Climate Legislation and Policy in California

June 24, 2023

Presenters:

Janet Cox, Climate Action California

Anoushka Tamhane, Bay Area Youth Legislative Initiative

Adam Sweeney, Climate Reality Project - Silicon Valley

Judy Borcz, Climate Action California

Kathy Schaeffer, Climate Reality Project - San Fernando Valley/LA

Claudine Custodio

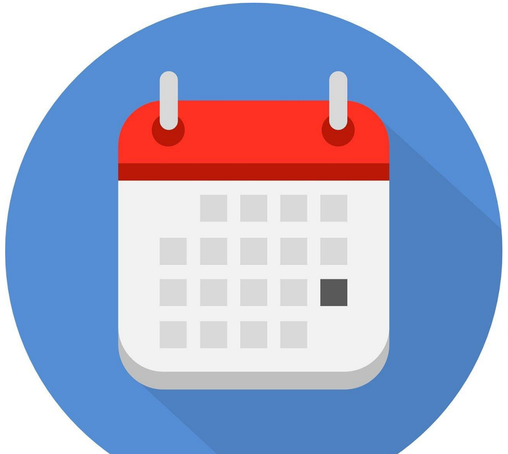
With Amy Halpern-Laff, Rob Haw, and Manuel Espinosa

Who’s Who in Sacramento

Legislative Calendar for the rest of 2023

June 2:	Was the last day to pass bills in the 1st house
June 5-July 14	**2nd house policy comms meet to approve or kill 1st house bills**
July 15-Aug. 14:	**Summer Recess**
September 1:	**Appropriations Comms report out 2nd house bills**
Sept. 5-14	**Floor sessions only – voting on all bills**
October 14:	**Governor's deadline for signing bills**

Mid October-December: Reps decide on 2024 bills



The California legislative session

- Each session is two years, year-round with breaks. Current session is 2023/2024.
- “Two year bills” are held over from 1st year to 2nd, and may be continued, usually amended.
- In 2nd year, all Assembly members and half the Senate members run for re-election so it can be difficult to pass climate bills

Know the players!

40 state Senators

- Senate district~930K people, 2 Assembly districts
- 4-year terms

80 Assembly members

- Assembly district~465K population
- 2-year terms

Lifetime term limit: 12 years in the Senate, Assembly, or combination of the two

2023/2024 Legislature

Democrats have 2/3 supermajorities in both houses – enough to pass tax bills without Republican votes:

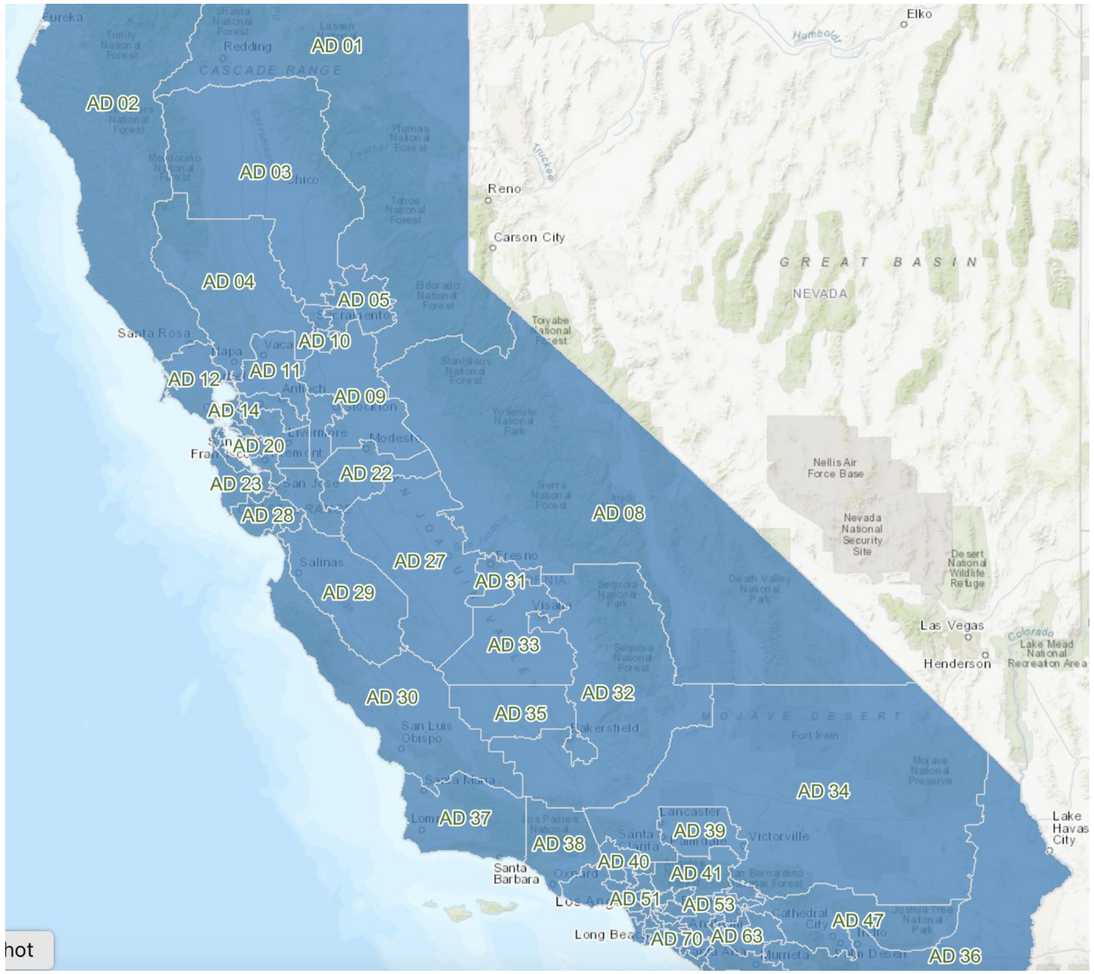
- 32-8 supermajority in the Senate (⅔ = 27)
- 62-18 supermajority in the Assembly (⅔ = 54)

Lots of new legislators this session due to term limits and redistricting:

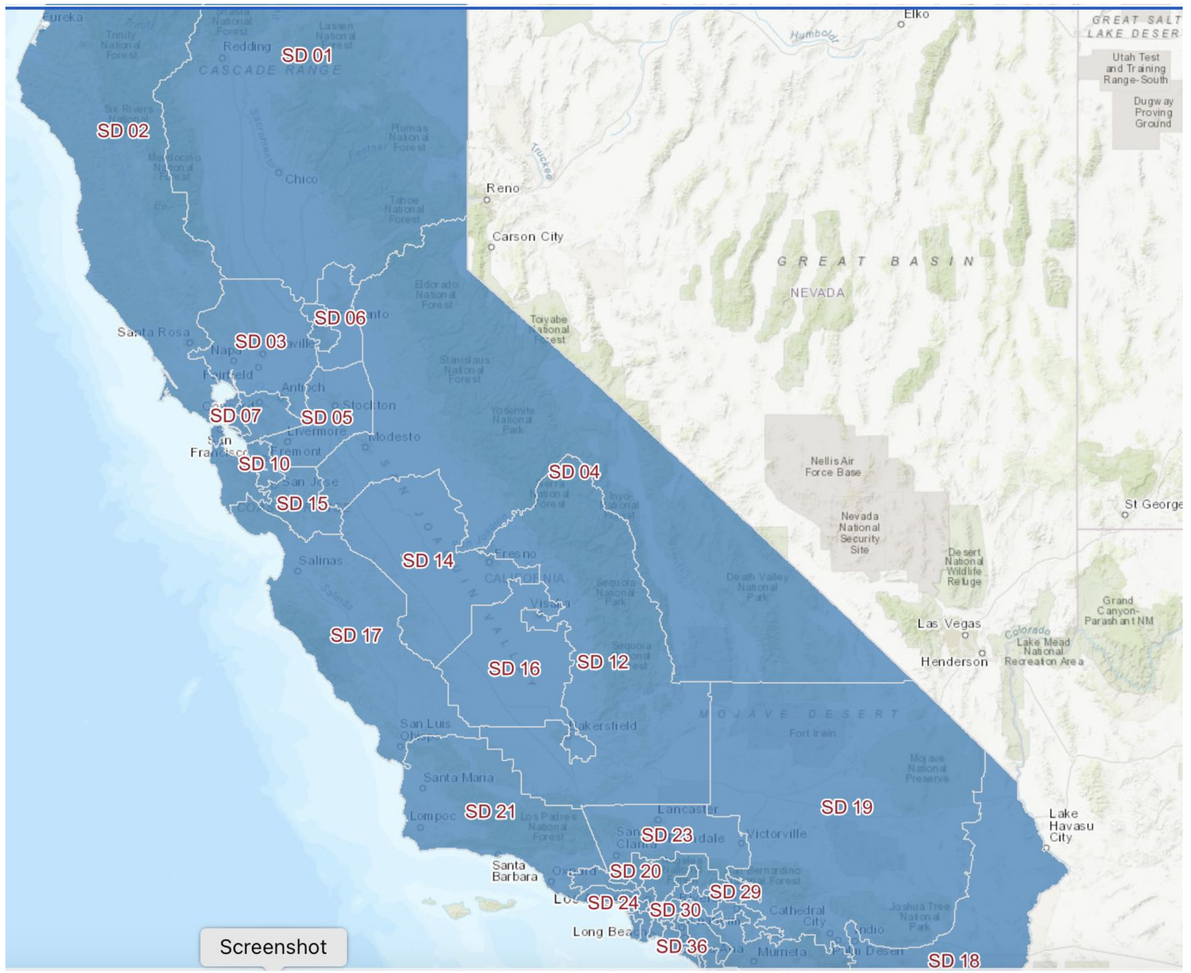
- 27 new Assembly members
- 8 new Senators

New legislators are not all progressive on environment.

Assembly Districts



State Senate Districts



Who leads the Senate?

Senate President pro Tempore:

- Appoints committee chairs, members, and select committees.
- Chairs the Rules Committee, which refers bills to oversight committee(s).

Currently, Toni Atkins (D-San Diego).

- First woman, and first LGBTQ person to lead the Senate
- Not a climate warrior.
- Terms out in 2024.
- With Senate Appropriations Chair Anthony Portantino, likely exerts life-or-death power over legislation.

Who leads the Assembly?

Speaker of the Assembly *Designate* Robert Rivas (D-Hollister):

- Takes over Speakership on June 30.
- Elected from rural district (Gilroy-Salinas-King City) in 2018.
- Chaired Assembly Agriculture Committee.
- As San Benito County Supervisor, pushed through the state's first county-wide fracking ban in 2014.
- Rivas replaces Speaker Anthony Rendon, who terms out in 2024.
- *Rendon wasn't happy to give up the gavel early. Leadership fight in Assembly simmering.*

Appropriations: Not like other committees

Senator Anthony Portantino

Assembly Member Chris Holden

Appropriations chairs have tremendous power.

- Approps comms hear:
  - Any bill that might have annual fiscal impact over $150,000.
  - Any bill approps chair wants to hear.
- Approps' bill analysis deals only with fiscal effect.
- Bill authors frequently "waive presentation."
- Committee members have little agency; decisions made by leadership.

Opposition to climate legislation

Deep-pocket lobbying groups that generally oppose climate bills:

- Western States Petroleum Association (WSPA)
- California Independent Petroleum Association (CIPA)
- International Brotherhood of Electrical Workers locals (IBEW)
- Building trades unions
- Chamber of Commerce
- Farm Bureau
- American Chemistry Council

Climate Allies

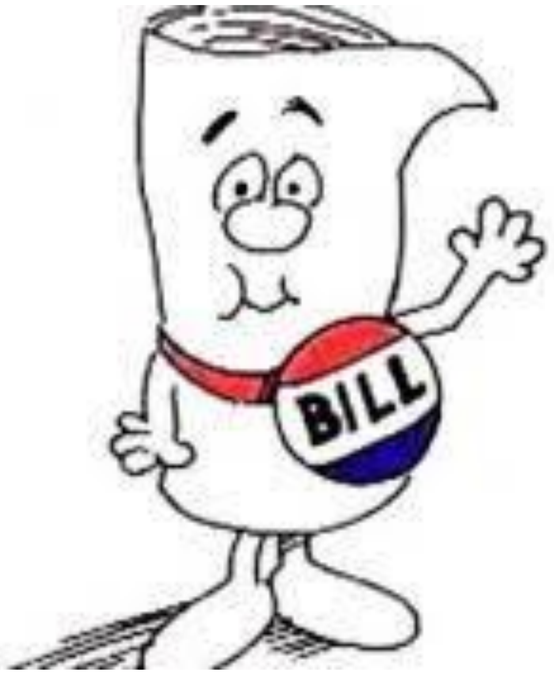
- 350 groups
- Bay Area Youth Lobbying Initiative
- CA Environmental Voters (formerly CA League of Conservation Voters)
- Climate Reality California Coalition and chapters
- Environmental justice groups: VISION, CBE, CEJA, Sunflower Alliance
- Elders Climate Action
- Environment California
- Indivisible, Statestrong and local groups
- Leadership Counsel for Justice and Accountability
- National Resource Defense Council
- Sierra Club California
- Santa Cruz Climate Action Network
- SEIU
- Third Act
- Union of Concerned Scientists

The California Legislative Process

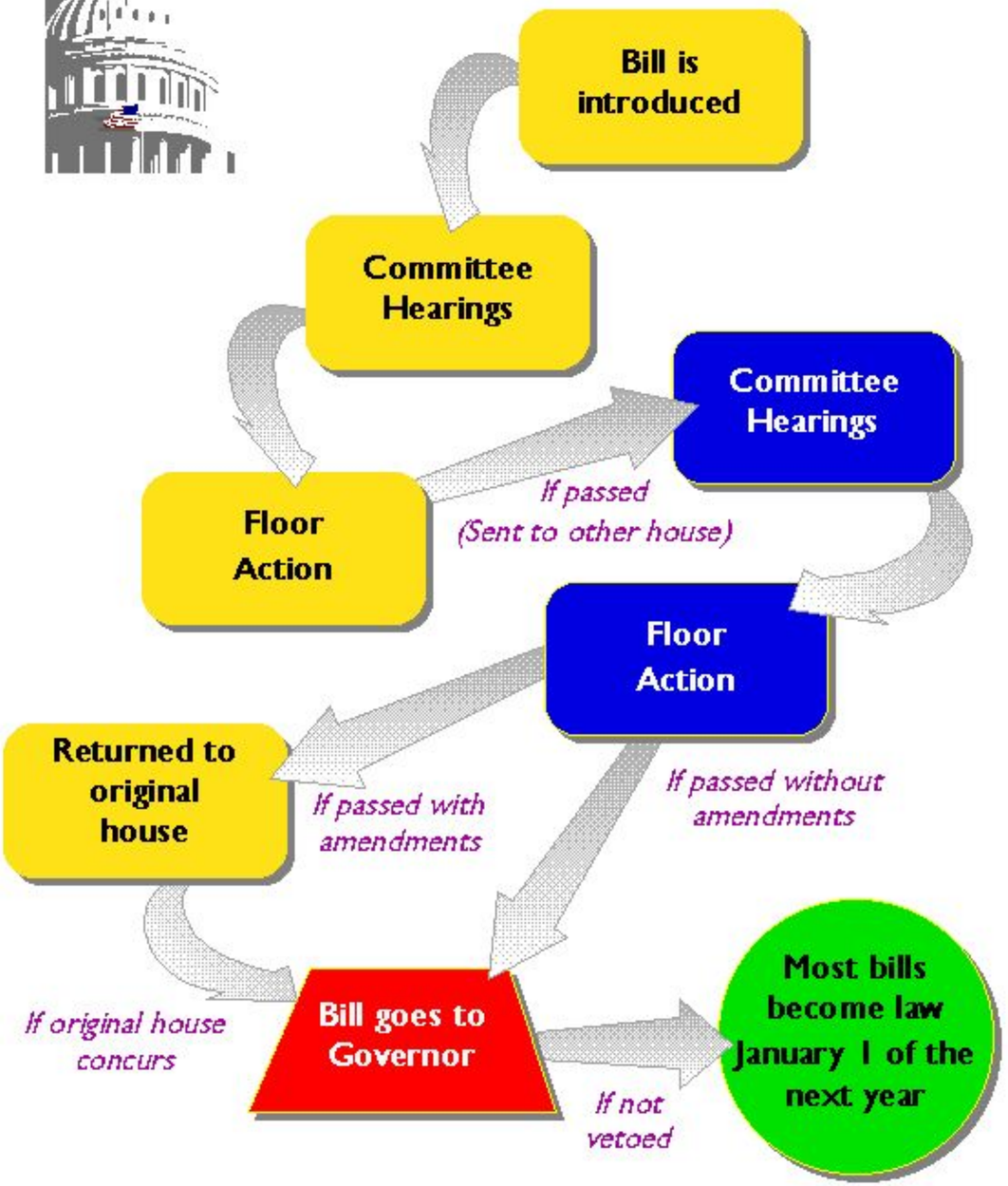
CA Legislative Process

Where do environmental bills come from?

- Proposed by us or our allies.
- Proposed to leadership by the Governor.
- Initiated by legislators or their staff.
- Sponsored by lobbyists or external groups.
- Suggested by constituents.



How a Bill Becomes a Law



But anything can happen

Be ready for surprises as a bill moves through the process:

- Amendments in committee can substantially change bill.
- Bill can be subject to “gut and amend” at any time.
- Rule changes when a bill is on the floor can extend or cut off debate or delay a vote.
- Note the “72-hour rule” for amendments.
- Bill can die mysteriously in Appropriations’ “suspense file.”

“The Suspense File”

The Appropriations committees send bills to the suspense file while leadership decides their fates in secret. Two suspense votes in each house:

- Bills are “voted onto suspense” after referral by policy committees
- Less controversial bills dribble off suspense at subsequent meetings, or
- “The Suspense Hearing” just before the deadline reveals remaining bills’ fates

Suspense hearing results

- Passed (to the floor)
- “Passed as amended” (changed by Appropriations)
- “Held in committee” (DEAD)
- “Held under submission” (= a two-year bill)

Resources for Lobbyists

Leginfo.legislature.ca.gov

California LEGISLATIVE INFORMATION

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Bill PDF | Add To My Favorites | Track Bill | Version: 05/18/23 - Amended Senate | Go

SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability. (2023-2024)

Text | Votes | History | Bill Analysis | Today's Law As Amended | Compare Versions | Status | Comments To Author

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AMENDED IN SENATE MAY 18, 2023

AMENDED IN SENATE MAY 02, 2023

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE MARCH 20, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL **NO. 233**

Introduced by Senator Skinner

January 24, 2023

Leginfo.legislature.ca.gov

Bill tracking:

- Committee assignments, hearing dates (History, Status tabs)
- Committee votes, by member (Votes tab)
- Amendments (“Compare Versions” tab)
- Bill analyses prepared by committee staff (Bill Analysis tab)

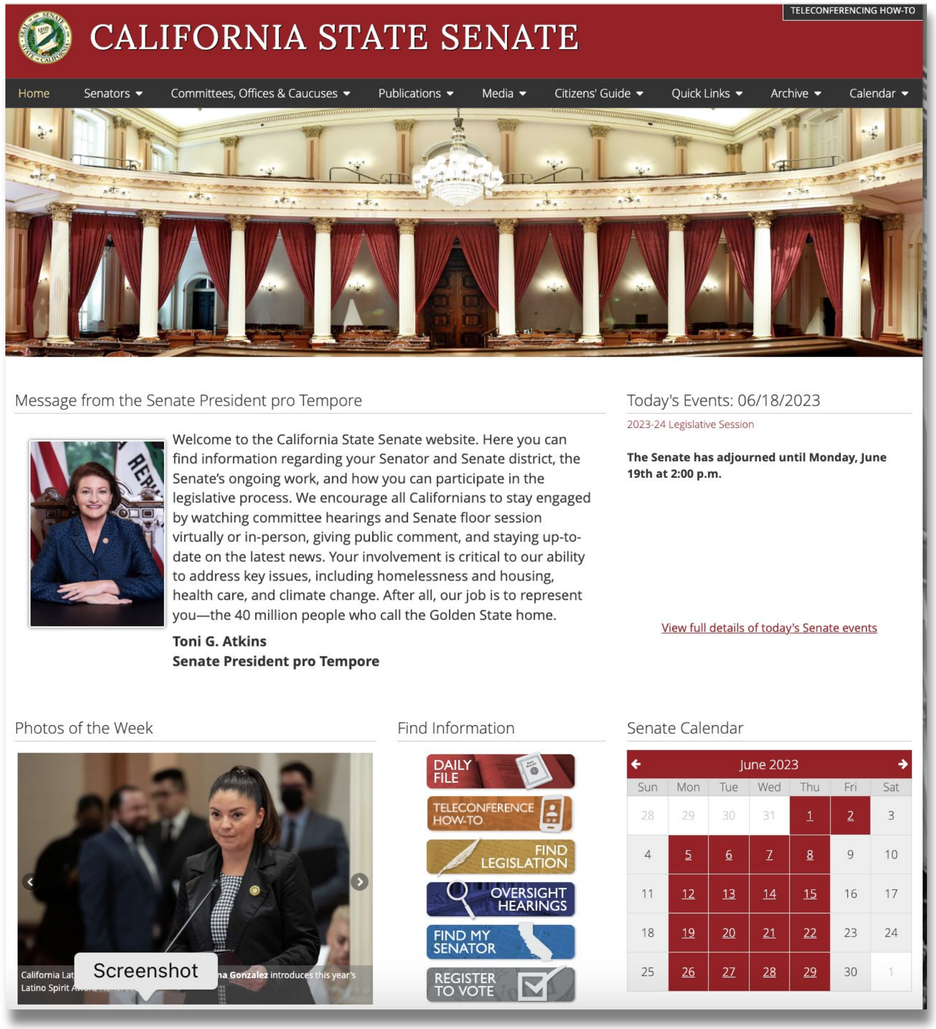
NOTE: Set email alerts to track bills

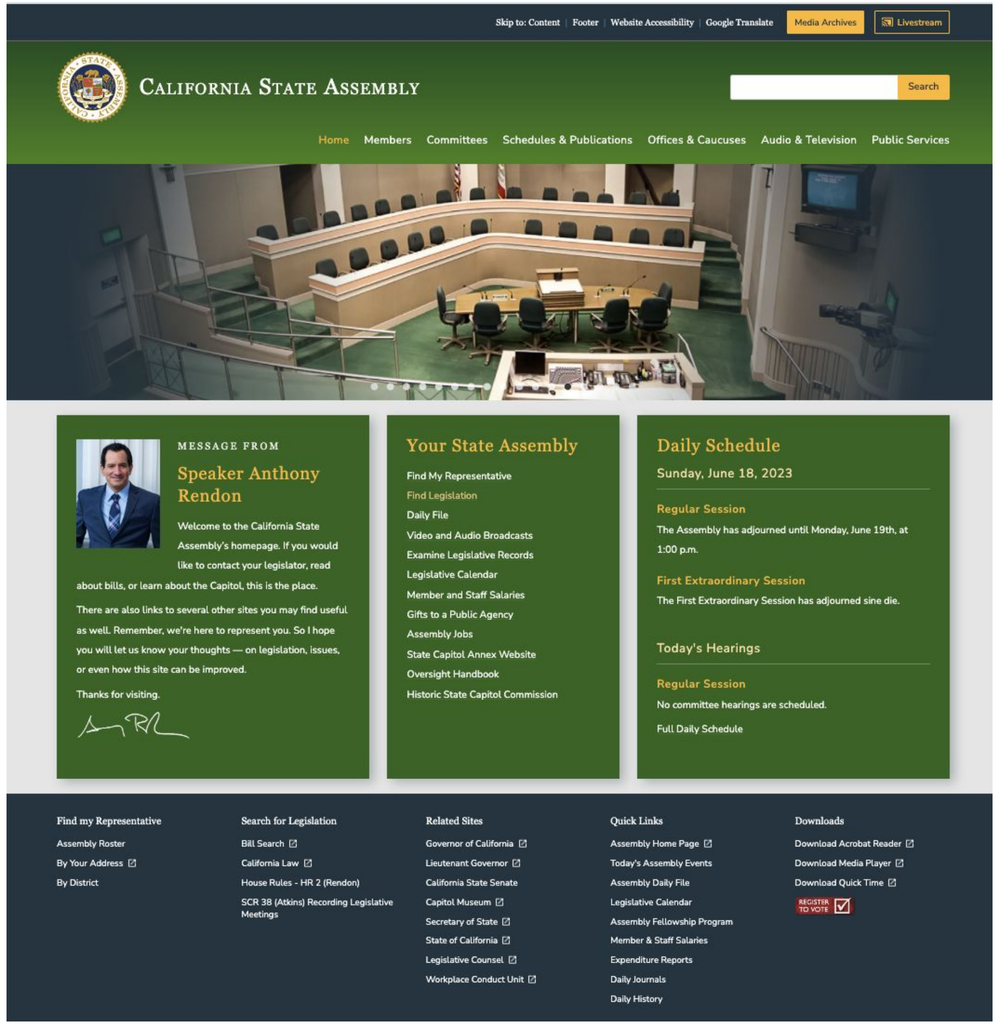
Authored bills:

- Search by legislator

California LEGISLATIVE INFORMATION

State Senate and Assembly Websites





https://sen.ca.gov and

https://assembly.ca.gov

Home page lists Today's Events. Navigate to:

- Committee lists, links to agendas
- Media — recordings of past hearings
- Members and their websites
- Daily File — extended agenda of floor session and committee hearings

How We Advocate

Advocating effectively

- Cultivate relationships with legislators — meet regularly.
- Propose bill ideas.
- Strategize with staff.
- Generate calls and letters from constituents.
- Submit position letters.
- Speak at bill review hearings.
- Draft petitions, op-eds.

Guidelines for position letters

- Submit a letter
  - To have your position reflected in the committee's bill analysis, or
  - If you have a unique position the committee staff should consider.
- Submit on behalf of a group or organization, multiple organizations, or as an individual
- Each committee sets deadlines for position letters (check the committee website early).
- Letter should be on organizational letterhead with logo. SOME committees want signatures, so call and check.
- Submit letter through the online "portal" linked to each committee webpage, to committee(s) and author's staff. https://calegislation.lc.ca.gov/Advocates/

More on position letters

Each bill is referred to 1 or 2 committees for review and a vote.

Letters through the portal go to committee staff and (usually) the author's staff member assigned to the bill

Possible positions:

a. Support
b. Support if amended
c. Oppose
d. Oppose unless amended

Oversight Hearings: We speak to committees

- Post-COVID, Senate committees take comment calls from all comers,
  via phone lines.
- Most Assembly committees don’t take phone comments.
- “Me-toos” are made during public comment for each bill and are this short: “I’m Jane Fonda for Climate Action California, and we strongly support this bill.” *Any longer and the chair will be annoyed*.
- All hearings are recorded and posted on the house’s website.
- *Watching hearings is highly educational!*

Life After Suspense: Prep for Floor votes

- ❑ **Review amendments and our positions**
- ❑ **Strategize for high-priority bills**
  - Study bill analyses, supporters/opponents, amendments
  - Join coalitions; find allies in key districts; meet with oversight committee members
  - Work on public message delivery (op-eds, social media, attend town halls and speak for bills
- ❑ **Get ready for floor votes**, when the whole house votes on every bill
  - Make a list of priority bills for each house, and send to reps
  - Schedule district meetings during the summer recess, or earlier

And again: The second chamber

The process starts over. Bills are being referred to oversight committees and scheduled for hearings.

- Resubmit position letters based on current amendments. Committee rules vary, but it’s safest to send letters with post-floor-vote dates.
- Watch for opportunities to sign group letters.
- Review committee assignments and schedule meetings with members.
- Schedule meetings to discuss priorities.
- *With a compressed schedule, everything is moving FAST.*

Priority Bills for Climate Action California (very partial list)

- The climate finance package:
  - SB 261 (Stern) Climate-related financial risk disclosures
  - SB 253 (Wiener) Greenhouse gas emissions disclosures
  - SB 252 (Gonzalez) Fossil fuel divestment for CalPERS, CalSTRS
- SB 233 (Skinner) Bidirectional EV charging
- SB 49 (Becker) Solar canopies over roads, parking lots
- SB 389 (Allen) More authority over water diversions and water rights for the State Water Resources Control Board
- AB 1167 (Carrillo) Bonding requirements for oil/gas wells
- AB 421 (Bryan) Signature gathering reforms for referendum qualification

Implementing Climate Legislation

Next Stop: Executive Agencies

The legislature makes *laws*; agencies make the *rules* to implement them.

Agencies must take public comments.

- Instructions and deadlines for comment are published on the agency's website
- Individuals, organizations, or groups of orgs may comment
- Written comments are posted online
- Give verbal comments during public hearings

❑ Hearings are recorded for later listening

❑ *Subscribe on the agency's website for notifications*

Artwork created by catalyststuff

Agency Rulemaking = Climate Policy

The CA Air Resources Board (CARB)

- Scoping Plan Update (2022) implements AB 32 (2006)
- Implements SB 1383 (2016) reducing short-lived climate pollutants
- Sets policy for the Low Carbon Fuel Standard (LCFS)
- Can adjust Cap and Trade policy

CA Public Utilities Commission (CPUC)

- Regulates utilities and CCAs, sets energy pricing. net metering rules

CA Energy Commission (CEC)

- Sets building efficiency standards

CA Geologic Energy Management Division (CalGEM)

- Public health rulemaking (buffers around oil and gas operations)

Image credit: Tyler Casey on Unsplash

SB 1137 Well Setbacks and the 2024 Referendum

Drilling in CA: 3200 ft. setbacks

- **A long road to regulation**
  - Buffer zones were promised in 2013 with SB 4, when legislature and governor agreed to complete scientific studies on well stimulation.
  - Bill required health and safety recommendations be established by 2015.

  Note: PA, Wyoming, Illinois require 500 ft setbacks, and TX, OK, and NM require 600 to 1500 ft.

- **Today, coalitions and groups join in advocacy**
  - STAND-LA, VISIÓN Coalition, Last Chance Alliance

- **Legislation**
  - AB 345 in 2019 and 2020, defeated in CA Senate by “moderate” Dems
  - SB 467 in 2021, failed (included setbacks and an end to fracking)
  - SB 1137 in 2022, PASSED , 3200 ft. setbacks on NEW wells!

- **HEAVY OPPOSITION from oil industry, building trade unions**

Drilling in CA: 3200 ft. setbacks

- **COMMUNITIES ADVOCATING FOR HEALTH AND SAFETY**
  - Efforts started locally … deeply engaged local community members, built relationships with supportive legislators, created narrative with real life people, intentional strategy to focus on known health-effects of living near active drilling
  - Conducted Social Media campaigns, Toxic Tours, videos, non-violent direct action, rallies, press conferences, Twitter storms, LTEs, celebrity endorsements, lobby days
  - NASCAR Style-endorsement letters, petitions
  - Has taken over 10 years to get setbacks legislation passed!
- **OIL COMPANIES FIGHTING BACK - REFERENDUM ON THE NOV 2024 BALLOT**
  - Initiated Signature gathering September 2022 to qualify referendum to rescind setbacks. Paid signature gatherer's $20M. Gatherers often lied to signers.
    - Example Claim: Law will result in $10/gallon gas costs.
  - Sufficient signatures collected to qualify the referendum
  - Setbacks bill on hold until after the election.

Drilling in CA: 3200 ft. setbacks

- **NEXT STEPS: OPPOSE REFERENDUM - BEYOND DIRTY CAMPAIGN**
  - EJ groups and NGOs are establishing a PAC to focus and fund campaign.
  - Sierra Club has asked groups to start planning for 2024 campaign.
  - Climate Action California supports the effort.
  - AB 421 Referendum reform process now in the legislature. .
  - **Advocate for AB 421!**
- **OIL COMPANIES ARE FIGHTING BACK**
  - Will spend heavily to oppose setbacks bill.

Drilling in CA: 3200 ft. setbacks

YOU CAN HELP!

- Get the word out digitally and personally: petitions, emails, farmer's markets etc.
- Join VISIÓN Coalition to contribute time and resources. Volunteer?
- As a 501(c)(4), Climate Action CA will endorse candidates in 2024—and make opposition to the referendum a requirement for endorsees. Join us!

The Budget

Getting to YES on a BUDGET

The process:

- Governor presents a draft budget in January.
- Budget committees in both houses review, hold testimony, and write budget bills.
- “May Revise” reality-checks the numbers, based on tax receipts.
- Legislative Analyst’s Office and Department of Finance weigh in.
- The Legislature passes an agreed budget by June 15. “Trailer bills” accompany the budget and allocate funds for implementation.

This year’s wrinkles:

- Newsom proposed 11 trailer bills in early June that, among other things, funded the Delta Tunnels and the Sites Reservoir, and included exceptions to the California Environmental Quality Act (CEQA).
- Legislature rejected strategy; said “regular order” is required in many cases

More 2023 budget challenges

- **States are required to balance their budgets, and there's no surplus this year.**
- **Tax filing deadline is delayed to October in key counties.**

The Governor's budget (May 15)	The Legislature's budget (passed June 15)
$311.7 billion total spending	$306.5 billion total spending
$224 billion General Fund spending	$227 billion from General Fund
Maintains $37.2 billion in reserves	Maintains $37.2 billion in reserves
Projects $31.5 billion deficit	Includes "$30.7 billion in solutions to close the budget gap"

- **Legislature's budget is generally better on climate**
- **Much wrangling still to come before the budget is "final"**
- **Best for us to listen to hearings, watch the numbers, and advocate to the Governor.**

Senate budget committee and subs

Senate budget committee, Sen Nancy Skinner, chair

- Subcommittee 1: Education, Sen. John Laird, chair
- **Sub 2: Resources, Environmental Protection, and Energy, Sen. Josh Becker, chair**
- Sub 3: Health and Human Services, Sen. Caroline Menjivar, chair
- Sub 4: State Administration and General Government, Sen. Steve Padilla, chair
- Sub 5: Corrections, Public Safety, Judiciary, Labor and Transportation, Sen. Maria Elena Durazo, chair

Hearing dates, agendas, and leg analyst reports on the Senate budget comm website

Assembly Budget Comm. and Subcommittees

Assembly budget committee, Asm Phil Ting, chair

- Subcommittee 1: Health and Human Services. Asm Joaquin Arambula, chair
- Sub 2: Education, Finance. Asm Kevin McCarty, chair
- **Sub 3: Climate Crisis, Resources, Energy, and Transportation, Asm Steve Bennett, chair**
- Sub 4: State Administration, Asm Wendy Carrillo, chair
- Sub 5: Public Safety, Asm Mia Bonta, chair
- Sub 6: Budget Process, Oversight, and Program Evaluation, Asm. Phil Ting, chair

NOTE: “Subscribe to Stay Connected” button on the website

Effective Citizen Lobbying

Why lobby?

- ❑ Influence your legislator’s vote.
- ❑ Promote interests, core beliefs and positive changes.
- ❑ Educate the legislator.
- ❑ Advocate for specific bills.
- ❑ Build a positive relationship with your representative.

Why make your case?

- Legislators (and their staff) can't know everything; they need others to inform them.
- In the absence of engagement with people like us, our reps will only hear from professional lobbyists, industry, or political interests.

Influencing your rep's vote

Build a professional relationship with your rep and staff

Be a number:

- Sign online petitions.
- Call the office or email the office- keep it brief and to the point.

Be a person:

- Attend town hall meetings and speak out. Introduce yourself!
- Find opportunities to thank your legislator and staff for their work.

Be a resource:

- Schedule a policy conversation with an environmental aide.
- Support their bills and policies when appropriate.

Who lobbies and How?

Paid Lobbyist	VS	Citizen lobbyist
Paid by a special interest		Volunteer
Brings campaign cash		Brings grassroots support
Communicates a single clear objective/message		May have several objectives (although fewer is better)
Often in the Capitol		Often in the District

On this mission, you're part of a group

- ❏ You're representing an advocacy group, not yourself.
- ❏ Good to work in coordination with other climate groups.
  - Base the collaboration on mutual respect and support
  - Include EJ groups and their concerns
  - Agree before the meeting on a consistent message
  - Don't contradict each other!

Relationships are vital

Your primary purpose: Pass important legislation, now and in the future!

- Good relationships provide future access when you have questions or requests.

Meeting with a staff member can be useful.

- They can be excellent resources and act as an effective conduit between you and the legislator.
- Capitol legislative staff are usually more knowledgeable than district staff.

Don’t be afraid to meet with legislators who don’t share your views. It’s an opportunity to look for common ground and educate the legislator.

Know your representative

Before you meet, know the following about your rep:

- District demographics—to whom is your rep accountable
- Related bills rep has authored or co-authored
- Rep's voting record on climate bills in the last session
- Rep's top issues and viewpoints
- Rep's committee assignments
- Influencers and key financial backers

When to schedule a meeting

- When you have a new representative
- Early in the cycle – to discuss your issues, ask about the rep's plans for the session, and propose bill ideas
- When you want to push a specific bill or committee vote
- On Fridays, or during a recess

Make the appointment

Ready to schedule?

- ❏ Get information: Who is the Legislative Director? Who is staffing the bill?
- ❏ You may be able to schedule a meeting by emailing the Legislative Director.
- ❏ Ask for an appointment with the Legislative Director and/or the Representative. If you are directed to the scheduler or another staffer, follow up with an email to that person.
- ❏ Explain whom you represent and why you would like a meeting.
- ❏ Email or call back if you don't hear anything for a few days.
- ❏ Clarify who will set up the zoom call.

Prepare for your meeting

1. Create an agenda (plan for 30 minutes, but don't be surprised if it's shorter).
2. Hold a pre-meeting with attendees to review the agenda and plan.
3. Assign meeting roles. Some attendees will be listening only.
4. If you're advocating for a specific bill, be sure to know it well:
    - legislative intent and key provisions and amendments
    - authors/co-authors
    - support/opposition
    - why it is important to the legislator's district as well as its benefits for the whole state

Tips for general meetings

- Tips:
  - Be friendly and non-adversarial.
  - Ask open-ended questions: You want the legislator to do the talking
  - Listen respectfully!
- Ask leading questions about YOUR issues
  - What are legislator's environmental priorities for the session?
  - What does legislator think about key climate bills in the session as well as the specific bills you are meeting about?

Assign roles for meeting

- Meeting lead who introduces the agenda and participants, if there is time (or, names on Zoom screens)
- Person who thanks the rep for prior climate actions
- Speakers for policy issues
- Closer
- Timekeeper
- Note taker

Not everyone needs a "speaking part" but everyone can ask questions.

Phone by Glenn Carsten Peters on Unsplash

Agenda

1. Time check
2. Notetaking start
3. Introductions
4. Appreciation
5. Statement of purpose/issues
6. “The ask”
7. Agreement on next steps
8. Wrap-up/photo op

Meeting tips

Effective meeting participation

- Listen actively > reflect > pivot.
- Be flexible and watch the lead.
- Share critical information (always ask permission to proceed).
- *Ask how constituents can support the legislator's goals.*

Meeting with Assembly Member Amanda Smith

Sponsoring today's training

- **Climate Action California:** Volunteers and coalition members take science-based positions on legislation and policy https://climateactionca.org
- **Climate Reality Project California Coalition:** Coordinates communication and action for California's 12 Climate Reality chapters https://www.climaterealityproject.org/
- **Bay Area Youth Lobbying Initiative (BAYLI):** Empowers young individuals to affect long-term climate policy https://baylibayarea.wixsite.com/bayarea
- **Santa Cruz Climate Action Network:** A local action group working closely with our coalition https://scruzclimate.org/

Thanks for coming!