
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	AB 39	Hearing Date:	June 9, 2021
Author:	Chau		
Version:	March 25, 2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: California-China Climate Institute.

Note: This bill has been referred to the Committees on Education, Environmental Quality, and Natural, Resources and Water. A “do pass” motion should include referral to the Committee on Environmental Quality.

SUMMARY

This bill authorizes the Regents of the University of California (UC) to establish the California-China Climate Institute in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California.

BACKGROUND

Existing law:

- 1) Under the California Constitution, establishes the UC as a public trust to be administered by the Regents of the UC with 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 for construction contracts, selling real property, and purchasing materials, goods and services. (Constitution of California, Article IX, Section 9).
- 2) Under the California Constitution, states that the university be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs. (Constitution of California, Article IX, Section 9 (f)).
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)
- 4) Declares the UC as the primary state-supported academic agency for research. (EC § 66010.4 (c))

ANALYSIS

This bill:

- 1) Authorizes the Regents of the UC to establish 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 work closely with UC campuses, departments, and leaders to accomplish its work.
- 3) Requires the institute operate in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and intuitions in China and California.
- 4) Provides that to the extent possible, the institute 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.
 - f) The UC.
- 5) Specifies that the duties of the institute 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, as specified.
 - 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.
 - d) Providing training to Californian and Chinese researchers, scientists, technical experts, policy makers, 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.

STAFF COMMENTS

- 1) *Need for the bill.* 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.”

- 2) *About the California-China Climate Institute.* 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 cover economic development, cultural and education matters by linking climate research with national and subnational climate decision-making processes. This bill essentially codifies existing practice.

- 3) *Codifying UC research initiatives.* It would seem that legislation is unnecessary to authorize the UC establish a research institute given the UC’s constitutional autonomy as noted in the background of this analysis. However, introduction of these types of legislative proposals have become common practice. In prior years, the Legislature acted to address statewide needs by funding various research initiatives at UC. Most recently, these initiatives include among other things, the firearm violence research at UC, Davis, California mosquito surveillance and research at UC, Davis and dyslexia research at UC, San Francisco. A notable difference between related initiatives and this measure is that activity is limited to California.

According to the Assembly Appropriations Committee’s fiscal analysis, the climate institute is funded with philanthropic funds. If enactment of this measure is a priority of the Legislature and, should state funding be appropriated in future years to the UC for the stated purpose, it is incumbent upon the Legislature to establish intent and goals for those funds through legislation.

SUPPORT

Environmental Defense Fund
 Natural Resources Defense Council
 Governor Edmund G. Brown Jr.

OPPOSITION

None received.

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