(AB\) 50 \(Wood\)](#) – Public Utilities: Timely Service: Customer Energization – Support
- [AB 698 \(Essayli\)](#) – Energy: Gas Stoves – Oppose
- [AB 817 \(Pacheco\)](#) – Open Meetings: Teleconferencing: Subsidiary Body – Support
- [AB 849 \(Garcia\)](#) – Community Emissions Reduction Programs – Support
- [Senate Bill \(SB\) 410 \(Becker\)](#) – Powering Up Californians Act – Support
- [SB 415 \(Durazo\)](#) – Air Quality: Rules and Regulations: Socioeconomic Impacts Assessment – Oppose Unless Amended
- [SB 527 \(Min\)](#) – Neighborhood Decarbonization Program – Support
- [SB 537 \(Becker\)](#) – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences – Support
- [SB 563 \(Archuleta\)](#) – Air Pollution Control Districts and Air Quality Management Districts: Dependent and Independent Special Districts: Funding – Support
- [SB 674 \(Gonzalez\)](#) – Air Pollution: Refineries: Community Air Monitoring Systems: Fence-Line Monitoring Systems – Support
- [SB 768 \(Caballero\)](#) – California Environmental Quality Act: Vehicle Miles Traveled: Statement of Overriding Consideration – Work with Author

Staff note: October 14, 2023, is the last day for the Governor to sign or veto bills passed by the Legislature, so there is a possibility that some bills may still be awaiting the Governor’s decision.

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a status of bills listed on the attached list. Specifically, staff will discuss the following bills that the Board of Directors has an approved position for:

AB 50 (Wood) – Public Utilities: Timely Service: Customer Energization

CapitolTrack: Would require the Public Utilities Commission to determine the criteria for timely service for electric customers to be energized, including, among other things, categories of timely electric service through energization, as specified. The bill would require each electrical corporation that energized less than 35% of customers with completed applications exceeding 12 months in duration by January 31, 2023, to submit a report to the commission, as specified, on or before December 1, 2024, demonstrating that the electrical corporation has energized 80% of customers with applications deemed complete as of January 31, 2023, as specified. To improve the accuracy of projected demand and facilitate achievement of the goal of timely electric service through energization, the bill would require each electrical corporation to evaluate and update, as necessary, its existing distribution planning processes. In order to inform the commission's determination of criteria for timely service, the bill would require the commission to annually collect certain information from each electrical corporation until new reporting requirements are established. (Based on 9/8/2023 text)

Current Status: Governor's Desk

Position: Support

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. (Based on 3/9/2023 text)

Current Status: 2-Year Bill

Position: Oppose

AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body

CapitolTrack Summary: Current 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 the Ralph M. Brown 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. (Based on 03/16/2023 text)

Current Status: 2-Year Bill

Position: Support

AB 849 (Garcia) – Community Emissions Reduction Programs

CapitolTrack Summary: Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies. By imposing additional duties on air districts, this bill would impose a state-mandated local program. (Based on 03/29/2023 text)

Current Status: 2-Year Bill

Position: Support

SB 410 (Becker) - Powering Up Californians Act

CapitolTrack: Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in collaboration with the State Air Resources Board, the PUC, and other relevant stakeholders, to annually gather from state agencies, as provided, specified entities' fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors and share that data with electrical corporations to help inform electrical grid planning efforts, as specified. Existing law requires electrical corporations, as part of their distribution planning processes, to consider that produced fleet data, and other available data, to facilitate the readiness of their distribution systems to support the state's anticipated level of electric vehicle

charging, as specified. This bill, the Powering Up Californians Act, would require the PUC to establish, on or before September 30, 2024, reasonable average and maximum target energization time periods, as defined, and a procedure for customers to report energization delays to the PUC, as provided. The bill would require the PUC to require the electrical corporation to take remedial actions necessary to achieve the PUC's targets and would require all reports to be publicly available, among other reporting requirements. (Based on 9/11/2023 text)

Current Status: Governor's Desk

Position: Support

SB 415 (Durazo) – Air Quality: Rules and Regulations: Socioeconomic Impacts Assessment

CapitolTrack Summary: Would require a local air district, whenever it intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, to perform an assessment of the socioeconomic impacts of the proposed action on the rule or regulation on families living within the jurisdiction whose annual income is less than \$100,000. The bill would change the definition of “socioeconomic impacts” to, among other things, remove from consideration the types of industry and business, other than small business, that is affected, to remove from consideration the impact of the proposed change on the economy of the region affected, and to include the range of probable costs for families living within the jurisdiction with an annual income of less than \$100,000. By creating an income threshold and changing the parameters 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. (Based on 4/10/2023 text)

Current Status: 2-Year Bill

Position: Oppose Unless Amended

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, until January 1, 2030, 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, the maintenance of reliable, safe, and resilient energy service, and the maintenance of rate affordability for California gas customers, and with the intent 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. (Based on 5/03/2023 text)

Current Status: 2-Year Bill

Position: Support

SB 537 (Becker) – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences
CapitolTrack Summary: Current 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. Current 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 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. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. (Based on 9/5/2023 text)

Current Status: Ordered to the inactive file on the Assembly Floor.

Position: Support

SB 563 (Archuleta) – Air Pollution Control Districts and Air Quality Management Districts: Dependent and Independent Special Districts: Funding
CapitolTrack Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. Current law also defines dependent special districts and independent special districts for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would designate a district as a special district for purposes of receiving state funds or funds disbursed by the state, including federal funds. (Based on 5/1/2023 text)

Current Status: 2-Year Bill

Position: Support

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, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. 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. (Based on 9/1/2023 text)

Current Status: Ordered to the inactive file on the Assembly Floor.

Position: Support

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. (Based on 3/22/2023 text)

Current Status: 2-Year Bill

Position: 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 September 25, 2023

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 9	Muratsuchi	Greenhouse gases: market-based compliance mechanism.	4/17/2023	06/02/2023 - Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/1/2023)(May be acted upon Jan 2024)	06/02/2023 - Assembly 2 YEAR			Low	Climate Change
AB 30	Ward	Atmospheric rivers: research: reservoir operations.	6/26/2023	09/01/2023 - Approved by the Governor. Chaptered by Secretary of State - Chapter 134, Statutes of 2023.	09/01/2023 - Assembly CHAPTERED			Low	Climate Change
AB 43	Holden	Greenhouse gas emissions: building materials: embodied carbon trading system.	9/8/2023	09/20/2023 - Enrolled and presented to the Governor at 4 p.m.	09/20/2023 - Assembly ENROLLED			Low	Climate Change
AB 45	Boerner	Coastal resources: coastal development permits: blue carbon demonstration projects.	5/25/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Climate Change
AB 397	Essayli	California Global Warming Solutions Act of 2006: scoping plan.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Climate Change
AB 593	Haney	Carbon emission reduction strategy: building sector.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Climate Change
AB 1265	Gallagher	Transportation fuels: gasoline specifications.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Climate Change
AB 1305	Gabriel	Voluntary carbon market disclosures.	9/8/2023	09/21/2023 - Enrolled and presented to the Governor at 3:30 p.m.	09/21/2023 - Assembly ENROLLED			Low	Climate Change
AB 1689	Grayson	Greenhouse gases: built environment: decarbonization.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR			Low	Climate Change
SB 12	Stern	California Global Warming Solutions Act of 2006: emissions limit.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Climate Change
SB 253	Wiener	Climate Corporate Data Accountability Act.	9/7/2023	09/18/2023 - Enrolled and presented to the Governor at 3 p.m.	09/18/2023 - Senate ENROLLED			Low	Climate Change
SB 306	Caballero	Climate change: Equitable Building Decarbonization Program: Extreme Heat Action Plan.	9/7/2023	09/20/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/20/2023 - Senate ENROLLED			Low	Climate Change
SB 308	Becker	Carbon Dioxide Removal Market Development Act.	5/18/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/8/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Climate Change
SB 390	Limón	Voluntary carbon offsets: business regulation.	4/10/2023	09/20/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/20/2023 - Senate ENROLLED			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Medium	Climate Change
SB 511	Blakespear	Greenhouse gas emissions inventories.	4/24/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Climate Change
SB 527	Min	Neighborhood Decarbonization Program.	5/3/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	Support		Medium	Climate Change
SB 682	Skinner	Low-carbon cement and low-carbon concrete.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Climate Change
SJR 2	Gonzalez	Climate change: Fossil Fuel Non-Proliferation Treaty.	3/30/2023	09/01/2023 - Chaptered by Secretary of State- Chapter 153, Statutes of 2023	09/01/2023 - Senate CHAPTERED			Low	Climate Change
AB 50	Wood	Public utilities: timely service: customer energization.	9/8/2023	09/21/2023 - Enrolled and presented to the Governor at 3:30 p.m.	09/21/2023 - Assembly ENROLLED		Support	Medium	Energy
AB 631	Hart	Oil and gas: enforcement: penalties.	9/7/2023	09/20/2023 - Enrolled and presented to the Governor at 4 p.m.	09/20/2023 - Assembly ENROLLED			Low	Energy
AB 698	Essayli	Energy: gas stoves.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & E. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR		Oppose	Medium	Energy
AB 841	Berman	State Energy Resources Conservation and Development Commission: Industrial Heat Electrification Roadmap.	7/6/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Energy
AB 944	Irwin	Fire stations: alternative power generation.	4/25/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Energy
AB 998	Connolly	Biomass energy facilities: State Energy Resources Conservation and Development Commission: report.	6/26/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/10/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Medium	Energy
AB 1182	Petrie-Norris	Energy: Decarbonization Funding Plan.	6/20/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Energy
AB 1550	Bennett	Green hydrogen.	5/22/2023	06/02/2023 - Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/1/2023)(May be acted upon Jan 2024)	06/02/2023 - Assembly 2 YEAR			Low	Energy
AB 1561	Gallagher	Housing development: Camp Fire Housing Assistance Act of 2019.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Energy
AB 1591	Wallis	Energy: petroleum pricing.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Energy
AB 1614	Gabriel	Retail gasoline fueling stations: alternative fuels transition: study.	9/1/2023	09/20/2023 - Enrolled and presented to the Governor at 4 p.m.	09/20/2023 - Assembly ENROLLED			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1687	Dahle, Megan	Greenhouse gas emissions: fixed-mount generators.	3/16/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/16/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Energy
ABX1 1	Ting	Oil refineries: maintenance.		12/06/2022 - From printer.	12/05/2022 - Assembly PRINT			Low	Energy
ABX1 2	Fong, Vince	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.		05/03/2023 - May 3 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.) Reconsideration granted.	01/18/2023 - Senate GOV. & F.			Low	Energy
SB 83	Wiener	Public utilities: electrical distribution grid: energization.	5/3/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Energy
SB 233	Skinner	Battery electric vehicles and electric vehicle supply equipment: bidirectional capability.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	Energy
SB 410	Becker	Powering Up Californians Act.	9/11/2023	09/21/2023 - Enrolled and presented to the Governor at 4 p.m.	09/21/2023 - Senate ENROLLED		Support	Medium	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production.	6/6/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Energy
SB 493	Min	Air pollution: alternative vehicles and electric and hydrogen infrastructure.	6/19/2023	09/20/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/20/2023 - Senate ENROLLED			Low	Energy
SB 507	Gonzalez	Electric vehicle charging station infrastructure: assessments.	4/17/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Energy
SB 556	Gonzalez	Oil and gas wells: health protection zones: civil liability.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Energy
SB 746	Eggman	Energy conservation contracts: alternate energy equipment: green hydrogen: Tri-Valley-San Joaquin Valley Regional Rail Authority.	6/15/2023	09/13/2023 - Enrolled and presented to the Governor at 4 p.m.	09/13/2023 - Senate ENROLLED			Low	Energy
SB 755	Becker	Energy efficiency and building decarbonization programs.	7/12/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Energy
SBX1 2	Skinner	Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin.	3/20/2023	03/28/2023 - Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2023-24 First Extraordinary Session.	03/27/2023 - Senate CHAPTERED			Low	Energy
SBX1 3	Grove	Oil imports: air quality emissions data.		03/28/2023 - From committee without further action.	12/06/2022 - Senate RLS.			Low	Energy
AB 1195	Calderon	Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding.	3/29/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Environmental Justice
AB 1224	Bryan	Workforce development: green jobs survey.	3/16/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Environmental Justice
AB 1681	Bryan	Environmental justice.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR			Low	Environmental Justice
SB 720	Stern	Aviation: airports: report: emissions: GO-Biz.	7/10/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 7/5/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Environmental Justice
AB 536	Wilson	Bay Area Air Quality Management Advisory Council: compensation.		06/29/2023 - Approved by the Governor. Chaptered by Secretary of State - Chapter 16, Statutes of 2023.	06/29/2023 - Assembly CHAPTERED		Air District-Sponsored	High	General-Air District
AB 650	Arambula	San Joaquin Valley Unified Air Pollution Control District: board.	4/17/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	General-Air District
AB 849	Garcia	Community emissions reduction programs.	3/29/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR		Support	Medium	General-Air District
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	7/6/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was CONCURRENCE on 9/12/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	General-Air District
AB 1609	Garcia	Air pollution: motor vehicle registration: pollution reduction.	4/17/2023	05/18/2023 - In committee: Held under submission.	05/10/2023 - Assembly APPR. SUSPENSE FILE		Air-District Co-Sponsor	Medium	General-Air District
AB 1638	Fong, Mike	Local government: emergency response services: use of languages other than English.	9/1/2023	09/13/2023 - Enrolled and presented to the Governor at 3 p.m.	09/13/2023 - Assembly ENROLLED			Low	General-Air District
AB 1713	Gipson	Local agencies: federal funds: reports.	7/11/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/28/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	General-Air District
SB 336	Umberg	State grant programs: negotiated indirect cost rates.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	General-Air District
SB 415	Durazo	Air quality: rules and regulations: socioeconomic impacts assessment.	4/10/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR		Oppose unless amended	Medium	General-Air District

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 563	Archuleta	Air pollution control districts and air quality management districts: dependent and independent special districts: funding.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR		Support	Medium	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/14/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR		Support	Medium	General-Air District
AB 126	Reyes	Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.	9/11/2023	09/21/2023 - Enrolled and presented to the Governor at 3:30 p.m.	09/21/2023 - Assembly ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 287	Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 321	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.	4/13/2023	05/18/2023 - Joint Rule 62(a), file notice suspended. In committee: Held under submission.	05/17/2023 - Assembly APPR. SUSPENSE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 579	Ting	Schoolbuses: zero-emission vehicles.	6/29/2023	09/19/2023 - Enrolled and presented to the Governor at 4 p.m.	09/19/2023 - Assembly ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 627	Jackson	Heavy-duty trucks: grant program: operating requirements.	4/3/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/17/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 637	Jackson	Zero-emission vehicles: fleet owners: rental vehicles.	9/6/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 9/14/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 769	Bauer-Kahan	Personal Income Tax Law: Corporation Tax Law: credits: carbon reduction.		03/28/2023 - In committee: Set, first hearing. Hearing canceled at the request of author.	02/23/2023 - Assembly REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 858	Muratsuchi	California Climate Cashback Program.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 953	Connolly	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR		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.	4/26/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1267	Ting	Zero-emission vehicle incentive programs: gasoline superusers.	3/16/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Electric vehicle charging station networks: data fields.	6/5/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/13/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1372	Alvarez	Vehicular air pollution: medium- and heavy-duty vehicles: land ports of entry.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1374	Alvarez	Greenhouse Gas Reduction Fund: investment plan.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1401	Garcia	Low Carbon Fuel Standard regulations: alternative diesel fuel regulations.	3/13/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1525	Bonta	Transportation projects: priority populations.	4/19/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	5/26/2023	06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F.	06/14/2023 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
ACA 2	Alanis	Public resources: Water and Wildfire Resiliency Act of 2023.		04/20/2023 - Referred to Coms. on W., P., & W. and NAT. RES.	04/20/2023 - Assembly W.,P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 32	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		04/19/2023 - April 19 set for first hearing. Failed passage in committee. (Ayes 2. Noes 3.) Reconsideration granted.	03/08/2023 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 425	Newman	Clean Vehicle Rebate Project: fuel cell electric pickup trucks: battery electric pickup trucks.	6/20/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	6/28/2023	07/06/2023 - July 11 hearing postponed by committee.	06/15/2023 - Assembly W.,P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 709	Allen	Low-Carbon Fuel Standard regulations: biogas derived from livestock manure.	3/30/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.	6/22/2023	07/06/2023 - July 10 hearing postponed by committee.	06/20/2023 - Assembly NAT. RES.			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	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Other
AB 16	Dixon	Motor Vehicle Fuel Tax Law: adjustment suspension.		03/30/2023 - Referred to Com. on TRANS.	03/30/2023 - Assembly TRANS.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 53	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		03/30/2023 - Referred to Com. on TRANS.	03/30/2023 - Assembly TRANS.			Low	Other
AB 69	Waldron	Transportation: traffic signal synchronization: roadway improvement projects.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11) (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Other
AB 101	Ting	Budget Act of 2023.	6/11/2023	08/14/2023 - Re-referred to Com. on B. & F.R.	08/14/2023 - Senate BUDGET & F.R.			High	Other
AB 102	Ting	Budget Act of 2023.	6/24/2023	07/10/2023 - Approved by the Governor. Chaptered by Secretary of State - Chapter 38, Statutes of 2023.	07/10/2023 - Assembly CHAPTERED			High	Other
AB 124	Committee on Budget	Energy.	6/26/2023	08/14/2023 - Re-referred to Com. on B. & F.R.	08/14/2023 - Senate BUDGET & F.R.			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	Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.	6/26/2023	09/14/2023 - Ordered to inactive file at the request of Assembly Member Reyes.	09/14/2023 - Assembly INACTIVE FILE			Low	Other
AB 338	Aguiar-Curry	Fuel reduction work.	9/8/2023	09/20/2023 - Enrolled and presented to the Governor at 4 p.m.	09/20/2023 - Assembly ENROLLED			Low	Other
AB 504	Reyes	State and local public employees: labor relations: strikes.	9/7/2023	09/20/2023 - Enrolled and presented to the Governor at 4 p.m.	09/20/2023 - Assembly ENROLLED			Low	Other
AB 557	Hart	Open meetings: local agencies: teleconferences.	9/1/2023	09/15/2023 - Enrolled and presented to the Governor at 4 p.m.	09/15/2023 - Assembly ENROLLED			Medium	Other
AB 586	Calderon	Medi-Cal: community supports: climate change or environmental remediation devices.	3/30/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
AB 696	Lowenthal	State agency grants and contracts.	5/18/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11) (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Other
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	3/16/2023	05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR		Support	Medium	Other
AB 1000	Reyes	Qualifying logistics use projects.	3/30/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 4/17/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1153	Alvarez	San Diego Unified Port District.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was J. E.D. & E. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1176	Zbur	General plans: Local Electrification Planning Act.	5/26/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10) (Last location was GOV. & F. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Other
AB 1183	Holden	Streamlined housing projects: construction permits: notice.	3/14/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1216	Muratsuchi	Wastewater treatment plants: monitoring of air pollutants.	8/16/2023	09/14/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/14/2023 - Assembly ENROLLED			Low	Other
AB 1263	Berman	Vehicles: Bureau of Automotive Repair: smog check program.	9/7/2023	09/21/2023 - Enrolled and presented to the Governor at 3:30 p.m.	09/21/2023 - Assembly ENROLLED			Low	Other
AB 1379	Papan	Open meetings: local agencies: teleconferences.	3/23/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1464	Connolly	Richmond-San Rafael Bridge.	3/23/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Medium	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	7/13/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/6/2023)(May be acted upon Jan 2024)	09/14/2023 - Senate 2 YEAR		Air District-Sponsored	High	Other
AB 1504	McCarty	Planning and zoning: electric vehicle charging infrastructure: public right-of-way.	4/11/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
AB 1529	Gabriel	Electric vehicle charging stations.	4/17/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/12/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1534	Irwin	Methane emissions: municipal solid waste landfills: remote sensing data.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/26/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
AB 1535	Mathis	The Energy, Environment, and Economy Council.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1560	Flora	Crematories: change in ownership.	4/18/2023	09/22/2023 - Approved by the Governor. Chaptered by Secretary of State - Chapter 206, Statutes of 2023.	09/22/2023 - Assembly CHAPTERED			Low	Other
AB 1579	Garcia	Vehicles: batteries.	4/25/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
AB 1580	Carrillo, Juan	Air pollution: electric vehicle infrastructure.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1700	Hoover	California Environmental Quality Act: population growth and noise impacts: housing projects.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR			Low	Other
AB 1702	Hart	Active Transportation Program.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR			Low	Other
AB 1743	Bennett	Lower Emissions Transition Program.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
AB 1748	Ramos	Logistics use projects: sensitive receptors.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/27/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Other
ACA 13	Ward	Voting thresholds.	9/11/2023	09/14/2023 - Read third time. Adopted. (Ayes 28, Noes 9.) Ordered to the Assembly. In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. Held at Desk by unanimous consent until November 1, 2023.	09/14/2023 - Assembly DESK			Low	Other
SB 15	Grove	Oil imports: air quality emissions data.	5/1/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/12/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Other
SB 30	Umberg	Transportation: zero-emission vehicle signage.	6/19/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Other
SB 48	Becker	Building Energy Savings Act.	9/1/2023	09/21/2023 - Enrolled and presented to the Governor at 4 p.m.	09/21/2023 - Senate ENROLLED			Low	Other
SB 69	Cortese	California Environmental Quality Act: local agencies: filing of notices of determination or exemption.	7/12/2023	09/13/2023 - Enrolled and presented to the Governor at 4 p.m.	09/13/2023 - Senate ENROLLED			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	Air quality programs: funding.	5/18/2023	06/01/2023 - Ordered to inactive file on request of Senator Gonzalez.	06/01/2023 - Senate INACTIVE FILE			Low	Other
SB 101	Skinner	Budget Act of 2023.	6/12/2023	06/27/2023 - Approved by the Governor. Chaptered by Secretary of State. Chapter 12, Statutes of 2023.	06/27/2023 - Senate CHAPTERED			High	Other
SB 102	Skinner	Budget Act of 2023.	6/26/2023	06/29/2023 - Re-referred to Com. on BUDGET.	06/29/2023 - Assembly BUDGET			High	Other
SB 104	Skinner	Budget Acts of 2022 and 2023.	9/1/2023	09/13/2023 - Approved by the Governor. Chaptered by Secretary of State. Chapter 189, Statutes of 2023.	09/13/2023 - Senate CHAPTERED			Low	Other
SB 124	Committee on Budget and Fiscal Review	Energy.	6/26/2023	07/10/2023 - Approved by the Governor. Chaptered by Secretary of State. Chapter 53, Statutes of 2023.	07/10/2023 - Senate CHAPTERED			Low	Other
SB 258	Roth	General aviation airports: funding needs assessment.	3/15/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Other
SB 291	Newman	Pupil rights: recess.	8/14/2023	09/20/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/20/2023 - Senate ENROLLED			Low	Other
SB 312	Wiener	Land use: City and County of San Francisco.	9/13/2023	09/14/2023 - Withdrawn from committee. Re-referred to Com. on RLS.	09/14/2023 - Senate RLS.			Medium	Other
SB 394	Gonzalez	Master Plan for Healthy, Sustainable, and Climate-Resilient Schools.	9/1/2023	09/20/2023 - Enrolled and presented to the Governor at 4:30 p.m.	09/20/2023 - Senate ENROLLED			Low	Other
SB 397	Wahab	Safety roadside rests: electric vehicle service equipment.	3/22/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/29/2023)(May be acted upon Jan 2024)	04/28/2023 - Senate 2 YEAR			Medium	Other
SB 411	Portantino	Open meetings: teleconferences: neighborhood councils.	8/14/2023	09/11/2023 - Enrolled and presented to the Governor at 3 p.m.	09/11/2023 - Senate ENROLLED			Medium	Other
SB 529	Gonzalez	Electric vehicle sharing services: affordable housing facilities.	4/18/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Other
SB 532	Wiener	San Francisco Bay area toll bridges: tolls: transit operating expenses.	6/29/2023	08/23/2023 - August 23 set for first hearing canceled at the request of author.	07/05/2023 - Assembly APPR.			Low	Other
SB 537	Becker	Open meetings: multijurisdictional, cross-county agencies: teleconferences.	9/5/2023	09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.	09/14/2023 - Assembly INACTIVE FILE		Support	Medium	Other
SB 670	Allen	State Air Resources Board: vehicle miles traveled: maps.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Other
SB 768	Caballero	California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.	3/22/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)	04/28/2023 - Senate 2 YEAR		Work with Author	Medium	Other
SB 781	Stern	Methane emissions: natural gas producing low methane emissions.	6/28/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Other
SB 822	Durazo	Workforce development: Interagency High Road Act.	9/8/2023	09/21/2023 - Enrolled and presented to the Governor at 4 p.m.	09/21/2023 - Senate ENROLLED			Low	Other
SB 823	Smallwood-Cuevas	Discounted electric vehicle charging payment card competitive grant program.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR			Low	Other
SB 842	Bradford	Energy: petroleum refinery turnaround and maintenance.	9/8/2023	09/21/2023 - Enrolled and presented to the Governor at 4 p.m.	09/21/2023 - Senate ENROLLED			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

Bill #	Author	Subject	Last Amended	Last Status - As of 9/25/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
SBX11	Jones	Motor vehicle fuel tax; greenhouse gas reduction programs: suspension.		03/28/2023 - From committee without further action.	12/05/2022 - Senate RLS.			Low	Other
AB 54	Aguiar-Curry	Department of Food and Agriculture: research funding; winegrapes: smoke exposure.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR			Low	Wildfire/Smoke/PSPS
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.	6/28/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Wildfire/Smoke/PSPS
Total Active Bills								Low: Medium: High:	121 21 9

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: October 4, 2023

Re: 2024 Ballot Updates

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

California Initiative #21-0042A1, *"The Taxpayer Protection and Government Accountability Act,"* is eligible for the November 2024 General Election ballot, and if passed, could significantly affect Air District operations and the ability to recoup costs.

On September 14, 2023, the Legislature approved a constitutional amendment, *Assembly Constitutional Amendment (ACA) 13 (Ward) – Voting thresholds*, also known as the *"Protect and Retain the Majority Vote Act,"* that will appear on the November 2024 ballot.

DISCUSSION

Staff will provide the Legislative Committee with a summary and status of California Initiative #21-0042A1 and ACA 13 (Ward).

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

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

ATTACHMENTS:

1. California Initiative - 21-0042A1 - Title and Summary - Prepared by the Attorney General of California
2. California Initiative - 21-0042A1 - Initiative Text (Amendment 1)
3. California Initiative - 21-0042A1 - LAO Analysis - Fiscal Impact Estimate Report
4. ACA 13 (Ward) - Bill Text - As Amended on September 11, 2023
5. ACA 13 (Ward) - Senate Floor - Bill Analysis

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO
RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE**

CONSTITUTIONAL AMENDMENT. For new or increased state taxes currently enacted by two-thirds vote of Legislature, also requires statewide election and majority voter approval. Limits voters' ability to pass voter-proposed local special taxes by raising vote requirement to two-thirds. Eliminates voters' ability to advise how to spend revenues from proposed general tax on same ballot as the proposed tax. Expands definition of "taxes" to include certain regulatory fees, broadening application of tax approval requirements. Requires Legislature or local governing body set certain other fees. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.** (21-0042A1.)

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757
FAX (916) 442-7759
www.bmhjlaw.com

21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

(1) ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) ~~(3)~~ A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) ~~(e)~~ Any tax or exempt charge adopted after January 1, ~~2022~~ 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) ~~(1) ~~(d)~~~~ The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor, ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge., ~~except the following:~~

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (i) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.



January 19, 2022

21-0042 Amdt. 1

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

RECEIVED

Jan 19 2022

Attention: Ms. Anabel Renteria
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional Taxpayer Protection and Government Accountability Act initiative (A.G. File No. 21-0042, Amendment #1).

Background

State Government

Taxes and Fees. This year's state budget spends over \$255 billion in state funds. Over 90 percent of the state budget is funded with revenues from taxes. These include, for example, sales taxes paid on goods and income taxes paid on wages and other sources of income. Much of the rest of the state budget is funded by fees and other charges. Examples include: (1) charges relating to regulatory activities; (2) charges for specific government services or products, like fees charged to drivers to improve roads; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges. The State Constitution requires the state to set fees at a reasonable level, generally reflecting the costs of the services or benefits provided. The state uses revenue from taxes and fees to fund a variety of programs and services, including education, health care, transportation, and housing and homelessness services.

Current Requirements to Approve Taxes and Fees. Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature or a majority vote of the statewide electorate. The Legislature can reduce taxes with a majority vote of each house, provided the change does not result in an increase in taxes paid by any single taxpayer. In many cases, the Legislature has enacted statutes that delegate its authority to adjust fees and other

Legislative Analyst's Office
California Legislature
Gabriel Petek, Legislative Analyst
925 L Street, Suite 1000, Sacramento, CA 95814
(916) 445-4656

charges to administrative entities, like state departments. In these cases, these charges can be increased or changed by the department within certain limits.

Local Government

Taxes and Fees. The largest local government tax is the property tax, which raises roughly \$75 billion annually. Other local taxes include sales taxes, utility taxes, and hotel taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties. In order to be considered a fee, the charge cannot exceed the reasonable costs to the local government of providing the associated product or service. Local governments use revenues from taxes and fees to fund a variety of services, like fire and police, public works, and parks.

Current Requirements to Approve Taxes and Fees. State law requires increases in local taxes to receive approval of the local governing body—for example, a city council or county board of supervisors—as well as approval of voters in that local jurisdiction. Most proposed taxes require a two-thirds vote of the local governing board before being presented to the voters. Special taxes (those used for a specific purpose) require a two-thirds vote of the electorate while other types of taxes require a majority vote of the electorate. The majority-vote general taxes can be used for any purpose. Recent case law suggests that citizen initiative special taxes may be approved by majority vote, rather than a two-thirds vote. Currently, local governing bodies have the ability to delegate their authority to adjust fees and other charges to administrative entities, like city departments. In these cases, these charges can be increased or changed by the department within certain limits.

Proposal

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

State and Local Government Taxes

Expands Definition of Tax. The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as fees and other charges. For example, certain charges imposed for a benefit or privilege granted to a payer but not granted to those not charged would no longer be considered fees. As a result, the measure could increase the number of revenue proposals subject to the higher state and local vote requirements for taxes discussed below.

Requires Voter Approval for State Taxes. The measure increases the vote requirements for increasing state taxes. Specifically, the measure requires that legislatively proposed tax increases receive approval by two-thirds of each house *and* a majority vote of the statewide electorate. Voters would still be able to increase taxes by majority vote of the electorate without legislative action, however. Any state tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Requirements for Approving Local Taxes. Whether sought by the local governing body or the electorate, the measure establishes the same approval requirements for increasing local

special taxes. Any local tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Allowable Uses and Duration of State and Local Tax Revenues Must Be Specified. The measure requires state and local tax measures to identify the type and amount (or rate) of the tax and the duration of the tax. State and local government general tax measures must state that the revenue can be used for general purposes.

State and Local Government Fees

Requires the Legislature and Local Government Bodies to Impose State and Local Fees. Fees would have to be imposed by a majority vote of both houses of the Legislature or local governing bodies. The measure would restrict the ability of state and local governments to delegate fee changes to administrative entities. The extent of these restrictions would depend on future court decisions. Any fee approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Some New State and Local Fees Could Not Exceed Actual Costs. For some categories of fees, if the Legislature or a local governing body wished to impose a new fee or make changes to an existing fee, the measure generally would require that the charge be both reasonable and reflect the actual costs to the state or local government of providing the service. The measure also specifies that actual cost should not exceed “the minimum amount necessary.” In many cases, existing fees already reflect the government’s actual costs. In other cases, some fees would have to more closely approximate the payer’s actual costs in order to remain fees. If a fee payer challenged the charge, the state or local government would need to provide clear and convincing evidence that the fee meets this threshold. State and local governments also would bear the burden of providing clear and convincing evidence that the levy is a fee—which is not subject to a vote by the electorate—and not a tax under the new definition.

Fiscal Effects

Lower State Tax and Fee Revenue. By expanding the definition of a tax, increasing the vote requirements for approving taxes, and restricting administrative changes to fees, the measure makes it harder for the Legislature to increase nearly all types of state revenues. The extent to which revenues would be lower under the measure would depend on various factors, most notably future decisions made by the Legislature and voters. For example, requirements for legislative approval of fee increases currently set administratively could result in lower fee revenues, depending on future votes of the Legislature. That lower revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue, but it could be substantial.

Lower Local Government Tax and Fee Revenue. Compared to the state, local governments generally face greater restrictions to raising revenue. By expanding the definition of taxes and restricting administrative changes to fees, the measure would make it somewhat harder for local governments to raise revenue. Consequently, future local tax and fee revenue could be lower than they would be otherwise. The extent to which revenues would be lower is unknown, but

fees could be more impacted. The actual impact on local government revenue would depend on various factors, including future decisions by the courts, local governing bodies, and voters.

Possible Increased State and Local Administrative Costs to Change Some Fee Levels. In some cases, state and local departments would need to develop methods for setting fees to reflect actual costs if the Legislature or local governing bodies wanted to change those fees in the future. Estimating actual costs by program and fee source could involve some added workload for those state and local departments, which likely would be supported by fee revenue. The extent of these administrative costs would depend on (1) whether the state and local governments determine a fee increase is needed in order to maintain their current level of programs and services funded through fee revenue and (2) future court decisions.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects:

- Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,



for Gabriel Petek
Legislative Analyst



for Keely Martin Bosler
Director of Finance

AMENDED IN SENATE SEPTEMBER 11, 2023
AMENDED IN ASSEMBLY SEPTEMBER 1, 2023
AMENDED IN ASSEMBLY AUGUST 17, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Constitutional Amendment

No. 13

Introduced by Assembly Member Ward
(Principal coauthors: Assembly Members Aguiar-Curry, Berman,
and Lee)
(Coauthors: Assembly Members Robert Rivas, Haney, Jackson,
Ortega, and Rendon)
(Coauthors: Senators Durazo, Gonzalez, Skinner, Smallwood-Cuevas,
and Wiener)

July 13, 2023

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of, and adding Section 10.5 to, Article II thereof, and adding Section 7.8 to Article XI thereof, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

ACA 13, as amended, Ward. Voting thresholds.

The California Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure.

This measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes

cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. *The measure would specify that this voter approval requirement would apply to statewide initiative measures that appear on the ballot on or after January 1, 2024.*

The California Constitution also permits initiative and referendum powers to be exercised by the voters of each city or county under procedures provided by the Legislature.

This measure would expressly authorize a local governing body to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. The measure would specify that an advisory question is approved only if a majority of the votes cast on the question are in favor.

This measure would further declare that its provisions are severable and that if any provision is held invalid, the other provisions of the act remain valid, as specified.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

1 WHEREAS, In an era of special interests and others attempting
 2 to manipulate the electoral process, it is important to preserve the
 3 fundamental right of California citizens to approve statewide
 4 initiative statutes and referenda by a majority vote; and

5 WHEREAS, Initiative measures proposing to amend the
 6 Constitution to increase the vote requirement above a majority
 7 vote to pass other state and local measures violate the principle of
 8 majority rule; and

9 WHEREAS, Citizens have a substantial interest in voicing their
 10 opinions on issues of local governance and must be allowed to
 11 approve local advisory measures by majority vote; and

12 WHEREAS, *The provisions of this measure are not intended to*
 13 *reverse or invalidate provisions of the Constitution in effect before*
 14 *January 1, 2024, including the provisions of Proposition 13 of*
 15 *1978; and*

16 WHEREAS, The purpose of this measure is to do all of the
 17 following:

18 (a) Retain the majority vote requirement to pass statewide
 19 initiative statutes and referenda;

20 (b) Provide that any proposed initiative measure that would
 21 amend the Constitution to increase the voter approval requirement

1 to pass other state or local measures is effective only if the initiative
2 is approved by the highest vote requirement it imposes on other
3 measures;

4 (c) Constitutionally authorize local governments to submit
5 questions to voters asking for their opinion on issues of governance;
6 now, therefore, be it

7 *Resolved*, That this measure shall be known, and may be cited,
8 as the Protect and Retain the Majority Vote Act; and be it further

9 *Resolved by the Assembly, the Senate concurring*, That the
10 Legislature of the State of California at its 2023–24 Regular
11 Session, commencing on the fifth day of December 2022,
12 two-thirds of the membership of each house concurring, hereby
13 proposes to the people of the State of ~~California~~, *California* that
14 the Constitution of the State be amended as follows:

15 First—That Section 10 of Article II thereof is amended to read:

16 SEC. 10. (a) An initiative statute or referendum approved by
17 the electors pursuant to Section 10.5 takes effect on the fifth day
18 after the Secretary of State files the statement of the vote for the
19 election at which the measure is voted on, but the measure may
20 provide that it becomes operative after its effective date. If a
21 referendum petition is filed against a part of a statute, the remainder
22 of the statute shall not be delayed from going into effect.

23 (b) If provisions of two or more measures approved at the same
24 election conflict, the provisions of the measure receiving the
25 highest number of affirmative votes shall prevail.

26 (c) The Legislature may amend or repeal a referendum statute.
27 The Legislature may amend or repeal an initiative statute by
28 another statute that becomes effective only when approved by the
29 electors unless the initiative statute permits amendment or repeal
30 without the electors' approval.

31 (d) Before circulation of an initiative or referendum petition for
32 signatures, a copy shall be submitted to the Attorney General who
33 shall prepare a title and summary of the measure as provided by
34 law.

35 (e) The Legislature shall provide for the manner in which a
36 petition shall be circulated, presented, and certified, and the manner
37 in which a measure shall be submitted to the electors.

38 Second—That Section 10.5 is added to Article II thereof, to
39 read:

1 SEC. 10.5. (a) Except as provided in subdivision (b), a
2 statewide initiative statute or referendum is approved if a majority
3 of the votes cast on the measure are in favor.

4 (b) Notwithstanding Section 4 of Article XVIII or any other
5 provision of the Constitution, an initiative measure that includes
6 one or more provisions that amend the Constitution to increase the
7 voter approval requirement to adopt any state or local measure is
8 approved by the voters only if the proportion of votes cast in favor
9 of the initiative measure is equal to or greater than the highest
10 voter approval requirement that the initiative measure would
11 impose for the adoption of any state or local measure.

12 (c) *This section applies to all statewide initiative measures*
13 *submitted to the electors on or after January 1, 2024, including*
14 *measures that appear on the ballot at the same election at which*
15 *the measure adding this section is approved by the electors.*

16 Third—That Section 7.8 is added to Article XI thereof, to read:

17 SEC. 7.8. At any election, pursuant to procedures that the
18 Legislature shall provide, a local governing body may hold an
19 advisory vote concerning any issue of governance for the purpose
20 of allowing voters within the jurisdiction to voice their opinions
21 on the issue. An advisory question is approved only if a majority
22 of the votes cast on the question are in favor. The results of the
23 advisory vote shall in no manner be controlling on the sponsoring
24 local governing body.

25 Fourth—The provisions of this measure are severable. If any
26 portion, section, subdivision, paragraph, clause, sentence, phrase,
27 word, or application of this measure is for any reason held to be
28 invalid by a decision of any court of competent jurisdiction, that
29 decision shall not affect the validity of the remaining portions of
30 this measure. The people of the State of California hereby declare
31 that they would have adopted this measure and each and every
32 portion, section, subdivision, paragraph, clause, sentence, phrase,
33 word, and application not declared invalid or unconstitutional
34 without regard to whether any portion of this measure or
35 application thereof would be subsequently declared invalid.

O

THIRD READING

Bill No: ACA 13
Author: Ward (D), et al.
Amended: 9/11/23 in Senate
Vote: 27

SENATE ELECTIONS & C.A. COMMITTEE: 6-1, 9/11/23
AYES: Glazer, Allen, McGuire, Menjivar, Newman, Umberg
NOES: Nguyen

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/12/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones, Seyarto

ASSEMBLY FLOOR: 57-19, 9/6/23 - See last page for vote

SUBJECT: Voting thresholds

SOURCE: California School Employees Association, AFL-CIO
SEIU California

DIGEST: This constitutional amendment, subject to voter approval, requires an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures. This measure also enshrines in the state constitution the ability of local governments to submit advisory questions to voters.

ANALYSIS:

Existing law:

- 1) Permits voters to propose statutes or amendments to the California Constitution by initiative.

- 2) Provides that a state initiative statute that is approved by a majority of votes cast thereon takes effect on the fifth day after the Secretary of State (SOS) files the statement of the vote for the election at which the measure is voted on.
- 3) Provides that a proposed constitutional amendment that is approved by a majority of votes cast thereon takes effect on the fifth day after the SOS files the statement of the vote for the election at which the measure is voted on.
- 4) Permits each city, county, school district, community college district, county board of education, and special district to hold an advisory election for the purpose of allowing voters to voice their opinions on substantive issues, as specified.
- 5) Provides that every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature.
- 6) Provides that a proposed amendment or revision to the California Constitution, if approved by a majority of votes cast thereon, takes effect on the fifth day after the SOS files the statement of the vote for the election at which the measure is voted on, but the measure may provide that it becomes operative after its effective date. Provides that if provisions of two or more measures approved at the same election conflict, the provisions of the measure receiving the highest number of affirmative votes shall prevail.

This constitutional amendment:

- 1) Provides that an initiative measure that includes one or more provisions that amend the California Constitution, and that increases the voter approval requirement to adopt any state or local measure, must receive a proportion of votes in favor of the initiative that is equal to or greater than the highest voter approval requirement imposed by the initiative for the adoption of a state or local measure.
- 2) Permits a local governing body, at any election, to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. Provides that an advisory question is approved only if a majority of the votes cast on the question are in

favor. Provides that the results of the advisory vote are not controlling on the local governing body.

- 3) Provides that the provisions of this amendment apply to all statewide initiative measures submitted to the electors on or after January 1, 2024, including measures that appear on the ballot at the same election at which the measure adding this section is approved by the electors.
- 4) Contains intent language stating that the provisions of this measure are not intended to reverse or invalidate provisions of the California Constitution in effect before January 1, 2024, including the provisions of Proposition 13 of 1978.
- 5) Provides that this measure shall be known, and may be cited, as the Protect and Retain the Majority Vote Act.
- 6) Contains a severability clause.
- 7) Makes a conforming change.

Background

Supermajority Vote Requirements. Under existing law, any state ballot measure can be approved by a simple majority vote of the electorate, regardless of the changes to state law made by the measure. By contrast, some local ballot measures are subject to higher vote requirements. For example, a local measure that is placed on the ballot by a local governing body that proposes a special tax (a tax for which the proceeds will be used for a specific purpose) requires a two-thirds vote of the electorate.

If this measure qualifies for the ballot and is approved by voters, it would mark the first time that any state ballot measure would require more than a simple majority vote to be approved. Specifically, state ballot measures that (1) are initiative measures (the term “initiative” refers exclusively to a proposed law that qualifies for the ballot through the collection of voters’ signatures on an initiative petition), (2) propose to amend the state constitution, and (3) propose to increase the vote required for voters to approve a state or local ballot measure would be subject to a voter approval threshold that is greater than a simple majority vote.

The provisions of ACA 13 would apply to any initiative constitutional amendment that appears on the ballot in the future and proposes to increase the vote

requirement for a state or local ballot measure. ACA 13 does not affect vote thresholds currently in effect.

Prior Effort to Impose Supermajority Vote Requirement on State Ballot Measures. Notwithstanding the fact that all state ballot measures require a simple majority to pass, at least one prior initiative measure sought to impose a supermajority vote requirement on certain state ballot measures.

Specifically, Proposition 136, which appeared on the ballot at the November 1990 statewide general election, would have required any state special taxes that were proposed by a state initiative measure to be approved by two-thirds of the voters, among other provisions. Proposition 136 failed narrowly, receiving 47.9% of the vote.

Voter Approval Thresholds Only. The provisions of this measure related to the vote requirement for initiative constitutional amendments apply only to initiatives that seek to make it more difficult for voters to take a specified action by approving a ballot measure. It does not affect the vote requirement for initiative constitutional amendments that seek only to make it harder for a governmental body to approve a specified action by increasing the vote by which that body must approve an action.

For example, an initiative constitutional amendment that required a two-thirds vote of the local electorate to approve any ballot measure that sought to rezone parcels would need to be approved by two-thirds of the voters if this measure takes effect. By contrast, an initiative constitutional amendment that required a two-thirds vote of a local governing body to rezone parcels would be subject to a simple majority vote (provided that the initiative did not also include other provisions that affected the vote requirement for actions taken by voters).

Pending Initiative. On February 1, 2023, the SOS certified that initiative #1935—a measure that would amend the California Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges—is eligible to appear on the ballot at the November 5, 2024, statewide general election. The proponent of that initiative can withdraw it at any time through June 27, 2024. If the proponent does not withdraw the initiative by that deadline, the SOS will certify that the measure is qualified and it will appear on the November 5, 2024, statewide general election ballot.

Among other provisions, initiative #1935 requires that any local special tax be approved by a two-thirds vote of the electorate to take effect. Recent case law suggests that local special taxes that are proposed by a local initiative measure can be approved by a majority vote of the electorate. By contrast, local special taxes that are placed on the ballot by a local governmental body must be approved by a two-thirds vote of the electorate. Additionally, initiative #1935 prohibits an advisory measure from appearing on the same ballot as a local measure that proposes a general tax if the advisory measure would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

If this measure applied to the voter's consideration of initiative #1935, it appears that initiative #1935 would need to be approved by two-thirds of the voters in order to take effect. However, while this measure likely would affect the vote requirement for initiative #1935, its effects are not limited to that initiative. The provisions of ACA 13 would apply to any initiative constitutional amendment that appears on the ballot in the future and that proposes to increase the vote requirement for a state or local ballot measure.

Advisory Measures. As detailed above, the California Elections Code already permits cities, counties, school districts, community college districts, county boards of education, and special districts to submit advisory questions to their voters. This measure proposes to add a similar provision to the state constitution.

As detailed above, a pending initiative measure that is eligible to appear on the November 5, 2024, statewide general election ballot would limit the ability of a local government to place an advisory measure on the ballot if the measure is related to the potential use of revenues derived from a general tax that is appearing on the same ballot. If approved by voters, that constitutional limitation on local advisory measures would prevail over the general provisions of the Elections Code that permit local advisory measures.

If both this measure and the pending initiative measure were to be approved by voters, the California Constitution would include potentially conflicting provisions governing local advisory measures. In such a situation, it is unclear which provision would prevail if a local jurisdiction sought to place an advisory measure on the ballot related to the use of revenues from a general tax appearing on the same ballot.

Comments

According to the author, the Protect and Retain the Majority Vote Act, ACA 13, would give Californians the right to vote on retaining the majority vote requirement for passage of state and local initiatives. ACA 13 will require proposed initiatives that seek to increase vote thresholds on future ballot measures to pass with that same proportional higher vote threshold. For example, a measure that would impose a two-thirds vote threshold on future measures should also pass with a two-thirds vote.

Cities and counties also often place non-binding advisory measures on the ballot to allow voters to weigh in on various issues. This is a critical tool that allows voters to advise local government, and ACA 13 would protect the right of cities to place advisory questions on the ballot to ask voters their opinion on issues.

With a pattern of abuse of our initiative process to use a lower threshold to set higher thresholds for future voters – and worse, using this tactic to extract legislative action for special interests – the time is right for the Legislature to reflect a protection afforded in the Oregon Constitution since 1998 and adopt ACA 13 to send to the voters for their consideration.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, this measure would result in one-time General Fund costs to the Secretary of State (SOS) in the range of \$738,000 to \$984,000, likely in 2023-24, for printing and mailing costs to place the measure on the ballot in a statewide election. Actual costs may be higher or lower, depending on the length of required elements and the overall size of the ballot.

SUPPORT: (Verified 9/12/23)

California School Employees Association, AFL-CIO (co-source)

SEIU California (co-source)

AAPIs for Civic Empowerment – Education Fund

ACLU California Action

American Federation of State, County and Municipal Employees, AFL-CIO

Alameda County Early Care and Education Planning Council

Alameda County Mosquito Abatement District

Alliance for a Better Community

Alliance for Community Transit

Alliance of Californians for Community Empowerment Action

Alliance San Diego

American Council of Engineering Companies
Antelope Valle Mosquito and Vector Control District
Apple Valley Fire Protection District
Arcade Creek Recreation and Park District
Arden Park Recreation and Park District
Artesia Cemetery District
Asian Pacific Environmental Network
Association of California Water Agencies
Atascadero Cemetery District
Bear Valley Water District
Berkeley Fire Department
Bighorn-Desert View Water Agency
Bonita Sunnyside Fire Protection District
Brilliant Corners
Burney Fire Protection District
California Association of Recreation & Park Districts
California Black Power Network
California Calls
California Common Cause
California Community Foundation
California Conference of Carpenters
California Conference of Machinists
California Conference of the Amalgamated Transit Union
California Environmental Justice Alliance
California Environmental Voters
California Faculty Association
California Federation of Teachers
California Green New Deal Coalition
California Healthy Nail Salon Collaborative
California Housing Partnership
California Labor Federation
California Municipal Utilities Association
California Professional Firefighters
California School Employees Association
California Special Districts Association
California State Association of Counties
California Teachers Association
California Teamsters
CalNonprofits
Catalyst California

Center on Policy Initiatives
Central Coast United for a Sustainable Economy
Central Contra Costa County Sanitary District
City of Alameda
City of Anaheim
City of Avalon
City of Arcata
City of Azusa
City of Belmont
City of Berkeley Fire Department
City of Brentwood
City of Buena Park
City of Burbank
City of Chino Hills
City of Chula Vista
City of Cloverdale
City of Concord
City of Cotati
City of Cypress
City of Elk Grove
City of Fairfield
City of Fortuna
City of Glendale
City of Half Moon Bay
City of Inglewood
City of Irvine
City of Kerman
City of King
City of Lakewood
City of Long Beach
City of Los Alamitos
City of Los Angeles
City of Manhattan Beach
City of Mission Viejo
City of Mountain View
City of Napa
City of Newark
City of Norco
City of Norwalk
City of Novato

City of Oakland
City of Oceanside
City of Ontario
City of Pacifica
City of Palo Alto
City of Pasadena
City of Petaluma
City of Pismo Beach
City of Placentia
City of Pleasanton
City of Rancho Cucamonga
City of Riverside
City of Roseville
City of Sacramento
City of San Diego
City of San Fernando
City of San Francisco
City of San José
City of San Luis Obispo
City of San Pablo
City of Santa Barbara
City of Santa Rosa
City of Shasta Lake
City of Soledad
City of Stanton
City of Sunnyvale
City of Tehachapi
City of Tustin
City of Ukiah
City of Upland
City of Visalia
City of Walnut Creek
City of West Hollywood
Coalition for Humane Immigrant Rights
Coastside County Water District
Communities for a Better Environment
Communities for a New California
Community Coalition
Congregations Organized for Prophetic Engagement
Contra Costa County

Costa Mesa Sanitary District
Cosumnes Community Services District
Courage California
Desert Recreation District
Dolores Huerta Foundation
Eden Health District
El Toro Water District
End Poverty in California
Evolve California
Fort Bragg Fire Protection Authority
Fresno Mosquito and Vector Control District
Gold Mountain Community Service District
Goleta West Sanitary District
GPSN
GRACE – End Child Poverty in California
Groveland Community Services District
Hanford Fire Department
Health Access California
Helix Water District
Housing California
Human Impact Partners
Humboldt Bay Municipal Water District
IBEW Local 569
IFPTE Local 20
Innercity Struggle
Koreatown Immigrant Workers Alliance
League of California Cities
League of Women Voters of California
Lift up Contra Costa
Livermore Area Recreation and Park District
Los Angeles Alliance for a New Economy
Los Angeles Forward
Lutheran Office of Public Policy – California
Mammoth Community Water District
Mayor Ashleigh Aitken (Anaheim)
Mayor Farrah Khan (Irvine)
Mayor Karen Bass (Los Angeles)
Mayor London Breed (San Francisco)
Mayor Matt Mahan (San José)
Mayor Patricia Lock Dawson (Riverside)

Mayor Rex Richardson (Long Beach)
Mendocino Fire Protection District
Midpeninsula Regional Open Space District
Million Voters Project
Monte Vista Water District
Monterey Peninsula Regional Park District
Mutual Housing California
National Association of Social Workers - California Chapter
North Central Fire Protection District
North County Fire Protection District
Oakland Rising
Olympic Valley Public Service District
Otay Water District
Parent Voices Oakland
Physicians for Social Responsibility – LA
PowerSwitch Action
Public Advocates
Rancho Adobe Fire Protection District
Rim of the World Recreation and Park District
Rising Communities
Ross Valley Sanitary District
Sacramento Suburban Water District
Safe Return Project
San Diego for Every Child
San Francisco Rising
San Joaquin County Mosquito and Vector Control District
San Ramon Valley Fire Protection District
Santa Clara Valley Water District
Santa Clara Valley Open Space Authority
Sonoma Water
Southern California Association of Non-Profit Housing
Southern Marin Fire Protection District
Summerland Sanitary District
Stege Sanitary District
Strategic Concepts in Organizing and Policy Education
Tahoe City Public Utility District
Three Valleys Municipal Water District
Town of Apple Valley
Town of Corte Madera
Town of Discovery Bay, CSD

TreePeople
Truckee Sanitary District
UNITE-HERE
United Domestic Workers/AFSCME Local 3930
Utility Workers Union of America
Valley Sanitary District
Vista Irrigation District
Voices in Solidarity Against Oil in Neighborhoods
Working Partnerships USA
YMCA of San Diego County

OPPOSITION: (Verified 9/12/23)

Anaheim Chamber of Commerce
Brea Chamber of Commerce
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Brea Chamber of Commerce
Building Owners and Managers Association of California
California Association of Realtors
California Building Industry Association
California Business and Industrial Association
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Farm Bureau
California Farm Workers and Families
California Forestry Association
California Fuels and Convenience Alliance
California Hispanic Chambers of Commerce
California Hotel and Lodging Association
California Manufacturers and Technology Association
California Rental Housing Association
California Retailers Association
California Taxpayer Protection Committee
California Taxpayers Association
Carlsbad Chamber of Commerce
Central Coast Taxpayers Association
Central Valley Business Federation
Central Valley Taxpayers Association
Chino Valley Chamber of Commerce

Citrus Heights Chamber of Commerce
Contra Costa Taxpayers Association
Dana Point Chamber of Commerce
Danville Area Chamber of Commerce
Fontana Chamber of Commerce
Fremont Chamber of Commerce
Garden Grove Chamber of Commerce
Gateway Chambers Alliance
Greater High Desert Chamber of Commerce
Greater Irvine Chamber of Commerce
Greater San Fernando Valley Chamber of Commerce
Half Moon Bay Coastside Chamber of Commerce
Howard Jarvis Taxpayers Association
Imperial Valley Regional Chamber of Commerce
Inland Empire Latino Coalition – San Bernardino-Riverside Counties
Jesse Miranda Center for Hispanic Leadership
La Cañada Flintridge Chamber of Commerce
Laguna Niguel Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Livermore Valley Chamber of Commerce
Lodi Chamber of Commerce
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Los Angeles Business Federation
Los Angeles County Taxpayers Association
Mission Viejo Chamber of Commerce
NAIOP of California
National Diversity Coalition
National Federation of Independent Business – California
Norwalk Chamber of Commerce
Oceanside Chamber of Commerce
Orange Chamber of Commerce
Orange County Business Council
Orange County Taxpayers Association
Palm Desert Area Chamber of Commerce
Palos Verdes Peninsula Chamber of Commerce
Paso Robles and Templeton Chamber of Commerce
Placer County Taxpayers Association
Redondo Beach Chamber of Commerce
Sacramento Taxpayer Association

San Diego Tax Fighters
Santa Ana Chamber of Commerce
Santa Maria Valley Chamber of Commerce
Silicon Valley Taxpayers Association
Simi Valley Chamber of Commerce
Solano County Taxpayers Association
South Bay Association of Chambers of Commerce
Southern California Leadership Council
Sutter-Yuba Taxpayers Association
The Chamber of Commerce for Greater Brawley
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
United Chambers of the San Fernando Valley
United Latinos Action
Vacaville Chamber of Commerce
Valley Industry and Commerce Alliance
Ventura County Taxpayers Association
Walnut Creek Chamber of Commerce
Whittier Together
Women Veterans Alliance
Yorba Linda Chamber of Commerce
Yuba-Sutter Chamber of Commerce
16,000+ Individuals

ASSEMBLY FLOOR: 57-19, 9/6/23

AYES: Addis, Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Santiago, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NOES: Alanis, Chen, Megan Dahle, Davies, Dixon, Essayli, Flora, Vince Fong, Gallagher, Hoover, Lackey, Mathis, Jim Patterson, Joe Patterson, Quirk-Silva, Sanchez, Ta, Waldron, Wallis

NO VOTE RECORDED: Bains, Grayson, Schiavo, Soria

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
9/13/23 11:29:19

****** END ******