

AMENDED IN SENATE AUGUST 13, 2019

AMENDED IN SENATE JUNE 17, 2019

AMENDED IN ASSEMBLY MAY 16, 2019

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1321

Introduced by Assembly Member Gipson

February 22, 2019

An act to add *and repeal* Section 6302.5 ~~to~~ of the Public Resources Code, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1321, as amended, Gipson. Public lands: State Lands Commission: coastal ports: automated technology.

Existing law vests control over specified public lands with the State Lands Commission. The 3 members of the commission are the Lieutenant Governor, the Controller, and the Director of Finance. Existing law specifies that the commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the state, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest in those lands, as described, which have been or may be acquired by the state by quitclaim, cession, grant, contract, otherwise from the federal government, or by any other means. Existing law also provides specific responsibilities for the commission with respect to the ports of Los Angeles and Oakland.

~~This bill would authorize the commission to approve, on a case-by-case basis, the use of automated technology, as defined, on the property of coastal ports within the commission's jurisdiction when the commission determines that the proposed transition to the use of automated technology will provide a safe working environment and not cause critical damage to the state economy or to the economies of surrounding local communities, as specified.~~

~~The bill would require the commission to submit an annual report to the Legislature, commencing on or before March 1, 2021, detailing each instance in which the commission has approved a use of automated technology pursuant to the bill during the preceding year.~~

~~*This bill would require the commission, subject to the availability of resources, in collaboration with the Governor's Office of Business and Economic Development, to hold a series of meetings at or near California ports that operate on granted public trust lands to consider the impacts of automated technology at California's ports, as provided. The bill would require the commission to submit 2 reports to the Legislature, as prescribed, on the commission's activities under these provisions. The bill would repeal these provisions on December 31, 2023.*~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The state recognizes the significance of planning for the
- 4 impacts automated technology will have on our state and local
- 5 economies and on all the people who live, work, own businesses,
- 6 and shop in the state.
- 7 (b) The state recognizes that proposals to allow the installation
- 8 of automated technologies have been advanced at our coastal ports
- 9 and lands that are held in public trust.
- 10 (c) The mission of the State Lands Commission is to provide
- 11 the people of California with effective stewardship of the lands,
- 12 waterways, and resources entrusted to its care through responsible
- 13 economic development, preservation, restoration, and enhancement,
- 14 as well as the promotion of public access. The State Lands
- 15 Commission strives to protect its lands and resources while

1 promoting appropriate economic development and ensuring that
2 the public is adequately compensated for the use and occupation
3 of its land and the development of its resources.

4 (d) Many of California’s ports and harbor districts manage
5 state-owned lands and assets for the benefit of all of the people of
6 California.

7 ~~SEC. 2.—Section 6302.5 is added to the Public Resources Code,~~
8 ~~to read:~~

9 ~~6302.5.—(a) Notwithstanding any other law, the commission~~
10 ~~may approve, on a case-by-case basis, the use of automated~~
11 ~~technology on the property of coastal ports within the commission’s~~
12 ~~jurisdiction when the commission determines that the proposed~~
13 ~~transition to the use of automated technology will provide a safe~~
14 ~~working environment and not cause critical damage to the state~~
15 ~~economy or to the economies of surrounding local communities.~~

16 ~~(b) In its consideration of proposals to use automated technology~~
17 ~~on the property of coastal ports, the commission shall consider~~
18 ~~issues including, but not necessarily limited to, the effects of~~
19 ~~automated technology with respect to both of the following:~~

20 ~~(1) The safety of the working environment at the coastal ports.~~

21 ~~(2) The economic impact, including an estimate of the job losses~~
22 ~~or gains that would result from the proposed use of automated~~
23 ~~technology.~~

24 ~~(c) The commission shall submit a report to the Legislature on~~
25 ~~or before March 1, 2021, and on or before March 1 of each year~~
26 ~~thereafter, detailing each instance in which the commission has~~
27 ~~approved a use of automated technology pursuant to this section~~
28 ~~during the preceding year. The report shall comply with Section~~
29 ~~9795 of the Government Code.~~

30 ~~(d) As used in this section, “automated technology” means any~~
31 ~~equipment or infrastructure that does not require a human operator~~
32 ~~physically located in the machine or at the location of the~~
33 ~~infrastructure to operate it, and that is used on public trust lands~~
34 ~~or coastal ports. “Automated technology” does not mean equipment~~
35 ~~or infrastructure operated by a human and that produces zero~~
36 ~~emissions or near zero emissions.~~

37 ~~SEC. 2. Section 6302.5 is added to the Public Resources Code,~~
38 ~~to read:~~

39 ~~6302.5. (a) Subject to the availability of resources, the~~
40 ~~commission, in collaboration with the Governor’s Office of~~

1 *Business and Economic Development, shall hold a series of*
2 *meetings at or near California ports that operate on granted public*
3 *trust lands to consider the impacts of automated technology at*
4 *California's ports. The commission shall consider issues including,*
5 *but not limited to, the effects of automated technology on the safety*
6 *of the working environment, the economic impact that results from*
7 *the proposed use of automated technology, and the environmental*
8 *effects of the use of automated technology to state and local*
9 *emission reduction strategies. The commission shall invite all*
10 *interested stakeholders to participate, including port districts,*
11 *public agencies including special districts, labor organizations,*
12 *shipping companies, marine-oriented trade associations, nonprofit*
13 *organizations, and all other groups with a demonstrated interest*
14 *and expertise on the subject. As appropriate, the commission's*
15 *costs may be reduced by in-kind or other contributions from third*
16 *parties.*

17 *(b) The commission shall submit two reports to the Legislature*
18 *on its activities pursuant to this section as follows:*

19 *(1) The first report shall be due on or before July 1, 2021.*

20 *(2) The second report shall be due on or before July 1, 2023.*

21 *(c) A report to be submitted pursuant to subdivision (b) shall*
22 *be submitted in compliance with Section 9795 of the Government*
23 *Code.*

24 *(d) This section shall remain in effect only until December 31,*
25 *2023, and as of that date is repealed.*