

# Budget Trailer Bill Analyses Packet

Monday, March 14, 2022

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SB 118	CEQA Public Higher Education	AB 168	2
SB 119	Amendment to 2021 Budget Act	AB 169	4

## **SUMMARY**

This bill changes the requirement for the long range development plans to include “campus population” instead of just “enrollment,” limits the remedies available to the court when it finds deficiencies in environmental review based on enrollment, and provides that enrollment, in it of itself, is not a project.

### **Major Provisions**

#### **Existing Law, pursuant to the California Environmental Quality Act (CEQA):**

- 1) Requires a lead agency with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) Section 21000 et seq.)
- 2) Sets requirements relating to the preparation, review, comment, approval, and certification of environmental documents, as well as procedures relating to an action or proceeding to attack, review, set aside, void, or annul various actions of a public agency on the grounds of noncompliance with CEQA. (PRC Section 21165 et seq.)
- 3) Makes that the selection of a location for a particular campus of public higher education and the approval of a long-range development plan (LRDP) are subject to CEQA and requires preparation of an EIR. (PRC Section 21080.09)
- 4) Requires the environmental effects relating to changes in enrollment levels to be considered for each campus or medical center of public higher education in the EIR prepared for the LRDP. (PRC Section 21080.09)
- 5) Makes the approval of a project on a particular campus or medical center of public higher education subject to CEQA and authorizes it to be addressed in a tiered environmental analysis based upon an LRDP EIR. (PRC Section 21080.09)
- 6) Defines LRDP as “a physical development and land use plan to meet the academic and institutional objectives for a particular campus or medical center of public higher education. (PRC Section 21080.09)
- 7) Defines “public higher education” as (a) the California Community Colleges, (2) the California State University, and each campus, branch, and function thereof, and (3) each campus, branch, and function of the University of California. (PRC Section 21080.09)

**This bill:**

- 1) Deletes the provision requiring the environmental effects relating to changes in enrollment levels be considered in the EIR prepared for the LRDP.
- 2) Specifies that enrollment or changes in enrollment, by themselves, do not trigger CEQA.
- 3) If the court determines that increases in campus population exceed the projections adopted in the most recent LRDP and analyzed in the supporting EIR, and those increases result in significant environmental impacts, authorizes the court to order the campus or medical center to prepare a new, supplemental, or subsequent EIR.
- 4) If a new, supplemental, or subsequent EIR has not been certified within 18 months of the court's order, authorizes the court to enjoin increases in campus population that exceed the projections adopted in the most recent LRDP and analyzed in the supporting EIR.
- 5) Specifies that any injunction or judgment in effect as of the effective date of this bill suspending or otherwise affecting enrollment is unenforceable.
- 6) Specifies that the provisions of this bill apply retroactively to any decision related to enrollment or changes in enrollment made before the effective date of this bill.

**COMMENTS**

The bill addresses a recent, unprecedented court decision involving the UC Berkeley campus that could lead to the campus rejecting admission to as many as 3,050 California students applying to the campus for the Fall 2022. The bill provides a narrow change to focus campus environmental review on campus populations, and allows campuses to respond to a court ruling involving exceeded enrollment projections before enrollment cuts are enacted.

**FISCAL COMMENTS**

This bill appropriates \$50,000 to the Regents of the University of California to implement provisions of CEQA for the 2021-22 fiscal year.

**VOTES****SENATE FLOOR: 29-8-2**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**NO:** Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

**ABS, ABST OR NV:** Borgeas, Limón

**UPDATED**

VERSION: March 11, 2022

CONSULTANT: Mark Martin / BUDGET / (916) 319-2099

FN:

## SUMMARY

Amends the 2021 Budget Act to make technical changes and corrections.

### Major Provisions

Specifically, this bill:

- 1) Reappropriates unspent local assistance General Fund from 2018 and 2019 at the Secretary of State for the original purpose of those funds;
- 2) Corrects the reference to the Coachella Valley Mountains Conservancy that was mislabeled in the budget act;
- 3) Allow funding provided to the Commission on Peace Officer Standards and Training for standards and training to be transferrable between these two uses for purposes of implementing SB 2 (Bradford, Chapter 409 Statutes of 2021), subject to Joint Legislative Budget Committee notification;
- 4) Clarifies that funding provided for legislative priorities can be used as an advance lump sum and can be used for costs incurred prior to the enactment of the bill; and
- 5) Specifies that \$300,000 provide in the budget act to the California Victim Compensation Board for a contract with the Alliance for a Better Community will be used for outreach to survivors of forced or involuntary sterilization at previously named Los Angeles County Hospital currently named Los Angeles + USC Medical Center in Los Angeles, California.

## COMMENTS

This bill makes small technical changes and corrections to the Budget Act that stay within the original intent of the bill, as amended.

This bill will be the sixth time the budget, AB 128 (Ting), Chapter 21 Statutes of 2021, will have been amended by the Legislature: On June 28, 2021, the Legislature passed SB 129 (Skinner), Chapter 69, Statutes of 2021, which made amendments based off of AB 128 and represented the budget agreement between the Legislature and the Administration; On July 8, 2021, the Legislature passed AB 161 (Ting), Chapter 43, Statutes of 2021; On July 14, 2021, the Legislature passed AB 164 (Ting), Chapter 84, Statutes of 2021; which is a Budget Bill Junior that made changes to the Budget Act. On September 9, 2021; the Legislature passed SB 170 (Skinner), Chapter 240, Statutes of 2021. On February 7, 2022, the Legislature passed SB 115 (Skinner), Chapter 2, Statutes of 2022.

**According to the Author**

This budget bill makes technical changes to the 2021 Budget Act.

**Arguments in Support**

None on file.

**Arguments in Opposition**

None on file.

**FISCAL COMMENTS**

This bill makes purely technical changes and has no new costs.

**VOTES****SENATE FLOOR: 29-8-2**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**NO:** Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

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