
SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Nancy Skinner, Chair
2021 - 2022 Regular

Bill No:	AB 168	Hearing Date:	March 14, 2022
Author:	Committee on Budget		
Version:	March 11, 2022 As amended		
Urgency:	No	Fiscal:	No
Consultant:	Joanne Roy		

Subject: California Environmental Quality Act: Public Higher Education

Summary: This bill provides that enrollment or changes in enrollment, by themselves, do not constitute a project for purposes of CEQA.

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 the selection of a location for a particular campus of public higher education and the approval of a long-range development plan (LRDP) 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)

Proposed Law: 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.

Background: *Overview of the CEQA Process.* CEQA provides a process for evaluating the environmental effects of a project, and includes statutory exemptions, as well as categorical exemptions in the CEQA guidelines. If a project is not exempt from CEQA, an initial study is prepared to determine whether a project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR. Generally, an EIR must accurately describe the proposed project, identify, and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Prior to approving any project that has received environmental review, an agency must make certain findings. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

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

Support: None on file

Opposed: None on file.

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