

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 39 (Chau) – As Introduced December 7, 2020

SUBJECT: California-China Climate Institute

SUMMARY: Establishes the California-China Climate Institute, housed at the University of California (UC), Berkeley, as specified, and in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California. Specifically, **this bill:**

- 1) Establishes the California-China Climate Institute, a UC-wide initiative to accelerate climate action through cooperative efforts and exchange between two of the world's largest economic powers.
- 2) Requires the institute, launched in the fall of 2019, to be housed at the UC Berkeley, School of Law and College of Natural Resources, and requires the institute to work closely with other UC campuses, departments, and leaders to accomplish its work.
- 3) Requires the institute to operate in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California.
- 4) Requires the institute to receive guidance and support from expert policy, government, business, academic, and climate leaders and advisory committees, including, but not necessarily limited to, the following state entities:
 - a) The California State Assembly;
 - b) The California State Senate;
 - c) The office of the Governor;
 - d) The California Environmental Protection Agency;
 - e) The Natural Resources Agency; and,
 - f) The UC.
- 5) Establishes the duties of the institute shall include all of the following:
 - a) Fostering collaboration among government, business, academic institutions, and civil society to inform and shape national and subnational climate policy and advance the goals of the Paris Agreement;
 - b) Advancing joint policy research on major climate issues, including, but not necessarily limited to, all of the following:

- i) Low-carbon transportation and zero emission vehicles;
 - ii) Carbon pricing;
 - iii) Climate adaptation and resilience;
 - iv) Sustainable land use and climate-smart agriculture;
 - v) Carbon capture and storage; and,
 - vi) Long term climate goal-setting and policy enforcement.
- c) Supporting high-level subnational climate dialogue between top government, business, and climate leaders from throughout the United States and China with respect to climate policy, investment, and finance; and,
- d) Providing training to Californian and Chinese researchers, scientists, technical experts, policymakers, and other leaders to advance critical climate and environmental policies, including, but not necessarily limited to, air quality, carbon pricing, carbon emissions, clean energy, and innovation.

EXISTING LAW:

- 1) Establishes the UC, and grants the full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. (California Constitution, article IX, section 9)

FISCAL EFFECT: Unknown

COMMENTS: *Purpose.* According to the author, “The California-China Climate Institute was created through private agreements. It is not statutorily created and can be dissolved despite its important research and without any involvement of the legislature that has placed a high priority on addressing climate change issues. AB 39 will formalize in statute the California-China Climate Institute to make this important research institute permanent.”

Background. In September 2019, former California Governor Edmund G. Brown Jr. helped launch the California-China Climate Institute to promote climate action through joint research, training and dialogue between California and China. The Institute is jointly located at the UC Berkeley, School of Law and the College of Natural Resources. The Institute has a partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University in China.

Governor Brown leads the institute in partnership with Xie Zhenhua, China’s Special Representative for Climate Change Affairs. Governing the institute is a board of top university

and government officials, and a network of expert policy and operations staff, business, academic and climate advisory committees helps provide guidance and support.

This Institute is tasked with informing policy makers, promote communication and cooperation, and advance the implementation of climate solutions at all levels government and society. It will provide strategic advice for California's general engagement with China on climate, energy and environment, as well as over economic development, cultural and education matters by linking climate research with national and subnational climate decision-making processes.

Arguments in support. The Honorable Edmund G. Brown Jr, 34th and 39th Governor of California and Chair of the California-China Climate Institute, wrote in support of AB 39, "As chair of the California-China Climate Institute, housed at UC Berkeley, I write to express my strong support for AB 39. This bill recognizes – and codifies – the critical work of the Institute, which seeks to spur further climate action through joint research, training and dialogue between two of the world's top economic powers: California and China."

"If the COVID-19 pandemic has taught us anything, it is that we are mutually vulnerable. The serious threats we face don't respect borders and they don't wait for nationalistic rivalries to abate."

"To confront the climate threat and start reducing carbon emissions, it is imperative that we build strong partnerships and seek ever more durable solutions. The Institute, which is partnering with the Institute of Climate Change and Sustainable Development at Tsinghua University in Beijing, establishes a platform for doing just that."

"The Institute is fortunate to have broad support from the Newsom Administration and the entire University of California system. And by passing this bill, the California State Legislature can send a forceful message that the Golden State is united in the fundamental work of reversing global warming and making our environment truly sustainable. Either we turn the tide together and put the world on the path to zero carbon emissions, or it won't be done."

Committee comments and recommendations. AB 39 seeks to codify a UC-wide initiative that, as the author notes, will be housed at UC Berkeley and currently exists through private agreements. This legislation differs from past legislation establishing institutes at UC in a significant way – it requires UC to establish the California-China Climate Institute, as opposed to request the Regents of the UC take the action. This drafting, while well-intentioned, likely violates Article IX, Section 9 of the California Constitution.

Committee staff recommends, and the author has agreed to accept, the following amendments:

- 1) Authorizes, instead of mandates, the Regents of the UC to establish the California-China Climate Institute.
- 2) Removes references to a specific campus location for the California-China Climate Institute, creating flexibility for UC as the institute evolves.
- 3) Clarifies that the California-China Climate Institute will, to the extent possible, receive guidance and support from expert policy, government, business, academic, and climate leaders and advisory committees.

Related legislation. AB 2585 (Chau, 2020) was identical to AB 39, and was held in Assembly Higher Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Honorable Edmund G. Brown, Jr., 34th and 39th Governor of California

Opposition

None on file

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960