



STATE CAPITOL
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CHIEF ADMINISTRATIVE OFFICER
LIA LOPEZ

**Assembly
California Legislature
Committee on Rules**

**JAMES RAMOS
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**VICE CHAIR
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PELLERIN, GAIL
RUBIO, BLANCA E.
VALENCIA, AVELINO

CERVANTES, SABRINA (D-ALT)
ZBUR, RICK CHAVEZ (D-ALT)
DIXON, DIANE (R-ALT)

Thursday, May 18, 2023
15 minutes prior to Session
State Capitol, Room 126

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

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SABRINA CERVANTES (D-ALT.)
RICK CHAVEZ ZBUR (D-ALT.)
DIANE DIXON (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 5/17/2023
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, HR 40 and HR 41 have been added to the referral list.

REFERRAL OF BILLS TO COMMITTEE

05/18/2023

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

<u>Assembly Bill No.</u>	<u>Committee:</u>
<u>ACR 78</u>	RLS.
<u>ACR 79</u>	RLS.
<u>ACR 80</u>	RLS.
<u>HR 39</u>	RLS.
<u>HR 40</u>	RLS.
<u>HR 41</u>	RLS.
<u>SB 33</u>	B. & F.
<u>SB 33</u>	JUD.
<u>SB 40</u>	JUD.
<u>SB 68</u>	TRANS.
<u>SB 274</u>	ED.
<u>SB 346</u>	G.O.
<u>SB 360</u>	NAT. RES.
<u>SB 373</u>	B. & P.
<u>SB 385</u>	B. & P.
<u>SB 385</u>	JUD.
<u>SB 387</u>	A. & A.R.
<u>SB 392</u>	G.O.
<u>SB 406</u>	NAT. RES.
<u>SB 406</u>	H. & C.D.
<u>SB 417</u>	PUB. S.
<u>SB 430</u>	G.O.
<u>SB 439</u>	JUD.
<u>SB 465</u>	HUM. S.
<u>SB 469</u>	H. & C.D.
<u>SB 477</u>	H. & C.D.
<u>SB 505</u>	INS.
<u>SB 547</u>	AGRI.
<u>SB 547</u>	H. & C.D.
<u>SB 579</u>	W., P., & W.
<u>SB 593</u>	L. GOV.
<u>SB 593</u>	H. & C.D.
<u>SB 603</u>	PUB. S.
<u>SB 610</u>	U. & E.
<u>SB 630</u>	B. & P.
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<u>SB 642</u>	E.S. & T.M.
<u>SB 642</u>	JUD.
<u>SB 652</u>	JUD.
<u>SB 666</u>	B. & F.
<u>SB 666</u>	JUD.
<u>SB 677</u>	TRANS.
<u>SB 678</u>	ELECTIONS
<u>SB 692</u>	L. GOV.

<u>SB 708</u>	W., P., & W.
<u>SB 708</u>	TRANS.
<u>SB 732</u>	W., P., & W.
<u>SB 762</u>	PUB. S.
<u>SB 789</u>	ELECTIONS
<u>SB 792</u>	A. & A.R.
<u>SB 793</u>	INS.
<u>SB 793</u>	P. & C.P.
<u>SB 801</u>	JUD.
<u>SB 828</u>	PUB. S.
<u>SB 835</u>	NAT. RES.
<u>SB 836</u>	W., P., & W.
<u>SB 844</u>	G.O.
<u>SB 852</u>	PUB. S.
<u>SB 862</u>	AGRI.
<u>SB 884</u>	G.O.
<u>SB 885</u>	P.E. & R.
<u>SB 886</u>	HIGHER ED.
<u>SB 887</u>	B. & P.
<u>SB 889</u>	REV. & TAX.
<u>SB 890</u>	REV. & TAX.
<u>SCR 5</u>	RLS.
<u>SCR 7</u>	RLS.
<u>SCR 24</u>	J., E.D., & E.
<u>SCR 31</u>	TRANS.
<u>SCR 52</u>	RLS.
<u>SCR 62</u>	RLS.

Assembly Concurrent Resolution

No. 50

Introduced by Assembly Member Luz Rivas
(Principal coauthor: Senator Limón)

March 30, 2023

Assembly Concurrent Resolution No. 50—Relative to California Nonprofits Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 50, as introduced, Luz Rivas. California Nonprofits Day.

This measure would declare June 7, 2023, as California Nonprofits Day in recognition of the importance of nonprofit organizations to the economy and well-being of this state.

Fiscal committee: no.

1 WHEREAS, Nonprofit organizations are a large and vital part
2 of California’s economy, with nonprofit economic activity
3 contributing 15 percent, or one-sixth, of California’s gross state
4 product; and

5 WHEREAS, Nonprofit organizations rank as the fourth largest
6 employer by industry in California, with more than 1,200,000
7 people employed by nonprofits, accounting for 1 in every 14
8 California jobs; and

9 WHEREAS, The number of volunteers mobilized by nonprofit
10 organizations is equivalent to 33,000 full-time jobs in service of
11 communities; and

12 WHEREAS, Nonprofit organizations support the California
13 economy by bringing more than \$40,000,000,000 into California
14 each year from out-of-state sources; and

1 WHEREAS, California nonprofit organizations keep jobs local
2 and employ greater percentages of women and people of color
3 than does the overall civilian workforce; and

4 WHEREAS, California’s nonprofit community includes houses
5 of worship, universities and preschools, local theaters and
6 world-class symphonies, after school sports leagues and senior
7 day centers, health clinics, and other types of organizations that
8 attract people to California and that support the well-being of
9 Californians; and

10 WHEREAS, California nonprofit organizations are trusted
11 institutions that provide services to the needy and vulnerable,
12 improve quality of life, express community values, and promote
13 social change; and

14 WHEREAS, During the COVID-19 pandemic and economic
15 crisis, and in the face of intensifying wildfire, drought, and flood
16 conditions, California nonprofit organizations responded quickly,
17 as they always do in a crisis, to the changing needs of their
18 communities; and

19 WHEREAS, The nonprofit organization community in California
20 is a strong economic power that uses that power for the common
21 good; and

22 WHEREAS, A vibrant nonprofit sector in California is key to
23 a strong economic resiliency and is an essential partner to
24 government in providing services and support to meet the ongoing
25 needs of Californians; and

26 WHEREAS, California’s nonprofit organizations are national
27 and international leaders and innovators in the development of
28 environmental protections, access to health care, and safety net
29 services, expansion of civil rights, support of the arts and
30 humanities, and the pursuit of democratic ideals; and

31 WHEREAS, Since the first California Nonprofits Day in 2016,
32 a total of 662 nonprofit organizations have been honored by their
33 Assembly Members and Senators; now, therefore, be it

34 *Resolved by the Assembly of the State of California, the Senate*
35 *thereof concurring*, That the Legislature, in recognition of the
36 importance of nonprofit organizations to the economy and
37 well-being of this state, declares June 7, 2023, as California
38 Nonprofits Day; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 50 (Luz Rivas) – As Introduced March 30, 2023

SUBJECT: California Nonprofits Day.

SUMMARY: Declares June 7, 2023, as California Nonprofits Day in recognition of the importance of nonprofit organizations to the economy and well-being of this state. Specifically, **this resolution** makes the following legislative findings:

- 1) Nonprofit organizations are a large and vital part of California’s economy, with nonprofit economic activity contributing 15 percent, or one-sixth, of California’s gross state product. They rank as the fourth largest employer by industry in California, with more than 1.2 million people employed by nonprofits, accounting for 1 in every 14 California jobs.
- 2) The number of volunteers mobilized by nonprofit organizations is equivalent to 33,000 full-time jobs in service of communities. Nonprofit organizations support the California economy by bringing more than \$40 billion into California each year from out-of-state sources. And, California nonprofits keep jobs local and employ greater percentages of women and people of color than does the overall civilian workforce.
- 3) During the COVID-19 pandemic and economic crisis, and in the face of intensifying wildfire, drought, and flood conditions, California nonprofit organizations responded quickly, as they always do in a crisis, to the changing needs of their communities.
- 4) A vibrant nonprofit sector in California is key to a strong economic resiliency and is an essential partner to government in providing services and support to meet the ongoing needs of Californians.
- 5) California’s nonprofits are leaders and innovators in the development of environmental protections, access to health care, and safety net services, expansion of civil rights, support of the arts and humanities, and the pursuit of democratic ideals.
- 6) Since the first California Nonprofits Day in 2016, a total of 662 nonprofit organizations have been honored by their Assembly Members and Senators.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Council of California Goodwill Industries

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



April 27, 2023

The Honorable Luz Rivas
1021 O Street, Suite 4250
Sacramento, CA 95814

GREATER EAST BAY
GOODWILL

GOODWILL OF
ORANGE COUNTY

GOODWILL INDUSTRIES OF
THE REDWOOD EMPIRE

GOODWILL INDUSTRIES OF
SAN DIEGO COUNTY

GOODWILL OF SAN
FRANCISCO, SAN MATEO
AND MARIN

GOODWILL INDUSTRIES OF
SAN JOAQUIN VALLEY, INC.

GOODWILL CENTRAL COAST

GOODWILL SOUTHERN
LOS ANGELES COUNTY

GOODWILL OF
SILICON VALLEY

GOODWILL INDUSTRIES OF
SOUTH CENTRAL
CALIFORNIA

GOODWILL SOUTHERN
CALIFORNIA

SOUTHERN OREGON
GOODWILL INDUSTRIES

GOODWILL INDUSTRIES OF
VENTURA AND SANTA
BARBARA COUNTIES

GOODWILL SACRAMENTO
VALLEY & NORTHERN NEVADA

Re: Assembly Concurrent Resolution 50 (Rivas) California Nonprofits Day – Support

Dear Assemblymember Rivas,

The Council of California Goodwill Industries is pleased to support your Assembly Concurrent Resolution 50, declaring June 7, 2023, as California Nonprofits Day. We are thrilled to celebrate California Nonprofits Day, because we have seen firsthand the positive impact that this day has had on the nonprofit community in California. It is a time to celebrate the tireless work of nonprofit organizations and to recognize the vital role they play in the state's economy and society.

Goodwill is a non-profit Employment Social Enterprise whose mission is to serve some of the most vulnerable and difficult-to-employ populations through training and the dignity of work. Our supportive employment programs provide stable jobs with income and benefits complemented by training. In 2019, Goodwill's throughout the state supported 420,000 Californians with extremely low incomes, to stabilize their lives and develop critical skills to build careers and resilience from future shocks. Goodwill improves the economic mobility of people who face barriers to work, offering employment that prevents and ends homelessness and recidivism to incarceration.

We believe that recognizing California Nonprofits Day is an important step in acknowledging the contributions of nonprofit organizations to the state. We are grateful to you for your efforts in introducing this resolution and believe that this is an important step towards strengthening the nonprofit sector and improving the lives of Californians in need.

The impact of the nonprofit sector on California's economy cannot be overstated, as nonprofit organizations contribute 15 percent of California's gross state product and employ more than 1.2 million people, accounting for 1 in every 14 jobs. Furthermore, nonprofit organizations have proven to be essential partners to government during times of crisis. During the COVID-19 pandemic and economic crisis, nonprofit organizations responded quickly to the changing needs of their communities. This resilience is a testament to the strength and dedication of the nonprofit sector.

For all of these reasons, the Council of California Goodwill Industries supports ACR 50. Should you have any questions, please do not hesitate to contact our Sacramento representative, Madeleine Cooper with Capitol Advocacy at 530-306-8087 or mcooper@capitoladvocacy.com.

Sincerely,



Nicole Suydam
Council Chair
President/CEO
Goodwill of Orange County



Denise Ost
Council Public Policy Chair
President/CEO
Goodwill Industries of San Joaquin Valley

AMENDED IN ASSEMBLY MAY 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Concurrent Resolution

No. 66

Introduced by Assembly Member Wilson

April 24, 2023

Assembly Concurrent Resolution No. 66—Relative to “Parks Make Life Better!®” Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 66, as amended, Wilson. “Parks Make Life Better!®” Month.

This measure would recognize the importance of access to local parks, trails, open space, and facilities for the health, wellness, development, inspiration, and safety of all Californians and would declare the month of July 2023 as “Parks Make Life Better!®” Month.

Fiscal committee: no.

- 1 WHEREAS, Park and recreation entities, through, among other
2 things, cultural and inclusive program offerings, provide
3 communities of color with the opportunity to explore the past and
4 celebrate the future; and
5 WHEREAS, Parks build communities by eliminating economic,
6 social, ethnic, and racial barriers through the sharing and
7 experiencing of common spaces at no cost; and
8 WHEREAS, Parks and recreation promote physical, emotional,
9 and mental health and wellness through organized and self-directed
10 fitness, play, and activity and help prevent health problems; and
11 WHEREAS, Parks and recreational programs support the
12 economic vitality of communities by partnering with local

1 businesses and nonprofits and offering events for residents’
2 engagement; and

3 WHEREAS, Parks and recreational programs create memorable
4 experiences through youth sports and enrichment activities, teen
5 centers and programs, senior activity centers, adult fitness and
6 enrichment programs, free community events, and beyond; and

7 WHEREAS, Parks and recreational programs foster social
8 cohesiveness in communities by celebrating diversity, providing
9 spaces to peacefully gather, modeling compassion, promoting
10 social equity, connecting social networks, and ensuring all people
11 have access to those benefits; and

12 WHEREAS, Parks and recreational programs help encourage
13 community cohesion and facilitate the formation of deeper
14 connections with one another; and

15 WHEREAS, Parks and recreation support human development
16 and provide endless learning opportunities that foster social,
17 intellectual, physical, and emotional growth in people of all ages
18 and abilities; and

19 WHEREAS, Parks and recreational programs strengthen
20 community identity by providing facilities and services that reflect
21 and celebrate community character, heritage, culture, history,
22 aesthetics, and landscape; and

23 WHEREAS, Parks and recreational programs facilitate
24 community problem and issue resolution by providing safe spaces
25 to peacefully gather and serve as key points of service, which helps
26 our communities heal both physically and emotionally; and

27 WHEREAS, Parks and recreational programs increase mental
28 and emotional health, as evidenced by studies that have found that
29 individuals living close to parks have lower levels of stress and
30 depression; and

31 WHEREAS, Parks and recreation sustain, and are stewards of,
32 our natural resources by protecting habitats and open space,
33 connecting people to nature, and promoting the ecological function
34 of parkland; and

35 WHEREAS, Parks and recreation emphasize the importance of
36 nature and teaching future generations to value nature and the
37 outdoors as part of their development; and

38 WHEREAS, Parks and recreation support safe, vibrant,
39 attractive, and progressive communities that make life better

1 through positive alternatives offered through recreational
2 opportunities; and

3 WHEREAS, Parks and recreational programs are versatile and
4 innovative in providing vital services to communities through
5 local, national, or global emergencies, while also adhering to
6 guidelines set forth by governing agencies; and

7 ~~WHEREAS, Parks and recreational programs allow for a~~
8 ~~facilities provide more affordable—option options for many~~
9 ~~communities that cannot drive without easy access to state parks~~
10 ~~or afford start park fees; parks; and~~

11 WHEREAS, The California Park & Recreation Society has
12 released a statewide public awareness campaign, “Parks Make
13 Life Better!®”, to inform the public of the many benefits of using
14 parks, facilities, programs, and services; now, therefore, be it

15 *Resolved by the Assembly of the State of California, the Senate*
16 *thereof concurring*, That the Legislature recognizes the importance
17 of access to local parks, trails, open space, and facilities for the
18 health, wellness, development, inspiration, and safety of all
19 Californians; and be it further

20 *Resolved*, That the Legislature declares the month of July 2023
21 as “Parks Make Life Better!®” Month; and be it further

22 *Resolved*, That the Chief Clerk of the Assembly transmit copies
23 of this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 66 (Wilson) – As Amended May 9, 2023

SUBJECT: “Parks Make Life Better!®” Month.

SUMMARY: Declares the month of July 2023 as “Parks Make Life Better!®” Month; and, recognizes the importance of access to local parks, trails, open space, and facilities for the health, wellness, development, inspiration, and safety of all Californians. Specifically, **this resolution** makes the following legislative findings:

- 1) Park and recreation entities, through cultural and inclusive program offerings, provide communities of color with the opportunity to explore the past and celebrate the future.
- 2) Parks build communities by eliminating economic, social, ethnic, and racial barriers through the sharing and experiencing of common spaces at no cost.
- 3) Parks and recreation promote physical, emotional, and mental health and wellness through organized and self-directed fitness, play, and activity and help prevent health problems.
- 4) Parks and recreational programs create memorable experiences through youth sports and enrichment activities, teen centers and programs, senior activity centers, adult fitness and enrichment programs, free community events, and beyond.
- 5) Parks and recreation sustain, and are stewards of, our natural resources by protecting habitats and open space, connecting people to nature, and promoting the ecological function of parkland. They emphasize the importance of nature and teaching future generations to value nature and the outdoors as part of their development.
- 6) Parks and recreational programs are versatile and innovative in providing vital services to communities through local, national, or global emergencies.
- 7) The California Park & Recreation Society has released a statewide public awareness campaign, “Parks Make Life Better!®”, to inform the public of the many benefits of using parks, facilities, programs, and services.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 77

Introduced by Assembly Member Alanis

May 10, 2023

Assembly Concurrent Resolution No. 77—Relative to National Missing Children’s Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 77, as introduced, Alanis. National Missing Children’s Day.

This measure would declare May 25, 2023, as National Missing Children’s Day and the 40th anniversary of the first National Missing Children’s Day.

Fiscal committee: no.

1 WHEREAS, In 2022, the office of the Attorney General reported
2 more than 60,000 missing children in California and the Federal
3 Bureau of Investigation reported nearly 360,000 missing children
4 nationwide; and

5 WHEREAS, The National Center for Missing and Exploited
6 Children (NCMEC) found that Black and Native American children
7 were disproportionately victimized by child abduction, with 31
8 percent of missing children reported as Black and 1.5 percent
9 reported as Native American in 2021, which is approximately
10 double the percentage of each population’s presence in the United
11 States; and

12 WHEREAS, The United States Department of Justice first
13 recognized National Missing Children’s Day on May 25, 1983, in
14 memory of six-year-old Etan Patz, who was abducted in 1979
15 while walking to school in New York City; and

1 WHEREAS, The United States Department of Justice’s Office
2 of Juvenile Justice and Delinquency Prevention established a
3 partnership with NCMEC in 1984 to provide guidance and
4 resources related to child abduction; and

5 WHEREAS, National Missing Children’s Day is recognized to
6 raise awareness about the ongoing child abduction crisis, to
7 commemorate victims of child abduction and their families, and
8 to honor parents, guardians, caregivers, volunteers, and peace
9 officers who remain dedicated to finding missing persons; now,
10 therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate*
12 *thereof concurring*, That the Legislature hereby proclaims May
13 25, 2023, as National Missing Children’s Day and the 40th
14 anniversary of the first National Missing Children’s Day; and be
15 it further

16 *Resolved*, That the Legislature urges the participation of state
17 agencies, law enforcement, local government, schools, community
18 organizations, families, and individuals in educating minors and
19 adults on preventing child abduction, responding to and reporting
20 threats against personal safety, and connecting others with
21 resources available to victims of abduction; and be it further

22 *Resolved*, That the Chief Clerk of the Assembly transmit copies
23 of this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 77 (Alanis) – As Introduced May 10, 2023

SUBJECT: National Missing Children’s Day.

SUMMARY: Declares May 25, 2023, as National Missing Children’s Day and the 40th anniversary of the first National Missing Children’s Day. Specifically, **this resolution** makes the following legislative findings:

- 1) In 2022, the office of the Attorney General reported more than 60,000 missing children in California and the Federal Bureau of Investigation reported nearly 360,000 missing children nationwide.
- 2) The National Center for Missing and Exploited Children (NCMEC) found that Black and Native American children were disproportionately victimized by child abduction, with 31 percent of missing children reported as Black and 1.5 percent reported as Native American in 2021, which is approximately double the percentage of each population’s presence in the United States.
- 3) The United States Department of Justice first recognized National Missing Children’s Day on May 25, 1983, in memory of six-year-old Etan Patz, who was abducted in 1979 while walking to school in New York City.
- 4) The United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention established a partnership with NCMEC in 1984 to provide guidance and resources related to child abduction.
- 5) National Missing Children’s Day is recognized to raise awareness about the ongoing child abduction crisis, to commemorate victims of child abduction and their families, and to honor parents, guardians, caregivers, volunteers, and peace officers who remain dedicated to finding missing persons.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 79

Introduced by Assembly Member Connolly

May 15, 2023

Assembly Concurrent Resolution No. 79—Relative to Lupus Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 79, as introduced, Connolly. Lupus Awareness Month.

This measure would proclaim the month of May 2023 as Lupus Awareness Month.

Fiscal committee: no.

1 WHEREAS, Systemic lupus erythematosus, commonly known
2 as lupus, is an acute, chronic, complex, and often life-threatening
3 autoimmune disease; and
4 WHEREAS, It is estimated that there are 300,000 to 1,500,000
5 people with lupus in the United States; and
6 WHEREAS, It is estimated that there are approximately 16,000
7 new cases each year; and
8 WHEREAS, Lupus mostly strikes women of childbearing age,
9 and it affects all aspects of their lives. However, men, children,
10 and teenagers develop lupus too; and
11 WHEREAS, Ninety percent of people living with lupus are
12 women. Women of color develop lupus at a rate two to three times
13 the rate that Caucasians develop lupus; and
14 WHEREAS, Lupus impacts more than just the life of the patient,
15 it affects their family, friends, coworkers, employer, and the
16 community; and

1 WHEREAS, Lupus can be particularly difficult to diagnose
2 because its symptoms are similar to symptoms of other illnesses;
3 and
4 WHEREAS, Early diagnosis and proper treatments are critical
5 to the improvement of the quality of life and survival rate of people
6 with lupus; and
7 WHEREAS, There is no known cause of, or cure for, lupus; and
8 WHEREAS, There have only been two drugs approved
9 specifically for lupus by the United States Food and Drug
10 Administration in more than 60 years, with over a decade between
11 approvals. The current treatments for the disease can have
12 damaging effects and we recognize an urgent need to increase
13 awareness in the State of California of the debilitating impact of
14 lupus as a significant public health issue; and
15 WHEREAS, Increased public awareness, education, and research
16 are key to winning the battle against lupus; now, therefore, be it
17 *Resolved by the Assembly of the State of California, the Senate*
18 *thereof concurring*, That May 2023 is hereby recognized as Lupus
19 Awareness Month; and be it further
20 *Resolved*, That the Chief Clerk of the Assembly transmit copies
21 of this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 79 (Connolly) – As Introduced May 15, 2023

SUBJECT: Lupus Awareness Month.

SUMMARY: Proclaims the month of May 2023 as Lupus Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Systemic lupus erythematosus, commonly known as lupus, is an acute, chronic, complex, and often life-threatening autoimmune disease. It is estimated that there are 300,000 to 1.5 million people with lupus in the United States and that there are approximately 16,000 new cases each year.
- 2) Lupus mostly strikes women of childbearing age, and it affects all aspects of their lives. However, men, children, and teenagers develop lupus too.
- 3) 90 percent of people living with lupus are women. Women of color develop lupus at a rate two to three times the rate that Caucasians develop lupus.
- 4) Lupus impacts more than just the life of the patient, it affects their family, friends, coworkers, employer, and the community.
- 5) Lupus can be particularly difficult to diagnose because its symptoms are similar to symptoms of other illnesses. Early diagnosis and proper treatments are critical to the improvement of the quality of life and survival rate of people with lupus.
- 6) There is no known cause of, or cure for, lupus. And, there have only been two drugs approved specifically for lupus by the United States Food and Drug Administration in more than 60 years, with over a decade between approvals.
- 7) The current treatments for the disease can have damaging effects and there is an urgent need to increase awareness in the State of California of the debilitating impact of lupus as a significant public health issue. Increased public awareness, education, and research are key to winning the battle against lupus.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 80

Introduced by Assembly Member Villapudua

May 16, 2023

Assembly Concurrent Resolution No. 80—Relative to Small Business Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 80, as introduced, Villapudua. California Small Business Month.

This measure would declare May as Small Business Month and express the Legislature’s support of the Governor’s efforts in promoting small businesses.

Fiscal committee: no.

- 1 WHEREAS, California is home to the most innovative and
2 competitive firms in the world, placing the state consistently among
3 the top 10 economies; and
4 WHEREAS, Small businesses embody the entrepreneurial spirit
5 that has driven the economy of our state where over one-half of
6 our private sector workforce is employed by small businesses; and
7 WHEREAS, In 2022, there were over 4,000,000 small
8 businesses in this state, representing an overwhelming share of
9 California’s workforce by employing more than 7,000,000 people;
10 and
11 WHEREAS, The 73,500 small firms that exported goods from
12 California generated 43.2 percent of the state’s \$152.1 billion in
13 total exports; and

1 WHEREAS, On a national basis, the 30,000,000 small
2 businesses are responsible for creating nearly two out of three new
3 jobs; and
4 WHEREAS, Small businesses are critical to the economic
5 well-being of this state by creating new businesses and employment
6 opportunities and by bringing new and innovative services and
7 products to the marketplace; and
8 WHEREAS, Within the small business community, a growing
9 number of these companies are being started and owned by women,
10 people of color, and immigrants. In 2022, it was estimated that
11 1,600,000 small businesses were minority owned; and
12 WHEREAS, The Legislature reaffirms our commitment to
13 California’s small businesses to thrive and prosper and that
14 supporting small-scale private sector job creators is among our
15 most promising strategies to enhance California’s human capital,
16 expand job opportunities, and increase our competitive advantage
17 in the global marketplace; now, therefore, be it
18 *Resolved by the Senate of the State of California, the Assembly*
19 *thereof concurring*, That the Legislature in recognition of the
20 importance of small businesses to the economy of this state declares
21 May as California Small Business Month; and be it further
22 *Resolved*, That the Legislature adds its support to the Governor’s
23 efforts in promoting small businesses.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 80 (Villapudua) – As Introduced May 16, 2023

SUBJECT: California Small Business Month.

SUMMARY: Declares May as Small Business Month and expresses the Legislature’s support of the Governor’s efforts in promoting small businesses. Specifically, **this resolution** makes the following legislative findings:

- 1) California is home to the most innovative and competitive firms in the world, placing the state consistently among the top 10 economies. Small businesses embody the entrepreneurial spirit that has driven the economy of our state where over one-half of our private sector workforce is employed by small businesses.
- 2) In 2022, there were over 4 million small businesses in this state, representing an overwhelming share of California’s workforce by employing more than 7 million people.
- 3) The 73,500 small firms that exported goods from California generated 43.2 percent of the state’s \$152.1 billion in total exports. And, on a national basis, the 30 million small businesses are responsible for creating nearly two out of three new jobs.
- 4) Small businesses are critical to the economic well-being of this state by creating new businesses and employment opportunities and by bringing new and innovative services and products to the marketplace.
- 5) Within the small business community, a growing number of these companies are being started and owned by women, people of color, and immigrants. In 2022, it was estimated that 1.6 million small businesses were minority owned.
- 6) Recognizing May as Small Business Month reaffirms the commitment to California’s small businesses to thrive and prosper. Supporting small-scale private sector job creators is among the most promising strategies to enhance California’s human capital, expand job opportunities, and increase the state’s competitive advantage in the global marketplace.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 33

**Introduced by Assembly Member Ward
(Principal coauthors: Assembly Members Cervantes, Jackson, Lee,
Low, and Zbur)**

May 1, 2023

House Resolution No. 33—Relative to Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month.

1 WHEREAS, Our great state and nation strives to promote the
2 principles of equality and justice and the inalienable rights of all
3 people to life, liberty, and the pursuit of happiness; and
4 WHEREAS, California’s and America’s diversity is one of our
5 greatest strengths; and
6 WHEREAS, To achieve a more just and fair society, we must
7 teach our children to respect one another, to appreciate our
8 differences, and to recognize the common good in all of us; and
9 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
10 people come from all walks of life, regardless of race, ethnicity,
11 color, religion, ancestry, national origin, economic status, physical
12 or mental ability, medical condition, sex, or gender identity or
13 expression; and
14 WHEREAS, More lesbian, gay, bisexual, transgender, and queer
15 people are being elected to public offices across the country,
16 playing in professional sports leagues, occupying the highest
17 positions in business and government, and serving as role models
18 for all; and
19 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
20 people have made important and lasting contributions to our great
21 state and nation in every field of endeavor, including, but not

1 limited to, business, medicine, law, humanities, science, literature,
2 politics, education, music, philanthropy, sports and athletics, arts,
3 and culture, that enrich our national life; and

4 WHEREAS, In 2012, for the first time in the history of the
5 United States, a sitting President, former President Barack Obama,
6 affirmed support for the fundamental right to marry, regardless of
7 sexual orientation or gender; and

8 WHEREAS, The Supreme Court of the United States struck
9 down a provision of the federal Defense of Marriage Act (DOMA),
10 which barred the federal government from recognizing same-sex
11 marriages, affirming that all loving and committed couples who
12 are married deserve equal treatment and respect; and

13 WHEREAS, The Supreme Court of the United States ruled that
14 Proposition 8 sponsors had no standing to appeal the federal trial
15 court’s decision that Proposition 8 is unconstitutional, thereby
16 restoring marriage equality in California; and

17 WHEREAS, The Supreme Court of the United States has found
18 a constitutional basis for marriage equality, granting millions of
19 lesbian, gay, bisexual, transgender, and queer individuals across
20 the country the ability to marry people whom they love; and

21 WHEREAS, Married same-sex couples now enjoy the same
22 rights and privileges granted to other married couples, including
23 joint tax filings, military benefits, family and medical leave, and
24 the ability to sponsor a foreign spouse; and

25 WHEREAS, An unprecedented number of adults in the United
26 States identify as LGBTQ+, with a jump from 5.6 percent to 7.1
27 percent of Americans who identify as lesbian, gay, bisexual,
28 transgender, or queer in 2022. Young people, especially Generation
29 Z, are driving the increase; and

30 WHEREAS, The transgender community in particular, has
31 gained newfound prominence in the media, entertainment, sports,
32 and business, raising awareness about gender identity and the
33 obstacles this community continues to face; and

34 WHEREAS, President Joseph Biden became the first American
35 President to issue a formal presidential proclamation recognizing
36 Transgender Day of Visibility; and

37 WHEREAS, While our great state and nation have progressed
38 in our journey toward dignity, understanding, and mutual respect
39 for all, we still have a long way to go in eradicating the prejudice
40 and discrimination that lesbian, gay, bisexual, transgender, and

1 queer people and their families encounter, and to this end, we
2 continue working for the passage of the inclusive federal Equality
3 Act, comprehensive immigration reform, and increased awareness
4 of the difficulties facing the transgender community; and

5 WHEREAS, Friends and allies of the LGBTQ+ community
6 have shown considerable support and commitment to the struggles
7 of lesbian, gay, bisexual, transgender, and queer people at home
8 and abroad; and

9 WHEREAS, To build a more robust and better state and nation,
10 we must continue to help advance the cause of equality for all
11 people; and

12 WHEREAS, Each year, June marks the anniversary of the
13 Stonewall Uprising that gave birth to the modern lesbian, gay,
14 bisexual, transgender, and queer civil rights movement; and

15 WHEREAS, The first New York City Pride Rally occurred one
16 month after the Stonewall Uprising in June 1969, when 500 people
17 gathered for a “Gay Power” demonstration in Washington Square
18 Park, followed by a candlelight vigil in Sheridan Square; and

19 WHEREAS, On the 50th anniversary of the Stonewall Uprising,
20 the NYC Pride organization simultaneously hosted “WorldPride”
21 during its 2019 season. This was the first WorldPride celebration
22 hosted on United States soil, and the second North American
23 WorldPride in the event’s over 20 year history; and

24 WHEREAS, June 2019, marked the first annual proclamation
25 of the month as LGBTQ+ Pride Month by the Governor of
26 California; and

27 WHEREAS, In December 2022, President Joseph Biden signed
28 the federal Respect for Marriage Act, repealing the federal DOMA
29 and requiring the federal government, and all states and territories
30 to recognize the validity of same-sex and interracial civil marriages
31 in the United States; and

32 WHEREAS, In January 2023, California became the first state
33 legislature in the nation to reach 10 percent representation for
34 LGBTQ+ individuals, matching the estimated 10 percent of people
35 identifying as LGBTQ+ in California; and

36 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
37 people continue to be disproportionately affected by the novel
38 coronavirus pandemic mentally, emotionally, and financially,
39 requiring targeted support in recovery efforts; and

1 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
2 people have had their resiliency tested in the face of a severe
3 uprising in hate crimes across the nation, but are resolved to come
4 back stronger than ever in the face of adversity; and

5 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
6 rights are targeted by state legislators all across the nation with
7 over 450 anti-LGBTQ+ bills introduced in 2023 alone, according
8 to American Civil Liberties Union. Making it increasingly pertinent
9 for advocates and lawmakers to continue fighting for and protecting
10 LGBTQ+ rights in the state of California; and

11 WHEREAS, Lesbian, gay, bisexual, transgender, and queer
12 Americans, their families and friends, and all those committed to
13 justice and equality celebrate, during the month of June, the rich
14 culture, the notable achievements, and the outstanding services
15 that lesbian, gay, bisexual, transgender, and queer Americans make
16 to our great state and nation; now, therefore, be it

17 *Resolved by the Assembly of the State of California,* That the
18 Assembly proclaims June 2023 as Lesbian, Gay, Bisexual,
19 Transgender, and Queer (LGBTQ+) Pride Month, urges all
20 Californians to join in celebrating the culture, accomplishments,
21 and contributions of lesbian, gay, bisexual, transgender, and queer
22 people, and encourages the people of California to work to help
23 advance the cause of equality for lesbian, gay, bisexual,
24 transgender, and queer people, and their families; and be it further

25 *Resolved,* That the Chief Clerk of the Assembly transmit copies
26 of this resolution to the Members of the Legislature and to the
27 author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
HR 33 (Ward) – As Introduced May 1, 2023

SUBJECT: Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month.

SUMMARY: Proclaims June 2023 as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month, and urges all Californians to join in celebrating the culture, accomplishments, and contributions of lesbian, gay, bisexual, transgender, and queer people. Specifically, **this resolution** makes the following legislative findings:

- 1) Our great state and nation strives to promote the principles of equality and justice and the inalienable rights of all people to life, liberty, and the pursuit of happiness. To achieve a more just and fair society, we must teach our children to respect one another, to appreciate our differences, and to recognize the common good in all of us.
- 2) LGBTQ+ people come from all walks of life, regardless of race, ethnicity, color, religion, ancestry, national origin, economic status, physical or mental ability, medical condition, sex, or gender identity or expression.
- 3) LGBTQ+ people have made important and lasting contributions to our great state and nation in every field of endeavor, including, but not limited to, business, medicine, law, humanities, science, literature, politics, education, music, philanthropy, sports and athletics, arts, and culture, that enrich our national life.
- 4) While our great state and nation have progressed in our journey toward dignity, understanding, and mutual respect for all, we still have a long way to go in eradicating the prejudice and discrimination that lesbian, gay, bisexual, transgender, and queer people and their families encounter.
- 5) Each year, June marks the anniversary of the Stonewall Rebellion that gave birth to the modern lesbian, gay, bisexual, transgender, and queer civil rights movement. The first New York City Pride Rally occurred one month after the Stonewall Uprising in June 1969, when 500 people gathered for a “Gay Power” demonstration in Washington Square Park, followed by a candlelight vigil in Sheridan Square.
- 6) On the 50th anniversary of the Stonewall Uprising, the NYC Pride organization simultaneously hosted “WorldPride” during its 2019 season. This was the first WorldPride celebration hosted on United States soil, and the second North American WorldPride in the event’s over 20 year history.
- 7) June 2019, marked the first annual proclamation of the month as LGBTQ+ Pride Month by the Governor of California.
- 8) In December 2022, President Joseph Biden signed the federal Respect for Marriage Act, repealing the federal DOMA and requiring the federal government, and all states and territories to recognize the validity of same-sex and interracial civil marriages in the United States.

- 9) In January 2023, California became the first state legislature in the nation to reach 10 percent representation for LGBTQ+ individuals, matching the estimated 10 percent of people identifying as LGBTQ+ in California.
- 10) Lesbian, gay, bisexual, transgender, and queer rights are targeted by state legislators all across the nation with over 450 anti-LGBTQ+ bills introduced in 2023 alone, according to American Civil Liberties Union. This makes it increasingly pertinent for advocates and lawmakers to continue fighting for and protecting LGBTQ+ rights in the state of California.
- 11) Lesbian, gay, bisexual, transgender, and queer Americans, their families and friends, and all those committed to justice and equality celebrate, during the month of June, the rich culture, the notable achievements, and the outstanding services that lesbian, gay, bisexual, transgender, and queer Americans make to our great state and nation.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN SENATE MAY 1, 2023
AMENDED IN SENATE APRIL 10, 2023

Senate Concurrent Resolution

No. 20

Introduced by Senator Umberg
(~~Coauthor: Senator Rubio~~)
(Coauthors: Senators Archuleta and Rubio)

February 7, 2023

Senate Concurrent Resolution No. 20—Relative to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SCR 20, as amended, Umberg. California Peace Officers' Memorial Day.

This measure would proclaim Monday, May 8, 2023, as California Peace Officers' Memorial Day.

Fiscal committee: no.

- 1 WHEREAS, Monday, May 8, 2023, is California Peace Officers'
2 Memorial Day, a day Californians observe in commemoration of
3 the noble officers who have tragically sacrificed their lives in the
4 line of duty; and
5 WHEREAS, Although California citizens are indebted to our
6 California peace officers each day of the week, we make particular
7 note of our peace officers' bravery and dedication, and we share
8 in their losses on California Peace Officers' Memorial Day; and
9 WHEREAS, Peace officers have a job second in importance to
10 none, and it is a job that is as difficult and dangerous as it is
11 important; and

1 WHEREAS, California peace officers have worked dutifully
 2 and selflessly on behalf of the people of this great ~~state~~, *state*
 3 regardless of the peril or hazard to themselves; and
 4 WHEREAS, By the enforcement of our laws, these same peace
 5 officers have safeguarded the lives and property of the citizens of
 6 California and have given their full measure to ensure these citizens
 7 the right to be free from crime and violence; and
 8 WHEREAS, Special ceremonies and observations on behalf of
 9 California peace officers provide all Californians with the
 10 opportunity to appreciate the heroic individuals who have dedicated
 11 their lives to preserving public safety; now, therefore, be it
 12 *Resolved by the Senate of the State of California, the Assembly*
 13 *thereof concurring*, That the Legislature recognizes California’s
 14 peace officers who were killed in defense of their communities in
 15 2022:
 16 Officer Tyler Ryan Lenehan, Elk Grove Police Department, End
 17 of Watch: January 21, 2022.
 18 Officer Nicholas J. Vella, Huntington Beach Police Department,
 19 End of Watch: February 19, 2022.
 20 Correctional Lieutenant Steven M. Taylor, Riverside County
 21 Sheriff’s Office, End of Watch: February 24, 2022.
 22 Officer Jorge David Alvarado, Jr., Salinas Police Department,
 23 End of Watch: February 25, 2022.
 24 Officer Houston Ryan Tipping, Los Angeles Police Department,
 25 End of Watch: May 29, 2022.
 26 Sergeant Michael Paredes, El Monte Police Department, End of
 27 Watch: June 14, 2022.
 28 Officer Joseph A. Santana, El Monte Police Department, End
 29 of Watch: June 14, 2022.
 30 Deputy Isaiah A. Cordero, Riverside County Sheriff’s Office,
 31 End of Watch: December 29, 2022; and be it further
 32 *Resolved*, That the Legislature also recognizes California’s peace
 33 officers who were killed in defense of their communities in prior
 34 years, but not yet enrolled:
 35 Officer Michael Edward Wall, Los Angeles County Probation
 36 Department, End of Watch, April 30, 2021; and be it further
 37 *Resolved*, That the Legislature designates Monday, May 8, 2023,
 38 as California Peace Officers’ Memorial Day and urges all
 39 Californians to remember those individuals who have given their
 40 lives for our safety and express appreciation to those who continue

- 1 to dedicate themselves to making California a safer place to live
- 2 and raise our families; and be it further
- 3 *Resolved*, That the Secretary of the Senate transmit copies of
- 4 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
SCR 20 (Umberg) – As Amended May 1, 2023

SENATE VOTE: 36-0

SUBJECT: California Peace Officers' Memorial Day.

SUMMARY: Proclaims Monday, May 8, 2023, as California Peace Officers' Memorial Day and urges all Californians to remember those individuals who have given their lives for our safety and express appreciation to those who continue to dedicate themselves to making California a safer place to live and raise our families. Specifically, **this resolution** makes the following legislative findings:

- 1) Monday, May 8, 2023, is California Peace Officers' Memorial Day, a day Californians observe in commemoration of the noble officers who have tragically sacrificed their lives in the line of duty.
- 2) Although California citizens are indebted to our California peace officers each day of the week, we make particular note of our peace officers' bravery and dedication, and we share in their losses on California Peace Officers' Memorial Day.
- 3) Peace officers have a job second in importance to none, and it is a job that is as difficult and dangerous as it is important. California peace officers have worked dutifully and selflessly on behalf of the people of this great state regardless of the peril or hazard to themselves.
- 4) By the enforcement of our laws, these same peace officers have safeguarded the lives and property of the citizens of California and have given their full measure to ensure these citizens the right to be free from crime and violence.
- 5) Special ceremonies and observations on behalf of California peace officers provide all Californians with the opportunity to appreciate the heroic individuals who have dedicated their lives to preserving public safety.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Caballero

(Coauthors: Senators Alvarado-Gil, Ashby, Atkins, Blakespear, Durazo, Gonzalez, Grove, Hurtado, Jones, Limón, Menjivar, Nguyen, Ochoa Bogh, Rubio, Smallwood-Cuevas, and Wahab)

March 21, 2023

Senate Concurrent Resolution No. 44—Relative to sexual assault.

LEGISLATIVE COUNSEL’S DIGEST

SCR 44, as introduced, Caballero. Sexual assault.

This measure designates the month of April 2023 as Sexual Assault Awareness Month, and recognizes April 26, 2023, as “Denim Day” in California.

Fiscal committee: no.

- 1 WHEREAS, In 2021, California rape crisis centers provided
2 direct crisis intervention services to 44,000 individuals; and
3 WHEREAS, People of all genders and ages are victims of sexual
4 assault, and it is estimated that nearly one in two women and one
5 in five men experience sexual violence other than rape throughout
6 their lifetime; and
7 WHEREAS, The National Intimate Partner and Sexual Violence
8 Survey reports that there are over 38,000,000 survivors of rape
9 throughout the United States, with 3,250,000 of those survivors
10 of rape currently living in the State of California; and
11 WHEREAS, According to the California Study on Violence
12 Experience Across the Lifespan (CalVEX), one in seven adults in
13 California experienced sexual violence from 2020 to 2021; and
14 WHEREAS, Rape and sexual assault impact people of all racial,
15 cultural, and economic backgrounds; and

1 WHEREAS, People of all genders and ages suffer multiple types
2 of sexual violence, including acquaintance rape, stranger rape,
3 sexual assault by an intimate partner, gang rape, incest, serial rape,
4 sexual harassment, child sexual abuse, sex trafficking, and stalking;
5 and

6 WHEREAS, In addition to the immediate physical and emotional
7 costs, sexual assault survivors too frequently suffer from severe
8 and long-lasting consequences, such as post-traumatic stress
9 disorder, substance abuse, major depression, homelessness, eating
10 disorders, low self-esteem, and suicide; and

11 WHEREAS, The federal Centers for Disease Control and
12 Prevention has identified sexual assault as a significant, costly,
13 and preventable health issue; and

14 WHEREAS, ValorCalifornia™ a project of ValorUS®, coalition
15 of rape crisis centers and their allies, continues to directly confront
16 this crisis with the cooperation of community advocates, health
17 care providers, institutions of higher education, law enforcement,
18 and other allied professionals from California’s diverse
19 communities; and

20 WHEREAS, It is our responsibility to support all rape survivors
21 by treating them with dignity, compassion, and respect; and

22 WHEREAS, It is important to recognize the compassion and
23 dedication of the individuals involved in this effort, applaud their
24 commitment to foster healing, and increase public understanding
25 of this significant problem; and

26 WHEREAS, It is important to recognize the strength, courage,
27 and challenges of the victims and survivors of sexual assault and
28 their families and friends as they struggle to cope with the reality
29 of sexual assault; and

30 WHEREAS, It is important to recognize that not all victims of
31 sexual assault survive, either at the time of the assault or later, due
32 to the horrific long-term trauma that sexual assault often inflicts
33 upon victims; and

34 WHEREAS, There are rape prevention and education efforts
35 underway throughout California to challenge the societal myths
36 and behaviors that perpetuate rape and to engage communities in
37 a common goal of ending sexual assault; and

38 WHEREAS, It is crucial to hold perpetrators responsible for
39 sexual attacks, and to prevent sexual violence at every opportunity;
40 and

1 WHEREAS, In 1998, the Supreme Court of Cassation in Italy
2 overturned the conviction of a man who sexually assaulted an
3 18-year-old woman after the court determined that, “because the
4 victim wore very, very tight jeans, she had to help him remove
5 them, and by removing the jeans it was no longer rape but
6 consensual sex”; and

7 WHEREAS, Enraged by the court decision, within a matter of
8 hours, the women in the Italian Parliament launched into immediate
9 action and protested by wearing jeans to work; and

10 WHEREAS, Nations and states throughout the world have
11 followed the lead of the Italian Parliament by designating their
12 own “Denim Day” to raise public awareness about rape and sexual
13 assault; and

14 WHEREAS, Harmful attitudes about rape and sexual assault
15 allow these crimes to persist and allow survivors to be revictimized
16 through victim-blaming attitudes and sometimes unresponsive
17 government systems; and

18 WHEREAS, California is a national leader in promoting
19 victim-centered approaches within the judicial, criminal justice,
20 medical, rape crisis, and health communities; now, therefore, be
21 it

22 *Resolved by the Senate of the State of California, the Assembly*
23 *thereof concurring*, That the Legislature designates the month of
24 April 2023 as Sexual Assault Awareness Month; and be it further

25 *Resolved*, That the Legislature recognizes April 26, 2023, as
26 “Denim Day” in California and encourages everyone to wear jeans
27 on that day to help communicate the message that there is no
28 excuse for, and never an invitation to commit, rape; and be it
29 further

30 *Resolved*, That the Secretary of the Senate transmit copies of
31 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
SCR 44 (Caballero) – As Introduced March 21, 2023

SENATE VOTE: 39-0

SUBJECT: Sexual assault.

SUMMARY: Designates the month of April 2023 as Sexual Assault Awareness Month, and recognizes April 26, 2023, as “Denim Day” in California. Specifically, **this resolution** makes the following legislative findings:

- 1) In 2021, California rape crisis centers provided direct crisis intervention services to 44,000 individuals.
- 2) The National Intimate Partner and Sexual Violence Survey reports that there are over 38 million survivors of rape throughout the United States with 3.25 million of those survivors of rape currently living in the State of California.
- 3) People of all genders and ages are victims of sexual assault, and it is estimated that nearly one in two women and one in five men experience sexual violence other than rape throughout their lifetime; and, they suffer multiple types of sexual violence, including acquaintance rape, stranger rape, sexual assault by an intimate partner, gang rape, incest, serial rape, sexual harassment, child sexual abuse, sex trafficking, and stalking.
- 4) The federal Centers for Disease Control and Prevention has identified sexual assault as a significant, costly, and preventable health issue.
- 5) A coalition of rape crisis centers and their allies, known as ValorCalifornia, continues to directly confront this crisis with the cooperation of community advocates, health care providers, institutions of higher education, law enforcement, and other allied professionals from California’s diverse communities.
- 6) It is our responsibility to support all rape survivors by treating them with dignity, compassion, and respect. There are rape prevention and education efforts underway throughout California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual assault.
- 7) In 1998, the Italian Supreme Court overturned the conviction of a man who sexually assaulted an 18-year-old woman after the court determined that, “because the victim wore very, very tight jeans, she had to help him remove them, and by removing the jeans it was no longer rape but consensual sex.” Enraged by the court decision, within a matter of hours, the women in the Italian Parliament launched into immediate action and protested by wearing jeans to work.
- 8) Nations and states throughout the world have followed the lead of the Italian Parliament by designating their own “Denim Day” to raise public awareness about rape and sexual assault.

- 9) Harmful attitudes about rape and sexual assault allow these crimes to persist and allow survivors to be revictimized through victim-blaming attitudes and sometimes unresponsive government systems.
- 10) California is a national leader in promoting victim-centered approaches within the judicial, criminal justice, medical, rape crisis, and health communities.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Laird

April 10, 2023

Senate Concurrent Resolution No. 49—Relative to Cystic Fibrosis Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 49, as introduced, Laird. Cystic Fibrosis Awareness Month.

This measure would proclaim the month of May 2023 as Cystic Fibrosis Awareness Month.

Fiscal committee: no.

- 1 WHEREAS, Cystic fibrosis, a chronic and progressive systemic
- 2 disease for which there is no known cure, is the most common
- 3 fatal genetic disease in the United States; and
- 4 WHEREAS, Over 40,000 children and adults in the United
- 5 States have been diagnosed with cystic fibrosis, and more than
- 6 1,000 new cases are diagnosed each year, predominantly through
- 7 newborn screening; and
- 8 WHEREAS, Cystic fibrosis impacts individuals of every race
- 9 and ethnicity, but due to health disparities and newborn screening
- 10 panels that fail to capture rare cystic fibrosis transmembrane
- 11 conductance regulator (CFTR) mutations, many individuals with
- 12 cystic fibrosis are misdiagnosed or diagnosed late; and
- 13 WHEREAS, Due to progress in understanding the disease and
- 14 new therapeutic advances, the average life expectancy for an
- 15 individual recently diagnosed with cystic fibrosis is in the mid-40s;
- 16 and

1 WHEREAS, Despite advances in disease understanding and
2 new therapies, the median age of death for those with cystic fibrosis
3 is the mid-30s; and

4 WHEREAS, The National Institutes of Health estimate that
5 more than 12,000,000 Americans are unknowing, symptomless
6 carriers of the cystic fibrosis gene and have high odds of passing
7 the gene to their children; and

8 WHEREAS, Prompt, aggressive treatment of the symptoms of
9 cystic fibrosis can extend the lives of people who have the disease;
10 and

11 WHEREAS, Recent advances in cystic fibrosis research have
12 produced promising leads in gene, mRNA, and drug therapies
13 beneficial to people who have the disease; and

14 WHEREAS, Cystic fibrosis research continues for potential
15 therapies, and a nationwide network of care centers exists to
16 improve the length and quality of life for individuals with cystic
17 fibrosis; however, lives continue to be lost to this disease; and

18 WHEREAS, The Cystic Fibrosis Research Institute (CFRI) was
19 formed in 1975 with a mission to be a global resource for the cystic
20 fibrosis community while pursuing a cure through research,
21 education, advocacy, and support; and

22 WHEREAS, The CFRI provides funding for innovative cystic
23 fibrosis research at medical and academic centers nationwide to
24 expand understanding of the disease process and to seek new
25 therapies and ultimately a cure for this challenging multisystemic
26 disease; and

27 WHEREAS, The CFRI seeks to improve the quality of life for
28 all people with cystic fibrosis in California and the nation, as well
29 as their family members, by providing psychosocial support
30 programs; and

31 WHEREAS, Education of the public about cystic fibrosis,
32 including the symptoms of the disease and its impact upon people
33 of all races and ethnicities, increases knowledge and understanding
34 of cystic fibrosis and promotes early diagnosis, and the CFRI serves
35 as a vital link in providing vital educational resources; and

36 WHEREAS, Support for those impacted by cystic fibrosis, a
37 rare disease, begins with the raising of public awareness, and the
38 CFRI works within the diverse cystic fibrosis community on both
39 the state and national level to advocate for continued research,

1 access to quality care, and the development of new therapies to
2 extend and enhance lives; now, therefore, be it

3 *Resolved by the Senate of the State of California, the Assembly*
4 *thereof concurring*, That the Legislature proclaims the month of
5 May 2023 as Cystic Fibrosis Awareness Month; and be it further

6 *Resolved*, That the Legislature honors the goals and ideals of
7 Cystic Fibrosis Awareness Month so as to promote public
8 awareness and understanding of cystic fibrosis and the diverse
9 communities it impacts; and be it further

10 *Resolved*, That the Legislature encourages early diagnosis and
11 access to quality care for all people with cystic fibrosis to improve
12 the quality of their lives, advocates for increased support for people
13 who have cystic fibrosis and their families, and supports research
14 to find a cure for cystic fibrosis; and be it further

15 *Resolved*, That the Secretary of the Senate transmit copies of
16 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
SCR 49 (Laird) – As Introduced April 10, 2023

SENATE VOTE: 36-0

SUBJECT: Cystic Fibrosis Awareness Month.

SUMMARY: Proclaims the month of May 2023 as Cystic Fibrosis Awareness Month to promote public awareness and understanding of cystic fibrosis and the diverse communities it impacts. Specifically, **this resolution** makes the following legislative findings:

- 1) Cystic fibrosis, a chronic and progressive systemic disease for which there is no known cure, is the most common fatal genetic disease in the United States. Cystic fibrosis impacts individuals of every race and ethnicity, but due to health disparities and newborn screening panels that fail to capture rare cystic fibrosis transmembrane conductance regulator (CFTR) mutations, many individuals with cystic fibrosis are misdiagnosed or diagnosed late.
- 2) Over 40,000 children and adults in the United States have been diagnosed with cystic fibrosis, and more than 1,000 new cases are diagnosed each year, predominantly through newborn screening.
- 3) Due to progress in understanding the disease and new therapeutic advances, the average life expectancy for an individual recently diagnosed with cystic fibrosis is in the mid-40s. But, despite advances in disease understanding and new therapies, the median age of death for those with cystic fibrosis is the mid-30s.
- 4) The National Institutes of Health estimate that more than 12 million Americans are unknowing, symptomless carriers of the cystic fibrosis gene and have high odds of passing the gene to their children.
- 5) Cystic fibrosis research continues for potential therapies, and a nationwide network of care centers exists to improve the length and quality of life for individuals with cystic fibrosis; however, lives continue to be lost to this disease.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Cystic Fibrosis Research Institute (CFRI)

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



April 21, 2023

Senator John Laird
California State Senate
1021 O Street, Suite 8720
Sacramento, CA 95814

Dear Senator Laird,

On behalf of the Cystic Fibrosis Research Institute (CFRI) and the Californians living with cystic fibrosis that we serve, I write to express support for SCR 49, to proclaim the month of May 2023 as Cystic Fibrosis Awareness Month in California. Cystic fibrosis (CF) remains a rare, inherited, progressive, multi-systemic, and life-limiting disease. CF has been diagnosed in approximately 40,000 people in the United States. Raising awareness of cystic fibrosis is key to early diagnosis and treatment, and this resolution plays a vital role in advancing this.

While cystic fibrosis is often referred to as a respiratory disease, this is only part of the picture. CF leaves no organ system unscathed. Pancreatic insufficiency, liver disease, male infertility, osteoporosis, and sinus disease are common disease effects, as well as CF-related diabetes. Cystic fibrosis requires rigid adherence to a daily multi-hour medical regimen. While the median predicted age of survival for a person with CF born in recent years has increased, last year the median age of death was only the mid-thirties.

Cystic fibrosis impacts people of all races and ethnicities. Because prevalence is greater among those of European descent, many Californians from underrepresented groups receive a late CF diagnosis – leading to irreversible lung damage. Far worse, many remain misdiagnosed with no access to CF therapies. Lack of awareness of the racial and ethnic diversity of those living with cystic fibrosis worsens health disparities.

Because of the many mutations of the CFTR gene, new therapies cannot help everyone with the disease, and many people have few therapeutic options. Barriers to access exist and one in four people with CF have delayed seeking care or skipped treatments because of costs related to insurance premium rates, deductibles, out-of-pocket expenses, and co-payments.

Since 1975, the Cystic Fibrosis Research Institute has advocates for CF research, access to quality care, and the development of new therapies to extend and enhance lives. We fund innovative research while providing educational and psychosocial support programs and services. We advance awareness of the disease, with a strong emphasis on reaching underrepresented members of our community.

The passage of SCR 49 will send an important message of support to those Californians living with this challenging disease, while helping to raise critical awareness of the disease among all Californians. Thank you for your leadership and for your strong and enduring support of our community.

Sincerely,

Siri Vaeth, MSW
Executive Director, CFRI
Mother of an Adult Daughter with CF
svaeth@cfri.org

Cystic Fibrosis Research Institute (CFRI) / 1731 Embarcadero Rd., Ste. 210, Palo Alto, CA 94303 / 650-665-7576

Introduced by Senator Portantino

April 19, 2023

Senate Concurrent Resolution No. 55—Relative to Tap Water Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 55, as introduced, Portantino. Tap Water Day.

This measure would proclaim the first Thursday in May to be “Tap Water Day” in this state and would encourage Californians to celebrate, support, trust, and value publicly supplied drinking water and use community drinking fountains and filling stations as one of the best and healthiest sources of drinking water.

Fiscal committee: no.

- 1 WHEREAS, Clean drinking water is a basic human right and
- 2 protecting and conserving the water we drink is absolutely crucial;
- 3 and
- 4 WHEREAS, Outdoor access to drinking water in many
- 5 municipalities, school districts, parks, and other public places has
- 6 diminished over time due to aging infrastructure, shrinking budgets,
- 7 and the placement of vending machines where once only water
- 8 fountains stood; and
- 9 WHEREAS, There is a pressing need to maintain existing
- 10 community drinking fountains and to install newer versions, more
- 11 commonly known as filling stations, in public places to benefit
- 12 pupil health, performance, and success. Community drinking
- 13 fountains and filling stations provide a healthier alternative to
- 14 sweetened beverages; and
- 15 WHEREAS, Maintaining and installing new community
- 16 drinking fountains and filling stations contributes to the

1 conservation of valuable water resources by reducing both demand
2 for bottled water and waste from discarded bottles. For that reason,
3 maintaining and installing new community drinking fountains and
4 filling stations are more desirable alternatives in schools, parks,
5 and other outdoor public areas; and

6 WHEREAS, The mission of the Tap Water Day campaign is to
7 improve public access to water in public places by promoting the
8 placement of community drinking fountains and filling stations in
9 schools, parks, and other public spaces, leading to a growing
10 awareness of the public health and the financial and environmental
11 benefits to making publicly available drinking water provided by
12 local water utilities available both at home and on the go; and

13 WHEREAS, Municipalities and water utilities are responsible
14 for providing clean and dependable drinking water throughout
15 communities, are strongly encouraged to invest in expanding and
16 maintaining drinking fountains and filling stations especially in
17 underserved communities, are committed to meeting the highest
18 standards of safety and quality and ensuring the health and
19 well-being of the public, and are driven to increase public
20 awareness about the value, dependability, reliability, and safety
21 of public water in this annual celebration; and

22 WHEREAS, WeTap.org makes community drinking fountains
23 easy to find and use by providing its mobile phone application and
24 other educational technology and is a major partner in the Tap
25 Water Day campaign; now, therefore, be it

26 *Resolved by the Senate of the State of California, the Assembly*
27 *thereof concurring*, That the Legislature hereby proclaims the first
28 Thursday in May to be “Tap Water Day” in the State of California
29 and encourages Californians to celebrate, support, trust, and value
30 publicly supplied drinking water and use community drinking
31 fountains and filling stations as one of the best and healthiest
32 sources of drinking water, thereby helping to reduce single use
33 plastic waste, alleviate economic disparity, appreciate, conserve,
34 and preserve scarce and precious drinking water sources, especially
35 in the face of drought and increased heat, and protect our
36 environment and the future of California; and be it further

37 *Resolved*, That the Secretary of the Senate transmit copies of
38 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 18, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
SCR 55 (Portantino) – As Introduced April 19, 2023

SENATE VOTE: 37-0

SUBJECT: Tap Water Day.

SUMMARY: Proclaims the first Thursday in May to be “Tap Water Day” in California; and, encourages residents to celebrate, support, trust, and value publicly supplied drinking water and use community drinking fountains and filling stations as one of the best and healthiest sources of drinking water. Specifically, **this resolution** makes the following legislative findings:

- 1) Clean drinking water is a basic human right and protecting and conserving the water we drink is crucial. Outdoor access to drinking water in many municipalities, school districts, parks, and other public places has diminished over time due to aging infrastructure, shrinking budgets, and the placement of vending machines where once only water fountains stood.
- 2) There is a pressing need to maintain existing community drinking fountains and to install newer versions, more commonly known as filling stations, in public places to benefit pupil health, performance, and success. Community drinking fountains and filling stations provide a healthier alternative to sweetened beverages.
- 3) Maintaining and installing new community drinking fountains and filling stations contributes to the conservation of valuable water resources by reducing both demand for bottled water and waste from discarded bottles. For that reason, maintaining and installing new community drinking fountains and filling stations are more desirable alternatives in schools, parks, and other outdoor public areas.
- 4) The mission of the Tap Water Day campaign is to improve public access to water in public places by promoting the placement of community drinking fountains and filling stations in schools, parks, and other public spaces, leading to a growing awareness of the public health and the financial and environmental benefits to making publicly available drinking water provided by local water utilities available both at home and on the go.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0050
(916) 319-2050
FAX (916) 319-2150

Assembly California Legislature



May 17th, 2023

The Honorable James Ramos
Assembly Rules Committee, Chair
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Mr. Ramos:

I am writing to request that an urgency clause be added to my bill, AB 241 which seeks to reauthorize certain DMV fees that fund three critical transportation programs: The Air Quality Improvement Program at the California Air Resources Board, the Clean Transportation Program at the California Energy Commission, and the Enhanced Fleet Modernization Program at the Bureau of Automotive Repair. These programs provide funding for deploying zero-emission vehicle infrastructure, zero-emission vehicles, and to offer low-income communities zero-emission vehicle options when replacing their old diesel vehicles.

The fees that support these programs expire at the end of this year and in order to prevent a stop gap in funding an urgency clause is needed to ensure that funds continue to flow seamlessly if this bill were to be passed. We are also partnering with the Senate to have two vehicles and adding the urgency clause to AB 241 allows the Assembly to align with the Senate in our dual effort to reauthorize these fees.

It is for these reasons that I request an urgency clause be added to AB 241. If you have any questions please contact my staff, Brandon Garcia at 916-319-2314 or email him at brandon.garcia@asm.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Eloise", written in a cursive style.

Assembly Majority Leader Eloise Gómez Reyes
50th Assembly District

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 241

Introduced by Assembly Member Reyes
(Principal coauthor: Senator Gonzalez)

January 13, 2023

~~An act relating to air resources.~~ *An act to amend Sections 44060.5, 44272, 44272.4, and 44274 of, and to add Section 44272.1 to, the Health and Safety Code, and to amend Sections 9250.1, 9261.1, and 9853.6 of the Vehicle Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Reyes. Clean Transportation ~~Program~~.
Program: Air Quality Improvement Program: funding.

(1) Existing law establishes the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels. Existing law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program.

98

This bill would expand the purpose of the program to include developing and deploying innovative technologies that transform California's fuel and vehicle types to help reduce criteria air pollutants and air toxics. The bill would no longer require the commission to provide certain project preferences. The bill would provide that the goals of the program shall be to advance the state's clean transportation, equity, air quality, and climate emission policies and would require the commission to ensure program investments support specified requirements. The bill would require the commission, on and after January 1, 2025, to expend at least 50% of the moneys appropriated to the program on programs and projects that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians, and would require at least 50% of funding for tangible location-based investments to be expended in disadvantaged and low-income communities.

(2) Existing law establishes the Air Quality Improvement Program under the administration of the State Air Resources Board for the purpose funding air quality improvement projects relating to fuel and vehicle technologies. The primary purpose of the program is to fund projects to reduce criteria air pollutants, improve air quality, and provide funding for research to determine and improve the air quality impacts of alternative transportation fuels and vehicles, vessels, and equipment technologies. Existing law establishes a list of projects eligible for funding under the program. Existing law creates the Air Quality Improvement Fund, and requires the state board to expend the moneys in that fund, upon appropriation by the Legislature, to implement the Air Quality Improvement Program.

This bill would instead provide that the purpose of the program is to fund air quality improvement projects relating to zero-emission fuel and vehicle technologies and that the primary purpose of the program is to fund projects to reduce criteria air pollutants in the logistics, trucking, and port sectors, improve air quality in nonattainment basins, and improve the air quality impacts of zero-emission transportation fuels and vehicles, vessels, and equipment technologies. The bill would also revise the list of projects eligible for funding under the program.

(3) Existing law, until January 1, 2024, increases vehicle registration fees, vessel registration fees, and specified service fees for identification plates by a specified amount. Existing law requires the revenue generated by the increase in those charges to be deposited in the Alternative and Renewable Fuel and Vehicle Technology Fund and

either the Air Quality Improvement Fund or the Enhanced Fleet Modernization Subaccount, as provided.

Existing law, until January 1, 2024, imposes on certain vehicles a smog abatement fee of \$20, and requires a specified amount of this charge to be deposited in the Air Quality Improvement Fund and in the Alternative and Renewable Fuel and Vehicle Technology Fund.

This bill would extend those charges in the amounts required to make those deposits until January 1, 2035, thereby imposing a tax.

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

~~The California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies.~~

~~This bill would state the intent of the Legislature to enact future legislation related to the Clean Transportation Program.~~

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

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

- 1 SECTION 1. Section 44060.5 of the Health and Safety Code
- 2 is amended to read:
- 3 44060.5. (a) Beginning July 1, 2008, the smog abatement fee
- 4 described in subparagraph (A) or (C) of paragraph (1) of
- 5 subdivision (d) of Section 44060 shall be increased by eight dollars
- 6 (\$8).
- 7 (b) Revenues generated by the increase described in this section
- 8 shall be distributed as follows:
- 9 (1) The revenues generated by four dollars (\$4) shall be
- 10 deposited in the Air Quality Improvement Fund created by Section
- 11 44274.5.

1 (2) The revenues generated by four dollars (\$4) shall be
2 deposited in the Alternative and Renewable Fuel and Vehicle
3 Technology Fund created by Section 44273.

4 (c) This section shall remain in effect only until January 1, 2024,
5 2035, and as of that date is repealed, unless a later enacted statute,
6 that is enacted before January 1, 2024, deletes or extends that date.
7 repealed.

8 *SEC. 2. Section 44272 of the Health and Safety Code is*
9 *amended to read:*

10 44272. (a) The Clean Transportation Program is hereby
11 created. The program shall be administered by the commission.
12 The commission shall implement the program by regulation
13 pursuant to the requirements of ~~Chapter the Administrative~~
14 *Procedure Act (Chapter 3.5* (commencing with Section 11340) of
15 Part 1 of Division 3 of Title 2 of the Government ~~Code. Code).~~
16 The program shall provide, upon appropriation by the Legislature,
17 competitive grants, revolving loans, loan guarantees, loans, or
18 other appropriate funding measures to public agencies, California
19 federally recognized tribes, tribal organizations, vehicle and
20 technology entities, businesses and projects, public-private
21 partnerships, workforce training partnerships and collaboratives,
22 fleet owners, consumers, recreational boaters, and academic
23 institutions to develop and deploy innovative technologies that
24 transform California's fuel and vehicle types to help *reduce criteria*
25 *air pollutants and air toxics and* attain the state's climate change
26 policies. The emphasis of this program shall be to develop and
27 deploy technology and alternative and renewable fuels in the
28 marketplace, without adopting any one preferred fuel or
29 technology.

30 (b) *The goals of the program shall be to advance the state's*
31 *clean transportation, equity, air quality, and climate emission*
32 *policies, including, but not limited to, any of the following:*

33 (1) *Section 39719.2.*

34 (2) *Section 39730.5.*

35 (3) *Section 43024.2.*

36 (4) *Section 44124.5.*

37 (5) *Section 44391.2.*

38 (6) *Section 25529 of the Public Resources Code.*

39 (7) *Section 25327 of the Public Resources Code.*

40 (8) *Section 14517 of the Government Code.*

1 (c) On or after January 1, 2025, when developing the investment
2 plan pursuant to Section 44272.5, the commission shall ensure
3 program investments support all of the following:

4 (1) Annually increasing deployment of infrastructure and other
5 projects that advance or support the deployment of medium- and
6 heavy-duty vehicles to meet the clean transportation, equity, air
7 quality, and climate emission goals described in subdivision (b).

8 (2) Annually increasing deployment of light-duty vehicle
9 infrastructure technology to fill deployment gaps identified
10 pursuant to Sections 25229 and 25231 of the Public Resources
11 Code and advance the goals identified in Executive Order No.
12 N-79-20.

13 (d) On and after January 1, 2025, no less than 50 percent of
14 investments expended pursuant to subdivision (a) shall be expended
15 in accordance with Section 44272.1.

16 ~~(b)~~

17 (e) A project that receives more than seventy-five thousand
18 dollars (\$75,000) in funds from the commission shall be approved
19 at a noticed public meeting of the commission and shall be
20 consistent with the priorities established by the investment plan
21 adopted pursuant to Section 44272.5. Under this article, the
22 commission may delegate to the commission's executive director,
23 or the executive director's designee, the authority to approve either
24 of the following:

25 (1) A contract, grant, loan, or other agreement or award that
26 receives seventy-five thousand dollars (\$75,000) or less in funds
27 from the commission.

28 (2) Amendments to a contract, grant, loan, or other agreement
29 or award as long as the amendments do not increase the amount
30 of the award, change the scope of the project, or modify the purpose
31 of the agreement.

32 ~~(e)~~

33 (f) The commission shall provide preferences to those projects
34 that maximize the goals of the Clean Transportation Program,
35 based on the following criteria, as applicable:

36 ~~(1) The project's ability to provide a measurable transition from~~
37 ~~the nearly exclusive use of petroleum fuels to a diverse portfolio~~
38 ~~of viable alternative fuels that meet petroleum reduction and~~
39 ~~alternative fuel use goals.~~

- 1 ~~(2) The project’s consistency with existing and future state~~
- 2 ~~climate change policy and low-carbon fuel standards.~~
- 3 ~~(3)~~
- 4 (1) The project’s ability to reduce criteria air pollutants and air
- 5 toxics and reduce or avoid multimedia environmental impacts.
- 6 ~~(4) The project’s ability to decrease, on a life-cycle basis, the~~
- 7 ~~discharge of water pollutants or any other substances known to~~
- 8 ~~damage human health or the environment, in comparison to the~~
- 9 ~~production and use of California Phase 2 Reformulated Gasoline~~
- 10 ~~or diesel fuel produced and sold pursuant to California diesel fuel~~
- 11 ~~regulations set forth in Article 2 (commencing with Section 2280)~~
- 12 ~~of Chapter 5 of Division 3 of Title 13 of the California Code of~~
- 13 ~~Regulations.~~
- 14 ~~(5)~~
- 15 (2) The project does not adversely impact the sustainability of
- 16 the state’s natural resources, especially state and federal lands.
- 17 ~~(6)~~
- 18 (3) The project provides nonstate matching funds: *funds or the*
- 19 ~~*funding is complementary to state or ratepayer investment.*~~ Costs
- 20 incurred from the date a proposed award is noticed may be counted
- 21 as nonstate matching funds. The commission may adopt further
- 22 requirements for the purposes of this paragraph. The commission
- 23 is not liable for costs incurred pursuant to this paragraph if the
- 24 commission does not give final approval for the project or the
- 25 proposed recipient does not meet requirements adopted by the
- 26 commission pursuant to this paragraph.
- 27 ~~(7)~~
- 28 (4) The project provides economic benefits for California by
- 29 promoting California-based technology firms, jobs, and businesses.
- 30 ~~(8)~~
- 31 (5) The project uses existing or proposed fueling infrastructure
- 32 to maximize the outcome of the project.
- 33 ~~(9) The project’s ability to reduce on a life-cycle assessment~~
- 34 ~~greenhouse gas emissions by at least 10 percent, and higher~~
- 35 ~~percentages in the future, from current reformulated gasoline and~~
- 36 ~~diesel fuel standards established by the state board.~~
- 37 ~~(10) The project’s use of alternative fuel blends of at least 20~~
- 38 ~~percent, and higher blend ratios in the future, with a preference~~
- 39 ~~for projects with higher blends.~~
- 40 ~~(11)~~

1 (6) The project drives new technology advancement for vehicles,
2 vessels, engines, and other equipment, and promotes the
3 deployment of that technology in the marketplace.

4 ~~(12)~~

5 (7) The project's ability to transition workers to, or promote
6 employment in, the alternative and renewable fuel and vehicle
7 technology sector.

8 ~~(13)~~

9 (8) The project is in a nonattainment area pursuant to the federal
10 Clean Air Act (42 U.S.C. Sec. 7401 et seq.), and, if applicable,
11 preference shall be given to projects in the highest designation of
12 nonattainment.

13 ~~(14)~~

14 (9) The project advances the comprehensive strategy for vehicles
15 pursuant to Section 43024.2.

16 ~~(d)~~

17 (g) The commission shall rank applications for projects proposed
18 for funding awards based on solicitation criteria developed in
19 accordance with subdivision ~~(e)~~; (f) and shall give additional
20 preference to funding those projects with higher benefit-cost scores.

21 ~~(e)~~

22 (h) Only the following shall be eligible for funding:

23 (1) Alternative and renewable fuel projects to develop and
24 improve alternative and renewable low-carbon fuels, including
25 electricity, ethanol, dimethyl ether, renewable diesel, natural gas,
26 hydrogen, and biomethane, among others, and their feedstocks
27 that have high potential for long-term or short-term
28 commercialization, including projects that lead to sustainable
29 feedstocks.

30 (2) Demonstration and deployment projects that optimize
31 alternative and renewable fuels for existing and developing engine
32 technologies.

33 (3) Projects to produce alternative and renewable low-carbon
34 fuels in California.

35 (4) Projects to decrease the overall impact of an alternative and
36 renewable fuel's life-cycle carbon footprint and increase
37 sustainability.

38 (5) Alternative and renewable fuel infrastructure, fueling
39 stations, and equipment. ~~The preference in paragraph (10) of~~
40 ~~subdivision (e) shall not apply to renewable diesel or biodiesel~~

1 ~~infrastructure, fueling stations, and equipment used solely for~~
2 ~~renewable diesel or biodiesel fuel.~~

3 (6) Projects to develop and improve light-, medium-, and
4 heavy-duty vehicle technologies that provide for better fuel
5 efficiency and lower greenhouse gas emissions, alternative fuel
6 usage and storage, or emission reductions, including propulsion
7 systems, advanced internal combustion engines with a 40 percent
8 or better efficiency level over the current market standard,
9 lightweight materials, intelligent transportation systems, energy
10 storage, control systems and system integration, physical
11 measurement and metering systems and software, development of
12 design standards and testing and certification protocols, battery
13 recycling and reuse, engine and fuel optimization electronic and
14 electrified components, hybrid technology, plug-in hybrid
15 technology, battery electric vehicle technology, fuel cell
16 technology, and conversions of hybrid technology to plug-in
17 technology through the installation of safety certified supplemental
18 battery modules.

19 (7) Programs and projects that accelerate the commercialization
20 of vehicles and alternative and renewable fuels, including
21 buy-down programs through near-market and market-path
22 deployments, advanced technology warranty or replacement
23 insurance, development of market niches, supply-chain
24 development, and research related to the pedestrian safety impacts
25 of vehicle technologies and alternative and renewable fuels.

26 (8) Programs and projects to retrofit medium- and heavy-duty
27 on-road and nonroad vehicle fleets with technologies that create
28 higher fuel efficiencies, including alternative and renewable fuel
29 vehicles and technologies, idle management technology, and
30 aerodynamic retrofits that decrease fuel consumption.

31 (9) Infrastructure projects that promote alternative and renewable
32 fuel infrastructure development connected with existing fleets,
33 public transit, and existing transportation corridors, including
34 physical measurement or metering equipment and truck stop
35 electrification.

36 (10) Workforce training programs related to the development
37 and deployment of technologies that transform California's fuel
38 and vehicle types and assist the state in implementing its climate
39 change policies, including, but not limited to, alternative and
40 renewable fuel feedstock production and extraction; renewable

1 fuel production, distribution, transport, and storage;
2 high-performance and low-emission vehicle technology and high
3 tower electronics; automotive computer systems; mass transit fleet
4 conversion, servicing, and maintenance; and other sectors or
5 occupations related to the purposes of this chapter, including
6 training programs to transition dislocated workers affected by the
7 state's greenhouse gas emission policies, including those from
8 fossil fuel sectors, or training programs for low-skilled workers to
9 enter or continue in a career pathway that leads to middle skill,
10 industry-recognized credentials or state-approved apprenticeship
11 opportunities in occupations related to the purposes of this chapter.

12 (11) Block grants or incentive programs administered by public
13 entities or not-for-profit technology entities for multiple projects,
14 education and program promotion within California, and
15 development of alternative and renewable fuel and vehicle
16 technology centers. The commission may adopt guidelines for
17 implementing the block grant or incentive program, which shall
18 be approved at a noticed public meeting of the commission.

19 (12) Life-cycle and multimedia analyses, sustainability and
20 environmental impact evaluations, and market, financial, and
21 technology assessments performed by a state agency to determine
22 the impacts of increasing the use of low-carbon transportation fuels
23 and technologies, and to assist in the preparation of the investment
24 plan and program implementation.

25 (13) A program to provide funding for homeowners who
26 purchase a plug-in electric vehicle to offset costs associated with
27 modifying electrical sources to include a residential plug-in electric
28 vehicle charging station. In establishing this program, the
29 commission shall consider funding criteria to maximize the public
30 benefit of the program.

31 ~~(f)~~

32 (i) The commission may make a single source or sole source
33 award pursuant to this section for applied research. The same
34 requirements set forth in Section 25620.5 of the Public Resources
35 Code shall apply to awards made on a single source basis or a sole
36 source basis. This subdivision does not authorize the commission
37 to make a single source or sole source award for a project or
38 activity other than for applied research.

39 ~~(g)~~

40 (j) The commission may do all of the following:

1 (1) Contract with the Treasurer to expend funds through
 2 programs implemented by the Treasurer, if the expenditure is
 3 consistent with all of the requirements of this article and Article
 4 1 (commencing with Section 44270).

5 (2) Contract with small business financial development
 6 corporations established by the Governor’s Office of Business and
 7 Economic Development to expend funds through the Small
 8 Business Loan Guarantee Program if the expenditure is consistent
 9 with all of the requirements of this article and Article 1
 10 (commencing with Section 44270).

11 (3) Advance funds, pursuant to an agreement with the
 12 commission, to any of the following:

13 (A) A public entity.

14 (B) A recipient to enable it to make advance payments to a
 15 public entity that is a subrecipient of the funds and under a binding
 16 and enforceable subagreement with the recipient.

17 (C) An administrator of a block grant program.

18 ~~(H)~~

19 (k) The commission shall collaborate with entities that have
 20 expertise in workforce development to implement the workforce
 21 development components of this section, including, but not limited
 22 to, the California Workforce Development Board, the Employment
 23 Training Panel, the Employment Development Department, and
 24 the Division of Apprenticeship Standards.

25 *SEC. 3. Section 44272.1 is added to the Health and Safety*
 26 *Code, to read:*

27 *44272.1. (a) On and after January 1, 2025, the commission*
 28 *shall expend at least 50 percent of the moneys appropriated to the*
 29 *Clean Transportation Program on programs and projects that*
 30 *directly benefit or serve residents of disadvantaged and low-income*
 31 *communities and low-income Californians, and at least 50 percent*
 32 *of the funds for tangible location-based investments shall be*
 33 *expended in disadvantaged and low-income communities. Any of*
 34 *the moneys used for investments that fulfill both criteria shall count*
 35 *toward both requirements.*

36 *(b) Eligible programs and projects that meet the equity criteria*
 37 *described in subdivision (a) may include, but are not limited to,*
 38 *any of the following:*

39 *(1) Programs that fill gaps in the equitable distribution of*
 40 *light-duty charging infrastructure identified pursuant to Section*

1 25231 of the Public Resources Code, including programs deploying
2 charging or refueling stations at low-income residential and
3 multiunit dwelling locations.

4 (2) Programs deploying publicly accessible or shared charging
5 or refueling stations serving low-income customers who reside in
6 disadvantaged and low-income communities, including programs
7 to promote zero-emission car sharing, zero-emission transit, or
8 vanpooling in those communities.

9 (3) Infrastructure for public transportation and schoolbus
10 electrification programs.

11 (4) Programs that support the deployment of clean medium-
12 and heavy-duty vehicles, including infrastructure deployment and
13 other programs to displace local air pollution that
14 disproportionately burdens disadvantaged and low-income
15 communities.

16 (5) Financing assistance and vehicle purchase, charging, or
17 fueling incentives for customers residing in disadvantaged and
18 low-income communities.

19 (6) Multilingual marketing, education, and outreach designed
20 to increase awareness and adoption of clean mobility options.

21 (7) Programs that create high-quality jobs related to supporting
22 new clean technologies in transportation and reduce household
23 energy burdens related to vehicle charging.

24 (c) The commission shall consult with the disadvantaged
25 community advisory group established pursuant to Section 400 of
26 the Public Utilities Code and the advisory body created pursuant
27 to Section 44272.5 to ensure that this section is effectively
28 implemented.

29 SEC. 4. Section 44272.4 of the Health and Safety Code is
30 amended to read:

31 44272.4. (a) Notwithstanding subdivision (d) of Section
32 44272.3, on and after June 30, 2013, a biorefiner receiving loan
33 moneys from the state pursuant to an appropriation made in the
34 2010–11 or 2011–12 fiscal year shall comply with all conditions
35 established pursuant to Section 44272.3 and shall demonstrate that
36 compliance to the commission.

37 (b) On and after July 1, 2013, the eligibility for funding, pursuant
38 to paragraph (1) of subdivision (e) (h) of Section 44272, of projects
39 for the production of ethanol is limited to ethanol that is not derived
40 from corn. This limitation does not apply to ethanol derived from

1 corn stover, leaves, cobs, or other nonedible plant portions of the
 2 corn.

3 *SEC. 5. Section 44274 of the Health and Safety Code is*
 4 *amended to read:*

5 44274. (a) The Air Quality Improvement Program is hereby
 6 created. The program shall be administered by the state board, in
 7 consultation with the districts. The state board shall develop
 8 guidelines to implement the program. Prior to the adoption of the
 9 guidelines, the state board shall hold at least one public hearing.
 10 In addition, the state board shall hold at least three public
 11 workshops with at least one workshop in northern California, one
 12 in the central valley, and one in southern California. The purpose
 13 of the program shall be to fund, upon appropriation by the
 14 Legislature, air quality improvement projects relating to
 15 *zero-emission* fuel and vehicle technologies. The primary purpose
 16 of the program shall be to fund projects to reduce criteria air
 17 ~~pollutants~~, *pollutants in the logistics, trucking, and port sectors,*
 18 ~~improve air quality~~, *quality in nonattainment basins,* and ~~provide~~
 19 ~~funding for research to determine and~~ improve the air quality
 20 impacts of ~~alternative~~ *zero-emission* transportation fuels and
 21 vehicles, vessels, and equipment technologies.

22 (b) The state board shall provide preference in awarding funding
 23 ~~to those~~ projects with higher benefit-cost scores that maximize the
 24 purposes and goals of the Air Quality Improvement Program. The
 25 state board ~~also~~ may give additional preference based on the
 26 following criteria, as applicable, in funding awards to projects:

27 (1) Proposed or potential reduction of criteria or toxic air
 28 pollutants.

29 (2) Contribution to regional air quality improvement.

30 (3) Ability to promote the use of clean alternative fuels and
 31 vehicle technologies as determined by the state board, in
 32 coordination with the commission.

33 (4) Ability to achieve climate change benefits in addition to
 34 criteria pollutant or air toxic emissions reductions.

35 (5) Ability to support market transformation of California’s
 36 vehicle or equipment fleet to utilize ~~low carbon~~ or zero-emission
 37 technologies.

38 (6) Ability to leverage private capital investments.

39 (c) The program shall be limited to competitive grants, revolving
 40 loans, loan guarantees, loans, and other appropriate funding

1 measures that further the purposes of the program. Projects to be
2 funded shall include only the following:

3 (1) On-road and off-road equipment projects that are cost
4 effective.

5 (2) Projects that provide mitigation for off-road gasoline exhaust
6 and evaporative emissions.

7 ~~(3) Projects that provide research to determine the air quality
8 impacts of alternative fuels and projects that study the life-cycle
9 impacts of alternative fuels and conventional fuels, the emissions
10 of biofuel and advanced reformulated gasoline blends, and air
11 pollution improvements and control technologies for use with
12 alternative fuels and vehicles.~~

13 ~~(4) Projects that augment the University of California's
14 agricultural experiment station and cooperative extension programs
15 for research to increase sustainable biofuels production and
16 improve the collection of biomass feedstock.~~

17 ~~(5)~~

18 (3) Incentives for small off-road equipment replacement to
19 encourage consumers to replace internal combustion engine lawn
20 and garden equipment.

21 ~~(6)~~

22 (4) Incentives for medium- and heavy-duty vehicles and
23 equipment mitigation, including all of the following:

24 (A) Lower emission schoolbus programs.

25 (B) Electric, hybrid, and plug-in hybrid on-road and off-road
26 medium- and heavy-duty equipment.

27 (C) Regional air quality improvement and attainment programs
28 implemented by the state or districts in the most impacted regions
29 of the state.

30 (D) *Precommercial demonstrations of advanced vehicles,
31 engines, equipment, and transportation systems.*

32 ~~(7)~~

33 (5) Workforce training initiatives related to advanced energy
34 technology designed to reduce air pollution, including
35 state-of-the-art equipment and goods, and new processes and
36 systems. Workforce training initiatives funded shall be broad-based
37 partnerships that leverage other public and private job training
38 programs and resources. These partnerships may include, though
39 are not limited to, employers, labor unions, labor-management
40 partnerships, community organizations, workforce investment

1 boards, postsecondary education providers including community
 2 colleges, and economic development agencies.
 3 ~~(8)~~
 4 (6) Incentives to identify and reduce emissions from
 5 high-emitting light-duty vehicles.
 6 (d) (1) Beginning January 1, 2011, the state board shall submit
 7 to the Legislature a biennial report to evaluate the implementation
 8 of the Air Quality Improvement Program established pursuant to
 9 this chapter.
 10 (2) The report shall include all of the following:
 11 (A) A list of projects funded by the Air Quality Improvement
 12 Account.
 13 (B) The expected benefits of the projects in promoting clean,
 14 alternative fuels and vehicle technologies.
 15 (C) Improvement in air quality and public health, greenhouse
 16 gas emissions reductions, and the progress made toward achieving
 17 these benefits.
 18 (D) The impact of the projects in making progress toward
 19 attainment of state and federal air quality standards.
 20 (E) Recommendations for future actions.
 21 (3) The state board may include the information required to be
 22 reported pursuant to paragraph (1) in an existing report to the
 23 Legislature as the state board deems appropriate. The state board
 24 may also include in an existing report the description of how grant,
 25 loan, voucher, or other incentive projects that receive moneys from
 26 the Air Quality Improvement Fund are implementing the labor
 27 standards required by Chapter 3.6 (commencing with Section
 28 39680) of Part 2, as applicable.
 29 (e) Projects using grants, loans, vouchers, or other incentives
 30 funded in part or whole by the Air Quality Improvement Fund
 31 shall be conditioned on the requirements of Chapter 3.6
 32 (commencing with Section 39680) of Part 2, as applicable.
 33 *SEC. 6. Section 9250.1 of the Vehicle Code is amended to read:*
 34 9250.1. (a) Beginning July 1, 2008, the fee described in Section
 35 9250 shall be increased by three dollars (\$3).
 36 (b) Two dollars (\$2) of the increase shall be deposited into the
 37 Alternative and Renewable Fuel and Vehicle Technology Fund
 38 created by Section 44273 of the Health and Safety Code, and one
 39 dollar (\$1) shall be deposited into the Enhanced Fleet

1 Modernization Subaccount created by Section 44126 of the Health
2 and Safety Code.

3 (c) This section shall remain in effect only until January 1, ~~2024,~~
4 ~~2035,~~ and as of that date is ~~repealed, unless a later enacted statute,~~
5 ~~that is enacted before January 1, 2024, deletes or extends that date.~~
6 *repealed.*

7 *SEC. 7. Section 9261.1 of the Vehicle Code is amended to read:*

8 9261.1. (a) Beginning July 1, 2008, the fee described in Section
9 9261, as adjusted pursuant to Section 1678, shall be increased by
10 five dollars (\$5).

11 (b) Two dollars and fifty cents (\$2.50) of the increase shall be
12 deposited into the Alternative and Renewable Fuel and Vehicle
13 Technology Fund created by Section 44273 of the Health and
14 Safety Code, and two dollars and fifty cents (\$2.50) shall be
15 deposited into the Air Quality Improvement Fund created by
16 Section 44274.5 of the Health and Safety Code.

17 (c) This section shall remain in effect only until January 1, ~~2024,~~
18 ~~2035,~~ and as of that date is ~~repealed, unless a later enacted statute,~~
19 ~~that is enacted before January 1, 2024, deletes or extends that date.~~
20 *repealed.*

21 *SEC. 8. Section 9853.6 of the Vehicle Code is amended to read:*

22 9853.6. (a) (1) Beginning July 1, 2008, the fee described in
23 paragraph (1) of subdivision (b) of Section 9853 shall be increased
24 by ten dollars (\$10).

25 (2) Five dollars (\$5) of the increase shall be deposited into the
26 Alternative and Renewable Fuel and Vehicle Technology Fund
27 created by Section 44273 of the Health and Safety Code and five
28 dollars (\$5) shall be deposited into the Air Quality Improvement
29 Fund created by Section 44274.5 of the Health and Safety Code.

30 (b) (1) Beginning July 1, 2008, the fee described in paragraph
31 (2) of subdivision (b) of Section 9853 shall be increased by twenty
32 dollars (\$20).

33 (2) Ten dollars (\$10) of the increase shall be deposited into the
34 Alternative and Renewable Fuel and Vehicle Technology Fund
35 created by Section 44273 of the Health and Safety Code and ten
36 dollars (\$10) shall be deposited into the Air Quality Improvement
37 Fund created by Section 44274.5 of the Health and Safety Code.

38 (c) This section shall remain in effect only until January 1, ~~2024,~~
39 ~~2035,~~ and as of that date is ~~repealed, unless a later enacted statute,~~

- 1 ~~that is enacted before January 1, 2024, deletes or extends that date.~~
- 2 ~~repealed.~~
- 3 ~~SECTION 1. It is the intent of the Legislature to enact future~~
- 4 ~~legislation related to the Clean Transportation Program.~~

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STATE CAPITOL
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May 12, 2023

Honorable James Ramos, Chair
Assembly Committee on Rules
1021 O Street, Suite 6250
Sacramento, California 95814

RE: AB 1307 (Wicks)

Assemblymember Ramos,

I am seeking to add an urgency clause to AB 1307. The bill would amend the California Environmental Quality Act (CEQA) to specify that, for residential projects, noise generated by occupants is not a significant effect on the environment.

AB 1307 is in response to a February 2023 decision by the Appellate Court that reversed 50 years of precedent that such noise is not a significant effect. To ensure housing projects currently undergoing CEQA are not subject to further uncertainty, delay, or risk of lawsuit, it is necessary for this act to take effect immediately.

Thank you for your consideration.

Sincerely,



Buffy Wicks
Assemblymember, 14th District

PROPOSED AMENDMENTS

**RN 23 15243 05
05/08/23 11:41 AM
SUBSTANTIVE**

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1307

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1307

**Introduced by Assembly Members ~~Wicks~~ *Wicks, Hoover, and
Luz Rivas*
(Principal coauthor: Assembly Member Ting)**

February 16, 2023

An act to add Section 21085 to the Public Resources Code, relating to environmental ~~quality~~. *quality, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1307, as amended, Wicks. California Environmental Quality Act: noise impact: residential projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.



RN2315243

**Amendment 1
Amendment 2**

Amendment 3

PROPOSED AMENDMENTS

AB 1307

— 2 —

**RN 23 15243 05
05/08/23 11:41 AM
SUBSTANTIVE**

This bill would specify that noise generated by the ~~unamplified voices of residents occupants~~ is not a significant effect on the environment for residential projects for purposes of CEQA.

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

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

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

Page 2

1 SECTION 1. Section 21085 is added to the Public Resources
2 Code, to read:

3 21085. For purposes of this division, *for residential projects,*
4 ~~noise generated by the unamplified voices of residents occupants~~
5 ~~is not a significant effect on the environment for residential~~
+ ~~projects: environment.~~

+ *SEC. 2. This act is an urgency statute necessary for the*
+ *immediate preservation of the public peace, health, or safety within*
+ *the meaning of Article IV of the California Constitution and shall*
+ *go into immediate effect. The facts constituting the necessity are:*

+ *Currently in California there is a substantial housing crisis. To*
+ *ensure housing projects are not subject to further uncertainty,*
+ *delay, or risk of lawsuit, it is necessary for this act to take effect*
+ *immediately.*

Amendments 4 & 5

Amendment 6

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GREG WALLIS

May 17, 2023

James Ramos, Chair of the Assembly Committee on Rules
California Assembly
1021 O Street, Suite 8310
Sacramento, CA 95814
VIA EMAIL

Subject: Request for Urgency Clause

Dear Chair Ramos,

I write to ask for an urgency designation for AB 1373, my bill to create a Central Procurement Entity (CPE) at the Department of Water Resources (DWR). Following the sweltering heat wave in August 2020, and the rolling blackouts that followed, the California Public Utilities Commission (CPUC) ordered its jurisdictional entities to procure additional electricity to meet updated clean energy and reliability requirements. From 2019-2023 the CPUC has ordered roughly 18,800 megawatts, the largest procurement order in the CPUC's history. The electric utilities have aggressively sought to meet this need, but a number of factors, including supply chain issues and regulatory barriers, have put at risk the state meeting its reliability goals. The last three summers have found our electrical grid strained as extreme heat waves extended throughout the West.

In recognition of this difficulty, the California Energy Commission (CEC) and the CPUC together recommended the state consider "statutory and regulatory changes to a central procurement mechanism to secure a development path for large, long-lead time clean energy resources." This bill proposes to provide such a tool to the CPUC to be able to call upon DWR to procure electrical resources that are needed for reliability, but are not being procured by the energy entities. It is necessary that such a tool be available as soon as possible, and thus the need for an urgency clause with this statute, due to the shortfall in resources the CPUC and CEC are anticipating in the coming summers and the time it will take for DWR to establish the CPE.

We appreciate your consideration of granting an urgency clause for AB 1373. Should you have any questions, please contact the committee staff at laura.shybut@asm.ca.gov or (916) 319-2083.

Sincerely,

Eduardo Garcia, 36th Assembly District
Chair, Assembly Committee on Utilities & Energy

AMENDED IN ASSEMBLY APRIL 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1373

Introduced by Assembly Member Garcia

February 17, 2023

~~An act to amend and repeal Section 25216.7 of the Public Resources Code, relating to energy.~~ *An act to amend Section 10295.6 of the Public Contract Code, to amend Sections 365.1, 380, 454.51, and 454.52 of the Public Utilities Code, and to amend Section 80720 of, to add Sections 80713 and 80714 to, to add Chapter 5 (commencing with Section 80740) to Division 29 of, and to add Division 29.5 (commencing with Section 80800) to, the Water Code, relating to energy, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as amended, Garcia. ~~Energy: firm zero-carbon resources.~~ *Energy.*

(1) Existing law requires the Public Utilities Commission (PUC) to identify a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy in a cost-effective manner. Existing law requires the PUC to adopt a process for each load-serving entity, as defined, to file an integrated resource plan and a schedule for periodic updates to the plan, and to ensure that load-serving entities meet other specified requirements.

This bill would require that the portfolio of resources ensure a reliable electricity supply that also provides optimal integration of resource diversity in a cost-effective manner, as specified. The bill would authorize the PUC to direct an electrical corporation, and request the

Department of Water Resources, to procure diverse clean energy resources, as defined by the PUC, that satisfy the portfolio of resources, as specified. The bill would authorize the PUC to order resource procurement as a result of the integrated resource planning process and require the PUC to enforce any resource procurement requirements on a nondiscriminatory basis.

(2) Existing law establishes the Department of Water Resources Electricity Supply Reliability Reserve Fund and continuously appropriates moneys in the fund to the department for purposes of implementing projects, purchases, and contracts to carry out specified purposes, including, but not limited to, the Distributed Electricity Backup Assets Program and the Demand Side Grid Support Program.

This bill would require the PUC to annually assess a capacity payment for the use of the fund by each load-serving entity that fails to meet its system resource adequacy requirements during a month in which resources procured using moneys from the fund were used to meet a reliability need. The bill would require the executive director of the Energy Commission to annually assess a capacity payment for the use of the fund by each local publicly owned electric utility that fails to meet its minimum planning reserve margin during a month in which resources procured using moneys from the fund were used to meet a reliability need, and authorize the Energy Commission to adopt regulations for this purpose, as specified. The bill would require the department to collect any capacity payment ordered pursuant to those requirements and to deposit those payments into the fund, thereby making an appropriation.

This bill would authorize the department, following a determination from the PUC, in consultation with the Energy Commission and the Independent System Operator, that it is necessary for the department to develop and conduct one or more competitive solicitations to procure energy, capacity, ancillary services, and all associated attributes, to conduct those solicitations, as specified. The bill would authorize the department to establish a schedule and mechanism for any local publicly owned electric utility to voluntarily obtain from the department energy, capacity, or ancillary services to be acquired by the department through its central procurement function on a contract-by-contract basis. At the request of the department, the bill would authorize the PUC to order an electrical corporation to provide for the transmission of and distribute all electricity made available by the department, and, as an agent of the department, to provide billing, collection, and other related

services on terms and conditions that reasonably compensate the electrical corporation for its services and adequately secure payment to the department. The bill would establish the Clean Energy Central Procurement Fund and continuously appropriate moneys in the fund to the department for specified purposes. By establishing a continuously appropriated fund, the bill would make an appropriation. The bill would require that all moneys collected by load-serving entities and remitted to the department with respect to certain diverse clean energy resources, and all moneys paid directly or indirectly to the department with respect to the sale, exchange, transfer, or disposition of certain energy, be deposited into the fund. The bill would authorize the department, upon determining that it is necessary or desirable to issue bonds to support activities for the procurement of diverse clean energy resources, to issue bonds for purposes of, among other things, financing the procurement of diverse clean energy resources supporting the fund and other related expenses incurred by the department, as specified. The bill would authorize the department to adopt regulations for purposes of administering these provisions.

(3) 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.

~~Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in consultation with the Public Utilities Commission, the Independent System Operator, and the State Air Resources Board, on or before December 31, 2023, to submit to the Legislature an assessment of the firm zero-carbon resources that support a clean, reliable, and resilient electrical grid in California and will achieve 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;~~

as specified. Existing law requires that the assessment, among other things, evaluate the use of energy storage to achieve those goals.

This bill would require the assessment to instead be submitted on or before June 30, 2024, and would limit the requirement to evaluate the use of energy storage in the assessment to an evaluation of the use of long-duration and multiday energy storage.

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

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

1 SECTION 1. Section 10295.6 of the Public Contract Code is
2 amended to read:

3 10295.6. Sections 10295 and 10297 do not apply to any contract
4 entered into by the Department of Water Resources under Part 3
5 (commencing with Section 11100) of Division ~~6~~ or 6, Chapter 8
6 (commencing with Section 12930) of Part 6 of Division ~~6~~ 6,
7 Division 29 (commencing with Section 80700), or Division 29.5
8 (commencing with Section 80800), of the Water Code for the
9 acquisition, sale, or transmission of power, or for services to
10 facilitate those activities.

11 SEC. 2. Section 365.1 of the Public Utilities Code is amended
12 to read:

13 365.1. (a) Except as expressly authorized by this section, and
14 subject to the limitations in subdivisions (b) and (c), the right of
15 retail end-use customers pursuant to this chapter to acquire service
16 from other providers is suspended until the Legislature, by statute,
17 lifts the suspension or otherwise authorizes direct transactions. For
18 purposes of this section, “other provider” means any person,
19 corporation, or other entity that is authorized to provide electric
20 service within the service territory of an electrical corporation
21 pursuant to this chapter, and includes an aggregator, broker, or
22 marketer, as defined in Section 331, and an electric service
23 provider, as defined in Section 218.3. “Other provider” does not
24 include a community choice aggregator, as defined in Section
25 331.1, and the limitations in this section do not apply to the sale
26 of electricity by “other providers” to a community choice
27 aggregator for resale to community choice aggregation electricity
28 consumers pursuant to Section 366.2.

1 (b) The commission shall ~~allow~~ *authorize* individual retail
2 nonresidential end-use customers to acquire electric service from
3 other providers in each electrical corporation's distribution service
4 territory, up to a maximum allowable total kilowatthours annual
5 limit. The maximum allowable annual limit shall be established
6 by the commission for each electrical corporation at the maximum
7 total kilowatthours supplied by all other providers to distribution
8 customers of that electrical corporation during any sequential
9 12-month period between April 1, 1998, and ~~the effective date of~~
10 ~~this section.~~ *October 11, 2009.* Within six months of ~~the effective~~
11 ~~date of this section,~~ *or by July 1, 2010,* ~~whichever is sooner,~~ *the*
12 *October 11, 2009,* the commission shall adopt and implement a
13 reopening schedule that commences immediately and will phase
14 in the allowable amount of increased kilowatthours over a period
15 of not less than three years, and not more than five years, raising
16 the allowable limit of kilowatthours supplied by other providers
17 in each electrical corporation's distribution service territory from
18 the number of kilowatthours provided by other providers as of ~~the~~
19 ~~effective date of this section,~~ *October 11, 2009,* to the maximum
20 allowable annual limit for that electrical corporation's distribution
21 service territory. The commission shall review and, if appropriate,
22 modify its currently effective rules governing direct transactions,
23 but that review shall not delay the start of the phase-in schedule.

24 (c) Once the commission has authorized additional direct
25 transactions pursuant to subdivision (b), it shall do both of the
26 following:

27 (1) Ensure that other providers are subject to the same
28 requirements that ~~are applicable~~ *apply* to the state's three largest
29 electrical corporations under any programs or rules adopted by the
30 commission to implement the resource adequacy provisions of
31 Section 380, the renewables portfolio standard provisions of Article
32 16 (commencing with Section 399.11), ~~and~~ the requirements for
33 the electricity sector adopted by the State Air Resources Board
34 pursuant to the California Global Warming Solutions Act of 2006
35 (Division 25.5 (commencing with Section 38500) of the Health
36 and Safety ~~Code~~), *and the requirements of the integrated*
37 *resource planning process as specified in Sections 454.5 to 454.6,*
38 *inclusive.* This requirement applies notwithstanding any prior
39 decision of the commission to the contrary.

1 (2) (A) Ensure that, in the event that the commission authorizes,
2 in the situation of a contract with a third party, or orders, in the
3 situation of utility-owned generation, an electrical corporation to
4 obtain generation resources that the commission determines are
5 needed to meet system or local area reliability needs for the benefit
6 of all customers in the electrical corporation's distribution service
7 territory, the net capacity costs of those generation resources are
8 allocated on a fully nonbypassable basis consistent with departing
9 load provisions as determined by the commission, to all of the
10 following:

- 11 (i) Bundled service customers of the electrical corporation.
- 12 (ii) Customers that purchase electricity through a direct
13 transaction with other providers.
- 14 (iii) Customers of community choice aggregators.

15 (B) If the commission authorizes or orders an electrical
16 corporation to obtain generation resources pursuant to subparagraph
17 (A), the commission shall ensure that those resources meet a system
18 or local reliability need in a manner that benefits all customers of
19 the electrical corporation. The commission shall allocate the costs
20 of those generation resources to ratepayers in a manner that is fair
21 and equitable to all customers, whether they receive electric service
22 from the electrical corporation, a community choice aggregator,
23 or an electric service provider.

24 (C) The resource adequacy benefits of generation resources
25 acquired by an electrical corporation pursuant to subparagraph (A)
26 shall be allocated to all customers who pay their net capacity costs.
27 Net capacity costs shall be determined by subtracting the energy
28 and ancillary services value of the resource from the total costs
29 paid by the electrical corporation pursuant to a contract with a
30 third party or the annual revenue requirement for the resource if
31 the electrical corporation directly owns the resource. An energy
32 auction shall not be required as a condition for applying this
33 allocation, but may be allowed as a means to establish the energy
34 and ancillary services value of the resource for purposes of
35 determining the net costs of capacity to be recovered from
36 customers pursuant to this paragraph, and the allocation of the net
37 capacity costs of contracts with third parties shall be allowed for
38 the terms of those contracts.

39 (D) It is the intent of the Legislature, in enacting this paragraph,
40 to provide additional guidance to the commission with respect to

1 the implementation of subdivision (g) of Section 380, ~~as well as~~
2 ~~and~~ to ensure that the customers to whom the net costs and benefits
3 of capacity are allocated are not required to pay for the cost of
4 electricity they do not consume.

5 (d) (1) If the commission approves a centralized resource
6 adequacy mechanism pursuant to subdivisions (h) and (i) of Section
7 380, upon the implementation of the centralized resource adequacy
8 mechanism the requirements of paragraph (2) of subdivision (c)
9 shall be suspended. If the commission later orders that electrical
10 corporations cease procuring capacity through a centralized
11 resource adequacy mechanism, the requirements of paragraph (2)
12 of subdivision (c) shall again apply.

13 (2) If the use of a centralized resource adequacy mechanism is
14 authorized by the commission and has been implemented as set
15 forth in paragraph (1), the net capacity costs of generation resources
16 that the commission determines are required to meet urgent system
17 or urgent local grid reliability needs, and that the commission
18 authorizes to be procured outside of the Section 380 or Section
19 454.5 processes, shall be recovered according to the provisions of
20 paragraph (2) of subdivision (c).

21 (3) This subdivision does not supplant the resource adequacy
22 requirements of Section 380 or the resource procurement
23 procedures established in Section 454.5.

24 (e) On or before June 1, 2019, the commission shall issue an
25 order regarding direct transactions that provides as follows:

26 (1) Increase the maximum allowable total kilowatthours annual
27 limit by 4,000 gigawatthours and apportion that increase among
28 the service territories of the electrical corporations.

29 (2) All residential and nonresidential customer accounts that
30 are on direct access as of January 1, 2019, remain authorized to
31 participate in direct transactions.

32 ~~(f) (1) On or before June 1, 2020, the commission shall provide~~
33 ~~recommendations to the Legislature on implementing a further~~
34 ~~direct transactions reopening schedule, including, but not limited~~
35 ~~to, the phase-in period over which the further direct transactions~~
36 ~~shall occur for all remaining nonresidential customer accounts in~~
37 ~~each electrical corporation's service territory.~~

38 ~~(2) In developing the recommendations pursuant to paragraph~~
39 ~~(1), the commission shall find all of the following:~~

- 1 ~~(A) The recommendations are consistent with the state’s~~
 2 ~~greenhouse gas emission reduction goals.~~
 3 ~~(B) The recommendations do not increase emissions of criteria~~
 4 ~~air pollutants and toxic air contaminants.~~
 5 ~~(C) The recommendations ensure electrical system reliability.~~
 6 ~~(D) The recommendations do not cause undue shifting of costs~~
 7 ~~to bundled service customers of an electrical corporation or to~~
 8 ~~direct transaction customers.~~
 9 ~~(3) (A) The recommendations shall be provided in compliance~~
 10 ~~with Section 9795 of the Government Code.~~
 11 ~~(B) Pursuant to Section 10231.5 of the Government Code, this~~
 12 ~~subdivision is inoperative on June 1, 2024.~~
 13 *SEC. 3. Section 380 of the Public Utilities Code is amended*
 14 *to read:*
 15 380. (a) The commission, in consultation with the Independent
 16 System Operator, shall establish resource adequacy requirements
 17 for all load-serving entities.
 18 (b) In establishing resource adequacy requirements, the
 19 commission shall ensure the reliability of electrical service in
 20 California while advancing, to the extent possible, the state’s goals
 21 for clean energy, reducing air pollution, and reducing emissions
 22 of greenhouse gases. The resource adequacy program shall achieve
 23 all of the following objectives:
 24 (1) Facilitate development of new generating, nongenerating,
 25 and hybrid capacity and retention of existing generating,
 26 nongenerating, and hybrid capacity that is ~~economie~~ *economical*
 27 ~~and needed.~~ *needed for reliability and to achieve the state policy*
 28 *specified in Section 454.53.*
 29 (2) Establish new, or maintain existing, demand response
 30 products and tariffs that facilitate the ~~economie~~ *economical*
 31 dispatch and use of demand response that can either meet or reduce
 32 an electrical corporation’s resource adequacy requirements, as
 33 determined by the commission.
 34 (3) Equitably allocate the cost of generating capacity and
 35 demand response in a manner that prevents the shifting of costs
 36 between customer classes.
 37 (4) Minimize enforcement requirements and costs.
 38 (5) Maximize the ability of community choice aggregators to
 39 determine the generation resources used to serve their customers.

1 (c) Each load-serving entity shall maintain physical generating
2 capacity and electrical demand response adequate to meet its load
3 requirements, including, but not limited to, peak demand and
4 planning and operating reserves. The generating capacity or
5 electrical demand response shall be deliverable to locations and
6 at times as may be necessary to maintain electrical service system
7 reliability, local area reliability, and flexibility.

8 (d) Each load-serving entity shall, at a minimum, meet the most
9 recent minimum planning reserve and reliability criteria approved
10 by the board of directors of the Western Systems Coordinating
11 Council or the Western Electricity Coordinating Council.

12 (e) The commission shall implement and enforce the resource
13 adequacy requirements established in accordance with this section
14 in a nondiscriminatory manner. Each load-serving entity shall be
15 subject to the same requirements for resource ~~adequacy and~~
16 *adequacy*, the renewables portfolio standard ~~program~~ *program*,
17 *and the integrated resource planning process pursuant to Section*
18 *454.52 that are applicable apply* to electrical corporations pursuant
19 to this section, or otherwise required by law, or by order or decision
20 of the commission. The commission shall exercise its enforcement
21 powers to ensure compliance by all load-serving entities.

22 (f) (1) The commission shall require sufficient information,
23 including, but not limited to, anticipated load, actual load, and
24 measures undertaken by a load-serving entity to ensure resource
25 adequacy, to be reported to enable the commission to determine
26 compliance with the resource adequacy requirements established
27 by the commission.

28 (2) The commission shall calculate and publish annually on its
29 internet website, in a new report or as part of another report, the
30 percentage of each load-serving entity's local and system resource
31 adequacy requirements from the previous calendar year that was
32 met with capacity from eligible renewable energy resources
33 pursuant to the California Renewables Portfolio Standard Program
34 (Article 16 (commencing with Section 399.11)), other zero-carbon
35 resources, including large hydroelectric and nuclear resources, or
36 energy storage resources. In determining the percentage of each
37 load-serving entity's resource adequacy requirements, the
38 commission shall include all directly owned or contracted resources
39 and each load-serving entity's allocation of any centrally procured
40 resources or allocation of resources pursuant to any other

1 mechanism that involves an assignment or allocation of resources
2 purchased or owned by a single buyer, and shall exclude any share
3 of a load-serving entity's resources that were allocated to another
4 load-serving entity.

5 (g) An electrical corporation's costs of meeting or reducing
6 resource adequacy requirements, including, but not limited to, the
7 costs associated with system reliability, local area reliability, ~~and~~
8 ~~flexibility~~, *flexible resource adequacy, renewable integration, or*
9 *resource diversity portfolio requirements*, that are determined to
10 be reasonable by the commission, or are otherwise recoverable
11 under a procurement plan approved by the commission pursuant
12 to Section 454.5, shall be fully recoverable from those customers
13 on whose behalf the costs are incurred, as determined by the
14 commission, at the time the commitment to incur the cost is made,
15 on a fully nonbypassable basis, as determined by the commission.
16 The commission shall exclude any amounts authorized to be
17 recovered pursuant to Section 366.2 when authorizing the amount
18 of costs to be recovered from customers of a community choice
19 aggregator or from customers that purchase electricity through a
20 direct transaction pursuant to this subdivision.

21 (h) The commission shall determine and authorize the most
22 efficient and equitable means for achieving all of the following:

- 23 (1) Meeting the objectives of this section.
- 24 (2) Ensuring that investment is made in new generating ~~capacity~~.
25 *capacity, including the capacity needed to achieve the state policy*
26 *specified in Section 454.53.*
- 27 (3) Ensuring that existing generating capacity that is economic
28 ~~is retained~~. *retained, including the capacity needed to maintain*
29 *reliability while achieving the state policy specified in Section*
30 *454.53.*
- 31 (4) Ensuring that the cost of generating capacity and demand
32 response is allocated equitably.
- 33 (5) Ensuring that community choice aggregators can determine
34 the generation resources used to serve their customers.
- 35 (6) Ensuring that investments are made in new and existing
36 demand response resources that are cost effective and help to
37 achieve electrical grid reliability and the state's goals for reducing
38 emissions of greenhouse gases.
- 39 (7) Minimizing the need for backstop procurement by the
40 Independent System Operator.

1 (i) In making the determination pursuant to subdivision (h), the
2 commission may consider a centralized resource adequacy
3 mechanism among other options.

4 (j) The commission shall ensure appropriate valuation of both
5 supply and load modifying demand response resources. The
6 commission, in an existing or new proceeding, shall establish a
7 mechanism to value load modifying demand response resources,
8 including, but not limited to, the ability of demand response
9 resources to help meet distribution needs and transmission system
10 needs and to help reduce a load-serving entity's resource adequacy
11 obligation pursuant to this section. In determining this value, the
12 commission shall consider how these resources further the state's
13 electrical grid reliability and the state's goals for reducing
14 emissions of greenhouse gases. The commission, Energy
15 Commission, and Independent System Operator shall jointly ensure
16 that changes in demand caused by load modifying demand response
17 are expeditiously and comprehensively reflected in the Energy
18 Commission's Integrated Energy Policy Report ~~foreeas~~, *forecast*
19 and in planning proceedings and associated analyses, and shall
20 encourage reflection of these changes in demand in the operation
21 of the grid.

22 (k) For purposes of this section, "load-serving entity" means an
23 electrical corporation, electric service provider, or community
24 choice aggregator. "Load-serving entity" does not include any of
25 the following:

26 (1) A local publicly owned electric utility.

27 (2) The State Water Resources Development System commonly
28 known as the State Water Project.

29 (3) Customer generation located on the customer's site or
30 providing electric service through arrangements authorized by
31 Section 218, if the customer generation, or the load it serves, meets
32 one of the following criteria:

33 (A) It takes standby service from the electrical corporation on
34 a commission-approved rate schedule that provides for adequate
35 backup planning and operating reserves for the standby customer
36 class.

37 (B) It is not physically interconnected to the electrical
38 transmission or distribution grid, so that, if the customer generation
39 fails, backup electricity is not supplied from the electrical grid.

1 (C) There is physical assurance that the load served by the
2 customer generation will be curtailed concurrently and
3 commensurately with an outage of the customer generation.

4 *SEC. 4. Section 454.51 of the Public Utilities Code is amended*
5 *to read:*

6 454.51. The commission shall do all of the following:

7 (a) Identify a diverse and balanced portfolio of resources needed
8 to ensure a reliable electricity supply that provides optimal
9 integration of renewable energy *and resource diversity* in a
10 cost-effective manner. The portfolio shall *be used by the*
11 *commission to establish integrated resource planning-based*
12 *procurement requirements that rely upon* on zero carbon-emitting
13 resources to the maximum extent reasonable and be designed to
14 achieve *the state policy specified in Section 454.53 and any*
15 statewide greenhouse gas emissions limit established pursuant to
16 the California Global Warming Solutions Act of 2006 (Division
17 25.5 (commencing with Section 38500) of the Health and Safety
18 Code) or any successor legislation.

19 (b) Direct each electrical corporation to include, as part of its
20 proposed procurement plan, a strategy for procuring best-fit and
21 least-cost resources to satisfy the portfolio needs identified by the
22 commission pursuant to subdivision (a).

23 (c) Ensure that the net costs of any incremental renewable energy
24 integration *or diversification* resources procured by an electrical
25 ~~corporation~~ *corporation, or the Department of Water Resources,*
26 to satisfy the need identified in subdivision (a) are allocated on a
27 fully nonbypassable basis consistent with the treatment of costs
28 identified in paragraph (2) of subdivision (c) of Section 365.1.

29 (d) Permit community choice aggregators to submit proposals
30 for satisfying their portion of the renewable integration need
31 identified in subdivision (a). If the commission finds this need is
32 best met through long-term procurement commitments for
33 resources, community choice aggregators shall also be required
34 to make long-term commitments for resources. The commission
35 shall approve proposals pursuant to this subdivision if it finds all
36 of the following:

37 (1) The resources proposed by a community choice aggregator
38 will provide equivalent integration of renewable energy.

1 (2) The resources proposed by a community choice aggregator
2 will promote the efficient achievement of state energy policy
3 objectives, including reductions in greenhouse gas emissions.

4 (3) Bundled customers of an electrical corporation will be
5 indifferent from the approval of the community choice aggregator
6 proposals.

7 (e) Ensure that all costs resulting from nonperformance to satisfy
8 the need *identified* in subdivision (a) or (d), as applicable, shall be
9 borne by the ~~electrical corporation or community choice aggregator~~
10 *load-serving entity, as defined in Section 380, that failed to*
11 *perform.*

12 *SEC. 5. Section 454.52 of the Public Utilities Code is amended*
13 *to read:*

14 454.52. (a) (1) Beginning in 2017, and to be updated regularly
15 thereafter, the commission shall adopt a process for each
16 load-serving entity, as defined in Section 380, to file an integrated
17 resource plan, and a schedule for periodic updates to the plan, and
18 shall ensure that load-serving entities do all of the following:

19 (A) Meet the greenhouse gas emissions reduction targets
20 established by the State Air Resources Board, in coordination with
21 the commission and the Energy Commission, for the electricity
22 sector and each load-serving entity that reflect the electricity
23 sector's percentage in achieving the economywide greenhouse gas
24 emissions reductions pursuant to Section 38566 of the Health and
25 Safety Code.

26 (B) Procure at least 60 percent eligible renewable energy
27 resources by December 31, 2030, consistent with *the state policy*
28 *specified in Section 454.53 and Article 16 (commencing with*
29 *Section 399.11) of Chapter 2.3.*

30 (C) Enable each electrical corporation to fulfill its obligation to
31 serve its customers at just and reasonable rates.

32 (D) Minimize impacts on ratepayers' bills.

33 (E) Ensure system and local reliability on both a near-term and
34 long-term basis, including meeting the near-term and forecast
35 long-term resource adequacy requirements of Section 380, and
36 require sufficient, predictable resource procurement and
37 development to avoid unplanned energy supply shortfalls by taking
38 into account impacts due to climate change, forecasted levels of
39 building and transportation electrification, and other factors that
40 can result in those shortfalls.

1 (F) Comply with paragraph (1) of subdivision (b) of Section
2 399.13.

3 (G) Strengthen the diversity, sustainability, and resilience of
4 the bulk transmission and distribution systems, and local
5 communities.

6 (H) Enhance distribution systems and demand-side energy
7 management.

8 (I) Minimize localized air pollutants and other greenhouse gas
9 emissions, with early priority on disadvantaged communities
10 identified pursuant to Section 39711 of the Health and Safety Code.

11 (2) (A) The commission may authorize all source procurement
12 for ~~electrical corporations~~ *load-serving entities* that includes
13 various resource types including demand-side resources, supply
14 side resources, and resources that may be either demand-side
15 resources or supply side resources, taking into account the differing
16 ~~electrical corporations~~² *load-serving entities*' geographic service
17 areas, to ensure that each load-serving entity meets the goals set
18 forth in paragraph (1).

19 (B) The commission may approve procurement of resource
20 types that will reduce the overall emissions of greenhouse gases
21 from the electricity sector and meet the other goals specified in
22 paragraph (1), but due to the nature of the technology or fuel source
23 may not compete favorably in price against other resources over
24 the time period of the integrated resource plan.

25 (3) In furtherance of the requirements of paragraph (1), the
26 commission shall consider the role of existing renewable
27 generation, grid operational efficiencies, energy storage, and
28 distributed energy resources, including energy efficiency, in
29 helping to ensure each load-serving entity meets energy needs and
30 reliability needs in hours to encompass the hour of peak demand
31 of electricity, excluding demand met by variable renewable
32 generation directly connected to a California balancing authority,
33 as defined in Section 399.12, while reducing the need for new
34 electricity generation resources and new transmission resources
35 in achieving the state's energy goals at the least cost to ratepayers.

36 (4) *Upon review of the requirements of Section 454.53 and the*
37 *progress towards meeting the portfolio of resources identified in*
38 *subdivision (a) of Section 454.51, the commission may direct an*
39 *electrical corporation, or request the Department of Water*
40 *Resources, to procure diverse clean energy resources, as defined*

1 *by the commission, that meet the portfolio of resources identified*
2 *in subdivision (a) of Section 454.51.*

3 *(5) If the commission requests the Department of Water*
4 *Resources to procure diverse clean energy resources pursuant to*
5 *paragraph (4), the commission, in consultation with the*
6 *Department of Water Resources, shall develop and adopt*
7 *procedures and requirements that govern procurement by,*
8 *obligations on, and recovery of costs incurred by the Department*
9 *of Water Resources and align with Division 29.5 (commencing*
10 *with Section 80800) of the Water Code. The commission may*
11 *review that procurement and, if approved, issue an order governing*
12 *the recovery of the Department of Water Resources' costs only if*
13 *both of the following conditions are satisfied:*

14 *(A) The recovery of costs to satisfy the revenue requirement of*
15 *the Department of Water Resources has been found to be just and*
16 *reasonable and is in the public interest.*

17 *(B) The recovery of costs through charges on customers,*
18 *including, if authorized, the issuance of bonds and the material*
19 *terms of those bonds, including interest rates, rating, amortization,*
20 *and maturity, does not unreasonably increase costs to customers*
21 *on a net present value basis compared with the procurement of*
22 *diverse clean energy resources by an electrical corporation*
23 *pursuant to paragraph (4).*

24 *(b) (1) Each load-serving entity shall prepare and file an*
25 *integrated resource plan consistent with paragraph (2) of*
26 *subdivision (a) on a time schedule directed by the commission and*
27 *subject to commission review.*

28 *(2) Each electrical corporation's plan shall follow Section 454.5.*

29 *(3) The plan of a community choice aggregator shall be*
30 *submitted to its governing board for approval and provided to the*
31 *commission for certification, consistent with paragraph (5) of*
32 *subdivision (a) of Section 366.2, and shall achieve all of the*
33 *following:*

34 *(A) Economic, reliability, environmental, security, and other*
35 *benefits and performance characteristics that are consistent with*
36 *the goals set forth in paragraph (1) of subdivision (a).*

37 *(B) A diversified procurement portfolio consisting of both*
38 *short-term and long-term electricity, electricity-related, and demand*
39 *reduction products.*

1 (C) The resource adequacy requirements established pursuant
 2 to Section 380.

3 (4) The plan of an electric service provider shall achieve the
 4 goals set forth in paragraph (1) of subdivision (a) through a
 5 diversified portfolio consisting of both short-term and long-term
 6 electricity, electricity-related, and demand reduction products.

7 (c) To the extent that additional procurement is authorized for
 8 the electrical corporation in the integrated resource plan or the
 9 procurement process authorized pursuant to Section 454.5, the
 10 commission shall ensure that the costs are allocated in a fair and
 11 equitable manner to all customers consistent with Section 454.51,
 12 that there is no cost shifting among customers of load-serving
 13 entities, and that community choice aggregators may self-provide
 14 renewable integration resources consistent with Section 454.51.

15 *The commission may order resource procurement as a result of*
 16 *the integrated resource planning process and shall enforce any*
 17 *resource procurement requirements on a nondiscriminatory basis.*

18 (d) To eliminate redundancy and increase efficiency, the process
 19 adopted pursuant to subdivision (a) shall incorporate, and not
 20 duplicate, any other planning processes of the commission.

21 (e) This section applies to an electrical cooperative, as defined
 22 in Section 2776, only if the electrical cooperative has an annual
 23 electrical demand exceeding 700 gigawatthours, as determined
 24 based on a three-year average commencing with January 1, 2013.

25 (f) (1) The commission shall not include the energy, capacity,
 26 or any attribute from Diablo Canyon Unit 1 beyond November 1,
 27 2024, or Unit 2 beyond August 26, 2025, in the adopted integrated
 28 resource plan portfolios, resource stacks, or preferred system plans.

29 (2) The commission shall disallow a load-serving entity from
 30 including in their adopted integrated resource plan any energy,
 31 capacity, or any attribute from the Diablo Canyon Unit 1 beyond
 32 November 1, 2024, or Unit 2 beyond August 26, 2025.

33 (g) For a thermal powerplant that uses nuclear fission technology
 34 not constructed in the twenty-first century, all resource attributes
 35 shall be retired on January 1, 2031, and shall be reported as a
 36 separate, line item resource for purposes of complying with Section
 37 398.4.

38 *SEC. 6. Section 80713 is added to the Water Code, to read:*
 39 *80713. (a) (1) The Public Utilities Commission shall annually*
 40 *assess a capacity payment for the use of the Department of Water*

1 *Resources Electricity Supply Reliability Reserve Fund established*
2 *pursuant to Section 80720 by each load-serving entity that fails*
3 *to meet its system resource adequacy requirements pursuant to*
4 *Section 380 of the Public Utilities Code during any month in which*
5 *resources procured using moneys from the Department of Water*
6 *Resources Electricity Supply Reliability Reserve Fund were used*
7 *to meet a reliability need. The purpose of the capacity payment is*
8 *to replenish the Department of Water Resources Electricity Supply*
9 *Reliability Reserve Fund. The capacity payment is not a penalty*
10 *and does not prohibit the Public Utilities Commission from*
11 *assessing a penalty on a load-serving entity for a failure to comply*
12 *with any resource adequacy requirement.*

13 *(2) The capacity payment shall be remitted to the Department*
14 *of Water Resources Electricity Supply Reliability Reserve Fund*
15 *by a load-serving entity that fails to meet its system resource*
16 *adequacy requirements within 30 days of the commission notifying*
17 *the load-serving entity.*

18 *(3) Unless a different calculation methodology is specified*
19 *pursuant to subdivision (b), the capacity payment for each*
20 *load-serving entity shall be calculated by the Public Utilities*
21 *Commission as follows:*

22 *(A) A dollar amount equal to the per-kilowatt monthly cost of*
23 *the resources procured using moneys from the Department of*
24 *Water Resources Electricity Supply Reliability Reserve Fund,*
25 *which shall be calculated as the annual cost of the resources*
26 *procured using moneys from the Department of Water Resources*
27 *Electricity Supply Reliability Reserve Fund weighted such that*
28 *two-thirds of that amount reflects the costs of resources procured*
29 *for summer months, which includes June to September, inclusive,*
30 *and one-third of that amount reflects the costs of resources*
31 *procured for other months.*

32 *(B) The dollar amount calculated pursuant to subparagraph*
33 *(A) shall be multiplied by the maximum difference between the*
34 *load-serving entity's load and the resources it procured to meet*
35 *its load during the period in which resources procured using*
36 *moneys from the Department of Water Resources Electricity Supply*
37 *Reliability Reserve Fund were used, as determined by the*
38 *commission with input from the Independent System Operator.*

39 *(C) Adjusted to reflect the load-serving entity's estimated load*
40 *minus any reductions resulting from any resources procured using*

1 moneys from the Department of Water Resources Electricity Supply
 2 Reliability Reserve Fund.

3 (D) Adjusted for any resources procured by electrical
 4 corporations on behalf of, and paid for by, the load-serving entity.

5 (b) The Public Utilities Commission, in consultation with the
 6 commission, may modify the capacity payment calculation
 7 methodology specified in paragraph (3) of subdivision (a). Any
 8 modification made by the Public Utilities Commission shall align
 9 with any modification made by the commission as authorized by
 10 subdivision (b) of Section 80714.

11 SEC. 7. Section 80714 is added to the Water Code, to read:

12 80714. (a) (1) The executive director of the commission shall
 13 annually assess a capacity payment for the use of the Department
 14 of Water Resources Electricity Supply Reliability Reserve Fund
 15 established pursuant to Section 80720 by each local publicly owned
 16 electric utility that fails to meet its minimum planning reserve
 17 margin established in accordance with Section 9620 of the Public
 18 Utilities Code or subdivision (b) of Section 25704.5 of the Public
 19 Resources Code, during any month in which resources procured
 20 using moneys from the Department of Water Resources Electricity
 21 Supply Reliability Reserve Fund were used to meet a reliability
 22 need.

23 (2) The capacity payment shall be remitted to the Department
 24 of Water Resources Electricity Supply Reliability Reserve Fund
 25 by a local publicly owned electric utility that fails to meet its
 26 minimum planning reserve margin within 30 days of the executive
 27 director notifying the local publicly owned electric utility.

28 (3) Unless a different calculation methodology is specified
 29 pursuant to subdivision (b), the capacity payment for each local
 30 publicly owned electric utility shall be calculated by the
 31 commission as follows:

32 (A) A dollar amount equal to the per-kilowatt monthly cost of
 33 the resources procured using moneys from the Department of
 34 Water Resources Electricity Supply Reliability Reserve Fund,
 35 which shall be calculated as the annual cost of the resources
 36 procured using moneys from the Department of Water Resources
 37 Electricity Supply Reliability Reserve Fund weighted such that
 38 two-thirds of that amount reflects the costs of resources procured
 39 for summer months, which includes June through September,

1 inclusive, and one-third of that amount reflects the costs of
2 resources procured for other months.

3 (B) The dollar amount calculated pursuant to subparagraph
4 (A) shall be multiplied by the maximum difference between the
5 local publicly owned electric utility's load and the resources it
6 procured to meet its load during the period in which resources
7 procured using moneys from the Department of Water Resources
8 Electricity Supply Reliability Reserve Fund were used, as
9 determined by the commission with input from the Independent
10 System Operator.

11 (C) Adjusted to reflect the local publicly owned electric utility's
12 estimated load minus any reductions resulting from any resources
13 procured using moneys from the Department of Water Resources
14 Electricity Supply Reliability Reserve Fund.

15 (b) The commission, in consultation with the Public Utilities
16 Commission, may modify the capacity payment calculation
17 methodology specified in paragraph (3) of subdivision (a). Any
18 modification made by the commission shall align with any
19 modification made by the Public Utilities Commission as
20 authorized by subdivision (b) of Section 80713.

21 (c) The commission may adopt regulations to implement this
22 section. In order to ensure the commission implements this section
23 coincident with the Public Utilities Commission's implementation
24 of Section 80713, thereby ensuring that load-serving entities and
25 local publicly owned electric utilities are treated equally and
26 assessed charges in a similar timeframe, the Administrative
27 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
28 Part 1 of Division 3 of Title 2 of the Government Code) does not
29 apply to any commission action to implement this section.

30 SEC. 8. Section 80720 of the Water Code is amended to read:

31 80720. (a) There is hereby established in the State Treasury
32 the Department of Water Resources Electricity Supply Reliability
33 Reserve Fund.

34 (b) Notwithstanding Section 13340 of the Government Code,
35 all moneys in the fund are continuously appropriated to the
36 department, without regard to fiscal years, and shall be available
37 for the purposes of Chapter 2 (commencing with Section 80710).

38 (c) Obligations authorized and expenses incurred by the
39 department in administering this division shall be payable solely
40 from the fund.

1 (d) All revenues payable to the department for activities
 2 undertaken by the department under Chapter 2 (commencing with
 3 Section 80710) or Chapter 5 (commencing with Section 80740)
 4 shall be deposited into the fund.

5 (e) The fund shall be separate and distinct from any other fund
 6 and moneys administered by the department and any interest earned
 7 on the moneys in the fund shall be used solely for purposes of this
 8 division.

9 (f) When fixed assets procured under the authority of this
 10 division are sold or otherwise disposed of, the revenue from the
 11 sale or disposition, including any gain or loss, measured by the
 12 difference between book value and selling price, shall be deposited
 13 into the fund and available to the department for purposes of
 14 Chapter 2 (commencing with Section 80710). Any remaining
 15 revenue from the sale or other disposition of fixed assets procured
 16 under the authority of this division shall be returned to the General
 17 Fund once all obligations of the department are satisfied after the
 18 wind down of this division and the closure of the fund. While any
 19 obligation of the department incurred under this division remains
 20 outstanding and not fully performed or discharged, the rights,
 21 powers, duties, and existence of the department shall not be
 22 diminished or impaired in any manner that will adversely affect
 23 the interests and rights of the holders of or parties to those
 24 obligations.

25 *SEC. 9. Chapter 5 (commencing with Section 80740) is added*
 26 *to Division 29 of the Water Code, to read:*

27

28 *CHAPTER 5. COLLECTION AND USE OF CAPACITY PAYMENT*

29

30 *80740. The department shall collect any capacity payment*
 31 *ordered pursuant to Section 80713 or 80714. Payments received*
 32 *shall be deposited into the Department of Water Resources*
 33 *Electricity Supply Reliability Reserve Fund established pursuant*
 34 *to Section 80720 and shall be used solely for the purposes of this*
 35 *division.*

36 *SEC. 10. Division 29.5 (commencing with Section 80800) is*
 37 *added to the Water Code, to read:*

1
2 *DIVISION 29.5. CLEAN ENERGY CENTRAL PROCUREMENT*

3
4 *CHAPTER 1. GENERAL PROVISIONS*

5
6 80800. *This division does not reduce or modify an electrical*
7 *corporation's obligation to serve.*

8 80801. *The commission shall issue orders it determines are*
9 *necessary to carry out this division.*

10 80802. *(a) The Legislature finds and declares all of the*
11 *following:*

12 *(1) California has significantly reduced the emissions of*
13 *greenhouse gases from its electricity sector by fostering the*
14 *development of renewable and zero-carbon energy resources*
15 *through the establishment of ambitious goals and policies. These*
16 *efforts have fundamentally transformed the state's portfolio of*
17 *energy resources and the day-to-day operations of the state's*
18 *electrical system.*

19 *(2) The state has enabled the expansion of electrical retail*
20 *choice for customers served in electrical corporation service*
21 *territory, bringing new market entrants and innovation to*
22 *California's evolving retail electricity market.*

23 *(3) The state's electrical system also faces the risk of increased*
24 *disruption due to more frequent and intense extreme weather events*
25 *fueled by a rapidly changing climate.*

26 *(4) For California to achieve its long-term greenhouse gas*
27 *emission reduction goals, while maintaining a reliable electrical*
28 *system and providing customers with greater choice in electricity*
29 *retail providers, the state must establish a new central procurement*
30 *function within the department that enables the development of a*
31 *more diverse portfolio of renewable and zero-carbon energy*
32 *resources.*

33 *(b) In enacting this division, it is the intent of the Legislature*
34 *to do all of the following:*

35 *(1) Create a central procurement function within the department*
36 *that would only be exercised upon request by the commission and*
37 *only if the commission finds that it is necessary to procure diverse*
38 *clean energy resources beyond those procured by load-serving*
39 *entities to achieve the state policy specified in Section 454.53 of*
40 *the Public Utilities Code.*

1 (2) *If the department exercises its central procurement function,*
2 *as described in paragraph (1), provide an opportunity for local*
3 *publicly owned electric utilities to elect for the department to*
4 *procure diverse clean energy resources on their behalf.*

5 (3) *Prohibit the department from selling any energy it acquires*
6 *pursuant to this division at more than the department's acquisition*
7 *costs, including transmission, scheduling, financing, program*
8 *administration, and other related costs.*

9 (4) *Prohibit the department from pursuing procurement*
10 *activities, including, if authorized, the issuance of bonds, except*
11 *upon a finding from the commission that the recovery of costs*
12 *through charges on customers, the issuance of bonds, and the*
13 *material terms of such bonds, including interest rates, rating,*
14 *amortization, and maturity, do not unreasonably increase costs*
15 *to customers on a net present value basis compared with*
16 *procurement of a diverse clean energy resource procured by an*
17 *electrical corporation.*

18 (5) *Require the department to prioritize investments that do not*
19 *compete with the procurement of diverse clean energy resources*
20 *already planned for development and disclosed by load-serving*
21 *entities or local publicly owned electric utilities.*

22 80803. *The development and operation of a central*
23 *procurement function program as provided in this division is in*
24 *all respects for the welfare and benefit of the people of the state,*
25 *to protect the public peace, health, and safety, and constitutes an*
26 *essential government purpose.*

27 80804. *This division shall be liberally construed in a manner*
28 *so as to effectuate its purposes and objectives.*

29 80805. (a) *The powers and responsibilities of the department*
30 *established pursuant to this division are separate from, and not*
31 *governed by, the provisions relating to the State Water Resources*
32 *Development System, including, but not limited to, those powers*
33 *and responsibilities granted pursuant to Part 3 (commencing with*
34 *Section 11100) of Division 6 and the California Water Resources*
35 *Development Bond Act (Chapter 8 (commencing with Section*
36 *12930) of Part 6 of Division 6).*

37 (b) *The Clean Energy Central Procurement Fund established*
38 *in Section 80830, and the moneys in that fund, are separate and*
39 *distinct from any other fund and moneys administered by the*
40 *department.*

1 (c) This division does not subject the department to the
2 jurisdictional authority of the Public Utilities Commission or
3 expand the jurisdiction of the Public Utilities Commission,
4 including that state water resources development system facilities
5 subject to the California Water Resources Development Bond Act
6 (Chapter 8 (commencing with Section 12930) of Part 6 of Division
7 6) and the department's other electrical generation projects or
8 power contracts outside of those funded through the Clean Energy
9 Central Procurement Fund, remain outside the jurisdiction of the
10 commission.

11 80806. The department may adopt regulations for purposes of
12 administering this division.

13
14 *CHAPTER 2. DEFINITIONS*

15
16 80810. For purposes of this division, the following definitions
17 apply:

18 (a) "Balancing authority area" means the collection of
19 generation, transmission, and loads within the metered boundaries
20 of a balancing area within California. The balancing authority
21 maintains load resource balance within this area.

22 (b) "Bond" means any bond, note, or other written evidence of
23 indebtedness issued solely for purposes of supporting the Clean
24 Energy Central Procurement Fund and other related expenses
25 incurred by the department pursuant to this division, or for
26 reimbursing expenditures from the fund for those purposes,
27 establishing or maintaining reserves in connection with a bond,
28 costs of issuance of a bond or incidental to its payment or security,
29 capitalized interest, or renewing or refunding any bonds.

30 (c) "Commission" means the Public Utilities Commission.

31 (d) "Electrical corporation" has the same meaning as defined
32 in Section 218 of the Public Utilities Code.

33 (e) "Energy Commission" means the State Energy Resources
34 Conservation and Development Commission.

35 (f) "Fund" means the Clean Energy Central Procurement Fund
36 established in Section 80830.

37 (g) "Independent System Operator" means the Independent
38 System Operator described in Article 3 (commencing with Section
39 345) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities
40 Code.

1 (h) “Load-serving entity” has the same meaning as defined in
 2 Section 380 of the Public Utilities Code.

3 (i) “Local publicly owned electric utility” has the same meaning
 4 as defined in Section 224.3 of the Public Utilities Code.

5
 6 *CHAPTER 3. DEPARTMENT POWERS*

7
 8 80820. (a) In accordance with Sections 380, 454.51, 454.52,
 9 454.53, and 454.54 of the Public Utilities Code, following a
 10 determination from the commission, in consultation with the Energy
 11 Commission and the Independent System Operator, that it is
 12 necessary for the department to develop and conduct one or more
 13 competitive solicitations to procure energy, capacity, ancillary
 14 services, and all associated attributes, the department may conduct
 15 those solicitations. The purpose of these competitive solicitations
 16 is to make available to the state diverse clean energy resources
 17 that meet criteria determined by the commission, which shall
 18 include, but not be limited to, energy resources that have a first
 19 point of interconnection with the transmission grid or the
 20 distribution grid within a balancing authority area.

21 (b) In evaluating the bids received through the solicitation, the
 22 department shall consider all of the following:

23 (1) For diverse clean energy resources dependent on the
 24 development of a project, that project’s viability, including, but
 25 not limited to, developer experience, developer financial strength
 26 and creditworthiness sufficient to eliminate financing
 27 contingencies, and the status of required permits and licenses.

28 (2) The ability to meet in-service dates offered during the
 29 solicitation and the ability to meet those in-service dates without
 30 escalation in cost.

31 (3) The useful life of the project.

32 (4) The capability to supply energy, capacity, and ancillary
 33 services at locations, times of day, and for durations that meet the
 34 state’s energy resource needs, as determined by the department
 35 and the commission.

36 (5) Any other criteria determined by the commission or the
 37 department.

38 80821. (a) When conducting a solicitation pursuant to Section
 39 80820, the department shall confer with the commission and other
 40 parties, including local publicly owned electric utilities

1 participating pursuant to Section 80822, for diverse clean energy
2 resource procurement activities of an identified scope and duration.
3 The department shall recover costs related to conducting the
4 requested solicitations and all supporting work. Cost recovery
5 may be effectuated, if determined to be appropriate by the
6 commission, through a nonbypassable charge approval process
7 or pursuant to Section 80822 for local publicly owned electric
8 utilities.

9 (b) If cost recovery is determined through a commission
10 proceeding, the department shall recover its costs if the commission
11 determines those costs are just and reasonable. Those costs may
12 include costs related to bond issuance incurred pursuant to
13 Chapter 5 (commencing with Section 80840), costs related to
14 contracting for diverse clean energy resources, and other costs to
15 implement this division.

16 (c) If the commission determines that a nonbypassable charge
17 necessary to fund activities conducted by the department pursuant
18 to this division is just and reasonable, the department shall ensure
19 it has entered into an agreement with the commission for that
20 nonbypassable charge before it begins to incur costs related to a
21 specific activity under this division. If the purpose of the
22 nonbypassable charge is to recover the department's revenue
23 requirement related to bond issuance debt service, the department
24 shall ensure the agreement has the force and effect of an
25 irrevocable financing order adopted in accordance with Article
26 5.5 (commencing with Section 840) of Chapter 4 of Part 1 of
27 Division 1 of the Public Utilities Code or that the commission has
28 separately issued an irrevocable financing order related to the
29 nonbypassable charge.

30 (d) Any agreement between the department and the commission
31 under this section shall provide for the administration of the
32 nonbypassable charge, including both of the following
33 requirements:

34 (1) The department shall notify the commission each year of
35 the annual collections received by the department and the amount
36 of any excess or deficiency in collections above or below the
37 revenue requirement. The commission shall adjust charges in the
38 subsequent year to reflect that excess or deficiency.

39 (2) During any period, if the department forecasts that the
40 revenue requirement for that period will not be met and that

1 collections will not be sufficient to fund any of the amounts
2 specified in Section 80842 or subdivision (b) of Section 80830, the
3 department shall notify the commission in writing and the
4 commission shall act within 60 days of receiving that notice to
5 increase the nonbypassable charge so that the amounts collected
6 during that period are sufficient to meet those obligations.

7 (e) Any agreement between the department and the commission
8 pursuant to this section that is solely for the purpose of imposing
9 a nonbypassable charge to recover the department's revenue
10 requirement related to bond issuance debt service shall include a
11 provision stating that the commission's just and reasonable
12 determination with respect to the revenue requirement is in effect
13 for the duration of the bond term.

14 80822. (a) Pursuant to Section 80820, the department may
15 establish a schedule and mechanism for any local publicly owned
16 electric utility to voluntarily obtain from the department energy,
17 capacity, or ancillary services to be acquired by the department
18 through its central procurement function on a contract-by-contract
19 basis.

20 (b) In order to voluntarily participate, a local publicly owned
21 electric utility shall commit to the imposition of a nonbypassable
22 charge on its ratepayers sufficient at all times to fund its
23 participation in the program and on terms and conditions as set
24 forth in Section 80826.

25 80823. At the request of the department, the commission may
26 order an electrical corporation, or its successor in the performance
27 of a related service, to transmit or provide for the transmission
28 of, and distribute all electricity made available by the department,
29 and, as agent of the department, provide billing, collection, and
30 other related services on terms and conditions that reasonably
31 compensate the electrical corporation for its services and
32 adequately secure payment to the department.

33 80824. The commission may issue rules regulating the
34 enforcement of the agency function pursuant Section 80823 and
35 this division, including collection of nonbypassable charges and
36 payment into the fund on behalf of the department.

37 80825. (a) If the department has executed an agreement with
38 the commission pursuant to subdivision (c) of Section 80821, the
39 department may recover its costs, as a revenue requirement, in
40 the amounts and at the times necessary to enable it to comply with

1 Section 80842, and shall advise the commission and each
2 applicable local publicly owned electric utility, as the department
3 determines to be appropriate and subject to the terms of the
4 agreement.

5 (b) For purposes of this division and except as otherwise
6 provided in this section, the commission's authority as set forth
7 in Section 451 of the Public Utilities Code shall apply.

8 80826. (a) A local publicly owned electric utility that
9 voluntarily participates in the department's central procurement
10 function pursuant to Section 80822 shall enter into an agreement
11 with the department for the revenue requirement to fund its
12 participation and that agreement shall have the force and effect
13 of an irrevocable financing order.

14 (b) The agreement shall provide for the administration of the
15 revenue requirement, including both of the following:

16 (1) A requirement that the department annually notify the local
17 publicly owned electric utility of the annual collections received
18 by the department with respect to the revenue requirement and the
19 amount of any excess or deficiency in collections above or below
20 the revenue requirement. The local publicly owned electric utility
21 shall adjust charges in the subsequent year to reflect any such
22 excess or deficiency.

23 (2) During any revenue requirement period, a requirement that,
24 if the department forecasts that the revenue requirement for that
25 period will not be met and that collections will not be sufficient to
26 fund any of the amounts described in Section 80842, the department
27 notify the local publicly owned electric utility in writing and the
28 local publicly owned electric utility shall act within 30 days of
29 receiving that notice to increase the charge so that the amount
30 collected during the period are sufficient to meet those obligations.

31 80827. All moneys collected by load-serving entities and
32 remitted to the department for any diverse clean energy resources
33 acquired and sold pursuant to this division, and all moneys paid
34 directly or indirectly to or for the account of the department for
35 any sale, exchange, transfer, or disposition of energy acquired
36 pursuant to this division, shall be deposited into the fund in
37 accordance with Section 80830.

38 80828. The department may fix and establish the procedure
39 and charges for the sale or other disposal of energy purchased by
40 the department.

1 *due to the timing of cost recovery processes, the department may*
2 *determine that it is necessary or desirable to issue bonds to support*
3 *activities for the procurement of diverse clean energy resources*
4 *pursuant to this division.*

5 *(2) Upon making a determination pursuant to paragraph (1),*
6 *the department may issue bonds for purposes of financing the*
7 *procurement of diverse clean energy resources supporting the fund*
8 *and other related expenses incurred by the department pursuant*
9 *to this division, and subsequent to the department having entered*
10 *into an agreement with the commission regarding a revenue*
11 *requirement. Bonds shall not be issued in an amount the debt*
12 *service on which, to the extent payable from the fund, is estimated*
13 *by the department to exceed the amounts estimated to be available*
14 *in the fund for their payment.*

15 *(b) Before the issuance of bonds in a public offering, the*
16 *department shall ensure the bonds have an investment grade rating*
17 *from at least one nationally recognized investment ratings firm*
18 *and the document authorizing the issuance of the bonds shall*
19 *provide for repayment from pledged revenues.*

20 *(c) The commission shall have an opportunity to review the trust*
21 *agreement or other document pursuant to which the bonds are*
22 *issued and revenues are pledged, and shall consult with the*
23 *department regarding the trust agreement or other document, to*
24 *ensure its consistency with the revenue requirement agreement*
25 *between the department and commission.*

26 *(d) In addition to any other purposes for which bonds may be*
27 *issued pursuant to this division, bonds may be issued for the*
28 *following purposes:*

29 *(1) Refunding bonds to obtain a lower interest rate.*

30 *(2) Refunding bonds bearing a variable interest rate with bonds*
31 *bearing interest at a fixed rate.*

32 *(3) Refunding bonds if a nationally recognized investment*
33 *ratings firm reduces or withdraws, or proposes to reduce or*
34 *withdraw, the rating assigned to securities that are secured by*
35 *bond insurance policies, credit, or liquidity facilities issued by the*
36 *provider of a bond insurance policy, or a credit or liquidity facility*
37 *securing the bonds being refunded.*

38 *(4) Refunding bonds issued to preserve a federal income tax*
39 *exemption or to qualify or maintain other federal income tax*
40 *benefits.*

1 80841. (a) Whenever the director determines that the issuance
2 of bonds is necessary or desirable to accomplish the goals set forth
3 in this division, including financing the procurement of diverse
4 clean energy resources, the director shall issue a written
5 determination authorizing the issuance of bonds by the department.
6 The department, in consultation with the Department of Finance,
7 shall notify the Chairperson of the Joint Legislative Budget
8 Committee and the chairpersons of the fiscal committees of each
9 house of the Legislature of its written determination. The bonds
10 shall be sold in the manner, and on the terms and conditions,
11 specified in that determination, and the determination may contain
12 or authorize any other provision, condition, or limitation not
13 inconsistent with this division and those provisions as may be
14 deemed reasonable and proper for the security of the bondholders.
15 Bonds may mature at the time or times, and bear interest at the
16 rate or rates, which may be fixed or variable and be determined
17 by reference to an index or such other method, and may be
18 federally tax exempt, as specified in the determination. Neither
19 the person executing the determination to issue bonds nor any
20 person executing bonds shall be personally liable therefor or be
21 subject to any personal liability or accountability by reason of the
22 issuance of the bonds.

23 (b) In the discretion of the department, bonds may be secured
24 by a trust agreement by and between the department and a trustee,
25 which may be any trust company or bank having trust powers
26 within or outside the state, or the Treasurer. Notwithstanding any
27 other law, the Treasurer shall not be deemed to have a conflict of
28 interest by reason of acting as the trustee. The department may
29 enter into contracts or arrangements in connection with the
30 issuance and sale of bonds, or with respect to any outstanding
31 bonds for so long as those bonds remain outstanding, as it shall
32 deem to be necessary or desirable for the issuance and further
33 security of the bonds, including, but not limited to, credit
34 enhancement agreements, dealer agreements, purchase contracts,
35 escrow agreements, and similar arrangements.

36 (c) Bonds shall be legal investments for all trust funds, the funds
37 of all insurance companies, savings and commercial banks, trust
38 companies, executors, administrators, trustees, and other
39 fiduciaries, for state school funds, pension funds, and for any funds
40 that may be invested in county, school, or municipal bonds.

1 (d) Notwithstanding that bonds may be payable from a special
2 fund, the bonds shall be deemed to be negotiable instruments for
3 all purposes.

4 (e) Any bonds, and the transfer of and income derived from
5 those bonds, shall at all times be free from taxation of every kind
6 by the state and by the political subdivisions of the state.

7 (f) Bonds shall not be deemed to constitute a debt or liability
8 of the state or of any political subdivision thereof, other than the
9 department, or a pledge of the full faith and credit of the state or
10 of any such political subdivision, but shall be payable solely from
11 the revenues described in paragraph (1) of subdivision (g). All
12 bonds shall contain a statement to the following effect: "Neither
13 the faith and credit nor the taxing power of the State of California
14 is pledged to the payment of the principal of or interest on this
15 bond." The issuance of bonds shall not directly or indirectly or
16 contingently obligate the state or any political subdivision thereof
17 to levy or to pledge any form of taxation whatever therefor or to
18 make any appropriation for their payment.

19 (g) (1) The department may pledge and apply all or any part
20 of revenues of any nature whatever accruing to the department,
21 from orders issued, charges imposed, or contracts entered into
22 pursuant to or in furtherance of this division, or the right to receive
23 the same, to the payment or security of any or all of the principal
24 of the bonds or the interest thereon, in the manner and upon terms
25 that the department deems advisable.

26 (2) (A) It is the intent of the Legislature that any pledge of
27 moneys, revenues, or property made by the department shall be
28 valid and binding from the time when the pledge is made; that the
29 moneys, revenues, or property so pledged and thereafter collected
30 from retail end use customers, or paid directly or indirectly to or
31 for the account of the department, is hereby made, and shall
32 immediately be, subject to the lien of that pledge without any
33 physical delivery thereof or further act.

34 (B) It is the intent of the Legislature that the lien of any such
35 pledge shall be valid and binding against all parties having claims
36 of any kind in tort, contract, or otherwise against the department
37 irrespective of whether those parties have notice thereof, and that
38 no resolution or instrument by which the pledge or lien created
39 pursuant to this subdivision is expressed, confirmed, or approved
40 need be filed or recorded in order to perfect the pledge or lien.

1 (C) *It is the intent of the Legislature that this paragraph, in all*
2 *respects, govern the creation, perfection, priority, and enforcement*
3 *of any lien created pursuant to this division.*

4 80842. (a) *The department shall, and in any obligation entered*
5 *into pursuant to this division may covenant to, at least annually,*
6 *and more frequently as required, establish and revise revenue*
7 *requirements sufficient, together with any moneys deposited into*
8 *the fund, to provide all of the following:*

9 (1) *The amounts necessary to pay the principal of, and premium,*
10 *if any, and interest on, all bonds as and when the same shall*
11 *become due.*

12 (2) *The amounts necessary to pay for electricity purchased by*
13 *it and to deliver it to purchasers, including the cost of electricity,*
14 *transmission, scheduling, and other related expenses incurred by*
15 *the department, or to make payments under any other contracts,*
16 *agreements, or obligations entered into by it pursuant to this*
17 *division, in the amounts and at the times the same shall become*
18 *due.*

19 (3) *Reserves in amount as may be determined by the department*
20 *from time to time to be necessary or desirable.*

21 (4) *The pooled money investment rate on funds advanced for*
22 *electricity purchases before the receipt of payment for those*
23 *purchases by the purchasing entity.*

24 (5) *The administrative costs of the department and other state*
25 *agencies, including the costs and fees for professional services,*
26 *bond issuance and sale, and other miscellaneous costs, incurred*
27 *in connection with the issuance of bonds or the administration of*
28 *this division.*

29 (b) *The department shall notify the commission of its revenue*
30 *requirement pursuant to the agreement required pursuant to*
31 *Section 80821 and that revenue requirement shall be satisfied by*
32 *the recovery of its costs through a nonbypassable charge.*

33 SEC. 11. *No reimbursement is required by this act pursuant*
34 *to Section 6 of Article XIII B of the California Constitution because*
35 *the only costs that may be incurred by a local agency or school*
36 *district will be incurred because this act creates a new crime or*
37 *infraction, eliminates a crime or infraction, or changes the penalty*
38 *for a crime or infraction, within the meaning of Section 17556 of*
39 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 SECTION 1. ~~Section 25216.7 of the Public Resources Code~~
4 ~~is amended to read:~~

5 ~~25216.7. (a) On or before June 30, 2024, the commission, in~~
6 ~~consultation with the Public Utilities Commission, Independent~~
7 ~~System Operator, and State Air Resources Board, shall submit to~~
8 ~~the Legislature an assessment of firm zero-carbon resources that~~
9 ~~support a clean, reliable, and resilient electrical grid in California~~
10 ~~and will achieve the policy described in Section 454.53 of the~~
11 ~~Public Utilities Code.~~

12 ~~(b) The assessment shall do all of the following:~~

13 ~~(1) Identify all available, commercially feasible and~~
14 ~~near-commercially feasible firm zero-carbon resources that could~~
15 ~~support a clean, reliable, and resilient electrical grid, and~~
16 ~~distinguish which resources are capable of addressing system~~
17 ~~reliability needs and local reliability needs, with an emphasis on~~
18 ~~reducing the emissions of greenhouse gases, toxic air contaminants,~~
19 ~~and criteria air pollutants.~~

20 ~~(2) Evaluate the magnitude of potential needs for and role of~~
21 ~~firm zero-carbon resources using a reasonable range of resource~~
22 ~~cost and performance assumptions that reflect emerging technology~~
23 ~~trends in order to help integrate generation from eligible renewable~~
24 ~~energy resources into the electrical grid on a daily, multiday, and~~
25 ~~seasonal basis.~~

26 ~~(3) Identify barriers to the development of firm zero-carbon~~
27 ~~resources and possible solutions to address those barriers, including~~
28 ~~pathways for additional procurement of those resources by~~
29 ~~load-serving entities, including joint procurements by electrical~~
30 ~~corporations, community choice aggregators, direct access~~
31 ~~customers, local publicly owned electric utilities, and other public~~
32 ~~entities, or a central procurement entity.~~

33 ~~(4) Recommend changes to research and development projects,~~
34 ~~demonstration projects, and energy incentives to support the~~
35 ~~contributions of firm zero-carbon resources to the near-, mid-, and~~
36 ~~long-term reliability and resiliency of California's electrical grid,~~
37 ~~consistent with California's goals to reduce localized air pollutants~~
38 ~~and emissions of greenhouse gases, including early priority in~~
39 ~~disadvantaged communities.~~

1 ~~(5) Evaluate the reliability of load-serving entities’ integrated~~
2 ~~resource plans under multiday extreme and atypical weather events,~~
3 ~~which shall include, at minimum, events with extended periods of~~
4 ~~low renewable energy generation and events that occur in all~~
5 ~~seasons at least as frequently as once per 10 years.~~

6 ~~(6) Evaluate the use of long-duration and multiday energy~~
7 ~~storage to achieve the goals pursuant to this section.~~

8 ~~(e) The assessment shall not affect the process any load-serving~~
9 ~~entity uses to develop or procure resources to serve its customers.~~

10 ~~(d) For purposes of this section, the following definitions apply:~~

11 ~~(1) “Eligible renewable energy resources” has the same meaning~~
12 ~~as defined in Section 399.12 of the Public Utilities Code.~~

13 ~~(2) “Firm zero-carbon resources” are electrical resources that~~
14 ~~can individually, or in combination, deliver zero-carbon electricity~~
15 ~~with high availability for the expected duration of multiday extreme~~
16 ~~or atypical weather events, including periods of low renewable~~
17 ~~energy generation, and facilitate integration of eligible renewable~~
18 ~~energy resources into the electrical grid and the transition to a~~
19 ~~zero-carbon electrical grid.~~

20 ~~(3) “Load-serving entities” has the same meaning as defined in~~
21 ~~Section 380 of the Public Utilities Code.~~

22 ~~(e) (1) The assessment to be submitted pursuant to subdivision~~
23 ~~(a) shall be submitted in compliance with Section 9795 of the~~
24 ~~Government Code.~~

25 ~~(2) Pursuant to Section 10231.5 of the Government Code, this~~
26 ~~section is repealed on January 1, 2027.~~

27

28

29 **CORRECTIONS:**

30 **Digest—Vote Key—Page 4.**

31

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