



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON

DAN DUNNIGAN

CAROL KLATT

JANET LOCKHART

TIM SMITH

ERIN GARNER–VICE CHAIRPERSON

SCOTT HAGGERTY

PATRICK KWOK

MICHAEL SHIMANSKY

MONDAY
APRIL 23, 2007
9:30 A.M.

FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES

AGENDA

1. **CALL TO ORDER - ROLL CALL**

2. **PUBLIC COMMENT PERIOD**

(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

3. **APPROVAL OF MINUTES OF MARCH 12, 2007**

4. **CONSIDERATION OF NEW BILLS AND CORRESPONDING AGENCY POSITION**

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will present newly-introduced air quality bills for the Committee's deliberation.

5. **UPDATE ON STATUS OF BILLS ON WHICH DISTRICT HAS TAKEN A POSITION**

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will provide an update on the status of bills on which the District has already taken a position.

6. **COMMITTEE MEMBERS' COMMENTS**

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

7. **TIME AND PLACE OF NEXT MEETING:** *At the Call of the Chair*
8. **ADJOURNMENT**

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Wagenknecht and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 12, 2007

Re: Legislative Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of March 12, 2007.

DISCUSSION

Attached for your review and approval are the draft minutes of the March 12, 2007, Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
9:30 a.m., Monday, March 12, 2007

- 1. Call to Order - Roll Call:** Director Brad Wagenknecht called the meeting to order at 9:33 a.m.

Present: Brad Wagenknecht, Chairperson, Carol Klatt, Michael Shimansky, Tim Smith.

Absent: Dan Dunnigan, Erin Garner, Scott Haggerty, Patrick Kwok, Janet Lockhart.

Also Present: Mark Ross, Pamela Torliatt (9:40 a.m.).

- 2. Public Comment Period:** There were none.

- 3. Approval of Minutes of May 22, 2006 and October 19, 2006:** Director Shimansky moved approval of the minutes; seconded by Director Smith; carried without objection.

- 4. Consideration of New Bills and Corresponding Agency Position:** *Staff presented newly-introduced air quality bills for the Committee's deliberation.*

Jack Broadbent, Executive Officer/APCO, introduced the item and stated that there are a considerable number of bills that deal with air quality and climate change. Staff will continue to work with the legislature during the year regarding bills related to wood smoke and other issues that may not be addressed in the list of bills before the Committee today.

Tom Addison, Senior Advanced Projects Advisor, discussed the following 11 new bills and recommended positions for consideration by the Committee.

Bill	Brief Description	Staff Recommendations
AB 218 (Saldana)	Eliminates current loophole allowing vehicle registration without smog certificate without penalty	Support
AB 463 (Huffman)	California Clean Ferry Act of 2007	Support
Bill	Brief Description	Staff

		Recommendations
AB 493 (Ruskin)	Establishes fees and rebates respectively at the time of sale of high and low-emitting new motor vehicles	Support
AB 575 (Arambula)	Prioritizes Proposition 1B air quality bond funding to South Coast and San Joaquin	Oppose
AB 616 (Jones)	Requires annual (instead of biennial) smog checks for cars at least 15 years old currently in the program	Support
AB 846 (Blakeslee)	Clean Marine Fuels Tax Incentive Act	Support
AB 934 (Duvall)	Would prohibit air districts from adopting airborne toxic control measures for non-stationary sources	Oppose
AB 1077 (Lieber)	California Plug-in Hybrid Electric Vehicle Leadership Act of 2007	Support
AB 1209 (Karnette)	Establishes criteria favoring southern California ports for distribution of Prop 1B air quality funds	Oppose
SB 587 (Runner)	Establishes exemptions from air district permit requirements for certain printing, coating, adhesive application, and laminating operations, subject to specified criteria	Oppose
SB 974 (Lowenthal)	Establishes a container fee of \$30 per twenty-foot equivalent unit at LA, Long Beach, and Oakland ports	Support in Concept

Director Pamela Torliatt arrived at 9:40 a.m.

In addition to the positions recommended above, the Committee discussed AB 233 (Jones) - *Children's Breathing Rights Act; makes changes to air penalties and requires air districts to report penalty data to ARB*; and AB 568 (Karnette) - *Requires establishment of Port Community Advisory Committees*. The Committee requested that these bills be watched and is not recommending positions on them to the full Board.

During discussion of SB 974, Mr. Broadbent stated that staff would report back to the Committee on the amount of money that would be generated from the container fees.

Committee Action: Director Shimansky moved that the Committee recommend that the Board of Directors adopt the recommended staff positions on the 11 bills as stated above; seconded by Director Smith; carried unanimously without objection.

5. Update on Proposition 1B Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006: *Staff provided an update on Proposition 1B Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.*

Mr. Broadbent stated that the voters approved Proposition 1B last year and \$1 billion is earmarked for use by the Air Resources Board (CARB). The California Air Pollution Control

Officers Association (CAPCOA) has had discussions regarding the distribution of these funds and to take a position as an organization.

Mr. Addison stated that to-date, the primary focus of the funds would be reducing truck emissions and that less money would go towards ships and harbor craft. With the outlook in the future with increased goods movement by ship, staff endorses a larger portion of the money going towards reduction of ship emissions. Mr. Broadbent added that the District would like to make sure that some of the money comes to the Bay Area. The consensus of the Committee was to make sure the Bay Area would receive some of the money and to possibly advocate a North/South split of the funds.

Committee Action: None. This report provided for information only.

6. **Committee Members' Comments:** There were none.
7. **Time and Place of Next Meeting:** 9:30 a.m., Monday, April 23, 2007 – 939 Ellis Street, San Francisco, CA 94109.
8. **Adjournment:** The meeting was adjourned at 10:52 a.m.

Mary Romaidis
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 16, 2007

Re: Consideration of New Bills and Corresponding Agency Positions

RECOMMENDED ACTION:

Discuss additional bills of air quality significance and recommend Board positions on them.

DISCUSSION

Staff will present to the Committee two new bills, along with recommended positions for the Committee's consideration. The bills are listed below, and copies of the bills are attached.

Policy committees in the Legislature are busily reviewing hundreds of bills, as bills with fiscal impact have to clear their policy committees in their house of origin by April 27th. Non-fiscal bills have until May 11th to be reported out of relevant policy committees.

ANALYSIS

AB 619 is authored by Assemblymember Bill Emmerson (R-Redlands). It establishes a vehicle registration amnesty program for vehicles that have incorrectly reported the elements that determine a vehicle's registration fees and taxes. It is sponsored by the Specialty Equipment Manufacturers Association, a trade association of manufacturers of aftermarket automobile parts.

Unfortunately, a comprehensive investigation by a Deputy Attorney General has found that fraudulent misregistration is rampant in the California hot-rod community. An estimated 70,000 or more vehicles are present in California that have been incorrectly registered to pay less sales tax, reduce annual registration costs, and avoid California's smog check program. By using out-of-state title mills to produce vehicle titles for newer modified hot-rods or kit cars, motorists can then submit this fraudulent title paperwork to the California Department of Motor Vehicles (DMV) to incorrectly state that their vehicle's value is far less than it actually is, as well as to give a pre-1976 year of manufacture. While the vehicle is typically brand new, if it is titled pre-1976, it avoids inspections of its emissions systems. This is a great benefit to vehicle owners who have modified or removed emissions control components, and a great disbenefit to the breathing public.

AB 619 would rely on vehicle owners (who have already committed fraud) to self report to the DMV their vehicles' make, model, and cost. These vehicles, many of which have emissions controls that are modified or missing, tend to be very highly emitting, according to the previously-mentioned investigation. Unfortunately, the legislation is completely silent on the issue of the fraudulently-titled vehicles' smog obligations. By not involving the Bureau of Automotive Repair (and associated smog inspection stations) into this process, staff believe this bill will unfairly exempt many vehicles from smog inspections. (The DMV does not have staff or facilities capable of accurately assessing the engine year or appropriate emissions controls.)

Staff are recommending an ‘**Oppose unless amended**’ position on this measure. If the state chooses to grant amnesty from prosecution for these vehicle owners, staff recommend that the measure be amended to ensure that these vehicles meet all smog check requirements.

SB 509 is authored by Joe Simitian (D-Palo Alto), and addresses formaldehyde emissions from composite wood products. Formaldehyde is a toxic air contaminant, and is present both in ambient and indoor air. Levels indoors are typically four to ten times higher than outdoors, primarily as a result of poor air circulation indoors. In indoor air, the largest formaldehyde source are the resins that are commonly used to hold together pressed wood products such as particleboard, medium-density fiberboard, plywood, and other building materials. The formaldehyde tends to off-gas from these products, particularly when urea-formaldehyde is used as the resin. Other resins have been developed with much lower formaldehyde emissions, in part as a response to formaldehyde emission limits in effect in Japan, Europe, and elsewhere.

The ARB is currently developing regulations to limit formaldehyde emissions from composite wood products. At this time, it is unclear what regulation the ARB Board will adopt, although staff there have proposed a series of phased reductions over time in emissions allowed. Staff are recommending a ‘**Support in concept**’ position on this bill. The Air District has consistently supported legislation to improve indoor air quality, and this bill addresses one of the largest indoor air risks. Staff have discussed the measure with the author’s staff, and have been assured that this bill is not intended to hamper or constrain ARB’s regulatory process. In fact, SB 509 currently does not specify the formaldehyde emission limits that will be required, since ARB has not adopted their regulation. The ‘Support in concept’ recommendation is designed to ensure that ARB has the flexibility needed to adopt a feasible but fair regulation that reduces formaldehyde exposures for Californians in an achievable fashion.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

No direct impact.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 619

Introduced by Assembly Member Emmerson

February 21, 2007

An act to add and repeal Section 9565 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 619, as amended, Emmerson. Vehicle registration amnesty program.

~~Existing~~

(1) Existing law generally requires all vehicles operating upon the highways of this state to be registered and all fees and taxes to have been paid.

This bill would require the Department of Motor Vehicles to develop and administer a vehicle registration amnesty program for vehicles that have been previously registered or ~~incorrectly~~ classified *incorrectly*. A participant in the program would be required to complete an amnesty application with the department, signed under penalty of perjury, by December 31, 2008. Because a violation of this provision would expand the scope of the crime of perjury, this bill would impose a state-mandated local program.

These provisions would be repealed on January 1, 2010.

~~The~~

(2) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. (a) It is the intent of the Legislature in enacting
 2 a vehicle registration amnesty program to improve compliance
 3 with state vehicle registration laws and accelerate and increase
 4 collections of certain owed state fees and taxes.

5 (b) The Legislature finds and declares that a public purpose is
 6 served by the waiver of criminal prosecution in return for the
 7 immediate reporting and payment of previously underreported,
 8 nonreported, or certain nonpaid vehicle registration fees and taxes.
 9 The benefits gained by an amnesty program include, among other
 10 things, accelerated receipt of certain owed fees and taxes,
 11 permanently bringing into the vehicle registration system vehicles
 12 that have been previously misidentified to avoid appropriative
 13 state taxes and fees and providing an opportunity for vehicle
 14 owners to correct their vehicle registration requirements and satisfy
 15 tax and fee obligations before stepped-up vehicle registration
 16 enforcement programs take effect.

17 (c) Further, the legislative intent of enacting this amnesty
 18 program is that the program is a one-time occurrence that shall not
 19 be repeated in the future, because any expectations of future
 20 amnesty programs could have a counterproductive effect on current
 21 compliance.

22 SEC. 2. Section 9565 is added to the Vehicle Code, to read:

23 9565. (a) The department shall develop and administer a
 24 vehicle registration amnesty program for vehicles that have been
 25 previously registered or ~~incorrectly~~ classified *incorrectly*. That
 26 program shall include the following components:

27 (1) The department shall collect all fees and penalties owed for
 28 the underreporting of vehicle value and the nonpayment of taxes
 29 or fees previously determined or proposed to be determined.

30 (2) Except as provided in subdivision (b), a criminal action for
 31 false statements relating to the value, make, model, or a failure to
 32 register the vehicle shall not be brought against a current vehicle
 33 owner who has made a request for amnesty under this section.

1 (b) This section does not apply to violations of this code for
2 which, as of January 1, 2008, either of the following applies:

3 (1) The current vehicle owner is on notice of a criminal
4 investigation by a complaint having been filed against him or her,
5 or by written notice having been mailed to him or her, that he or
6 she is under criminal investigation.

7 (2) A criminal court proceeding involving the vehicle has
8 already been initiated against the current vehicle owner.

9 (c) A vehicle participating in this amnesty program is required
10 to be either of the following:

11 (1) Correctly registered under this code.

12 (2) Issued a certificate of ownership without registration
13 pursuant to Section 4452.

14 (d) To be eligible to participate in this vehicle registration
15 amnesty program, the vehicle's current owner shall do all of the
16 following by December 31, 2008:

17 (1) File a completed amnesty application with the department
18 attesting, under penalty of perjury, to the owner's eligibility to
19 participate in the vehicle registration amnesty program.

20 ~~(A) Has applied~~

21 (2) *Apply* to register the vehicle under existing law or ~~has~~
22 ~~obtained~~ *obtain* a certificate of ownership without registration
23 pursuant to Section 4452.

24 ~~(B) Discloses~~

25 (3) *Disclose* to the department the make, model, and the true
26 cost of the vehicle including parts and labor.

27 ~~(C)~~

28 (4) Pay in full the fees, taxes, and penalties due on the vehicle
29 for which amnesty is requested.

30 (e) *Vehicle license fee revenue derived from the vehicle*
31 *registration amnesty program shall be allocated in the same*
32 *manner as required by Section 11001.5 of the Revenue and*
33 *Taxation Code.*

34 ~~This~~

35 (f) *This* section shall remain in effect only until January 1, 2010
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2010, deletes or extends that date.

38 SEC. 3. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 509

Introduced by Senator Simitian

February 22, 2007

An act to add Section 41713 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Simitian. ~~State Air Resources Board: regulations:~~ *Air pollution*: formaldehyde.

(1) Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, if the state board determines that the regulations are necessary to attain state and federal ambient air quality standards and are commercially and technologically feasible and necessary.

~~This bill would require the state board, notwithstanding that provision, to adopt regulations to require that composite wood products, and the end-use applications for which those products are utilized, that are shipped into or manufactured within this state, comply with an emissions standard equivalent to a European Union standard for formaldehyde emissions prohibit a person from manufacturing, selling, importing, supplying, or distributing for use in the state composite wood products, and the end-use applications for which those products are utilized, unless the wood product and the end-use application comply, no later than January 1, 2009, and no later than January 1, 2011, with successive specified emissions limits. The bill would leave unspecified the emissions limits to be met no later than January 1, 2013.~~

(2) Existing law generally provides that a violation of various laws, rules, and regulations relating to air pollution is a crime.

Because the bill would ~~require the state board to adopt regulations create new emission limits~~, the violation of which would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. (a) In June 2004, the International Agency for
2 Research on Cancer (IARC), a part of the World Health
3 Organization, reclassified formaldehyde as a known human
4 carcinogen based on sufficient evidence in both humans and
5 experimental animals. The IARC Working Group also concluded
6 there is "... strong but not sufficient evidence for a causal
7 relationship between leukemia and occupational exposure to
8 formaldehyde."

9 (b) California has long known formaldehyde to be a danger to
10 humans and in 1992 the Office of Environmental Health Hazard
11 Assessment declared formaldehyde a toxic air contaminant and,
12 "... that formaldehyde be treated as having no safe threshold
13 exposure level below which no significant adverse health impacts
14 are anticipated."

15 (c) In spite of the overwhelming and longstanding concerns
16 over the safety of formaldehyde emissions, there are no regulations
17 regarding these emissions in the United States. The European
18 Union, Japan, and China each have domestic regulations limiting
19 the amount of formaldehyde that can be emitted from these
20 products.

21 (d) The dangers to Californians from exposures to the release
22 of formaldehyde contained in composite wood products in the
23 home environment is of particular concern due to the increased

1 exposures for children, who are especially susceptible to this
2 carcinogenic toxin.

3 ~~SEC. 2. Section 41713 is added to the Health and Safety Code,~~
4 ~~to read:~~

5 ~~41713. Notwithstanding Section 41712, the state board shall~~
6 ~~adopt regulations to require that composite wood products,~~
7 ~~including, but not limited to, hardwood plywood, medium-density~~
8 ~~fiberboard, and particleboard, and the end-use applications for~~
9 ~~which those products are utilized, including, but not limited to,~~
10 ~~kitchen cabinets, casework, and furniture, that are shipped into or~~
11 ~~manufactured within this state, comply with an emissions standard~~
12 ~~equivalent to the European Union E1 Standard for formaldehyde~~
13 ~~emissions.~~

14 ~~SEC. 2. Section 41713 is added to the Health and Safety Code,~~
15 ~~to read:~~

16 ~~41713. (a) Commencing January 1, 2009, a person shall not~~
17 ~~manufacture, sell, import, supply, or distribute for use in the state~~
18 ~~composite wood products, including, but not limited to, hardwood~~
19 ~~plywood, medium-density fiberboard, and particleboard panel,~~
20 ~~and the end-use applications for which those products are utilized,~~
21 ~~including, but not limited to, kitchen cabinets, casework, and~~
22 ~~furniture, unless the wood product and the end-use application~~
23 ~~comply with an emission limit not exceeding 0.08 parts per million~~
24 ~~(ppm) of formaldehyde.~~

25 ~~(b) Commencing January 1, 2011, a person shall not~~
26 ~~manufacture, sell, import, supply, or distribute for use in the state~~
27 ~~composite wood products, including, but not limited to, hardwood~~
28 ~~plywood, medium-density fiberboard, and particleboard panel,~~
29 ~~and the end-use applications for which those products are utilized,~~
30 ~~including, but not limited to, kitchen cabinets, casework, and~~
31 ~~furniture, unless the wood product and the end-use application~~
32 ~~comply with an emission limit not exceeding 0.05 ppm of~~
33 ~~formaldehyde.~~

34 ~~(c) (1) The executive officer of the state board may grant a~~
35 ~~nonrenewable relaxation of the emissions limits described in~~
36 ~~subdivisions (a) and (b) for up to a two-year period for~~
37 ~~particleboard panel and medium-density fiberboard.~~

38 ~~(2) The executive officer may relax the emission limits described~~
39 ~~in subdivisions (a) and (b) only if the executive officer makes both~~
40 ~~of the following findings:~~

1 (A) *Economic hardship for specific sectors of the composite*
2 *wood industry that is based on an inability of a specific sector to*
3 *meet an emission limit.*

4 (B) *The lack of availability of a comparable product that poses*
5 *a lesser hazard to public health and the environment.*

6 (3) *The executive officer shall not lessen the limit described in*
7 *subdivision (a) to above 0.18 ppm for particleboard panel and*
8 *above 0.21 ppm for medium-density fiberboard. The executive*
9 *officer shall not lessen the limit described in subdivision (b) to*
10 *above 0.09 ppm for particleboard panel and above 0.11 ppm for*
11 *medium-density fiberboard.*

12 (d) *Commencing January 1, 2013, a person shall not*
13 *manufacture, sell, import, supply, or distribute for use in the state*
14 *composite wood products, including, but not limited to, hardwood*
15 *plywood, medium-density fiberboard, and particleboard panel,*
16 *and the end-use applications for which those products are utilized,*
17 *including, but not limited to, kitchen cabinets, casework, and*
18 *furniture, unless the wood product and the end-use application*
19 *comply with an emission limit of ____.*

20 (e) *As used in this section, “emission limit” means an allowable*
21 *panel surface emission based on formaldehyde concentration made*
22 *using the American Society for Testing and Materials (ASTM)*
23 *testing method E 1333-96.*

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 15, 2007

Re: Update on Status of Bills on which Air District has Adopted Positions

RECOMMENDED ACTION:

None; informational item.

DISCUSSION

Staff will report to the Committee on the status of the bills on which the Air District has previously adopted positions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

BAAQMD BILL DISCUSSION LIST

April 15, 2007

* Bill significantly amended since District adopted position

BILL NO.	AUTHOR	SUBJECT	AIR DISTRICT, OTHER AGENCY POSITIONS	STATUS
AB 6	Houston	Would require (instead of allow) ARB to adopt market-based programs to implement AB 32		Asm. Nat.Resources
AB 94	Levine	Would increase current goals for renewable electricity production to 33% of total power by 2020		Asm. Nat. Resources
AB 99	Feuer	Expresses legislative intent that 50% of new cars sold in California by 2012 use clean alternative fuels		Asm. Trans.
AB 109	Nunez	Requires ARB to annually report to the Legislature on the implementation of AB 32 of 2006		Asm. Nat.Resources
AB 114	Blakeslee	Requires CEC by 2010 to develop a program to encourage, for industrial sources, containment, scrubbing, and capture technologies for carbon dioxide		Asm. Nat.Resources
AB 118	Nunez	Declares legislative intent for ongoing funding for alternative fuel research, development, and deployment		Asm. Trans.
AB 217	Beall	Would change current annual vehicle license fee to biennial, with total amounts paid not changing		Asm. Rev.& Tax
AB 218	Saldana	Eliminates current loophole allowing vehicle registration without smog certificate without penalty	Air District, MTC Support	Sen. Rules
AB 233	Jones	Children's Breathing Rights Act; makes changes to air penalties and requires air districts to report penalty data to ARB		Asm. Trans.
AB 236	Lieu	Requires maximum use of alternate fuel in flexible fueled state vehicles		Asm. Approps.
AB 242	Blakeslee	States legislative intent that early reducers of carbon emissions be rewarded with credits, in effect promoting a market-based implementation of AB 32		Asm. Nat. Resources

AB 255	DeLeon	Establishes Clean Air and Energy Independence Fund, funded with a \$4 annual increase in fees paid by vehicles less than 7 years old currently exempted from smog check; administered by ARB		Asm. Approps.
AB 294	Adams	States legislative intent to identify sources and reduces levels of manganese particulate matter in the air		Asm. Env. Safety & Toxics
AB 307	Hayashi	Exempts fuel cell transit buses bought by public agencies from sales tax		Asm. Rev.& Tax
AB 391	Lieu	Increases size of SCAQMD Board from 12 to 13; new member from a west side city other than LA		Asm. Loc. Gov.
AB 437	Jones	Authorizes county health officers to assist cities and counties on public health issues relating to land use and transportation planning		Asm. Health
AB 444	Hancock	Authorizes Alameda and Contra Costa congestion management agencies to impose an annual \$10 vehicle registration fee surcharge for congestion mitigation		Asm. Local Gov.
AB 463 *	Huffman	<i>Previously California Clean Ferry Act of 2007; now disabled persons parking measure</i>	Air District Support	Asm. Trans.
AB 493	Ruskin	Establishes fees and rebates respectively at the time of sale of high and low-emitting new motor vehicles	Air District Support	Asm. Approps.
AB 505	Plescia	Income tax credits for hybrid vehicles		Asm. Rev.& Tax
AB 532	Wolk	Requires solar electric installation by 2009 on all state buildings where feasible		Asm. Bus.& Professions
AB 534	Smyth	Increases Bicycle Transportation Account funding		Asm. Approps.
AB 568	Karnette	Requires establishment of Port Community Advisory Committees	Air District Watch	Asm. Trans.
AB 575	Arambula	Prioritizes Proposition 1B air quality bond funding to South Coast and San Joaquin	Air District Oppose	Asm. Nat. Resources
AB 616	Jones	Requires annual (instead of biennial) smog checks for cars at least 15 years old currently in the program	Air District, MTC Support	Asm. Trans.
AB 630	Price	Requires ARB to submit local district waiver request to EPA		Asm. Trans.
AB 631	Horton	Requires new fueling stations by 2010 to be able to provide ethanol (E-85)		Asm. Trans.
AB 657	Jeffries	Spot bill on greenhouse gas emissions		
AB 700	Lieu	ARB study of air pollution from Santa Monica airport		Asm. Trans.

AB 705	Huffman	Requires state regulations for geologic carbon sequestration		Asm. Nat.Resources
AB 712	DeLeon	Bill to provide funding for trash trucks to comply with ARB pending off-road regulations		Asm. Trans.
AB 746	Krekorian	Requires CEC to develop programs to increase the use of natural gas as a transportation fuel		Asm. Utilities & Commerce
AB 747	Levine	Requires ARB to develop regulations to cut carbon in transportation fuels, using market approaches		Asm. Trans.
AB 785	Karnette	Intent bill to reduce urban heat island effects		
AB 829	Duvall	Affects after-market motorcycle parts certified by the ARB and their use		Asm. Floor
AB 842	Jones	States intent to award Prop 1B funds to jurisdictions that have a plan to reduce vehicle miles traveled	MTC Oppose unless amended	Asm.Loc. Govt.
AB 846	Blakeslee	Clean Marine Fuels Tax Incentive Act	Air District Support	Asm. Rev.&Tax
AB 934	Duvall	Would prohibit air districts from adopting airborne toxic control measures for non-stationary sources	Air District Oppose	Asm. Trans.
AB 995	Nava	Spot bill on Prop 1B bond funding of trade corridor and air quality improvements		Asm. Trans.
AB 1077	Lieber	California Plug-in Hybrid Electric Vehicle Leadership Act of 2007	Air District Support	Asm.Utilities & Commerce
AB 1083	Huffman	Tax credits for sale of biodiesel fuel		Asm.Rev.&Tax
AB 1094	Arambula	Tax credits for biodiesel vendors		Asm.Rev.&Tax
AB 1119	Fuller	Affects ARB requirements for particulate traps		Asm.Trans.
AB 1138	Brownley	Requires ARB to resolve questions regarding local AQMD boundaries		Asm.Nat.Res.
AB 1209	Karnette	Establishes criteria favoring southern California ports for distribution of Prop 1B air quality funds	Air District Oppose	Asm.Nat.Res.
AB 1225	DeSaulnier	Requires guidelines on environmental factors to guide state fleet purchases, and local government fleets of more than 100 vehicles		Asm.Bus.& Professions
AB 1350	Nunez	Spot bill on distribution criteria for Prop 1B bond funding		Asm.Trans.
AB 1455	Arambula	Would establish California Air Quality Zones, and allow loans for entities within these areas		Asm.Jobs

AB 1488	Mendoza	Requires by 2009 a pilot program to integrate light-duty diesel vehicles into smog check		Asm. Trans.
AB 1613	Blakeslee	Waste Heat and Carbon Emissions Reduction Act		Asm. Utilities
AB 1651	Alarcon	Tax credits for 'green' businesses acquiring 'green' machinery		Asm. Rev. & Tax
SB 9	Lowenthal	Legislative intent to identify criteria for expenditure of trade corridor funds from Prop 1B		Sen. Trans. & Housing
SB 19	Lowenthal	Legislative intent to identify criteria for expenditure of air quality funds from Prop 1B		Sen. Trans. & Housing
SB 23	Cogdill	Establishes a SJVUAQMD program to replace gross polluters with donated cleaner vehicles		Sen. Env. Quality
SB 70	Florez	Establishes standards for biodiesel and biodiesel blends		Sen. Business & Professions
SB 71	Florez	Requires ARB to administer a program to ensure that diesel vehicles owned by the State, cities, counties, and mass transit districts use B20 biodiesel		Sen. Trans. & Housing
SB 72	Florez	Requires ARB to see that diesel schoolbuses (public and private contractors) use B20 biodiesel		Sen. Env. Quality
SB 73	Florez	Establishes tax credits for producers of biodiesel		Sen. Rev. & Tax
SB 74	Florez	Exempts biodiesel from sales tax		Sen. Rev. & Tax
SB 75	Florez	Requires state diesel vehicles to be warranted to use B20 biodiesel		Sen. Trans. & Housing
SB 140	Kehoe	Requires California diesel to increase its renewable content first to at least 2%, and then to 5%		Sen. Env. Quality
SB 210	Kehoe	Requires ARB to develop a program to reduce carbon content of California transportation fuels by 10% by 2020, and implement a low-carbon fuel standard		Sen. Env. Quality
SB 240	Florez	San Joaquin Valley Clean Air Attainment Program		Sen. Trans. & Housing
SB 247	Ashburn	Greenhouse gas spot bill		
SB 412	Simitian	Spot bill on siting of LNG terminals		
SB 494	Kehoe	Requires ARB to adopt a program so that by 2020 half of new vehicles sold use clean alternative fuels		Sen. Env. Quality

SB 509	Simitian	Requires ARB to adopt regulations to limit formaldehyde emissions from composite wood to EU standards		Sen. Approps.
SB 531	Oropeza	Declares legislative intent to reform regulation of air toxics		
SB 532	Oropeza	Spot bill on port air pollution		
SB 572	Cogdill	Declares legislative intent to consider carbon emissions from wildfire, and forest carbon sequestration		
SB 587	Runner	Establishes exemptions from air district permit requirements for certain printing, coating, adhesive application, and laminating operations, subject to specified criteria	Air District Oppose	Sen.Env.Quality
SB 613	Simitian	Extends sunset of local San Mateo \$4 vehicle registration fee surcharge from 2009 to 2019		Sen. Floor
SB 715	Lowenthal	Spot bill on smog check technical cleanup issues		
SB 719	Machado	Increases SJVUAQMD Board to 15, with 2 Governor's appointees and 5 city council members		Sen.Loc.Govt.
SB 842	Scott	Adds air protective requirements to gasification (conversion of solid waste to fuel)		Sen.Env.Quality
SB 849	Margett	Spot bill on prescribed burning		
SB 857	Correa	Authorizes study of tax credits for air pollution reduction equipment in SCAQMD and SJVUAQMD		
SB 871	Kehoe	Reestablishes through 2012 the expedited review process for new powerplants		Sen.Energy
SB 876	Calderon	Requires ARB to consider economic impacts of diesel fleet rules on small businesses		Sen.Trans.& Housing
SB 886	Negrete McLeod	Ends term limits for South Coast, Sacramento, and Mojave air district board chairs		Sen.Loc.Govt.
SB 974	Lowenthal	Establishes a container fee of \$30 per twenty-foot equivalent unit at LA, Long Beach, and Oakland ports	Air District Support	Sen.Trans.& Housing