To: Members of the RCRC Board of Directors

From: Paul A. Smith, Senior Vice President Governmental Affairs
Governmental Affairs Staff

Date: September 14, 2020

Re: Update on 2020 RCRC Sponsored Legislation

Summary

This memo provides an update on the legislative proposals that RCRC sponsored/co-sponsored during the 2020 Legislative Session.

Background

At the January RCRC Board of Directors meeting, the RCRC Board of Directors approved legislative proposals for sponsorship/co-sponsorship regarding interstate cannabis-export, and alcoholic beverage licenses in Mariposa County. In addition, RCRC joined Los Angeles County and the California State Association of Counties to co-sponsor legislation which invests $200 million annually to help meet the state's ambitious solid and organic waste recycling goals.

At the March RCRC Board of Directors meeting, the RCRC Board of Directors approved the following topics for potential sponsorship: Public Safety Power Shutoff (PSPS) price gouging protections; local flexibility for organic waste management; and, mitigating PSPS impacts on elections management.

Issue

RCRC sponsored/co-sponsored a number of items for the 2020 Legislative Session, and the following are the final outcomes on these proposals:

Interstate Cannabis-Export: Even though the Board of Directors endorsed the sponsorship of an effort to create a cannabis out-of-state export scheme similar to one adopted in the State of Oregon last year, this effort was not pursued. Noting the difficulty of securing passage of such an effort and divisions within the cannabis industry, the proposal was deferred to another legislative session.

Additional Alcoholic Beverage Licenses in Mariposa County: Assembly Bill 2459 was introduced in February by Assembly Member Frank Bigelow (R-Madera) to provide Mariposa County with the authority to award additional alcoholic beverage licenses to address a tourist surge deriving from attendance at Yosemite National Park. At the request of Senator Bill Dodd (D-Napa), provisions were added to include a similar

approach for Napa County since it has similar tourist surges. AB 2459 has been signed into law by the Governor.

Solid and Organic Waste Recycling: Assembly Bill 2612 was introduced by Assembly Member Brian Maienschein (D-San Digeo) and jointly sponsored by RCRC, Los Angeles County and CSAC. The bill would have annually appropriated $200 million in Cap and Trade auction revenues to solid and organic waste recycling programs to build out existing infrastructure to meet the state's ambitious recycling goals and offset local implementation costs associated with those programs. Shortly before the bill was set for hearing in its first policy committee, Governor Newsom issued a mandatory stay-at-home order. AB 2612 failed passage in the Assembly Natural Resources Committee in light of COVID-19 and the drastic downturn in anticipated state revenues.

PSPS price gouging protections: Assembly Bill 1936 was introduced by Assembly Member Freddie Rodriguez (D-Pomona) to clarify that existing price gouging prohibitions that are triggered by local emergency declarations also apply during public safety power shutoff (PSPS) events. The author incorporated several amendments suggested by RCRC to expand price gouging protections to medical devices, backup generators, and fuel used for backup generators, as there were anecdotal accounts of price gouging of those goods during last year's PSPS events. Unfortunately, the Assembly Public Safety Committee amended AB 1936 to roll back existing local authority to invoke price gouging protections for hotel and motel accommodations during PSPS emergencies. As a result of this development, and the Assembly's decision to reduce the number of bills moving through the legislative process, the author decided not to proceed with the measure.

Local Flexibility for Organic Waste Management: In light of the significant additional costs that the state's new organic waste recycling mandate will impose on local governments, RCRC sponsored Senate Bill 1191, authored by Senator Brian Dahle (R-Lassen), to provide additional flexibility for local governments to adopt organic waste management programs. SB 1191 would have allowed rural jurisdictions and low-population counties to implement alternative organic waste management programs until 2035 and 2028, respectively. It would have also required CalRecycle to consider a jurisdiction's good faith attempt to implement its organic waste program before imposing penalties or issuing a compliance order. Shortly before SB 1191 was to be considered by the Senate Environmental Quality Committee, the Senate issued a directive that committees only consider measures related to COVID-19, economic development, and urgency matters. As a result, SB 1191 failed passage in the Senate Environmental Quality Committee; however, there was general willingness to explore program changes in 2021.

PSPS impacts on election: Assembly Bill 2539 was introduced by Assembly Member Bigelow to require electrical utilities to mitigate public safety power shutoff impacts on local election operations. As a result of COVID-19, the Assembly Utilities and Energy Committee drastically reduced the universe of legislation it was willing to consider and AB 2539 failed to pass in the Committee. RCRC and Assembly Member Bigelow continued to work with the Utilities and Energy Committee, Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric to ensure those entities are prepared to work with local elections officials and avoid PSPS-related actions that

impair the conduct of local elections and tabulation of results. RCRC also assisted Assembly Member Bigelow craft a letter to the Public Utilities Commission urging them to ensure that utilities minimize the impact of PSPS events on county election operations.

Staff Recommendation
Information only.

Attachments
- Copy of Assembly Bill 2459 (Bigelow)
- Copy of Assembly Bill 2612 (Maienschein)
- Copy of Assembly Bill 1936 (Rodriquez)
- Copy of Senate Bill 1191 (B. Dahle)
- Copy of Assembly Bill 2539 (Bigelow)