



STATE CAPITOL
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CHIEF ADMINISTRATIVE OFFICER
 DEBRA GRAVERT

Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

Monday, August 29, 2022
 12:45 p.m.
 State Capitol, Room 437

CONSENT AGENDA

VICE CHAIR
 WALDRON, MARIE

MEMBERS
 ALVAREZ, DAVID
 BENNETT, STEVE
 FLORA, HEATH
 FONG, MIKE
 GIPSON, MIKE A.
 LEE, ALEX
 MATHIS, DEVON J.
 MCKINNOR, TINA
 RUBIO, BLANCA E.
 VILLAPUDUA, CARLOS
 LEVINE, MARC (D-ALT)
 VALLADARES, SUZETTE
 MARTINEZ (R-ALT)

BILL REFERRALS

1. Bill Referrals

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REQUESTS TO WAIVE JOINT RULE 61(B)(17)

2. SB 17 (Pan) Racial Equity Commission
3. SB 774 (Hertzberg) Pets and veterinary services: emotional support dogs
4. SB 1020 (Laird) Clean Energy, Jobs, and Affordability Act of 2022

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CARLOS VILLAPUDUA

MARC LEVINE (D-ALT.)
SUZETTE VALLADARES (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/26/2022
Re: Consent Bill Referrals

Attached is a single bill referral recommendation.

REFERRAL OF BILLS TO COMMITTEE

08/29/2022

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

Committee:

SCR 117

TRANS.



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MARC LEVINE (D-ALT.)
SUZETTE VALLADARES (R-ALT.)

August 26, 2022

Assembly Rules Committee
1021 O Street, Room 6250
Sacramento, CA 95814

Dear Members of the Committee on Rules:

I write to request that we approve a Joint Rule 61(b)(17) waiver for the following bills so that they may be amended on the Assembly Floor:

SB 17 (Pan)
SB 774 (Hertzberg)
SB 1020 (Laird)

Sincerely,

KEN COOLEY
Chair, Committee on Rules

PROPOSED AMENDMENTS

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PROPOSED AMENDMENTS TO SENATE BILL NO. 17
AMENDED IN ASSEMBLY AUGUST 25, 2022
AMENDED IN ASSEMBLY AUGUST 15, 2022
AMENDED IN ASSEMBLY JULY 1, 2021
AMENDED IN SENATE MAY 20, 2021
AMENDED IN SENATE APRIL 15, 2021
AMENDED IN SENATE APRIL 5, 2021
AMENDED IN SENATE FEBRUARY 25, 2021



SENATE BILL

No. 17

Introduced by Senator Pan

(Principal coauthor: Assembly Member Arambula)

(Coauthors: Senators Becker, Cortese, Durazo, Gonzalez, Leyva, Kamlager, Min, Rubio, and Umberg)

(Coauthors: Assembly Members Gabriel, Holden, and Robert Rivas)

December 7, 2020

An act to add and repeal Chapter 4.6 (commencing with Section 8303) of Division 1 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 17, as amended, Pan. Racial Equity ~~Advisory and Accountability~~ Commission.

Existing law establishes an Office of Health Equity in the State Department of Public Health for purposes of aligning state resources, decisionmaking, and programs to accomplish certain goals related to

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health equity and protecting vulnerable communities. Existing law requires the office to develop department-wide plans to close the gaps in health status and access to care among the state’s diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities, as specified. Existing law requires the office to work with the Health in All Policies Task Force to assist state agencies and departments in developing policies, systems, programs, and environmental change strategies that have population health impacts by, among other things, prioritizing building cross-sectoral partnerships within and across departments and agencies to change policies and practices to advance health equity.

Existing law establishes the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies. Existing law requires the task force to submit a written report of its findings and recommendations to the Legislature.

This bill, until January 1, 2030, would establish in state government a Racial Equity Advisory and Accountability Commission. The bill would ~~authorize the commission, among other things, to hire administrative, technical, and other personnel as may be necessary for the performance of its duties, including an executive director to organize, administer, and manage the operations of the commission.~~ *require the commission to be staffed by the Office of Planning and Research.* The bill would ~~task the commission with coordinating, analyzing, developing, evaluating, and recommending strategies for advancing racial equity across state agencies, departments, and the office of the Governor. The bill would require the commission, in consultation with state agencies, departments, and public stakeholders, as appropriate, to develop~~ *require the commission to develop resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes a strategic plan with policy and inclusive practice recommendations, guidelines, theory of change, goals, and benchmarks to reduce racial inequities, promote racial equity, and address individual, institutional, and structural racism.* The bill would also require the commission, in consultation with state agencies and departments, to establish methodologies, a system of

~~measurement, and data needs for assessing how state statutes, regulations, and practices contribute to, uphold, or exacerbate racial disparities and to prepare an annual report that evaluates and reports on progress in, and any obstacles to, meeting statewide goals and policies established under the Racial Equity Framework. methodologies and tools that can be employed to advance racial equity and address structural racism in California. The bill would require the commission to prepare an annual report that summarizes feedback from public engagement with communities of color, provides data on racial inequities and disparities in the state, and recommends best practices on tools, methodologies, and opportunities to advance racial equity and to submit that report, on or after December 1, 2025, and annually thereafter, to the Governor and the Legislature, as specified.~~

~~This bill would also require the commission, among other things, to conduct, on or before January 1, 2025, an initial assessment of state department and agency efforts to advance racial equity efforts and would require each state agency to, upon the request of the commission, prepare a report on the agency’s progress toward goals set forth in the Racial Equity Framework, as prescribed.~~

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

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

Page 3

~~SECTION 1. The Legislature finds and declares all of the following:
(a) Even as it represents perhaps the most successful project of modern democracy, the United States Constitution was itself also an instrument of a racist society that embedded inequality, violence, and trauma into our nation’s founding document. The “Three-Fifths Compromise,” an agreement by delegates to the 1787 United States Constitutional Convention that would count three-fifths of each state’s slave population for the purpose of apportioning United States House of Representatives seats, is the clearest expression of the Constitution’s structural racism. It is an ugly stain that continues to haunt our nation and that we must confront and actively dismantle.
(b) As the United States reckons with this shameful history, California also must confront its record of creating, upholding, or exacerbating racial inequalities and violence against Black,~~

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Page 3 17 Indigenous, and people of color (BIPOC) through the state’s laws,
18 policies, and actions, including, but not limited to, all of the
19 following:

20 (1) ~~Even before officially becoming a state, the Spanish~~
21 ~~missionaries seized land from Native Californians and forced~~
22 ~~conversions to Christianity and European traditions. Moreover,~~
23 ~~the missionaries brought disease that killed many thousands of~~
24 ~~Native Californians.~~

25 (2) ~~The decades after California became a state in 1850 were~~
26 ~~marked by violence towards and exploitation of Native Californian~~
27 ~~communities. In 1850, the state passed an Act for the Government~~
28 ~~and Protection of Indians, which allowed White Californians to~~
29 ~~forcibly remove Native Californians from their lands and into~~

Page 4 1 indentured servitude. California’s first Governor after becoming
2 a state, Governor Peter Burnett, said in his 1851 address to the
3 Legislature: “That a war of extermination will continue to be waged
4 between the two races until the Indian race becomes extinct must
5 be expected.” Accordingly, Governor Burnett and other state
6 leaders called for and subsidized militia campaigns against Native
7 Californians, and generally propelled a dispossession and genocide
8 of Native Californians.

9 (3) ~~Even though California was ostensibly founded as a free~~
10 ~~state, there were efforts by California’s leaders before and after~~
11 ~~its founding to formally ban Black people from moving to or living~~
12 ~~in the state. Furthermore, even though California’s Constitution~~
13 ~~banned slavery, in 1852, California passed its own Fugitive Slave~~
14 ~~Law, which declared that any Black person who came to California~~
15 ~~as an enslaved person prior to California becoming a state was,~~
16 ~~nonetheless, to be considered the legal property of the slaveholder.~~
17 ~~The Fugitive Slave Law, which led to the forced deportation and~~
18 ~~return to enslavement of Black Californians, was even upheld as~~
19 ~~constitutional by California’s pro-slavery Supreme Court.~~

20 (4) ~~In 1913, California passed the Alien Land Law, which~~
21 ~~restricted “aliens ineligible from citizenship,” including Chinese,~~
22 ~~Japanese, and Korean immigrants, from owning, leasing, or~~
23 ~~cultivating land, with the intention of discouraging further~~
24 ~~immigration from Japan in particular. In subsequent years, the~~
25 ~~state made the law even more restrictive, including by banning~~
26 ~~even American-born children of Asian immigrants from owning~~

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Page 4 27 or leasing land. It was not until 1952 that the laws were struck
28 down by the California Supreme Court as unconstitutional.

29 (5) California has a long history of both de jure and de facto
30 discrimination in housing. In the first half of the twentieth century,
31 the state government took a hands-off approach to housing policy
32 and did not intervene to stop local governments or entities
33 throughout the state from adopting restrictive covenants, redlining,
34 or other measures to segregate housing. It was not until 1963 that
35 the state passed the Rumford Fair Housing Act. Even then,
36 however, California voters passed Proposition 14 in 1964 by more
37 than a two-to-one margin to repeal the Rumford Act. Property
38 owners in California were allowed to freely discriminate on the
39 basis of race or ethnicity until the California Supreme Court struck
40 down Proposition 14 in 1966.

Page 5 1 (6) Starting in 1929, California began a program to deport
2 persons of Mexican ancestry from the state on a mass scale. In the
3 end, approximately 400,000 American citizens and legal residents
4 of Mexican ancestry living in California were forced to leave the
5 state and go to Mexico. Throughout the state, there were raids of
6 Mexican-American communities, resulting in the covert deportation
7 of thousands of people, many of whom were never able to return.

8 (7) In 1942, President Franklin Delano Roosevelt signed
9 Executive Order No. 9066, under which the United States forced
10 more than 120,000 people of Japanese ancestry into 10
11 concentration camps, including 2 in California. At the time,
12 California's leaders both supported and facilitated the internment
13 of thousands of Californians of Japanese ancestry. The Legislature
14 also passed discriminatory measures against Californians of
15 Japanese ancestry, including a resolution calling on Congress to
16 identify individuals holding dual citizenship in the United States
17 and Japan, force them to forfeit their citizenship, and prevent them
18 from becoming American citizens.

19 (8) California's vast highway system was often built to break
20 up BIPOC communities within cities, forcing the destruction of
21 homes and displacing residents. For example, in 1963, the Santa
22 Monica Freeway in the City of Los Angeles was built right through
23 the center of the Sugar Hill neighborhood, destroying dozens of
24 mansions owned by African Americans in what had been a thriving,
25 predominantly Black community. The neighborhood was broken
26 up, and Black residents were forced out.

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Page 5 27 ~~(9) Under former Governor Pete Wilson’s tenure, California~~
28 ~~passed several measures that contributed to, or otherwise furthered,~~
29 ~~racial inequities, including the passage of Proposition 187 in 1994,~~
30 ~~Proposition 209 in 1996, and Proposition 227 in 1998. Proposition~~
31 ~~187, which Governor Wilson thoroughly supported, would have~~
32 ~~excluded undocumented immigrants from all public services before~~
33 ~~it was struck down as unconstitutional in 1997. With Proposition~~
34 ~~209, California became the first state to pass a formal ban on~~
35 ~~affirmative action. Proposition 227, which Governor Wilson also~~
36 ~~embraced, essentially required English-only education.~~

37 ~~(10) California’s prison and jail incarceration rates have grown~~
38 ~~exponentially since the 1970s. BIPOC Californians are~~
39 ~~overrepresented in the state’s prison system and jails, due to~~
40 ~~discriminatory state policies and practices, including in policing,~~
Page 6 1 ~~convicting, and sentencing. One such policy that exacerbated the~~
2 ~~racial inequities in the prison system is the Three Strikes sentencing~~
3 ~~law, which was enacted in 1994, and was considered one of the~~
4 ~~harshest sentencing laws in the country. Under the law, thousands~~
5 ~~of Californians, and in particular Black Californians, have been~~
6 ~~sentenced to life in prison for only minor crimes, including petty~~
7 ~~theft, due to their prior felony record.~~

8 ~~(c) Government policies and institutional practices have~~
9 ~~marginalized, disenfranchised, stripped resources and power from,~~
10 ~~targeted, and otherwise brought violence on BIPOC Californians.~~
11 ~~To the present day, government actions have created, failed to~~
12 ~~address, or exacerbated racial inequities and disparities in terms~~
13 ~~of housing, public health, economic, educational, employment,~~
14 ~~carceral, and environmental conditions. These disparities are~~
15 ~~manifest in, though not limited to, the following ongoing, harmful~~
16 ~~social practices and disparate outcomes:~~

17 ~~(1) The persistent legacy of discrimination in housing, through~~
18 ~~practices such as redlining, which have prevented BIPOC~~
19 ~~communities from building intergenerational wealth or accessing~~
20 ~~living standards available to White communities. In September~~
21 ~~2020, the Board of Governors of the Federal Reserve found that,~~
22 ~~while White families have a median wealth of \$188,200, Black~~
23 ~~and Hispanic families have a median wealth of only \$24,100 and~~
24 ~~\$36,100, respectively.~~

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Page 6 25 ~~(2) The development of highways in California which have~~
26 ~~repeatedly divided and destroyed communities and housing in~~
27 ~~BIPOC communities.~~

28 ~~(3) The concentration of polluting facilities in BIPOC~~
29 ~~communities, which constitute a public health threat to BIPOC~~
30 ~~communities by threatening air quality and water quality and~~
31 ~~contribute to chronic respiratory disease, cardiovascular disease,~~
32 ~~deteriorated brain health, including in children, and increased~~
33 ~~hospital visits, missed school days, and premature deaths. BIPOC~~
34 ~~Californians are therefore more likely to live near sources of~~
35 ~~pollution, breathe polluted air, and be impacted disproportionately~~
36 ~~by the effects of air pollution and climate change. In California,~~
37 ~~Black and Native American individuals have a significantly higher~~
38 ~~prevalence of asthma and are more likely to experience an~~
39 ~~avoidable hospitalization due to asthma.~~

Page 7 1 ~~(4) The concentration of poverty in BIPOC communities, which~~
2 ~~is the single largest social determination of public health and a~~
3 ~~significant contributing factor to the development of coincident~~
4 ~~socioeconomic burdens such as unemployment, social exclusion,~~
5 ~~lack of education, and low income, and thereby linked to chronic~~
6 ~~physical, mental, and public health challenges such as stress,~~
7 ~~anxiety, depression, heart disease, obesity, diabetes, and cancer.~~
8 ~~Children who grow up in poverty, and especially those who are~~
9 ~~BIPOC, are more likely to experience food insecurity and~~
10 ~~malnutrition, face health-harming environmental exposures,~~
11 ~~including elevated blood lead levels, and increased adverse~~
12 ~~childhood experiences.~~

13 ~~(5) The lack of access to quality health care in BIPOC~~
14 ~~communities, which is apparent in alarming disparities such as the~~
15 ~~experience of Black mothers, who are three to four times more~~
16 ~~likely to die from pregnancy-related causes than White women.~~
17 ~~These disparities persist in spite of income differences and result~~
18 ~~from health care providers dismissing symptoms raised by Black~~
19 ~~women or perpetuating racist assumptions about pain thresholds~~
20 ~~experienced by Black people, as well as the lived experiences of~~
21 ~~racism and discrimination in all other facets of society.~~

22 ~~(6) Black trans women suffer from employment, housing, and~~
23 ~~educational discrimination and police brutality that result in the~~
24 ~~most acute health disparities. In recent years, the federal~~
25 ~~government took action to encourage homeless shelters, social~~

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Page 7 26 services, educational institutions, and health care providers to
27 discriminate against transgender people and overlook the
28 deleterious impacts of racism. These and other government policies,
29 among other oppressive systems targeting Black trans women,
30 have actively prevented Black trans women from accessing services
31 critical to achieving optimal health.

32 (7) On an individual physiological level, studies show that
33 chronic stress from individual and systemic acts of racism and
34 discrimination trigger high blood pressure, heart disease,
35 immunodeficiency, and result in accelerated aging. The lived
36 experiences of racism and discrimination, both explicitly and
37 implicitly expressed, and across all facets of society, and not only
38 those discussed in the aforementioned examples, contribute to
39 alarmingly disparate health and quality of life outcomes in BIPOC
40 communities, including for maternal care.

Page 8 1 (8) Disparities exist in California’s system of mental health
2 care, and the identification and incorporation of culturally and
3 linguistically appropriate practices and data in public mental health
4 is lagging.

5 (d) California is also home to the largest Armenian-American
6 population in the United States. Many in the community have
7 family members who experienced firsthand the horror and evil of
8 the Armenian Genocide and its ongoing denial, which continues
9 to inflict trauma and pain on family members and the Armenian
10 community at large.

11 (e) The COVID-19 pandemic, the ensuing economic crisis, and
12 recent protests against institutional violence committed against
13 Black communities again highlight the racial injustices and health
14 inequities that have long threatened BIPOC communities.

15 (1) BIPOC people tend to work in essential jobs that may lead
16 to a higher likelihood of being exposed to COVID-19, or in jobs
17 that have an inability to work remotely and, therefore, are more
18 severely impacted by the economic crisis. In California, Black and
19 Latino individuals are also more likely to have existing health
20 conditions that make them more susceptible to contracting
21 COVID-19, experience more severe symptoms, and suffer from
22 higher mortality rates.

23 (2) The COVID-19 pandemic has been devastating for working
24 women, with almost 2,100,000 working women leaving the labor
25 force altogether between February and December 2020, and for

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Page 8 26 ~~Black women and Latinas, in particular, with more than 1 in 12~~
27 ~~Black women and 1 in 11 Latinas 20 years of age and older~~
28 ~~unemployed as of December 2020.~~
29 ~~(f) Racism itself harms health. Racism results in government~~
30 ~~policies that reduce access to education, housing, health care,~~
31 ~~employment opportunities, and other resources and elements of a~~
32 ~~healthy community, while spurring overinvesting in~~
33 ~~disproportionate and inappropriate policing by law enforcement.~~
34 ~~On an individual, physiological level, studies show that chronic~~
35 ~~stress from individual and systematic acts of racism and~~
36 ~~discrimination trigger high blood pressure, heart disease,~~
37 ~~immunodeficiency, and result in accelerated aging. Racism~~
38 ~~endangers the health of individuals, the community, and public~~
39 ~~health and in doing this threatens the well-being of the whole~~
40 ~~society, and threatens to perpetuate a dangerously widening~~
Page 9 1 ~~opportunity gap between the state’s BIPOC and White communities~~
2 ~~that is detrimental to the overall public good.~~
3 ~~(g) Racism itself also harms the economy. Research shows that~~
4 ~~closing the racial wealth gap, which is the result of discriminatory~~
5 ~~policies, including in housing and education, is not only the right~~
6 ~~thing to do for BIPOC Americans, but it is the smart thing to do~~
7 ~~for the country. A 2019 report found that eliminating the racial~~
8 ~~wealth gap could raise the United States Gross Domestic Product~~
9 ~~by 4 to 6 percent by 2028.~~
10 ~~(h) Accordingly, the California Legislature, joining a growing~~
11 ~~list of cities and counties across the state and country to~~
12 ~~acknowledge the long-standing impacts of systemic racism,~~
13 ~~declared racism as a public health crisis in 2021 with Senate~~
14 ~~Concurrent Resolution 17. In order to advance and improve public~~
15 ~~health for all Californians, the state must approach laws and~~
16 ~~regulations with an antiracist, Health and Equity in All Policies~~
17 ~~focus that interrogates whether policies play a role in creating,~~
18 ~~maintaining, or dismantling racist systems, and it must secure~~
19 ~~adequate resources to address the crisis. This new policy framework~~
20 ~~and leadership will also help our state, local governments, and~~
21 ~~community-based agencies craft strategies for reducing mental~~
22 ~~health disparities in BIPOC communities that will become an~~
23 ~~estimated 62 percent of the state’s population by 2030.~~
24 ~~(i) It is the intent of the Legislature to institute a new policy~~
25 ~~framework for racial equity that would provide an instructive model~~

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Page 9 26 for local governments seeking to establish offices and infrastructure
27 designed to remedy racial inequity and to facilitate further dialogue,
28 exchange, and collaboration between the state and local
29 governments that have already begun such efforts.

30 (j) California is currently working to address racial inequity
31 through the establishment of the Chief Equity Officer at the
32 Government Operations Agency. This role is an encouraging start
33 to address racial inequity starting from within the administration
34 and human resources to develop a framework to diversify the
35 state’s workforce.

36 (k) Section 31 of Article I of the California Constitution shall
37 not be interpreted as prohibiting action that must be taken to
38 establish or maintain eligibility for any federal program, if
39 ineligibility would result in a loss of federal funds to the state.
40 Title VI of the Civil Rights Act of 1964 (Title VI) provides under
Page 10 1 Section 2000(d) that, “No person in the United States shall, on the
2 ground of race, color, or national origin, be excluded from
3 participation in, be denied the benefits of, or be subjected to
4 discrimination under any program or activity receiving Federal
5 financial assistance.” It is therefore the intent of the Legislature
6 to enact legislation affirming California’s commitment to achieving
7 and maintaining compliance with Title VI, including in matters
8 that may conflict with the California Constitution.

9 **SEC. 2.**

10 **SECTION 1.** Chapter 4.6 (commencing with Section 8303) is
11 added to Division 1 of Title 2 of the Government Code, to read:

12
+ **CHAPTER 4.6. RACIAL EQUITY-ADVISORY AND**
13 **ACCOUNTABILITY COMMISSION**

+
15 8303. As used in this chapter:

16 (a) “Commission” means the Racial Equity-Advisory and
17 Accountability Commission established pursuant to Section 8303.1.

18 (b) “Institutional racism” means the ways in which policies,
19 programs, and practices perpetuated by institutions, including
20 governments and private groups, produce different outcomes for
21 different racial groups in a manner that benefits the dominant
22 group.

23 (c)

Amendment 2

Amendment 3

Amendment 4

Amendment 5

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Page 10 + (b) “Racial equity” means ~~the condition achieved when efforts~~
 24 ~~to ensure~~ race can no longer be used to predict life ~~outcomes~~
 25 ~~well-being, outcomes,~~ and conditions for all groups are improved.
 26 ~~Racial equity includes transforming the behaviors, institutions,~~
 27 ~~and systems that disproportionately harm historically marginalized~~
 28 ~~communities, including increasing access to power, redistributing~~
 29 ~~and providing additional resources, and eliminating barriers to~~
 30 ~~opportunity, in order to empower those who have been most~~
 31 ~~harmed, including, but not limited to, low-income communities~~
 + ~~of color, to thrive and reach their full potential.~~ *groups.*
 32 (d) “Racial Equity Framework” means a single
 33 administrationwide document outlining the state’s vision, goals,
 34 theory of change, and overarching strategies to address structural
 35 racism and racial inequities, and to advance racial equity and equal
 36 dignity in the state, with a focus on the work of the state
 37 government described in Section 8303.3.
 38 (e)
 + (c) “Structural racism” means the ~~macrolevel systems, social~~
 39 ~~forces, institutions, ideologies, policies, programs, and processes~~
 1 ~~and programs~~ that interact with one another to generate and
 2 reinforce inequities among racial and ethnic groups.
 3 8303.1. (a) There is *established* in state government a Racial
 4 ~~Equity Advisory and Accountability Commission, an independent~~
 5 ~~public entity not affiliated with an agency or department.~~
 + *Commission.*
 6 (b) ~~The Racial Equity Advisory and Accountability Commission~~
 7 ~~commission~~ shall consist of ~~nine~~ 11 members who are residents
 8 of California. Of the members of the commission, ~~five~~ *seven*
 9 members shall be appointed by the Governor, two shall be
 10 appointed by the Senate Committee on Rules, and two shall be
 11 appointed by the Speaker of the Assembly.
 12 (c) Members of the commission shall be appointed for a term
 13 of two years. Vacancies shall be filled in the same manner that
 14 provided for the original appointment.
 15 (d) (1) A person appointed to the commission shall have
 16 ~~demonstrated, acknowledged~~ *demonstrated* expertise and meet
 17 criteria in at least one of the following areas:
 18 (A) ~~Analyzing, reporting on, or proposing implementing, or~~
 19 ~~developing public policies in the areas of, but not limited to, that~~
 20 *impact* racial equity as it relates to at least one of the following

**Amendment 6
Amendment 7**

Amendment 8

Amendment 9

Amendments 10 & 11

**Amendment 12
Amendment 13**

**Amendment 14
Amendment 15
Amendment 16**

Amendment 17

Amendments 18 & 19

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Page 11 21 areas: broadband, climate change, disability rights, education, food
22 insecurity, housing, immigration, land use, employment,
23 environment, economic security, public health, health care, wealth,
24 policing, criminal justice, transportation, youth leadership,
25 agriculture, the wealth gap, entrepreneurship, arts and culture,
26 voting rights, and public safety that may have an impact on racial
+ equity or racial disparities.

27 (B) Developing or using *data or* budget equity assessment tools.

28 (C) Providing technical assistance ~~for government or nonprofit~~
29 ~~organizations~~ in developing and implementing strategies for racial
30 equity, including, but not limited to, *guidance on* employee training
31 and support, development of racial equity programming, and
32 assistance to *organizations and* departments ~~to change departmental~~
33 ~~on changing~~ policies and practices to improve racial equity
+ outcomes.

34 (D) Be a member of, or represent an equity-focused organization
35 who works with, an impacted community whose lived experience
36 will ~~support~~ *inform* the work of the office, including, but not
37 limited to, members of the ~~disability community and LGBTQ~~
+ ~~community~~. *disability, immigrant, women's, and LGBTQ*
+ *communities*.

38 (2) Appointing authorities shall consider the expertise of the
39 other members of the commission and make appointments that
40 reflect the cultural, ethnic, racial, linguistic, sexual orientation,
Page 12 1 ~~gender, immigration status, gender identity, immigrant experience,~~
2 socioeconomic, *age, disability,* and geographical diversity of the
3 state so that the commission reflects the communities of California.

4 (3) Commission members shall serve without compensation,
5 but they may be reimbursed for ~~actual~~ *actual, preapproved*
6 expenses incurred in connection with their duties.

7 (e) The commission shall ~~have the powers and authority~~
8 ~~necessary to carry out the duties imposed by this chapter, including~~
9 ~~all of the following:~~ *be staffed by the Office of Planning and*
+ *Research*.

10 (1) ~~(A) To employ administrative, technical, and other personnel~~
11 ~~as may be necessary for the performance of its powers and duties,~~
12 ~~including an executive director to organize, administer, and manage~~
13 ~~the operations of the commission.~~

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Page 12 14 ~~(B) An executive director employed pursuant to this paragraph~~
15 ~~shall be exempt from civil service and shall serve at the pleasure~~
16 ~~of the commission.~~
+ (f) *The commission shall have all of the following powers and*
+ *authority:*
17 (2)
+ (1) To hold hearings, make and sign agreements, and to perform
18 ~~any acts that may be necessary, desirable, or proper necessary to~~
19 ~~carry out the purposes of this chapter.~~
20 (3) ~~To cooperate with, secure the cooperation of, and issue~~
21 ~~subpoenas to, any department, division, board, bureau, commission,~~
22 ~~or other agency of the state to facilitate it properly in carrying out~~
23 ~~the commission’s powers and duties under this chapter.~~
24 (4)
+ (2) (A) To ~~appoint~~ *engage with* advisers or advisory committees
25 from time to time when the commission determines that the
26 experience or expertise of advisers or advisory committees is
27 needed for projects of the commission.
28 (B) Section 11009 applies to advisers or advisory committees
29 described in this paragraph.
30 (5)
+ (3) To accept any federal funds granted by act of Congress or
31 by executive order for the purposes of this chapter.
32 (6)
+ (4) To accept any gifts, donations, grants, or bequests for the
33 purposes of this chapter.
34 (f) ~~The commission shall hold at least one quarterly public~~
35 ~~meeting to fulfill its duties and to receive updates from the~~
36 ~~executive director on progress, accomplishments, and barriers to~~
37 ~~achieving the duties and responsibilities outlined in this chapter.~~
38 (g) ~~The commission may require specific updates from the~~
39 ~~executive director as deemed necessary.~~
Page 13 1 8303.3. (a) The commission shall ~~coordinate, analyze, develop,~~
2 ~~evaluate, and recommend strategies and policies~~ *develop resources,*
3 *best practices, and tools* for advancing racial equity across state
4 agencies, departments, and the office of the Governor. The
+ commission shall, at a minimum, ~~do equity, based upon publicly~~
5 *available information and data, by doing* all of the following:
6 (1) (A) In consultation with state agencies, departments, *private*
7 and public stakeholders, as appropriate, develop a statewide Racial

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Amendment 38

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Amendment 40

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Page 13 8 Equity Framework. The final Racial Equity Framework shall be
9 approved by the commission, submitted to the Governor and the
10 Legislature ~~no later than January 1, 2024, on or after December~~
+ ~~1, 2024, but no later than April 1, 2025,~~ and posted to the
11 commission’s internet website. ~~The commission shall request~~
12 ~~public input during its regular quarterly meetings and allow for~~
13 ~~public comment on its assessment before finalization. The Racial~~
14 ~~Equity Framework shall set forth a vision for racial equity in the~~
15 ~~state by providing guidelines for inclusive policies and practices~~
16 ~~that includes a strategic plan with policy and inclusive practice~~
17 ~~recommendations, guidelines, theory of change, goals, and~~
18 ~~benchmarks to reduce racial inequities, promote racial equity, and~~
19 ~~address individual, institutional, and structural racism. The Racial~~
20 ~~Equity Framework shall also describe the historical legacy and~~
21 ~~impacts of institutional racism in California, including its impacts~~
22 ~~across the social determinants of health. The Racial Equity~~
23 ~~Framework shall be assessed and updated as necessary only if~~
24 ~~there is opportunity for public input before the finalization of an~~
+ ~~amended framework.~~

25 (2) ~~In consultation with state agencies and departments, establish~~
26 ~~methodologies, a system of measurement, and data needs for~~
27 ~~assessing how state statutes, regulations, and practices contribute~~
28 ~~to, uphold, or exacerbate racial disparities. This shall include, but~~
29 ~~is not limited to, the following:~~

+ (B) ~~The Racial Equity Framework shall set forth all of the~~
+ ~~following:~~

+ (i) ~~Methodologies and tools that can be employed to advance~~
+ ~~racial equity and address structural racism in California.~~

30 (A) ~~Creating and implementing budget~~

+ (ii) ~~Budget methodologies, including equity assessment tools~~
31 ~~to determine whether tools, that entities can use to analyze how~~
32 ~~budget requests and annual allocations benefit or burden~~
+ ~~communities of color.~~

33 (B) ~~Establishing a process for ensuring that data collected~~
34 ~~pursuant to this paragraph are managed effectively and provide~~
35 ~~meaningful information, including~~

+ (iii) ~~Processes for collecting and analyzing data effectively and~~
+ ~~safely, as appropriate and practiceable, including disaggregation~~
36 ~~by race, ethnicity, gender, sexual orientation and gender identity,~~

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Page 13 37 disability, income, veteran status, or other key demographic
+ variables: *variables and the use of proxies.*
+ (iv) *Input and feedback from stakeholder engagements.*
38 ~~(3)~~
+ (2) Review and identify existing policies, programs, regulations,
39 and practices in state government that contribute to, uphold, or
40 exacerbate racial disparities in areas including, but not limited to,
Page 14 1 education, housing, land use, employment, environment, economic
2 security, public health, health care, the wealth gap, policing,
3 criminal justice, transportation, and public safety. The findings of
4 the review described in this subdivision shall include any
5 recommendations for addressing the issues identified and be
6 published on the internet website of the office, and reported to the
7 Governor and to the Governor’s cabinet, as well as any agencies
8 or departments with oversight over the issues identified.
9 ~~(4) Review and provide feedback regarding each agency’s~~
10 ~~report, as described in Section 8303.5. The commission shall also~~
11 ~~provide~~
+ (3) *Upon request by an agency, provide technical assistance to*
12 *agencies on implementing strategies for racial equity consistent*
+ *with the Racial Equity Framework.*
13 ~~(5) Support research activities of state government directed at~~
14 ~~advancing racial equity.~~
15 ~~(6)~~
+ (4) *Engage stakeholders and community members to address*
16 *the root causes of racial inequities and ensure that the Racial Equity*
17 *Framework repairs historical harm done by government-sanctioned*
18 *actions: members, including by holding quarterly stakeholder*
+ *meetings, to seek input on the commission’s work, as described.*
19 ~~(7)~~
+ (5) *Engage, collaborate, and consult with policy experts in order*
20 *to conduct analyses and develop policy recommendations, tools,*
21 *including building on and collaborating with existing offices,*
22 *departments, agencies, and working groups bodies, as appropriate.*
23 ~~(8)~~
+ (6) *Promote the ongoing, equitable delivery of government*
24 *benefits and opportunities, including, but not limited to:*
+ *opportunities by doing both of the following:*
25 (A) ~~Provide~~ *Upon request, providing* technical assistance to
26 local government entities engaging in racial equity programming.

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Page 14 27 (B) ~~Encourage~~*Encouraging* the formation and implementation
28 of racial equity initiatives in local government entities, including
29 cities and counties.
30 ~~(9) (A) Conduct, on or before January 1, 2025, and pursuant~~
31 ~~to subparagraph (B), an initial assessment of state department and~~
32 ~~agency efforts to advance racial equity efforts.~~
33 ~~(B) (i) The commission shall collect all necessary data from~~
34 ~~state agencies and departments to assess compliance with the goals~~
35 ~~of the Racial Equity Framework. The commission shall request~~
36 ~~public input for this assessment during its regular quarterly~~
37 ~~meetings and allow for public comment on its assessment before~~
38 ~~finalization.~~
39 ~~(ii) The assessment conducted pursuant to this subparagraph~~
40 ~~shall be published on the commission’s internet website and shall~~
Page 15 1 ~~be used to prioritize the request of reports from state agencies and~~
2 ~~departments, as described in Section 8303.5, and to provide further~~
3 ~~recommendations regarding the Racial Equity Framework.~~
4 (b) (1) The commission shall prepare an annual report that
5 evaluates and reports on progress in, and any obstacles to, meeting
6 statewide goals and policies established under the Racial Equity
7 Framework. *summarizes feedback from public engagement with*
+ *communities of color, provides data on racial inequities and*
+ *disparities in the state, and recommends best practices on tools,*
+ *methodologies, and opportunities to advance racial equity.* The
8 report shall include recommendations to further the state’s goals
9 established under the Racial Equity Framework, shall be submitted
+ *submitted, on or after December 1, 2025, and annually thereafter,*
10 to the Governor and the Legislature, *Legislature* and shall be posted
11 publicly on the internet website of the commission. ~~On and after~~
12 ~~January 1, 2026, the report shall also contain summaries or lessons~~
13 ~~learned of the reports submitted by state departments or agencies~~
+ ~~pursuant to Section 8303.5.~~
14 (2) A report to be submitted pursuant to paragraph (1) shall be
15 submitted in compliance with *pursuant to* Section 9795.
21 (c) ~~The commission is expressly authorized to state its position~~
22 ~~and viewpoint on issues developed in the performance of its duties~~
23 ~~and responsibilities, as specified in this chapter.~~
24 8303.5. (a) Each agency shall, upon the request of the
25 commission, prepare a report on the agency’s progress towards
26 goals set forth in the Racial Equity Framework. The report shall

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Page 15 27 include relevant data on the status of racial equity in the agency’s
28 workforce, an equity assessment of the agency that includes, but
29 is not limited to, existing policies and programs that may
30 exacerbate systemic racism, work being done to address those
31 disparities, and its provision of services to the public, including
32 both direct services as well as services provided through grants
33 and contracts.

34 (b) The commission shall have the authority to prioritize the
35 order of the reports it requests based on the initial assessment
36 described in paragraph (9) of subdivision (a) of Section 8303.3.
37 The commission may choose to request reports based on the
38 function of the governmental department or agency or the need to
39 address racial inequality within the department or agency. These
Page 16 1 reports may be requested on a rolling basis with the first reports
2 due on or before July 1, 2025.

3 (c) Each agency shall submit its report to the commission within
4 six months of the date on which the commission requested the
5 report. The commission and each agency shall publish the final
6 report on their respective internet websites. The Governor shall
7 consider the reports in connection with the budget process.

8 8303.7.

+ 8303.5. (a) The provisions of this chapter are severable. If any
9 provision of this chapter or its application is held invalid, that
10 invalidity shall not affect other provisions or applications that can
11 be given effect without the invalid provision or application.

12 (b) (1) This chapter shall become inoperative on January 1,
13 2030.

14 (2) On or before January 1, 2030, the commission shall issue a
15 final report to the Legislature, pursuant to Section 9795, on its
16 findings and recommendations for next steps to address structural
17 racism and racial inequities in California.

18 (c) This chapter shall be repealed on January 1, 2031.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 774

AMENDED IN ASSEMBLY SEPTEMBER 3, 2021

AMENDED IN ASSEMBLY JULY 14, 2021

AMENDED IN SENATE MARCH 3, 2021

SENATE BILL

No. 774

Introduced by Senator Hertzberg

February 19, 2021



RN2219781

~~An act to add and repeal Section 952.1 to the Evidence Code, relating to evidence; amend Section 122318 of the Health and Safety Code, relating to vulnerable populations.~~

Amendment 1

LEGISLATIVE COUNSEL'S DIGEST

~~SB 774, as amended, Hertzberg. **Lawyer-client privilege: Department of Fair Employment and Housing.** *Pets and veterinary services: emotional support dogs.*~~

~~*Existing law prohibits a health care practitioner from providing documentation relating to an individual's need for an emotional support dog unless the health care practitioner complies with specified criteria, including, among other things, that the health care practitioner establish a client-provider relationship with the individual for at least 30 days prior to providing the documentation.*~~

~~*This bill would establish an exception to the 30-day relationship rule if the individual in need of an emotional support dog is verified to be homeless, as specified.*~~

~~*Existing law establishes the lawyer-client evidentiary privilege in court proceedings, whereby the client of a lawyer has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and lawyer.*~~

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PROPOSED AMENDMENTS

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SB 774

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~~The California Fair Employment and Housing Act prohibits an employer from discriminating against an employee on account of certain characteristics. The act authorizes a person alleging a violation of specified provisions of the act to submit a complaint to the Department of Fair Employment and Housing, and requires the department to take actions to investigate that complaint.~~

~~This bill would specify that the lawyer-client privilege applies to confidential communications between a lawyer of the Department of Fair Employment and Housing and a person who files a complaint with the department or another aggrieved person on whose behalf a complaint is filed. The bill would require a complainant or aggrieved person to assert the privilege on behalf of the department. The bill would prohibit the complainant or aggrieved person from disclosing confidential information transmitted between a department lawyer and a complainant or aggrieved person over the objection of the department, except as provided. The bill would prohibit the department from disclosing confidential information transmitted from a complainant or aggrieved person to a department lawyer that would reveal the identity of the complainant or aggrieved person, except as provided. The bill would repeal its provisions on January 1, 2027.~~

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

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

- + *SECTION 1. Section 122318 of the Health and Safety Code is*
- + *amended to read:*
- + 122318. (a) A health care practitioner shall not provide
- + documentation relating to an individual’s need for an emotional
- + support dog unless the health care practitioner complies with all
- + of the following criteria:
- + (1) Possesses a valid, active license and includes the effective
- + date, license number, jurisdiction, and type of professional license
- + in the documentation.
- + (2) Is licensed to provide professional services within the scope
- + of the license in the jurisdiction in which the documentation is
- + provided.
- + (3) ~~Establishes~~ *(A) Except as specified in subparagraph (B),*
- + *establishes* a client-provider relationship with the individual for

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+ at least 30 days prior to providing the documentation requested regarding the individual’s need for an emotional support dog.

+ (B) A client-provider relationship with the individual of 30 days or more shall not be required for individuals who are verified to be homeless. Homeless status may be verified by any of the following:

+ (I) Identification through the local Homeless Management Information System, as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

+ (II) Via a continuum of care, as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, or a homeless services provider that is contracting with a continuum of care.

+ (III) Visual confirmation by a homeless services provider of individuals dwelling in a homeless shelter, homeless encampment, outdoor makeshift shelter, or vehicle.

+ (4) Completes a clinical evaluation of the individual regarding the need for an emotional support dog.

+ (5) Provides a verbal or written notice to the individual that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor violation of Section 365.7 of the Penal Code.

+ (b) For purposes of this section, “health care practitioner” means a person who is licensed and regulated pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, who is acting within the scope of practice of the person’s license or certificate.

+ (c) A health care practitioner may be subject to discipline from the health care practitioner’s licensing board for a violation of this section.

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1 SECTION 1. ~~Section 952.1 is added to the Evidence Code, to~~
2 ~~read:~~

3 ~~952.1. (a) For purposes of this section, “department” and~~
4 ~~“client” mean the Department of Fair Employment and Housing.~~

5 ~~(b) As used in this article, “confidential communication between~~
6 ~~client and lawyer” includes information transmitted between the~~
7 ~~department and its lawyers in the course of that relationship and~~
8 ~~in confidence by a means which, so far as the department is aware,~~
9 ~~discloses the information to no third persons other than those who~~
10 ~~are present to further the interest of the department in the~~

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Page 2 11 consultation or those to whom disclosure is reasonably necessary
12 for the transmission of the information or the accomplishment of
13 the purpose for which the lawyer is consulted, including, but not
14 limited to, confidential information transmitted between a
15 department lawyer and a complainant who files a complaint with
16 the department or other person aggrieved by alleged discriminatory
17 practices or other violations on whose behalf a complaint is filed;
18 and includes a legal opinion formed and the advice given by the
19 lawyer in the course of that relationship.

20 (e) (1) Notwithstanding Section 954, a complainant or aggrieved
21 person shall assert the privilege over confidential information
22 transmitted between a department lawyer and a complainant or
23 aggrieved person. Subject to paragraph 2, the complainant or
24 aggrieved person may not disclose the confidential information
Page 3 1 over the objection of the department unless the department has
2 been given advance reasonable notice of at least 30 days, an
3 opportunity to object, and a court finds that the interests of the
4 complainant or aggrieved person in disclosure outweigh the
5 department's interest in maintaining the confidentiality of the
6 information and that the disclosure is not prevented by any other
7 law, privilege, or doctrine, including, but not limited to, the
8 attorney work product doctrine.

9 (2) The complainant or aggrieved person need not provide the
10 department with notice of disclosure of confidential information
11 transmitted between a department lawyer and the complainant or
12 aggrieved person if disclosure of the confidential information is
13 made to any government entity that has oversight over the
14 department or its attorneys' conduct.

15 (3) The department may not disclose any confidential
16 information transmitted from a complainant or aggrieved person
17 to a department lawyer that would reveal the identity of the
18 complainant or aggrieved person unless the complainant or
19 aggrieved person consents; disclosure is required by law, court
20 order, or a work-sharing agreement with another government
21 agency; or the department consents to disclosure as part of an
22 enforcement action, including, but not limited to, an investigation
23 or civil action, of the department or other government agency.

24 (d) Subdivision (b) of this section is declarative of, and clarifies,
25 existing law. This section applies retroactively.

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Page 3 26 (e) ~~This section shall remain in effect only until January 1, 2027,~~
27 ~~and as of that date is repealed.~~

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PROPOSED AMENDMENTS TO SENATE BILL NO. 1020

AMENDED IN ASSEMBLY AUGUST 15, 2022

AMENDED IN SENATE MAY 23, 2022

AMENDED IN SENATE MAY 4, 2022

AMENDED IN SENATE APRIL 18, 2022

SENATE BILL

No. 1020



Introduced by Senators Laird, Caballero, Durazo, and Atkins
(Coauthors: Senators Allen, Becker, Gonzalez, Hertzberg, Hueso,
Kamlager, Limón, McGuire, Skinner, Stern, and Wieckowski)

February 14, 2022

An act to amend Section 7921.505 of the Government Code, to amend Section 38561 of the Health and Safety Code, to amend ~~Section 454.53~~ Sections 454.53 and 583 of, and to add Sections ~~352.8, 454.59, 454.59~~ and 739.13 to, the Public Utilities Code, and to add Division 27.5 (commencing with Section 80400) to the Water Code, relating to ~~climate change~~ public resources.

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LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as amended, Laird. Clean Energy, Jobs, and Affordability Act of 2022.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. The act requires the state board to conduct

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a series of public workshops to give interested parties an opportunity to comment on the plan and requires a portion of those workshops to be conducted in regions of the state that have the most significant exposure to air pollutants, including communities with minority populations, communities with low-income populations, or both.

This bill instead would modify, with respect to the provision that a portion of the workshops be conducted in regions of the state that have the most significant exposure to air pollutants, the above-described included communities as additionally being areas designated as federal extreme nonattainment.

Under existing law, it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.

This bill would revise that state policy to instead provide that eligible renewable energy resources and zero-carbon resources supply 90% of all retail sales of electricity to California end-use customers by December 31, 2035, 95% of all retail sales of electricity to California end-use customers by December 31, 2040, 100% of all retail sales of electricity to California end-use customers by December 31, 2045, and 100% of electricity procured to serve all state agencies by December 31, ~~2030~~, 2035, as specified.

Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC to ensure that facilities needed to maintain the reliability of the electrical supply remain available and operational.

Existing law establishes an Independent System Operator (ISO) as a nonprofit public benefit corporation and requires the ISO to ensure efficient use and reliable operation of the electrical transmission grid consistent with achieving planning and operating reserve criteria no less stringent than those established by the Western Electricity Coordinating Council and the North American Electric Reliability Council.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the PUC, ISO, transmission owners, users, and consumers, to adopt a strategic plan for the state’s electrical transmission grid using existing resources in order to identify and recommend actions required to

implement investments needed to ensure reliability, relieve congestion, and meet future growth in load and generation.

This bill would authorize the PUC and Energy Commission, upon request of the ISO, to disclose to the ISO confidential information relating to power purchase agreements with electric generation and energy storage projects for purposes of transmission planning.

This bill would require the PUC, Energy Commission, and state board, on or before December 1, 2023, and annually thereafter, to issue a joint reliability progress report that reviews system and local reliability within the context of that state policy described above, with a particular focus on summer reliability, identifies challenges and gaps, if any, to achieving system and local reliability, and identifies the amount and cause of any delays to achieving compliance with all energy and capacity procurement requirements set by the PUC.

This bill would require the PUC to develop a definition of energy affordability, as specified, and to use energy affordability metrics ~~and affordability thresholds~~ to guide the development of any protections, incentives, discounts, or new programs to assist residential customers facing hardships or disconnections due to electricity or gas bills and to assess the impact of proposed rate increases on different types of residential customers.

The California Public Records Act requires a public agency, defined to mean a state or local agency, to make its public records available for public inspection and to make copies available upon request and payment of a fee, unless the public records are exempt from disclosure. The act makes specified records exempt from disclosure and provides that disclosure by a state or local agency of a public record that is otherwise exempt constitutes a waiver of the exemptions.

This bill would specify that a disclosure made through the sharing of information between the ISO and a state agency does not constitute a waiver of the exemptions.

Existing law prohibits information furnished to the PUC by a public utility, a business that is a subsidiary or affiliate of a public utility, or a corporation that holds a controlling interest in a public utility from being open to public inspection or made public, except as specified.

This bill would authorize a present officer or employee of the PUC to share information with the ISO pursuant to an agreement to treat the shared information as confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of

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public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because certain of the above provisions would be part of the act and a violation of a PUC action implementing this bill’s requirements would be a crime, the bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

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1 SECTION 1. This act shall be known, and may be cited, as the
2 Clean Energy, Jobs, and Affordability Act of 2022.

+ SEC. 2. Section 7921.505 of the Government Code is amended
+ to read:

+ 7921.505. (a) As used in this section, “agency” includes a
+ member, agent, officer, or employee of the agency acting within
+ the scope of that membership, agency, office, or employment.

+ (b) Notwithstanding any other law, if a state or local agency
+ discloses to a member of the public a public record that is otherwise
+ exempt from this division, this disclosure constitutes a waiver of
+ the exemptions specified in:

+ (1) The provisions listed in Section 7920.505.

+ (2) Sections 7924.510 and 7924.700.

+ (3) Other similar provisions of law.

+ (c) This section, however, does not apply to any of the following
+ disclosures:

+ (1) A disclosure made pursuant to the Information Practices Act
+ of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8
+ of Part 4 of Division 3 of the Civil Code) or a discovery
+ proceeding.

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- + (2) A disclosure made through other legal proceedings or as otherwise required by law.
- + (3) A disclosure within the scope of disclosure of a statute that limits disclosure of specified writings to certain purposes.
- + (4) A disclosure not required by law, and prohibited by formal action of an elected legislative body of the local agency that retains the writing.
- + (5) A disclosure made to a governmental agency that agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.
- + (6) A disclosure of records relating to a financial institution or an affiliate thereof, if the disclosure is made to the financial institution or affiliate by a state agency responsible for regulation or supervision of the financial institution or affiliate.
- + (7) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Business Oversight, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Business Oversight.
- + (8) A disclosure made by the Commissioner of Business Oversight under Section 450, 452, 8009, or 18396 of the Financial Code.
- + (9) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Managed Health Care, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.
- + (10) *A disclosure made through the sharing of information between the Independent System Operator and a state agency.*

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Page 4 3 ~~SEC. 2.~~
+ SEC. 3. Section 38561 of the Health and Safety Code is
4 amended to read:
5 38561. (a) On or before January 1, 2009, the state board shall
6 prepare and approve a scoping plan, as that term is understood by
7 the state board, for achieving the maximum technologically feasible
8 and cost-effective reductions in greenhouse gas emissions from
9 sources or categories of sources of greenhouse gases by 2020 under
10 this division. The state board shall consult with all state agencies
11 with jurisdiction over sources of greenhouse gases, including the
12 Public Utilities Commission and the State Energy Resources
13 Conservation and Development Commission, on all elements of
14 its plan that pertain to energy-related matters including, but not
15 limited to, electrical generation, load based-standards or
16 requirements, the provision of reliable and affordable electrical
17 service, petroleum refining, and statewide fuel supplies to ensure
18 the greenhouse gas emissions reduction activities to be adopted
19 and implemented by the state board are complementary,
20 nonduplicative, and can be implemented in an efficient and
21 cost-effective manner.

Page 5 1 (b) The plan shall identify and make recommendations on direct
2 emissions reduction measures, alternative compliance mechanisms,
3 market-based compliance mechanisms, and potential monetary
4 and nonmonetary incentives for sources and categories of sources
5 that the state board finds are necessary or desirable to facilitate
6 the achievement of the maximum feasible and cost-effective
7 reductions of greenhouse gas emissions by 2020.
8 (c) In making the determinations required by subdivision (b),
9 the state board shall consider all relevant information pertaining
10 to greenhouse gas emissions reduction programs in other states,
11 localities, and nations, including the northeastern states of the
12 United States, Canada, and the European Union.
13 (d) The state board shall evaluate the total potential costs and
14 total potential economic and noneconomic benefits of the plan for
15 reducing greenhouse gases to California’s economy, environment,
16 and public health, using the best available economic models,
17 emission estimation techniques, and other scientific methods.
18 (e) In developing its plan, the state board shall take into account
19 the relative contribution of each source or source category to
20 statewide greenhouse gas emissions, and the potential for adverse

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Page 5 21 effects on small businesses, and shall recommend a de minimis
22 threshold of greenhouse gas emissions below which emissions
23 reduction requirements will not apply.

24 (f) In developing its plan, the state board shall identify
25 opportunities for emissions reduction measures from all verifiable
26 and enforceable voluntary actions, including, but not limited to,
27 carbon sequestration projects and best management practices.

28 (g) The state board shall conduct a series of public workshops
29 to give interested parties an opportunity to comment on the plan.
30 The state board shall conduct a portion of these workshops in
31 regions of the state that have the most significant exposure to air
32 pollutants, including, but not limited to, areas designated as federal
33 extreme nonattainment that have communities with minority
34 populations, communities with low-income populations, or both.

35 (h) The state board shall update its plan for achieving the
36 maximum technologically feasible and cost-effective reductions
37 of greenhouse gas emissions at least once every five years.

38 ~~SEC. 3. Section 352.8 is added to the Public Utilities Code, to~~
39 ~~read:~~

Page 6 1 ~~352.8. Upon request of the Independent System Operator, the~~
2 ~~commission and Energy Commission may disclose to the~~
3 ~~Independent System Operator confidential information relating to~~
4 ~~power purchase agreements with electric generation and energy~~
5 ~~storage projects for purposes of transmission planning. Confidential~~
6 ~~information disclosed to the Independent System Operator pursuant~~
7 ~~to this section is not a waiver of an exemption from public~~
8 ~~disclosure pursuant to Section 7921.505 of the Government Code~~
9 ~~and shall not require public disclosure of the confidential~~
10 ~~information.~~

11 SEC. 4. Section 454.53 of the Public Utilities Code is amended
12 to read:

13 454.53. (a) It is the policy of the state that eligible renewable
14 energy resources and zero-carbon resources supply 90 percent of
15 all retail sales of electricity to California end-use customers by
16 December 31, 2035, 95 percent of all retail sales of electricity to
17 California end-use customers by December 31, 2040, 100 percent
18 of all retail sales of electricity to California end-use customers by
19 December 31, 2045, and 100 percent of electricity procured to
20 serve all state agencies by December 31, ~~2030.~~ 2035. The
21 achievement of this policy for California shall not increase carbon

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Page 6 22 emissions elsewhere in the western grid and shall not allow
23 resource shuffling. The commission and Energy Commission, in
24 consultation with the State Air Resources Board, shall take steps
25 to ensure that a transition to a zero-carbon electric system for the
26 State of California does not cause or contribute to greenhouse gas
27 emissions increases elsewhere in the western grid, and is
28 undertaken in a manner consistent with clause 3 of Section 8 of
29 Article I of the United States Constitution. The commission, the
30 Energy Commission, the State Air Resources Board, and all other
31 state agencies shall incorporate this policy into all relevant
32 planning.

33 (b) The commission, Energy Commission, State Air Resources
34 Board, and all other state agencies shall ensure that actions taken
35 in furtherance of subdivision (a) do all of the following:

36 (1) Maintain and protect the safety, reliable operation, and
37 balancing of the electric system.

38 (2) Prevent unreasonable impacts to electricity, gas, and water
39 customer rates and bills resulting from implementation of this
40 section, taking into full consideration the economic and
Page 7 1 environmental costs and benefits of renewable energy and
2 zero-carbon resources.

3 (3) To the extent feasible and authorized under law, lead to the
4 adoption of policies and taking of actions in other sectors to obtain
5 greenhouse gas emission reductions that ensure equity between
6 other sectors and the electricity sector.

7 (4) Not affect in any manner the rules and requirements for the
8 oversight of, and enforcement against, retail sellers and local
9 publicly owned utilities pursuant to the California Renewables
10 Portfolio Standard Program (Article 16 (commencing with Section
11 399.11) of Chapter 2.3) and Sections 454.51, 454.52, 9621, and
12 9622.

13 (c) Nothing in this section shall affect a retail seller’s obligation
14 to comply with the federal Public Utility Regulatory Policies Act
15 of 1978 (16 U.S.C. Sec. 2601 et seq.).

16 (d) The commission, Energy Commission, and State Air
17 Resources Board shall do all of the following:

18 (1) Use programs authorized under existing statutes to achieve
19 the policy described in subdivision (a).

20 (2) In consultation with all California balancing authorities, as
21 defined in subdivision (d) of Section 399.12, as part of a public

Page 7 22 process, issue a joint report to the Legislature by January 1, 2021,
23 and at least every four years thereafter. The joint report shall
24 include all of the following:

25 (A) A review of the policy described in subdivision (a) focused
26 on technologies, forecasts, then-existing transmission, and
27 maintaining safety, environmental and public safety protection,
28 affordability, and system and local reliability.

29 (B) An evaluation identifying the potential benefits and impacts
30 on system and local reliability associated with achieving the policy
31 described in subdivision (a).

32 (C) An evaluation identifying the nature of any anticipated
33 financial costs and benefits to electric, gas, and water utilities,
34 including customer rate impacts and benefits.

35 (D) The barriers to, and benefits of, achieving the policy
36 described in subdivision (a).

37 (E) Alternative scenarios in which the policy described in
38 subdivision (a) can be achieved and the estimated costs and benefits
39 of each scenario.

Page 8 1 (3) On or before December 1, 2023, and annually thereafter, in
2 consultation with California balancing authorities, as defined in
3 subdivision (d) of Section 399.12, and as part of, or an interim
4 addendum to, the quadrennial joint report required by paragraph
5 (2), as applicable, issue a joint reliability progress report that
6 reviews system and local reliability within the context of the policy
7 described in subdivision (a), with a particular focus on summer
8 reliability. The joint reliability progress report shall identify
9 challenges and gaps, if any, to achieving system and local reliability
10 and identify the amount and cause of any delays to achieving
11 compliance with all energy and capacity procurement requirements
12 set by the commission.

13 (e) Nothing in this section authorizes the commission to establish
14 any requirements on a nonmobile self-cogeneration or cogeneration
15 facility that served onsite load, or that served load pursuant to an
16 over-the-fence arrangement if that arrangement existed on or before
17 December 20, 1995.

18 (f) This section does not limit any entity, including local
19 governments, from accelerating their achievement of the state’s
20 electric sector decarbonization targets.

21 SEC. 5. Section 454.59 is added to the Public Utilities Code,
22 to read:

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Page 8 23 454.59. (a) This section applies to the obligations on a state
24 agency, except the State Water Resources Development System
25 commonly known as the State Water Project, imposed pursuant
26 to subdivision (a) of Section 454.53.

27 (b) Each state agency shall ensure that zero-carbon resources
28 and eligible renewable energy resources supply 100 percent of
29 electricity procured on its behalf by December 31, ~~2030~~ 2035.

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30 (c) A state agency may satisfy the requirement in subdivision
31 (b) by doing one or more of the following:

32 (1) Installing zero-carbon resources or eligible renewable energy
33 resources behind the customer meter on state-owned or state-leased
34 buildings to serve the state agency’s onsite load.

35 (2) Procuring zero-carbon resources or eligible renewable energy
36 resources through the local publicly owned electric utility or
37 load-serving entity, as defined in Section 380, providing retail
38 service to the state agency, subject to any credit or collateral
39 requirements or other applicable requirements imposed by the
40 local publicly owned electric utility or load-serving entity, as
Page 9 1 defined in Section 380, as a condition for procurement on behalf
2 of a customer.

3 (3) Participating in a voluntary shared renewable or green
4 pricing program offered by a local publicly owned electric utility
5 or load-serving entity, as defined in Section 380, if the resources
6 serving the state agency satisfy the requirements of subdivision
7 (d).

8 (d) New procurement commitments made on behalf of a state
9 agency by its retail seller or local publicly owned electric utility
10 after June 1, 2022, for zero-carbon resources or eligible renewable
11 energy resources to serve the state agency pursuant to subdivision
12 (c) shall satisfy all of the following criteria:

13 (1) The zero-carbon resource or eligible renewable energy
14 resource shall be newly developed as a result of contracting and
15 reach initial commercial operations on or after January 1, 2023.

16 (2) An eligible renewable energy resource or storage product
17 shall be required to satisfy either of the criteria specified in
18 paragraph (1) of subdivision (b) of Section 399.16.

19 (3) The zero-carbon resource or eligible renewable energy
20 resource shall be located within California.

22 (4) The retail seller or local publicly owned electric utility shall
23 require its contractors to use a multicraft project labor agreement,

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Page 9 24 as defined in paragraph (1) of subdivision (b) of Section 2500 of
25 the Public Contract Code, for construction of the zero-carbon
26 resource or eligible renewable energy resource. The project labor
27 agreement shall conform to the industry standard agreements
28 recently used for other similar private projects, including side
29 letters for high-voltage transmission and related work.

30 (5) The retail seller or local publicly owned electric utility shall
31 exclude the retail sales to a state agency customer from any
32 compliance obligations relating to zero-carbon resources or eligible
33 renewable resources, including, but not limited to, obligations
34 pursuant to Section 399.25 or 399.30.

35 (6) Any renewable energy credits or environmental attributes
36 associated with incremental procurement pursuant to this section
37 shall be retired on behalf of the state agency customer and shall
38 not be further sold, transferred, or otherwise monetized for any
39 purpose.

Page 10 1 (e) Zero-carbon resource or eligible renewable energy resource
2 procurement commitments made on behalf of a state agency shall
3 give preference to resource options expected to yield maximum
4 long-term employment, stimulate new economic activity, generate
5 local and state tax revenues, and assist with the development of
6 new industries.

+ SEC. 6. Section 583 of the Public Utilities Code is amended
+ to read:

+ 583. (a) No information furnished to the commission by a
+ public utility, ~~or any a business which~~ that is a subsidiary or
+ affiliate of a public utility, or a corporation ~~which~~ that holds a
+ controlling interest in a public utility, except those matters
+ specifically required to be open to public inspection by this part,
+ shall be open to public inspection or made ~~public~~ public, except
+ on order of the ~~commission~~, commission or by the commission or
+ a commissioner in the course of a hearing or proceeding. ~~Any~~ A
+ present or former officer or employee of the commission who
+ divulges ~~any such~~ that information is guilty of a misdemeanor.

+ (b) Notwithstanding subdivision (a) or any other law, a present
+ officer or employee of the commission may share information with
+ the Independent System Operator pursuant to an agreement to
+ treat the shared information as confidential.

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Page 15 8 ~~SEC. 6.~~
+ SEC. 7. Section 739.13 is added to the Public Utilities Code,
9 to read:

10 739.13. (a) The commission shall develop a definition of
11 energy affordability.

12 (b) The definition of energy affordability shall establish energy
13 affordability metrics based on household income and include the
14 combined impact of electricity and gas bills.

15 (c) The commission shall use energy affordability metrics and
16 affordability thresholds for both of the following purposes:

17 (1) To guide the development of any protections, incentives,
18 discounts, or new programs to assist residential customers facing
19 hardships or disconnections due to electricity or gas bills.

20 (2) To assess the impact of proposed rate increases on different
21 types of residential customers.

22 ~~SEC. 7.~~

23 SEC. 8. Division 27.5 (commencing with Section 80400) is
24 added to the Water Code, to read:

25
+ DIVISION 27.5. STATE WATER PROJECT ENERGY
26 PROCUREMENT
28

29 80400. (a) (1) The department shall procure eligible renewable
30 energy resources and zero-carbon resources to satisfy the state
31 agency obligations imposed on the State Water Resources
32 Development System, commonly known as the State Water Project,
33 pursuant to subdivision (a) of Section 454.53 of the Public Utilities
+ Code.

34 (2) If the department determines that the full achievement of
35 the state agency obligations imposed on the State Water Resources
36 Development System would require the early termination of an
37 existing contract to procure fossil generation entered before January
38 1, 2010, and that early termination would result in significant
39 uneconomic costs, the department may defer procuring zero-carbon
40 electricity resource quantities equal to the amount of electricity
Page 16 1 provided under the existing contract until no later than December
2 31, 2040.

3 (3) In the event that extraordinary circumstances, catastrophic
4 events, *considerable supply chain disruptions and equipment*
+ *shortages*, or threats of significant economic harm render full

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Amendment 13

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Page 16 5 achievement of the obligations imposed on the State Water
6 Resources Development System pursuant to subdivision (a) of
7 Section 454.53 of the Public Utilities Code infeasible, the Governor
8 may adjust the applicable deadline for the department’s compliance
9 to the earliest feasible date, but that date shall be no later than
10 December 31, 2040.

+ (b) *The department may satisfy all or a portion of the obligation
+ on the State Water Resources Development System pursuant to
+ subdivision (a) of Section 454.53 of the Public Utilities Code by
+ installing zero-carbon resources or eligible renewable energy
+ resources behind the meter on the State Water Resources
+ Development System property or properties to service its load.*

Amendment 15

11 (b)

Amendment 16

+ (c) All resources procured pursuant to subdivision (a) after
12 February 1, 2022, shall satisfy ~~all~~ both of the following criteria:

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13 (1) The eligible renewable energy resources and zero-carbon
14 resources shall either be newly developed as a result of contracting
15 by the department or constitute incremental production from
16 existing resources and reach initial commercial operations on or
17 after January 1, 2023. This requirement may be satisfied if the
18 resource is newly developed by a local publicly owned electric
19 utility with the expectation that the output would be sold to the
20 department in support of the State Water Resources Development
21 System.

22 (2) The eligible renewable energy resources and zero-carbon
23 resources shall be located within California or have a first point
24 of interconnection to a California balancing authority.

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26 ~~(3) The eligible renewable energy resources and zero-carbon
27 resources shall be capable of being dispatched by the California
28 balancing authority and operated for the benefit of the balancing
29 area.~~

30 (c)

+ (d) In conducting procurement pursuant to subdivision (a), the
31 department shall consider all of the following:

32 (1) Procurement commitments that may yield maximum
33 long-term employment, stimulate new economic activity, generate
34 local and state tax revenues, and assist with the development of
35 new industries.

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Page 16 36 (2) Attributes, including resource adequacy, flexibility, and
37 integration value, the ability to provide firm clean electricity, and
38 local air quality benefits.

Page 17 1 (3) The results of integrated resource planning modeling
2 conducted by the Public Utilities Commission pursuant to Section
3 454.52 of the Public Utilities Code.

4 ~~(d)~~

+ (e) The department shall consider doing all of the following to
5 reduce the costs of any procurement made pursuant to this section:

6 (1) Coordinate with the California Infrastructure and Economic
7 Development Bank to make low-cost financing assistance available
8 to new projects included in any procurement commitments.

9 (2) Coordinate with other state agencies to identify incentives
10 from existing programs for new projects included in any
11 procurement commitments.

12 (3) If reasonably expected to provide incremental benefits,
13 secure an ownership stake or royalties for any project or economic
14 activity resulting from a contractual commitment.

22 ~~(e)~~

23 (f) All resources procured pursuant to this section shall be used
25 first to meet the department’s own electricity needs. A renewable
26 energy credit, as defined in Section 399.12 of the Public Utilities
27 Code, associated with the electricity used to satisfy the obligations
28 of the department and the State Water Resources Development
29 System under this section shall be retired and shall not be
30 transferred or resold.

32 ~~(f) The Independent System Operator, other California balancing
33 authorities, and electrical corporations shall expedite all
34 interconnection requests for projects providing energy procured
35 pursuant to this section.~~

37 (g) The department shall enter into an agreement to procure
38 energy from a new energy generation facility only if the seller
39 requires its contractors to use a multicraft project labor agreement,
40 as defined in paragraph (1) of subdivision (b) of Section 2500 of

Page 18 1 the Public Contract Code, for construction of the facility. Those
2 project labor agreements shall conform to the industry standard
3 agreements recently used for other similar private projects,
4 including side letters for high-voltage transmission and related
5 work.

Amendment 19

Amendment 20

Amendment 21

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+ *SEC. 9. The Legislature finds and declares that Section 2 of this act, which amends Section 7921.505 of the Government Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

+ *This act protects market-sensitive procurement information from public disclosure to protect fair competition and prevent market manipulation, while enabling the Independent System Operator and a state agency to share with each other otherwise confidential information for purposes of ensuring electrical system reliability. Further, the Legislature endorses the Public Utilities Commission’s findings and governing rules adopted after the 2000–01 energy crisis for protecting and accessing confidential market-sensitive information, as specified in Public Utilities Commission Decisions 06-06-66, 06-12-030, 07-05-032, 08-04-023, 09-12-020, 11-07-028, and 20-07-005.*

6 ~~SEC. 8.~~

+ *SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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Amendment 23

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