

BOARD MEETING DATE: March 6, 2015

AGENDA NO. 21

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a meeting on Friday, February 13, 2015. The next Legislative Committee meeting is scheduled for Friday, March 13, 2015 at 9 a.m. in Conference Room CC8.

The Committee deliberated on agenda items for Board consideration and recommended the following actions:

Agenda Item	Recommendation
2015 Legislative Goals and Objectives	Approve
SB 32 (Pavley) California Global Warming Solutions Act of 2006: Emissions Limit	Support with Amendments
AB 156 (Perea) California Global Warming Solutions Act of 2006: Investment Plan	Support

RECOMMENDED ACTION:

Receive, file this report, and approve agenda items as specified in this letter.

Judith Mitchell
Chair
Legislative Committee

Attendance [Attachment 1]

The Legislative Committee met on February 13, 2015. Committee Members, Chair Councilmember Judith Mitchell and Supervisor Janice Rutherford, were present at SCAQMD's Diamond Bar headquarters. Committee Members Supervisor Michael Antonovich, Councilmember Joe Buscaino and Dr. Clark Parker attended via videoconference. Dr. William A. Burke was appointed to the Legislative Committee and also attended via videoconference.

Update on Federal Legislative Issues

SCAQMD federal legislative consultant, Mia O'Connell of the Carmen Group, reported on various items relating to Washington, D.C.

Ms. O'Connell began her report with an update on the MAP-21 reauthorization legislation. She stated that U.S. Senate Environment and Public Works (EPW) Committee Chairman James Inhofe and Chairman Bill Shuster of the U.S. House Committee on Transportation and Infrastructure (T&I) have indicated that passing a MAP-21 reauthorization bill is their number one priority. They may hold joint committee hearings and will work to keep the Senate and House bills in sync as much as possible. Ms. O'Connell stated that revenue remains the toughest issue. The Administration's Budget for FY 2015-16 proposed a \$478 billion six-year bill funded through the current gas tax and a repatriation tax on overseas corporate assets. Indications from leadership in both houses are that there are not sufficient votes to pass a gas tax increase, and that some other funding method will have to be identified.

Ms. O'Connell reported that various Senate and House hearings regarding the MAP-21 reauthorization have taken place; however, there has been no progress made towards passage of this legislation. The Senate hearings included a January 28th hearing that featured testimony from U.S. Transportation Secretary Anthony Foxx and four state governors. Secretary Foxx also testified at a House hearing in February. Markup hearings of the Senate and House versions of the MAP-21 Reauthorization bill are expected in late March or early April.

Ms. O'Connell also informed the Committee that follow-up activities have been taking place after a January visit to Washington, D.C. by SCAQMD staff, focused on promoting SCAQMD's legislative proposals for the MAP-21 Reauthorization legislation.

Ms. O'Connell reported that Chairman Shuster introduced the Passenger Rail Reform and Investment Act (PRRIA - HR 749) on February 5th. It is virtually identical to the bipartisan bill that was approved in committee last year. It helps improve infrastructure for intercity passenger rail and is mostly focused on Amtrak. The House T&I Committee marked up the bill on February 12th without amendments. The bill has

bipartisan support and is co-sponsored by both Chairman Shuster, a Republican, as well as ranking member of the T&I Committee, Peter DeFazio, a Democrat.

Lastly, Ms. O'Connell reported that the House Energy and Commerce Committee recently released an Energy Framework relating to a comprehensive energy package, which will address four policy areas: modernizing infrastructure, a 21st century energy workforce, energy diplomacy, and efficiency and accountability. Discussion bill drafts are expected in the coming months.

SCAQMD federal legislative consultant Mark Kadesh, of Kadesh & Associates, also reported on various items relating to Washington, D.C issues.

Mr. Kadesh reported to the Committee that the President's budget resolution was released on February 2nd. Within that budget, there were proposals to slightly increase the U.S. Environmental Protection Agency (U.S. EPA) budget to \$8.6 billion. There was also a proposal for major funding for clean power incentives. The President also proposed a cut in Diesel Emission Reduction Act funding from \$30 million to \$10 million; however, this is likely to be restored by Congress. Mr. Kadesh informed the Committee that budget hearings began recently in the Appropriations committees and will be ongoing until the budget is resolved.

Mr. Kadesh also reported that Senators Barbara Boxer and Rand Paul have discussed a Senate legislative proposal relating to the surface transportation bill that would rely on repatriation to fund the Highway Trust Fund. However, there is still not a consensus funding mechanism for the bill. Further, Senator Boxer used her prerogative as Senate EPW Committee Ranking Member to take the position.

Finally, SCAQMD federal legislative consultant Warren Weinstein, of Kadesh & Associates, reported that industry and labor groups opposed to U.S. EPA's Cross State Air Pollution Rule (CSAPR) asked the D.C. Court of Appeals to vacate all or part of the rule, which went into effect on January 1st. The CSAPR requires states to reduce power plant emissions (NO_x and SO_x) that contribute to ozone and/or fine particle pollution in other states. A decision from the court is expected before the end of the month.

Update on State Legislative Issues

SCAQMD state legislative consultant Will Gonzalez, of Gonzalez, Quintana & Hunter, briefed the Committee on the Senate's package of legislative proposals known as "Powering the New Clean-Energy Economy" which was released this week. Senate Pro Tem Kevin De León, along with Senators Pavley, Wieckowski, Hueso, and Leno, described the legislative proposals as targeting climate change, renewables, job growth, public health, and the economy. The legislative package includes:

SB 350 (De León and Leno) Golden State Standards: Implements the 'three 50's' to be achieved by 2030: a 50% reduction in petroleum use, a 50% renewables standard, and a 50% increase in energy efficiency of existing buildings.

SB 32 (Pavley) Building for the Future: Establishes new greenhouse gas (GHG) emissions and pollution reduction levels for 2050 at 80% below 1990 levels, and allows the California Air Resources Board (CARB) to establish interim targets for 2030 and 2040.

SB 185 (De León) Investing with Values and Responsibility: Would require public retirement funds to divest any interests they have in thermal coal companies.

SB 189 (Hueso) Maximizing Jobs and Economic Growth: Would create a committee to advise agencies on the most effective ways to spend money collected in clean energy and GHG reduction funds.

In support of the legislation they also unveiled the Senate's new climate website: <http://focus.senate.ca.gov/climate>.

Additionally, Senator Jackson has introduced SB 180 Electricity; Emissions of Greenhouse Gases to update the emission performance standard for power plants. The bill requires the California Public Utilities Commission (PUC) by June 2017, and with coordination from the California Energy Commission (CEC) and CARB, to establish new regulations regarding emissions standards for power plants. The bill adds a definition for "peaker plants" and requires the PUC to implement standards specific to them as well.

SCAQMD state legislative consultant Paul Gonsalves of Joe A. Gonsalves & Son, also briefed the Committee on key Sacramento issues. Mr. Gonsalves first noted that this has been the slowest bill introduction rate in recent memory.

To date only 576 bills have been introduced – about one-third to one-half the normal rate. He attributes the change to members now having 12 years to make their legislative mark, allowing them to be more patient and methodical with their legislative package. Nevertheless, he anticipates a large spike in bills introduced just before the bill introduction deadline at the end of February, but still not like in years past.

Second, Mr. Gonsalves reported on the Senate hearing held on the implementation of SB 4 (Pavley), Oil and Gas: Well Stimulation the first-of-its-kind legislation regulating hydraulic fracturing and other well stimulation treatments. Highlights from the hearing include an update on the status of the study on the issue being conducted by the Division of Oil, Gas, and Geothermal Resources (DOGGR) as well as DOGGR's admission that it has permitted the injection of waste water into federally protected

aquifers. A number of legislators have stated their preference to place a moratorium on hydraulic fracturing until the studies are completed, but no legislation has been introduced yet. Thirdly, Mr. Gonsalves reported that the Speaker has announced her transportation plan of two billion dollars a year for the next five years, comprised of existing funding and an additional eight hundred million dollars a year in new revenues derived from some still-to-be-defined road user fee. Mr. Gonsalves will continue to monitor and update SCAQMD as details develop.

2015 Legislative Goals and Objectives [Attachment 2]

Lisha B. Smith, Deputy Executive Officer, presented to the Committee the staff recommendations for SCAQMD's 2015 federal and state Legislative Goals and Objectives. The Goals and Objectives presented for approval reflect prior Board direction and are intended to give staff continued direction, and enhance focus on existing and ongoing legislative efforts.

Supervisor Rutherford sought clarification on the federal goals and objectives relative to mobile sources being listed on the state side, but not on the federal side. Ms. Smith responded that it is not listed as a specified category as it is in the state side, but is instead broken out into further categories of transportation – zero emission vehicles, marine vessels and locomotives – as addressed through federal goals and objectives. In addressing staff's efforts regarding federal mobile sources, SCAQMD Executive Officer Barry Wallerstein mentioned the agency's separate federal surface transportation reauthorization legislation proposals for MAP-21 and passenger rail. He added that SCAQMD staff shared these proposals with each of the four county transportation agencies prior to their presentation and adoption by the Legislative Committee and then the SCAQMD Board.

Dr. Burke suggested that, in future years, staff make a presentation to the Board Assistants on proposed Goals and Objectives prior to their presentation to the Legislative Committee so that they can discuss it in advance with their Board Members. Chair Mitchell said that this could be implemented starting next year.

The Legislative Committee unanimously approved staff's recommendation for 2015 Legislative Goals and Objectives.

Recommend Position on State Bills [Attachment 3]

Philip Crabbe, Community Relations Manager presented on two greenhouse gas (GHG) related bills.

SB 32 (Pavley) California Global Warming Solutions Act of 2006: Emissions Limit, requires CARB to approve a statewide GHG emission limit equivalent to 80% below the 1990 level to be achieved by 2050. The bill would also authorize CARB to adopt interim GHG emissions level targets to be achieved by 2030 and 2040.

Staff recommended amendments that would: 1) provide for GHG standards which are adequate to simultaneously achieve national ambient air quality standards by the applicable deadlines; and that would 2) include criteria and toxics emissions reductions as a priority in creating the GHG standards.

Recommended Position: Support with Amendments

Dr. Parker asked for clarification on the recommended staff amendments. Dr. Wallerstein responded that the amendments would facilitate a broader perspective, providing for strategies that call for actions that will simultaneously reduce GHG emissions as well as criteria pollutants and air toxics.

The Legislative Committee approved staff's recommendation for a SUPPORT WITH AMENDMENTS position on SB 32 (Pavley).

AYES: Antonovich, Burke, Buscaino, Mitchell, and Parker

NOES: Rutherford

AB 156 (Perea) California Global Warming Solutions Act of 2006: Investment Plan. This bill would require the California Department of Finance to include in the three-year investment plan (for moneys deposited in the Greenhouse Gas Reduction Fund), a funding allocation to provide technical assistance to disadvantaged communities to assist them in proposing projects for inclusion in that three-year investment plan.

Recommended Position: Support

The Legislative Committee approved staff's recommendation for a SUPPORT position on AB 156 (Perea).

AYES: Antonovich, Burke, Buscaino, Mitchell, and Parker

NOES: Rutherford

Guillermo Sanchez, Senior Public Affairs Manager presented on three Assembly bills related to the use of unmanned aircraft:

- **AB 14 (Waldron) Unmanned Aircraft: Task Force**
- **AB 37 (Campos) Unmanned Aircraft Systems**
- **AB 56 (Quirk) Unmanned Aircraft Systems**

On the one hand, unmanned aircraft or “drones” provide the opportunity for safer, quicker, and more efficient monitoring and data collection under emergency situations

as well as ongoing compliance, planning, and research purposes consistent with constitutional requirements and statutory authorities. By the same token, the use of unmanned drones raises legitimate and understandable concerns for privacy rights. After presentation of the three bills, the Committee tabled taking a position on these items pending a memo outlining federal action on the issue and the specific relevance of unmanned aircraft for potential SCAQMD applications related to its agency responsibilities.

Clarification on H.R. 5101 (Hahn) National Freight Network Trust Fund Act of 2014

Ms. Smith clarified the position previously taken on H.R. 5101 (Hahn). She noted two slightly different identified positions were stated in the Legislative Committee Board Letter included for the February Governing Board meeting, and clarified that the Committee’s official position taken on the bill was “Support and Recommend Amendments” as approved in January.

Report from SCAQMD Home Rule Advisory Group [Attachment 4]

Please refer to Attachment 4 for written report.

Other Business:

None

Public Comment Period:

No public comment.

Attachments

1. Attendance Record
2. 2015 Legislative Goals and Objectives
3. Bill and Bill Analyses
4. SCAQMD Home Rule Advisory Group Report

ATTACHMENT 1

ATTENDANCE RECORD –February 13, 2014

DISTRICT BOARD MEMBERS:

Dr. William A. Burke (Videoconference)
Councilmember Judy Mitchell, Chair
Supervisor Michael Antonovich (Videoconference)
Councilmember Joe Buscaino (Videoconference)
Dr. Clark E. Parker, Sr. (Videoconference)
Supervisor Janice Rutherford

STAFF TO COMMITTEE:

Lisha B. Smith, Deputy Executive Officer
Derrick Alatorre, Assistant Deputy Executive Officer/Public Advisor
Guillermo Sanchez, Senior Public Affairs Manager
Julie Franco, Senior Administrative Secretary

DISTRICT STAFF:

Barry R. Wallerstein, Executive Officer
Barbara Baird, Chief Deputy Counsel
Elaine Chang, Deputy Executive Officer
Phil Fine, Assistant Deputy Executive Officer
Peter Greenwald, Sr. Policy Advisor
Chris Marlia, Assistant Deputy Executive Officer
Matt Miyasato, Deputy Executive Officer
Mohsen Nazemi, Deputy Executive Officer
Laki Tisopulos, Assistant Deputy Executive Officer
William Wong, Principal Deputy District Counsel,
Leeor Alpern, Senior Public Information Specialist (Videoconference)
Marc Carrel, Program Supervisor
Tina Cox, Senior Public Information Specialist
Robert Paud, Telecommunications Technician II
Barbara Radlein, AQ Specialist
Kim White, Public Affairs Specialist
Patti Whiting, Staff Specialist
Rainbow Yeung, Senior Public Information Specialist (Videoconference)

OTHERS PRESENT:

Mark Abramowitz, Governing Board Member Consultant (Lyou)
Tricia Almiron, SANBAG
Jason Gonsalves, Joe A. Gonsalves & Son (teleconference)
Paul A. Gonsalves, Joe A. Gonsalves & Son (teleconference)
Will Gonzalez, Gonzalez, Quintana & Hunter, LLC (teleconference)
Stewart Harris, Carmen Group (teleconference)
Gary Hoitsma, Carmen Group (teleconference)
Mark Kadesh, Kadesh & Associates (teleconference)
Chris Kierig, Kadesh & Associates (teleconference)
Bill LaMarr, California Small Business Alliance
Rita Loof, RadTech
Clayton Miller, Construction Industry Air Quality Coalition
Mia O'Connell, Carmen Group (teleconference)
Andy Silva, Governing Board Assistant (Rutherford)
Warren Weinstein, Kadesh & Associates (teleconference)



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
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ATTACHMENT 2a

SCAQMD's Federal Legislative Goals & Objectives for 2015

The following goal and objectives are identified to facilitate attainment of federal clean air standards within the South Coast region by statutory deadlines, while working with Congress, the White House, federal, state and local agencies, business, environmental and community groups, and other stakeholder:

Technology Advancement

Maintain and/or expand funding opportunities for advanced clean technologies and clean air research, development, demonstration and deployment programs, including those related to:

- Zero and near-zero emission technologies;
- Clean vehicles (such as light-, medium- and heavy-duty vehicles, locomotives, marine vessels, and aircraft technologies), clean fuels and refueling technologies and infrastructure;
- Clean energy sources;
- Implementation of Board-approved Air Quality Management Plan (AQMP); and
- Implementation of the Clean Communities Plan.

Marine Vessels

Pursue legislative and/or administrative policies that will further reduce marine vessel emissions and will ensure, through regulatory and/or incentive-based policies that the cleanest vessels come to U.S. ports.

Surface Transportation & Goods Movement

Enhance the provisions of surface transportation reauthorization legislation (i.e., successor legislation to the MAP-21 law) to better include air quality considerations, particularly with respect to goods movement and energy issues.

Locomotives

Pursue efforts to reduce locomotive emissions, through regulatory and/or incentive-based policies.

Reduction of Toxic Emissions

Expand funding under the Diesel Emission Reduction Act (DERA), and through other legislative and administrative programs, to reduce toxic emissions, and the public's exposure to toxic emissions, within the South Coast region.

Clean Air Act

Ensure adequate SCAQMD authority under the federal Clean Air Act (CAA) and extend or enhance SCAQMD's subvention funding under CAA Sections 103 and 105.

National Ambient Air Quality Standards and SIP

Support policies that protect science-driven and health-based determinations of national ambient air quality standards.

Support legislation and/or administrative efforts to streamline and provide flexible implementation of SIP requirements, as needed, to ensure feasibility of attainment.

Climate Change

Seek to influence climate change initiatives and facilitate their implementation at local levels, to promote co-benefits with NAAQS and air toxics reduction, consistent with the Board's policy.

New Source Review Offsets

Modernize federal New Source Review offset requirements for areas where the supply of offsets is inadequate, while furthering the pursuit of clean air objectives.

Environmental Justice

Support legislation which promotes environmental justice initiatives that will reduce localized health risks, develop clean air technologies that directly benefits disproportionately impacted communities, and enhance community participation in decision-making.



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ATTACHMENT 2b

SCAQMD's State Legislative Goals & Objectives for 2015

The following goal and objectives are identified to facilitate attainment of clean air standards within the South Coast region by statutory deadlines, while working with Sacramento legislators, federal state and local agencies, business, environmental and community groups, and other stakeholders:

SCAQMD Authority / Policy Implementation

Ensure adequate SCAQMD authority for implementation of the Board's clean air policies and programs, as required by state and federal law, including the Air Quality Management Plans (AQMPs). As well, seek to broaden current air district authority to address chronic, serial violators.

Air Quality Funding

Right-size funding for clean air programs that protect public health, particularly incentive programs and research and development projects that create opportunities to partner with local businesses, communities and residents.

Also, work with CAPCOA, ARB and other stakeholders to establish greater flexibility in the implementation of the Carl Moyer Program to further maximize emission reductions and program efficiencies.

Environmental Justice

Support legislation to promote environmental justice initiatives, to reduce localized health risks, to develop clean air technology that directly benefits disproportionately impacted communities, and to enhance community participation in decision-making.

Mobile Sources

Support legislative and/or other actions that reduce mobile source emissions within the South Coast region, as needed, to attain clean air standards by statutory deadlines. Oppose legislative efforts to roll back cost-effective, feasible regulations needed to attaining clean air standards pursuant to the Air Quality Management Plan.

Surface Transportation & Goods Movement

Support and expand air quality policy and funding considerations regarding the implementation of state and federal surface transportation and goods movement policies and programs, including those relating to MAP-21 and its successor legislation.

Climate Change

Seek to influence climate change initiatives and facilitate their implementation consistent with Board policy. In particular, support efforts directing that AB 32 revenue auctions be spent on programs that maximize co-benefits, promote near-zero and zero-emission vehicles, and address air quality and public health impacts in disproportionately affected communities.

Energy

Support legislation that advances the Board's Energy Policy which promotes reliable, cost effective and clean energy for all consumers in the District facilitating attainment of clean air standards and support for a healthy economy.

Salton Sea

In conjunction with the Imperial County Air Pollution Control District and other stakeholders, work on legislation mitigating the Salton Sea's potential for increased emissions as well as its potential to generate renewable energy.

New Source Review Offsets

Monitor and engage in policy efforts related to New Source Review emission offset requirements for stationary sources, as necessary, while furthering the pursuit of clean air objectives.

Education and Outreach

Support legislation which promotes environmental justice initiatives that will reduce localized health risks, develop clean air technologies that directly benefits disproportionately impacted communities, and enhance community participation in decision-making.

ATTACHMENT 3a

SB 32 (Pavley)

California Global Warming Solutions Act of 2006: Emissions Limit

Summary: This bill would require the California Air Resources Board (ARB) to approve a statewide greenhouse gas (GHG) emission limit that is equivalent to 80% below the 1990 level, to be achieved by 2050. The bill would also authorize ARB to adopt interim GHG emissions level targets to be achieved by 2030 and 2040.

Background: The California Global Warming Solutions Act of 2006 (AB 32) designates ARB as the state agency charged with monitoring and regulating sources of emissions of GHG. ARB is required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions level in 1990, to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG emissions reductions. Air districts also retain authority to regulate GHGs from nonvehicular sources.

Since 2006, the state has reduced nearly 100 million tons of GHG, equal to the pollution from burning 11 billion gallons of gasoline. California has reduced about half the pollution required to meet the 2020 goal. In the process of reducing pollution, California has attracted \$27 billion in private investment in clean energy businesses, which now employ hundreds of thousands of people.

ARB is authorized under AB 32 to “maintain and continue” GHG reductions beyond 2020 and recommend implementation strategies to the Legislature. In the Scoping Plan Update issued in May 2014, ARB identified a number of cost-effective, technologically feasible pathways to emissions reductions required by 2030, 2040 and 2050 to adequately protect the health, safety and welfare of Californians from the mounting costs of unabated climate change.

Setting clear, achievable climate pollution reduction targets in law and identifying priorities to guide implementation will provide critical accountability, as well as certainty to businesses investing for the long term in California. The state also has an opportunity to build on its first mover advantage as a technology and policy innovation leader as the President, international trading partners such as China and Mexico, and neighboring states, prepare to chart their own pathways to climate progress beyond 2020.

To achieve its climate goals, California will need to ensure that GHG targets are integrated with existing complementary policies such as energy efficiency requirements for buildings, appliances and cars, clean power standards, and sustainable land use policies, to maximize the effectiveness of pollution reduction overall.

This bill would set an enforceable GHG reduction target of 80 percent below 1990 levels by 2050, the level identified by the international scientific community as necessary to stave off the worst effects of climate change. The target is guided by science, but this bill provides flexibility for the Legislature and responsible agencies to adjust the goal along the way based on changing technological and economic conditions.

Status: 1/15/15 - Referred to Senate Committee on Environmental Quality.

Specific Provisions: Specifically, this bill would:

1. Require ARB to approve a statewide GHG emission limit that is equivalent to 80% below the 1990 level, to be achieved by 2050.
2. Authorize ARB to adopt interim GHG emissions level targets to be achieved by 2030 and 2040.
3. State the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure long-term emissions reductions to advance:
 - a. Job growth and local economic benefits in California;
 - b. Public health benefits for California residents, particularly in disadvantaged communities;
 - c. Innovation in technology and energy, water, and resource management practices; and
 - d. Regional and international collaboration to adopt similar GHG emissions reduction policies.

Impacts on SCAQMD’s mission, operations or initiatives: This bill is in line with the District’s policy priorities regarding reducing GHG, criteria pollutant and toxic emissions within the South Coast region. Through a concentrated effort to reduce GHG emissions, there will be numerous co-benefit reductions in criteria and toxic emissions that will help protect the health of South Coast residents and meet state and federal ambient air quality standards. The bill specifically identifies the need to benefit public health and puts an important emphasis on environmental justice concerns, which would greatly benefit the numerous residents within the South Coast region who are disproportionately impacted by localized criteria pollutant and toxic emissions. In addition, the bill is consistent with the District’s priority to advance innovations in clean transportation technology.

The District recommends adding two amendments to the current bill language:

- In the proposed Health and Safety Code Section 38550 (b) (2) on page 2, line 24, before the period, add “and which are adequate to simultaneously achieve national ambient air quality standards by the applicable deadlines.”

- In the proposed Health and Safety Code Sect. 38551 (d), on page 3, line 4, before the comma, add “including criteria and toxics emissions reductions.”

Recommended Position: SUPPORT WITH AMENDMENTS

Introduced by Senator PavleyDecember 1, 2014

An act to amend Sections 38550 and 38551 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as introduced, Pavley. California Global Warming Solutions Act of 2006: emissions limit.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions.

This bill would require the state board to approve a statewide greenhouse gas emission limit that is equivalent to 80% below the 1990 level to be achieved by 2050, as specified. The bill would authorize the state board to adopt interim greenhouse gas emissions level targets to be achieved by 2030 and 2040. The bill also would state the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure long-term emissions reductions advance specified criteria.

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

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

1 SECTION 1. Section 38550 of the Health and Safety Code is
2 amended to read:

3 38550. (a) By January 1, 2008, the state board shall, after one
4 or more public workshops, with public notice, and an opportunity
5 for all interested parties to comment, determine what the statewide
6 greenhouse gas emissions level was in 1990, and approve in a
7 public hearing, a statewide greenhouse gas emissions limit that is
8 equivalent to that level, to be achieved by 2020. In order to ensure
9 the most accurate determination feasible, the state board shall
10 evaluate the best available scientific, technological, and economic
11 information on greenhouse gas emissions to determine the 1990
12 level of greenhouse gas emissions.

13 (b) (1) *Notwithstanding subdivision (a), the state board shall*
14 *approve in a public hearing a statewide greenhouse gas emissions*
15 *limit that is equivalent to 80 percent below the 1990 level, as*
16 *determined pursuant to subdivision (a) or Section 39730, to be*
17 *achieved by 2050 based on the best available scientific,*
18 *technological, and economic assessments. The greenhouse gas*
19 *emissions limit shall include short-lived climate pollutants, as*
20 *defined in Chapter 4.2 (commencing with Section 39730) of Part*
21 *2 of Division 26.*

22 (2) *The state board also may approve interim greenhouse gas*
23 *emissions level targets to be achieved by 2030 and 2040 consistent*
24 *with paragraph (1).*

25 SEC. 2. Section 38551 of the Health and Safety Code is
26 amended to read:

27 38551. (a) The statewide greenhouse gas emissions limit shall
28 remain in effect unless otherwise amended or repealed.

29 (b) It is the intent of the Legislature that the 2050 statewide
30 greenhouse gas emissions limit *established pursuant to Section*
31 *38550 continue in existence and be used to maintain and continue*
32 *reductions in emissions of greenhouse gases beyond-2020: 2050.*

33 (c) The state board shall make recommendations to the Governor
34 and the Legislature on how to continue reductions of greenhouse
35 gas emissions beyond-2020: 2050.

36 (d) *In implementing subdivision (b) of Section 38550, it is the*
37 *intent of the Legislature for the Legislature and appropriate*
38 *agencies to adopt complementary policies that ensure long-term*

- 1 *emissions reductions adopted pursuant to subdivision (b) of Section*
2 *38550 advance all of the following:*
3 *(1) Job growth and local economic benefits in California.*
4 *(2) Public health benefits for California residents, particularly*
5 *in disadvantaged communities.*
6 *(3) Innovation in technology and energy, water, and resource*
7 *management practices.*
8 *(4) Regional and international collaboration to adopt similar*
9 *greenhouse gas emissions reduction policies.*

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ATTACHMENT 3b

AB 156 (Perea)

California Global Warming Solutions Act of 2006: Investment Plan

Summary: This bill would require the California Department of Finance (Finance) to include in the 3-year investment plan for moneys deposited in the Greenhouse Gas Reduction Fund (GHG Reduction Fund), a funding allocation to provide technical assistance to disadvantaged communities to assist them in proposing projects for inclusion in the 3-year investment plan.

Background: The California Global Warming Solutions Act of 2006 (AB 32) designates the State Air Resources Board (ARB) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases (GHG). ARB is required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions level in 1990, to be achieved by 2020. AB 32 authorizes ARB to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by ARB from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the GHG Reduction Fund and to be available upon appropriation. Existing law requires the California Environmental Protection Agency to identify disadvantaged communities and requires Finance, in consultation with ARB and any other relevant state agency, to develop a 3-year investment plan for the moneys deposited in the GHG Reduction Fund.

Status: 2/2/15 - Referred to Assembly Com. on Nat. Res.

Specific Provisions: Specifically, this bill would:

1. Require Finance to include in the 3-year investment plan (for moneys deposited in the GHG Reduction Fund), a funding allocation to provide technical assistance to disadvantaged communities to assist them in proposing projects for inclusion in the 3-year investment plan.
2. Prevent the allocation of technical assistance moneys for disadvantaged communities to be counted against other required allocations of funding from the GHG Reduction Fund for projects that provide benefits to and that are located in environmental justice communities.

Impacts on SCAQMD's mission, operations or initiatives: This bill would provide funding to underprivileged communities for technical assistance in developing GHG emission reducing projects eligible to receive GHG Reduction Fund moneys. This money would be for projects that provide benefits to and that are located in environmental justice communities. The bill's intent is consistent with District policy priorities because these

types of GHG projects would potentially provide co-benefit emission reductions in criteria pollutant and toxic air contaminant emissions within the South Coast region. The District is focused on helping to protect the health of South Coast residents, especially those living within and near environmental justice communities. This bill would likely benefit numerous residents within the South Coast region who are disproportionately impacted by localized criteria pollutant and toxic emissions.

Recommended Position: SUPPORT

ASSEMBLY BILL

No. 156

Introduced by Assembly Member Perea

January 20, 2015

An act to amend Section 39713 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 156, as introduced, Perea. California Global Warming Solutions Act of 2006: investment plan.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires the California Environmental Protection Agency to identify disadvantaged communities and requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund.

This bill would require the department to include in the 3-year investment plan an allocation to provide technical assistance to

disadvantaged communities to assist them in proposing specified projects for inclusion in the 3-year investment plan.

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

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

1 SECTION 1. Section 39713 of the Health and Safety Code is
2 amended to read:

3 39713. (a) The investment plan developed and submitted to
4 the Legislature, pursuant to Section 39716, shall allocate a
5 minimum of 25 percent of the available moneys in the fund to
6 projects that provide benefits to communities described in Section
7 39711.

8 (b) The investment plan shall allocate a minimum of 10 percent
9 of the available moneys in the fund to projects located within
10 communities described in Section 39711.

11 (c) The allocation pursuant to subdivision (b) may be, but need
12 not be, for projects included, in whole or in part, in the set of
13 projects supported by the allocation described in subdivision (a).

14 (d) *The investment plan shall allocate from the available moneys*
15 *in the fund technical assistance moneys to assist the communities*
16 *described in Section 39711 in proposing projects described in this*
17 *section. That allocation of technical assistance moneys shall not*
18 *be used to satisfy the requirements of subdivisions (a) and (b).*

ATTACHMENT 3c

Assembly Bill 14 (Waldron) Unmanned Aircraft:Task Force

Summary: Assembly Bill 14 will create the Unmanned Aircraft Systems Task Force. The task force will be responsible for formulating a comprehensive plan within the Federal Aviation Administration (FAA) guidelines for operation of unmanned aircraft systems (drones) in California.

Background: Improved technologies for small unmanned aircraft systems and their expanding commercial and scientific use have raised privacy and Fourth Amendment search and seizure concerns over their expanding use. Currently, the FAA Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Status: 1/22/15 Referred to Coms. on PUB. S. and P. & C.P.

Related Legislation:

AB 56 (Quirk) and AB 37 (Campos) are virtually identical bills narrowly restricting the use of drones by law enforcement and regulatory agencies except under very narrow circumstances. SB 142 (Jackson) specifies that entering the navigable airspace and the collection of data over private property is trespass

Specific Provisions: This bill would create the Unmanned Aircraft Task Force. The task force would be responsible for formulating a comprehensive plan for state regulation of unmanned aircraft. The task force would be required to submit, among other things, a comprehensive policy draft and suggested legislation pertaining to unmanned aircraft to the Legislature and the Governor on or before January 1, 2018. The bill would provide that these provisions are repealed on January 1, 2022.

The task force shall operate for two years, until January 1, 2018 and shall formulate a comprehensive plan for state regulation of unmanned aircraft, including, but not limited to, all of the following:

- (1) Reviewing regulations and guidance from the FAA regarding unmanned aircraft and incorporating them into a state policy draft.
- (2) Providing written recommendations, together with suggested legislation, for a comprehensive state policy for unmanned aircraft that protects privacy and allows the use of unmanned aircraft for public and private applications.
- (3) Evaluating complaints and concerns that are expressed to the task force regarding the use of unmanned aircraft.

- (4) Studying the private use of unmanned aircraft to encourage development of the unmanned aircraft industry in the private sector.
- (5) Studying and making recommendations with respect to ensuring that unmanned aircraft users comply with applicable laws, and assessing implementation plans and results.

The task force may meet as frequently as necessary to carry out its responsibilities.

(b) The members of the task force shall serve without compensation, but shall receive a per diem of one hundred dollars (\$100) and reimbursement for actual and necessary expenses incurred in connection with the performance of their duties.

The task force shall consist of 10 members, as follows, who shall serve a two-year term:

- (a) The Adjutant General of the Military Department, or his or her designee, shall be an ex officio member of the task force.
- (b) Three members appointed by the Governor:
 - (1) A member representing the California University System.
 - (2) A member representing agriculture.
 - (3) A member from the Governor’s economic development group.
- (c) Three members appointed by the Senate Committee on Rules:
 - (1) A member representing the aerospace industry.
 - (2) A member representing the Academy of Model Aeronautics.
 - (3) A member representing law enforcement.
- (d) Three members appointed by the Speaker of the Assembly:
 - (1) A member representing business and industry.
 - (2) Two public members who have participated in the unmanned aircraft industry and who have experience operating unmanned aircraft.

Operational Impacts on SCAQMD:

Rapidly improving drone technology is creating opportunities for academic research as well as regional planning efforts. For air districts and other regulatory agencies it will allow for safer, more efficient monitoring under routine compliance checks and particularly under more critical and potentially emergency situations. As this technology continues to expand, regulatory agencies should be allowed to use the latest technology in its monitoring and inspection efforts consistent with their current authority but only insofar as it relates to their respective core missions. Historically, Fourth Amendment case law has made a distinction between the use of information collected for criminal prosecution versus regulatory enforcement. Moreover, California Health and Safety Code Section 41510 expressly grants air districts, upon proper notice, “the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom.” To properly develop the state’s drone policy, the task force should include representatives from air districts and other regulatory agencies as well research universities and regional planning organizations.

Recommended Position: SUPPORT IF AMENDED

Support: None on file

Opposition: None on file

February 13, 2014 Legislative Committee Action:

After presentation of the three unmanned drone bills (AB 14, AB 37, and AB 56), the Committee tabled taking a position on these items pending a memo outlining federal action on the issue and the specific relevance of unmanned drones for SCAQMD.

ASSEMBLY BILL

No. 14

Introduced by Assembly Member Waldron

December 1, 2014

An act to add and repeal Title 24 (commencing with Section 110050) of the Government Code, relating to unmanned aircraft.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as introduced, Waldron. Unmanned aircraft: task force.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would create the Unmanned Aircraft Task Force. The task force would be responsible for formulating a comprehensive plan for state regulation of unmanned aircraft. The task force would be required to submit, among other things, a comprehensive policy draft and suggested legislation pertaining to unmanned aircraft to the Legislature and the Governor on or before January 1, 2018. The bill would provide that these provisions are repealed on January 1, 2022.

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

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

1 SECTION 1. Title 24 (commencing with Section 110050) is
2 added to the Government Code, to read:

3

4

TITLE 24. UNMANNED AIRCRAFT TASK FORCE

5

6 110050. (a) The Legislature finds and declares that there is a
7 need for California to have in place a comprehensive policy for
8 the operation of unmanned aircraft, and a desire to work within
9 the guidelines of the Federal Aviation Administration (FAA) as
10 they are put in place.

11 (b) It is the intent of the Legislature in enacting this title that
12 the task force created by this act formulate a comprehensive plan
13 for the state regarding unmanned aircraft.

14 110051. (a) There is hereby created the Unmanned Aircraft
15 Task Force which shall operate for two years, until January 1,
16 2018.

17 (b) The task force shall formulate a comprehensive plan for
18 state regulation of unmanned aircraft, including, but not limited
19 to, all of the following:

20 (1) Reviewing regulations and guidance from the FAA regarding
21 unmanned aircraft and incorporating them into a state policy draft.

22 (2) Providing written recommendations, together with suggested
23 legislation, for a comprehensive state policy for unmanned aircraft
24 that protects privacy and allows the use of unmanned aircraft for
25 public and private applications.

26 (3) Evaluating complaints and concerns that are expressed to
27 the task force regarding the use of unmanned aircraft.

28 (4) Studying the private use of unmanned aircraft to encourage
29 development of the unmanned aircraft industry in the private sector.

30 (5) Studying and making recommendations with respect to
31 ensuring that unmanned aircraft users comply with applicable laws,
32 and assessing implementation plans and results.

33 110052. (a) Any written recommendations, suggested
34 legislation, or other drafts or documents required to be prepared
35 pursuant to Section 110051 shall be submitted to the Legislature
36 and the Governor on or before January 1, 2018.

37 (b) The materials described in subdivision (a) shall be submitted
38 in compliance with Section 9795.

1 110053. The task force shall consist of 10 members, as follows,
2 who shall serve a two-year term:

3 (a) The Adjutant General of the Military Department, or his or
4 her designee, shall be an ex officio member of the task force.

5 (b) Three members appointed by the Governor:

6 (1) A member representing the California University System.

7 (2) A member representing agriculture.

8 (3) A member from the Governor's economic development
9 group.

10 (c) Three members appointed by the Senate Committee on
11 Rules:

12 (1) A member representing the aerospace industry.

13 (2) A member representing the Academy of Model Aeronautics.

14 (3) A member representing law enforcement.

15 (d) Three members appointed by the Speaker of the Assembly:

16 (1) A member representing business and industry.

17 (2) Two public members who have participated in the unmanned
18 aircraft industry and who have experience operating unmanned
19 aircraft.

20 110054. (a) The task force may meet as frequently as necessary
21 to carry out its responsibilities.

22 (b) The members of the task force shall serve without
23 compensation, but shall receive a per diem of one hundred dollars
24 (\$100) and reimbursement for actual and necessary expenses
25 incurred in connection with the performance of their duties.

26 110055. The task force may appoint an executive director, who
27 may employ staff upon approval by the task force.

28 110056. The task force shall be funded by an appropriation in
29 the annual Budget Act.

30 110097. This title shall remain in effect only until January 1,
31 2022, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, 2022, deletes or extends that date.

ATTACHMENT 3d

Assembly Bill 37 (Campos) Unmanned Aircraft Systems

Summary: Assembly Bill 37 would generally restrict the use of, or contracting the use of unmanned aircraft systems (also known as drones) by government officials; banning the use of drones for law enforcement without a warrant based on probable cause. Under this bill, other governmental agencies will be prohibited to use or to contract the use of drones unless such technology is necessary to conduct the agency's core mission; and provided the purpose is unrelated to gathering criminal or enforcement information; and the agency complies with the public noticing, data collection, and data retention requirements.

Background: Improved technologies for small unmanned aircraft systems and their expanding commercial and scientific use have raised privacy and Fourth Amendment search and seizure concerns over their expanding use. Currently, the FAA Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Status: 1/22/15 Referred to Coms. on PUB. S. and P. & C.P.

Specific Provisions: The bill regulates the use of drones by law enforcement and public agencies and the dissemination and use of any images, data and footage obtained by those systems. (SCAQMD would be considered a law enforcement agency.)

Specifically, the bill does the following:

- Requires law enforcement to obtain a warrant to use a drone (bill allows for exemptions such as an emergency situation where there is imminent threat to life or potential for great bodily harm, or to determine the appropriate response to an environmental emergency);
- Allows public agencies to use drones for the purposes of achieving the core mission of the agency;
- Prohibits any entity from equipping or arming drones with weapons or other instruments intended to cause bodily harm;
- Data captured by a drone, with some exceptions, cannot be retained by the agency for more than 1 year;
- Restricts the usage and dissemination of images and data captured by a non-law enforcement public agency;

- Requires a public agency that wishes to use a drone to first provide reasonable notice to the public;
- Drone-collected data by law enforcement shall be subject to public disclosure (Public Records Act), unless the data was collected pursuant to a warrant or is part of a pending criminal investigation; and
- Allows a local agency to adopt more restrictive drone policies

Operational Impacts on SCAQMD: Rapidly improving drone technology is creating opportunities for air districts and other regulatory agencies to have safer, more efficient monitoring under routine compliance checks and particularly under more critical and potentially emergency situations. As this technology continues to expand, regulatory agencies should be allowed to use the latest technology in its monitoring and inspection efforts consistent with their current authority and constitutional requirements, but only insofar as it relates to their perspective core missions. Historically, Fourth Amendment case law has made a distinction between the uses of information collected for criminal prosecution versus regulatory enforcement. Moreover, California Health and Safety Code Section 41510 expressly grant air districts, upon proper notice, “the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom.” While the SCAQMD and other air districts may be required to obtain an inspection warrant if the right of entry is refused, the standard for obtaining such a warrant is not the same as criminal probable cause, and the bill should be amended to reflect the proper standard. “Cause” for issuance of an inspection warrant exists if “either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.” Cal. Code Civ. Pro. Section 1822.52.

The bill would require SCAQMD to obtain a warrant based on reasonable cause to use a drone in non-emergency situations, and SCAQMD would not be able to provide images captured by a drone to the Attorney General or a District Attorney if we referred enforcement cases to them for action. In addition, the one year limitation on data collected by a drone severely curtails its usefulness for scientific, regional planning, and regulatory enforcement purposes.

Related Legislation: In all relevant portions, AB 37 is virtually identical to AB 56 (Quirk) and both bills repeat the same relevant language from AB 1327 (Gorell). That bill was passed by the Legislature in 2014 and vetoed by Governor Brown with the following message:

“There are undoubtedly circumstances where a warrant is appropriate. The bill’s exceptions however, appear to be too narrow and could impose requirements beyond what is required by the 4th Amendment or the privacy provisions in the California Constitution.”

Recommended Position: WORK WITH AUTHOR to more narrowly tailor the bill to be consistent with constitutional and statutory authorities and to expand the time which the data collected could be used for scientific, planning, and enforcement purposes.

Support: None on file

Opposition: None on file

February 13, 2014 Legislative Committee Action:

After presentation of the three unmanned drone bills (AB 14, AB 37, and AB 56), the Committee tabled taking a position on these items pending a memo outlining federal action on the issue and the specific relevance of unmanned drones for SCAQMD.

ASSEMBLY BILL

No. 37

Introduced by Assembly Member Campos

December 1, 2014

An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as introduced, Campos. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions

to be permanently destroyed within one year, except as specified. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

The bill would apply its provisions to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from disclosure above images, footage, data, and records obtained through the use of an unmanned aircraft system, if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 6254.31 is added to the Government
2 Code, to read:

3 6254.31. (a) Notwithstanding any provision of this chapter,
4 images, footage, or data obtained through the use of an unmanned
5 aircraft system pursuant to Title 14 (commencing with Section
6 14350) of Part 4 of the Penal Code, or any related record, including,
7 but not limited to, usage logs or logs that identify any person or
8 entity that subsequently obtains or requests records of that system,
9 are public records subject to disclosure.

10 (b) Notwithstanding subdivision (a), nothing in this chapter or
11 any other law requires the disclosure of images, footage, or data
12 obtained through the use of an unmanned aircraft system, or any
13 related record, including, but not limited to, usage logs or logs that
14 identify any person or entity that subsequently obtains or requests
15 records of that system, to the extent that disclosure of the images,
16 footage, data, or records would endanger the safety of a person
17 involved in an investigation, or would endanger the successful
18 completion of the investigation.

19 SEC. 2. Title 14 (commencing with Section 14350) is added
20 to Part 4 of the Penal Code, to read:

21

22 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

23

24 14350. (a) A public agency shall not use an unmanned aircraft
25 system, or contract for the use of an unmanned aircraft system,
26 except as provided in this title. This title shall apply to all public
27 and private entities when contracting with a public agency for the
28 use of an unmanned aircraft system.

29 (b) A law enforcement agency may use an unmanned aircraft
30 system if it has obtained a warrant based on probable cause
31 pursuant to this code.

32 (c) A law enforcement agency, without obtaining a warrant,
33 may use an unmanned aircraft system in all of the following
34 circumstances:

35 (1) In emergency situations if there is an imminent threat to life
36 or of great bodily harm, including, but not limited to, fires, hostage
37 crises, "hot pursuit" situations if reasonably necessary to prevent

1 harm to law enforcement officers or others, and search and rescue
2 operations on land or water.

3 (2) To assess the necessity of first responders in situations
4 relating to traffic accidents.

5 (3) (A) To inspect state parks and wilderness areas for illegal
6 vegetation or fires.

7 (B) For purposes of this paragraph, “wilderness areas” means
8 public lands without permanent improvements or human habitation.

9 (4) To determine the appropriate response to an imminent or
10 existing environmental emergency or disaster, including, but not
11 limited to, oils spills or chemical spills.

12 (d) A public agency other than a law enforcement agency may
13 use an unmanned aircraft system, or contract for the use of an
14 unmanned aircraft system, to achieve the core mission of the
15 agency provided that the purpose is unrelated to the gathering of
16 criminal intelligence.

17 (e) A public agency that is not primarily a law enforcement
18 agency, but that employs peace officers or performs functions
19 related to criminal investigations, may use an unmanned aircraft
20 system without obtaining a warrant to achieve the core mission of
21 the agency provided that the purpose is unrelated to the gathering
22 of criminal intelligence, and that the images, footage, or data are
23 not used for any purpose other than that for which it was collected.

24 14351. A public agency that uses an unmanned aircraft system,
25 or contracts for the use of an unmanned aircraft system, pursuant
26 to this title shall first provide reasonable notice to the public.
27 Reasonable notice shall, at a minimum, consist of a one-time
28 announcement regarding the agency’s intent to deploy unmanned
29 aircraft system technology and a description of the technology’s
30 capabilities.

31 14352. (a) (1) (A) Except as permitted by this title, images,
32 footage, or data obtained by a public agency, or any entity
33 contracting with a public agency, pursuant to this title shall not be
34 disseminated to a law enforcement agency unless the law
35 enforcement agency has obtained a warrant for the images, footage,
36 or data based on probable cause pursuant to this code, or the law
37 enforcement agency would not have been required to obtain a
38 warrant to collect the images, footage, or data itself, as specified
39 in Section 14350.

1 (B) A public agency that is not primarily a law enforcement
2 agency, but that employs peace officers or performs functions
3 related to criminal investigations, may disseminate images, footage,
4 or data collected pursuant to Section 14350 if the dissemination
5 is to others within that agency.

6 (2) Except as permitted by this title, images, footage, or data
7 obtained by a public agency, or any entity contracting with a public
8 agency, through the use of an unmanned aircraft system shall not
9 be disseminated outside the collecting public agency, unless one
10 of the following circumstances applies:

11 (A) Images, footage, or data obtained by a public agency through
12 the use of an unmanned aircraft system may be disseminated to
13 another public agency that is not a law enforcement agency if the
14 images, footage, or data are related to the core mission of both
15 public agencies involved in the sending or receiving of the images,
16 footage, or data.

17 (B) Images, footage, or data obtained by a public agency through
18 the use of an unmanned aircraft system may be disseminated
19 outside the collecting public agency if the images, footage, or data
20 are evidence in any claim filed or any pending litigation.

21 (C) Images, footage, or data obtained by a public agency through
22 the use of an unmanned aircraft system may be disseminated to a
23 private entity if both of the following conditions are satisfied:

24 (i) The collecting public agency is not a law enforcement
25 agency.

26 (ii) The images, footage, or data are related to the core function
27 of the collecting public agency.

28 (3) A public agency may make available to the public images,
29 footage, or data obtained by the public agency through the use of
30 an unmanned aircraft system if both of the following conditions
31 are satisfied:

32 (A) The images, footage, or data do not depict or describe any
33 individual or group of individuals, or the activities of any individual
34 or group of individuals whose identity or identities can be
35 ascertained.

36 (B) The disclosure of the images, footage, or data is required
37 to fulfill the public agency's statutory or mandatory obligations.

38 (b) Except as permitted by this title, images, footage, or data
39 obtained by a public agency through the use of an unmanned

1 aircraft system shall not be used by the public agency for any
2 purpose other than that for which it was collected.

3 (c) (1) Images, footage, or data obtained through the use of an
4 unmanned aircraft system shall be permanently destroyed within
5 one year, except that a public agency may retain the images,
6 footage, or data in all of the following circumstances:

7 (A) For training purposes. Images, footage, or data retained for
8 training purposes shall be used only for the education and
9 instruction of a public agency’s employees in matters related to
10 the mission of the public agency and for no other purpose.

11 (B) For academic research or teaching purposes. Images,
12 footage, or data retained for academic research or teaching purposes
13 shall be used only for the advancement of research and teaching
14 conducted by an academic or research institution and matters
15 related to the mission of the institution and for no other purpose.

16 (C) For purposes of monitoring material assets owned by the
17 public agency.

18 (D) For environmental, public works, or land use management
19 or planning by the public agency.

20 (2) Notwithstanding paragraph (1), a public agency may retain
21 beyond one year images, footage, or data obtained through the use
22 of an unmanned aircraft system in both of the following
23 circumstances:

24 (A) If a warrant authorized the collection of the images, footage,
25 or data.

26 (B) If the images, footage, or data are evidence in any claim
27 filed or any pending litigation or enforcement proceeding.

28 14353. Unless authorized by federal law, a person or entity,
29 including a public agency subject to Section 14350 or a person or
30 entity under contract to a public agency, for the purpose of that
31 contract, shall not equip or arm an unmanned aircraft system with
32 a weapon or other device that may be carried by or launched from
33 an unmanned aircraft system and that is intended to cause bodily
34 injury or death, or damage to, or the destruction of, real or personal
35 property.

36 14354. All unmanned aircraft systems shall be operated so as
37 to minimize the collection of images, footage, or data of persons,
38 places, or things not specified with particularity in the warrant
39 authorizing the use of an unmanned aircraft system, or, if no

1 warrant was obtained, for purposes unrelated to the justification
2 for the operation.

3 14355. (a) This title is not intended to conflict with or
4 supersede federal law, including rules and regulations of the
5 Federal Aviation Administration.

6 (b) A local legislative body may adopt more restrictive policies
7 on the acquisition or use of unmanned aircraft systems.

8 14356. For the purposes of this title, the following definitions
9 shall apply:

10 (a) “Criminal intelligence” means information compiled,
11 analyzed, or disseminated in an effort to anticipate, prevent,
12 monitor, or investigate criminal activity.

13 (b) “Law enforcement agency” means the Attorney General of
14 the State of California, each district attorney, and each agency of
15 the State of California authorized by statute to investigate or
16 prosecute law violators.

17 (c) “Public agency” means and includes each state agency and
18 each local agency.

19 (d) “Unmanned aircraft system” means an unmanned aircraft
20 and associated elements, including communication links and the
21 components that control the unmanned aircraft, that are required
22 for the pilot in command to operate safely and efficiently in the
23 national airspace system.

24 14357. Except as provided in this title, the surveillance
25 restrictions on electronic devices described in Chapter 1.5
26 (commencing with Section 630) of Title 15 of Part 1 shall apply
27 to the use or operation of an unmanned aircraft system by a public
28 agency.

29 SEC. 3. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 6254.31 of the Government Code,
31 imposes a limitation on the public’s right of access to the meetings
32 of public bodies or the writings of public officials and agencies
33 within the meaning of Section 3 of Article I of the California
34 Constitution. Pursuant to that constitutional provision, the
35 Legislature makes the following findings to demonstrate the interest
36 protected by this limitation and the need for protecting that interest:

- 1 In order to ensure the safety of persons involved in investigations
- 2 and to preserve the integrity of those investigations, it is necessary
- 3 that this act take effect.

O

ATTACHMENT 3e

Assembly Bill 56 (Quirk) Unmanned Aircraft Systems

Summary: This bill would generally restrict the use of, or contracting the use of unmanned aircraft systems (also known as drones) by government officials; banning the use of drones for law enforcement without a warrant based on probable cause. Under this bill, other governmental agencies would be prohibited from using or contracting the use of drones unless such technology is necessary to conduct the agency's core mission, provided the purpose is unrelated to gathering criminal or enforcement information, and the agency complies with the public noticing, data collection, and data retention requirements.

Background: Improved technologies for small unmanned aircraft systems and their expanding commercial and scientific use have raised privacy and Fourth Amendment search and seizure concerns over their expanding use. Currently, the FAA Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Status: 1/22/15 Referred to Coms. on PUB. S. and P. & C.P.

Specific Provisions: The bill regulates the use of drones by law enforcement and public agencies and the dissemination and use of any images, data and footage obtained by those systems. (SCAQMD would be considered a law enforcement agency.)

Specifically, the bill does the following:

- Requires law enforcement to obtain a warrant to use a drone (bill allows for exemptions such as an emergency situation where there is imminent threat to life or potential for great bodily harm, or to determine the appropriate response to an environmental emergency);
- Allows public agencies to use drones for the purposes of achieving the core mission of the agency;
- Prohibits any entity from equipping or arming drones with weapons or other instruments intended to cause bodily harm;
- Images captured by a drone, with some exceptions, cannot be retained by the agency for more than 1 year;
- Restricts the usage and dissemination of images and data captured by a non-law enforcement public agency;

- Requires a public agency that wishes to use a drone to first provide reasonable notice to the public;
- Drone-collected data by law enforcement shall be subject to public disclosure (Public Records Act), unless the data was collected pursuant to a warrant or is part of a pending criminal investigation; and
- Allows a local agency to adopt more restrictive drone policies

Operational Impacts on SCAQMD: Rapidly improving drone technology is creating opportunities for air districts and other regulatory agencies to have safer, more efficient monitoring under routine compliance checks and particularly under more critical and potentially emergency situations. As this technology continues to expand, regulatory agencies should be allowed to use the latest technology in its monitoring and inspection efforts consistent with their current authority and constitutional requirements, but only insofar as it relates to their respective core missions. Historically, Fourth Amendment case law has made a distinction between the uses of information collected for criminal prosecution versus regulatory enforcement. Moreover, California Health and Safety Code Section 41510 expressly grant air districts, upon proper notice, “the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom.” While the SCAQMD and other air districts may be required to obtain an inspection warrant if the right of entry is refused, the standard for obtaining such a warrant is not the same as criminal probable cause, and the bill should be amended to reflect the proper standard. “Cause” for issuance of an inspection warrant exists if “either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.” Cal. Code Civ. Pro. Section 1822.52.

The bill would require SCAQMD to obtain a warrant based on reasonable cause to use a drone in non-emergency situations, and SCAQMD would not be able to provide images captured by a drone to the Attorney General or a District Attorney if we referred enforcement cases to them for action. In addition, the one year limitation on data collected by a drone severely curtails its usefulness for scientific, regional planning, and regulatory enforcement purposes.

Related Legislation: In all relevant portions, AB 56 is virtually identical to AB 37 (Campos) and both bills repeat the same relevant language from AB 1327 (Gorell). That bill was passed by the Legislature in 2014 and vetoed by Governor Brown with the following message:

“There are undoubtedly circumstances where a warrant is appropriate. The bill’s exceptions however, appear to be too narrow and could impose requirements beyond what is required by the 4th Amendment or the privacy provisions in the California Constitution.”

Recommended Position: WORK WITH AUTHOR to more narrowly tailor the bill to be consistent with constitutional and statutory authorities and to expand the time which the data collected could be used for scientific, planning, and enforcement purposes.

Support: None on file

Opposition: None on file

February 13, 2014 Legislative Committee Action:

After presentation of the three unmanned drone bills (AB 14, AB 37, and AB 56), the Committee tabled taking a position on these items pending a memo outlining federal action on the issue and the specific relevance of unmanned drones for SCAQMD.

ASSEMBLY BILL

No. 56

Introduced by Assembly Member Quirk

December 2, 2014

An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 56, as introduced, Quirk. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions

to be permanently destroyed within one year, except as specified. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

The bill would make its provisions applicable to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

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

This bill would make legislative findings to that effect.

Because this bill would require local entities to comply with additional rules and requirements regarding the use of information obtained from unmanned aircraft systems, it would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 6254.31 is added to the Government
2 Code, to read:

3 6254.31. (a) Notwithstanding any provision of this chapter,
4 images, footage, or data obtained through the use of an unmanned
5 aircraft system pursuant to Title 14 (commencing with Section
6 14350) of Part 4 of the Penal Code, or any related record, including,
7 but not limited to, usage logs or logs that identify any person or
8 entity that subsequently obtains or requests records of that system,
9 are public records subject to disclosure.

10 (b) Notwithstanding subdivision (a), nothing in this chapter or
11 any other law requires the disclosure of images, footage, or data
12 obtained through the use of an unmanned aircraft system, or any
13 related record, including, but not limited to, usage logs or logs that
14 identify any person or entity that subsequently obtains or requests
15 records of that system, to the extent that disclosure of the images,
16 footage, data, or records would endanger the safety of a person
17 involved in an investigation, or would endanger the successful
18 completion of the investigation.

19 SEC. 2. Title 14 (commencing with Section 14350) is added
20 to Part 4 of the Penal Code, to read:

21

22 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

23

24 14350. (a) A public agency shall not use an unmanned aircraft
25 system, or contract for the use of an unmanned aircraft system,
26 except as provided in this title. This title shall apply to all public
27 and private entities when contracting with a public agency for the
28 use of an unmanned aircraft system.

1 (b) A law enforcement agency may use an unmanned aircraft
2 system if it has obtained a warrant based on probable cause
3 pursuant to this code.

4 (c) A law enforcement agency, without obtaining a warrant,
5 may use an unmanned aircraft system in all of the following
6 circumstances:

7 (1) In emergency situations if there is an imminent threat to life
8 or of great bodily harm, including, but not limited to, fires, hostage
9 crises, “hot pursuit” situations if reasonably necessary to prevent
10 harm to law enforcement officers or others, and search and rescue
11 operations on land or water.

12 (2) To assess the necessity of first responders in situations
13 relating to traffic accidents.

14 (3) (A) To inspect state parks and wilderness areas for illegal
15 vegetation or fires.

16 (B) For purposes of this paragraph, “wilderness areas” means
17 public lands without permanent improvements or human habitation.

18 (4) To determine the appropriate response to an imminent or
19 existing environmental emergency or disaster, including, but not
20 limited to, oils spills or chemical spills.

21 (d) A public agency other than a law enforcement agency may
22 use an unmanned aircraft system, or contract for the use of an
23 unmanned aircraft system, to achieve the core mission of the
24 agency provided that the purpose is unrelated to the gathering of
25 criminal intelligence.

26 (e) A public agency that is not primarily a law enforcement
27 agency, but that employs peace officers or performs functions
28 related to criminal investigations, may use an unmanned aircraft
29 system without obtaining a warrant to achieve the core mission of
30 the agency provided that the purpose is unrelated to the gathering
31 of criminal intelligence, and that the images, footage, or data are
32 not used for any purpose other than that for which it was collected.

33 14351. A public agency that uses an unmanned aircraft system,
34 or contracts for the use of an unmanned aircraft system, pursuant
35 to this title shall first provide reasonable notice to the public.
36 Reasonable notice shall, at a minimum, consist of a one-time
37 announcement regarding the agency’s intent to deploy unmanned
38 aircraft system technology and a description of the technology’s
39 capabilities.

1 14352. (a) (1) (A) Except as permitted by this title, images,
2 footage, or data obtained by a public agency, or any entity
3 contracting with a public agency, pursuant to this title shall not be
4 disseminated to a law enforcement agency unless the law
5 enforcement agency has obtained a warrant for the images, footage,
6 or data based on probable cause pursuant to this code, or the law
7 enforcement agency would not have been required to obtain a
8 warrant to collect the images, footage, or data itself, as specified
9 in Section 14350.

10 (B) A public agency that is not primarily a law enforcement
11 agency, but that employs peace officers or performs functions
12 related to criminal investigations, may disseminate images, footage,
13 or data collected pursuant to Section 14350 if the dissemination
14 is to others within that agency.

15 (2) Except as permitted by this title, images, footage, or data
16 obtained by a public agency, or any entity contracting with a public
17 agency, through the use of an unmanned aircraft system shall not
18 be disseminated outside the collecting public agency, unless one
19 of the following circumstances applies:

20 (A) Images, footage, or data obtained by a public agency through
21 the use of an unmanned aircraft system may be disseminated to
22 another public agency that is not a law enforcement agency if the
23 images, footage, or data are related to the core mission of both
24 public agencies involved in the sending or receiving of the images,
25 footage, or data.

26 (B) Images, footage, or data obtained by a public agency through
27 the use of an unmanned aircraft system may be disseminated
28 outside the collecting public agency if the images, footage, or data
29 are evidence in any claim filed or any pending litigation.

30 (C) Images, footage, or data obtained by a public agency through
31 the use of an unmanned aircraft system may be disseminated to a
32 private entity if both of the following conditions are satisfied:

33 (i) The collecting public agency is not a law enforcement
34 agency.

35 (ii) The images, footage, or data are related to the core function
36 of the collecting public agency.

37 (3) A public agency may make available to the public images,
38 footage, or data obtained by the public agency through the use of
39 an unmanned aircraft system if both of the following conditions
40 are satisfied:

1 (A) The images, footage, or data do not depict or describe any
2 individual or group of individuals, or the activities of any individual
3 or group of individuals whose identity or identities can be
4 ascertained.

5 (B) The disclosure of the images, footage, or data is required
6 to fulfill the public agency’s statutory or mandatory obligations.

7 (b) Except as permitted by this title, images, footage, or data
8 obtained by a public agency through the use of an unmanned
9 aircraft system shall not be used by the public agency for any
10 purpose other than that for which it was collected.

11 (c) (1) Images, footage, or data obtained through the use of an
12 unmanned aircraft system shall be permanently destroyed within
13 one year, except that a public agency may retain the images,
14 footage, or data in all of the following circumstances:

15 (A) For training purposes. Images, footage, or data retained for
16 training purposes shall be used only for the education and
17 instruction of a public agency’s employees in matters related to
18 the mission of the public agency and for no other purpose.

19 (B) For academic research or teaching purposes. Images,
20 footage, or data retained for academic research or teaching purposes
21 shall be used only for the advancement of research and teaching
22 conducted by an academic or research institution and matters
23 related to the mission of the institution and for no other purpose.

24 (C) For purposes of monitoring material assets owned by the
25 public agency.

26 (D) For environmental, public works, or land use management
27 or planning by the public agency.

28 (2) Notwithstanding paragraph (1), a public agency may retain
29 beyond one year images, footage, or data obtained through the use
30 of an unmanned aircraft system in both of the following
31 circumstances:

32 (A) If a warrant authorized the collection of the images, footage,
33 or data.

34 (B) If the images, footage, or data are evidence in any claim
35 filed or any pending litigation or enforcement proceeding.

36 14353. Unless authorized by federal law, a person or entity,
37 including a public agency subject to Section 14350 or a person or
38 entity under contract to a public agency, for the purpose of that
39 contract, shall not equip or arm an unmanned aircraft system with
40 a weapon or other device that may be carried by or launched from

1 an unmanned aircraft system and that is intended to cause bodily
2 injury or death, or damage to, or the destruction of, real or personal
3 property.

4 14354. All unmanned aircraft systems shall be operated so as
5 to minimize the collection of images, footage, or data of persons,
6 places, or things not specified with particularity in the warrant
7 authorizing the use of an unmanned aircraft system, or, if no
8 warrant was obtained, for purposes unrelated to the justification
9 for the operation.

10 14355. (a) This title is not intended to conflict with or
11 supersede federal law, including rules and regulations of the
12 Federal Aviation Administration.

13 (b) A local legislative body may adopt more restrictive policies
14 on the acquisition or use of unmanned aircraft systems.

15 14356. For the purposes of this title, the following definitions
16 shall apply:

17 (a) “Criminal intelligence” means information compiled,
18 analyzed, or disseminated in an effort to anticipate, prevent,
19 monitor, or investigate criminal activity.

20 (b) “Law enforcement agency” means the Attorney General of
21 the State of California, each district attorney, and each agency of
22 the State of California authorized by statute to investigate or
23 prosecute law violators.

24 (c) “Public agency” means and includes each state agency and
25 each local agency.

26 (d) “Unmanned aircraft system” means an unmanned aircraft
27 and associated elements, including communication links and the
28 components that control the unmanned aircraft, that are required
29 for the pilot in command to operate safely and efficiently in the
30 national airspace system.

31 14357. Except as provided in this title, the surveillance
32 restrictions on electronic devices described in Chapter 1.5
33 (commencing with Section 630) of Title 15 of Part 1 shall apply
34 to the use or operation of an unmanned aircraft system by a public
35 agency.

36 SEC. 3. The Legislature finds and declares that Section 1 of
37 this act, which adds Section 6254.31 of the Government Code,
38 imposes a limitation on the public’s right of access to the meetings
39 of public bodies or the writings of public officials and agencies
40 within the meaning of Section 3 of Article I of the California

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

4 In order to ensure the safety of persons involved in investigations
5 and to preserve the integrity of those investigations, it is necessary
6 that this act take effect.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district under this act would result from a legislative mandate that
11 is within the scope of paragraph (7) of subdivision (b) of Section
12 3 of Article I of the California Constitution.

ATTACHMENT 4

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

LEGISLATIVE REPORT FROM HOME RULE ADVISORY GROUP MEETING OF JANUARY 21, 2015

HRAG members present:

Dr. Joseph Lyou, Chairman

Elaine Chang, SCAQMD

Curt Coleman, Southern California Air Quality Alliance

Jaelyn Ferlita, ClimeCo

Patrick Au on behalf of Chris Gallenstein, CARB (participated by phone)

Bill LaMarr, California Small Business Alliance

Art Montez, AMA International

Diane Moss, Renewables 100 Policy Institute

Rongsheng Luo, SCAG (participated by phone)

Sue Gornick on behalf of Bill Quinn, CCEEB

Terry Roberts, American Lung Association of California (participated by phone)

David Rothbart, Los Angeles County Sanitation Districts

Larry Rubio, Riverside Transit Agency (participated by phone)

Larry Smith, Riverside Cement

TyRon Turner, We Care About You

Lee Wallace, So Cal Gas and SDG&E

Mike Wang, WSPA

AQMD Staff: Barbara Baird, Philip Crabbe, Chris Marlia, William Thompson, and Marilyn Traynor

Others: Mark Abramowitz (Board Consultant to Dr. Lyou); Earl Elrod (Board Consultant to Mayor Yates); Daniel McGivney (SoCalGas/SDG&E); Rita Loof (RadTech).

LEGISLATIVE UPDATE

Philip Crabbe reported on the following items that were discussed at the Legislative Committee meeting on January 16, 2015:

Federal

The consultants reported on the new Congressional committee assignments:

Member	New Assignment
Senator Barbara Boxer	Ranking Member on the Senate Environment and Public Works Committee
Congressman Tony Cárdenas	House Energy and Commerce Committee
Congresswoman Julia Brownley	House Transportation and Infrastructure Committee
Congresswoman Mimi Walters	House Judiciary Committee House Transportation and Infrastructure Committee
Congressman Ted Lieu	House Budget Committee

The consultants also reported that:

- SCAQMD staff had productive meetings in Washington D.C. with staff from the offices of Senators Barbara Boxer and Diane Feinstein, as well as staff from the offices of Congressional members Pete Aguilar, Janice Hahn, Ted Lieu, Alan Lowenthal, Norma Torres, and Ken Calvert.
- SCAQMD staff also met with staff from the offices of Senator James Inhofe and key Republican staff for the House Transportation and Infrastructure Committee to discuss transportation-related issues.

The committee discussed the following bill:

Bills	Description	Action
H.R. 5101 (Hahn)	The National Freight Network Trust Fund Act of 2014	Support with recommended amendments.

H.R. 5101 (Hahn)

Staff returned to the Legislative Committee with recommended amendments to set aside a portion of funding included in the bill for air quality purposes. Currently, this bill would transfer five percent of all import duties collected by the U.S. Customs and Border Protections Act to a Freight Network Trust Fund for freight infrastructure improvements, generating approximately \$1.9 billion a year. The Legislative Committee adopted a position of support, with recommended amendments.

Discussion

Mr. Wallace suggested that the HRAG may want to include H.R. 5101 in their 2015 Goals & Objectives as an issue to be discussed by the Freight Sustainability Subcommittee (he was concerned that the program, which is incentive based, lacks enforceable regulatory measures). Dr. Lyou suggested that this issue may be discussed by the AQMP working group; he asked Dr. Chang to determine the best forum for discussing these issues and to report back to the HRAG with a recommendation.

State

The consultants reported as follows:

Governor Jerry Brown announced his intent to increase the state’s renewable energy portfolio to 50% and to reduce the state’s oil consumption by 50%. Assemblymember Anthony Rendon and Senator Mark Leno are considering a 50% renewables bill. On January 1, 2015, fuels came under the cap and trade program for the first time; however, despite concerns, there has been no spike in fuel prices so far. The next cap and trade auction is scheduled for mid February. Although the Governor anticipates \$1 billion in revenues being generated, others expect the amount of revenues generated to be more than twice that. Governor Brown released his January budget proposal for the 2015-2016 session, which will kick off budget negotiations that could

continue until June 15, 2015, which is the constitutional deadline for the Legislature to adopt a budget. The Governor's January budget proposes:

- \$113.3 billion in General Funds with projected growth of \$4 billion through 2016.
- \$2.4 billion for the newly enacted Proposition 2 which was adopted by the voters in November and relates to the state's Budget Stabilization Account--\$1.2 billion will be allocated to pay off debt, and \$1.2 billion will be deposited into the rainy day stabilization account, bringing the state's rainy day account to \$2.8 billion by June 2016.
- \$1 billion in cap and trade revenues which will be invested in high-speed rail, low carbon transportation, sustainable communities, energy efficiencies, and urban forests.

The Governor's budget has been generally well-received, and the Legislative Analyst Office found the budget to be a prudent plan that will help the state to overcome the boom and bust budgeting of the past 20 years. The Legislative Committee was updated on ongoing discussions with CARB, California Air Pollution Control Officers Association, and other stakeholders on the proposed changes to the Carl Moyer Program. The discussions have resulted in "The Five Pillars" policy document which was approved by CARB. The Committee unanimously endorsed "The Five Pillars" to guide SCAQMD's legislative efforts.

Discussion

Mr. Montez asked if funding is available for impacted communities/schools for projects that reduce motor vehicle emissions (e.g. tree planting). Dr. Lyou responded that funding is available through the AB 32 and the Carl Moyer Programs for projects such as urban forestry, fleet vehicle replacement, energy efficiency and demand reduction, renewable energy, infrastructure, affordable housing in the context of transportation, etc. Mr. Montez asked if funding is available for workforce development; he stressed the importance of providing the opportunity to disadvantaged youth for a technical education. Dr. Lyou responded that legislation has been enacted for a pilot program that will allow some California community colleges to offer four-year baccalaureate degrees in technical fields, with the tuition being significantly less than the tuition for Cal State campuses. He added that SCAQMD also has the Board internship program which affords students an opportunity to learn about environmental programs.