



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

TOM BATES – CHAIRPERSON
DAN DUNNIGAN
SCOTT HAGGERTY
MARK ROSS

BRAD WAGENKNECHT – VICE CHAIRPERSON
SUSAN GARNER
CAROL KLATT
MICHAEL SHIMANSKY

MONDAY
MARCH 23, 2009
9:30 a.m.

4TH 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 FEBRUARY 23, 2009

4. CONSIDERATION OF NEW BILLS AND CORRESPONDING AGENCY POSITIONS

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will discuss bills of air quality significance and recommend positions on them.

5. DISCUSSION OF SURVEY RESULTS ON BOARD SIZE AND COMPOSITION

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will discuss survey results from a poll conducted on board size and composition.

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 – 9:30 a.m. – Thursday, April 9, 2009 – 939 Ellis Street San Francisco, CA 94109

8. ADJOURNMENT

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-5127
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 Executive Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94941, at the time such writing is made available to all, or a majority of all members of that body. Such writing may also be posted on the District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

MARCH 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
Joint Policy Committee	Friday	20	10:00 a.m.	MTC Auditorium 101 8 th Street Oakland, CA 94607
Board of Directors Legislative Committee <i>(Meets 2nd Thursday of each Month)</i>	Monday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(Meets 2nd Thursday each Month)</i>	Monday	23	Immediately Following Legislative Cme. Meeting	4 th Floor Conf. Room
Board of Directors Public Outreach Committee <i>(Meets 1st Thursday every other Month)</i>	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday of each month)</i>	Thursday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Standing Committee Meeting Date Under Consideration)</i>	Monday	30	9:30 a.m.	4 th Floor Conf. Room

APRIL 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
Advisory Council Regular Meeting	Wednesday	8	9:00 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 2nd Thursday of each Month)</i>	Thursday	9	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(Meets 2nd Thursday each Month)</i>	Thursday	9	Immediately Following Legislative Cme. Meeting	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
Board of Directors Stationary Source Committee <i>(Meets 3rd Monday Quarterly)</i>	Monday	20	9:30 a.m.	Board Room
Board of Directors Mobile Source Committee <i>– (Meets 4th Thursday of each Month)</i>	Thursday	23	9:30 a.m.	4 th Floor Conf. Room

MAY 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(Meets 1st Thursday every other Month)</i>	Thursday	7	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting	Wednesday	13	9:00 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 2nd Thursday of each Month)</i>	Thursday	14	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(Meets 2nd Thursday each Month)</i>	Thursday	14	Immediately Following Legislative Cme. Meeting	4 th Floor Conf. Room
Joint Policy Committee	Friday	15	10:00 a.m.	MTC Auditorium 101 8 th Street Oakland, CA 94607
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>– (Meets 4th Thursday of each Month)</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room

HL – 3/17/09 (9:57 a.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 16, 2009

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of February 23, 2009.

DISCUSSION

Attached for your review and approval are the draft minutes of the February 23, 2009 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
Monday, February 23, 2009

Call to Order: Chairperson Tom Bates called the meeting to order at 9:30 a.m.

Roll Call: Chairperson Tom Bates, Susan Garner, Scott Haggerty, Carol Klatt, Mark Ross and Michael Shimansky.

Absent: Vice Chairperson Brad Wagenknecht, and Dan Dunnigan.

Public Comments: There were no public comments.

Committee Business:

Approval of Minutes: Director Shimansky moved to approve January 26, 2009 minutes; seconded by Director Ross; carried unanimously without objection.

Committee Discussions:

3. Size of Board of Directors

Staff Comments by Senior Advanced Project Advisor Tom Addison:

- Issue of referred back to the Legislative Committee by the Board of Directors at February 4th meeting.
- Senator DeSaulnier would attempt to submit bill changing board size if consensus develops.

Member Comments: Committee directed staff to poll Board of Directors as follows:

- No change.
- Cap the size of the Board of Directors at 22 members regardless of population growth.
- Grandfather current structure, allow for growth to occur at higher thresholds of 350,000, 800,000, and 1.2 million. Under this scenario, no county's current number of representatives would be reduced.
- Propose alternate option.

Other Business:

Staff Comments by Senior Advanced Project Advisor Tom Addison:

- February 27, 2009 was deadline for bills to be introduced in print.
- Senator Lowenthal and Assembly Member Hill interested in pursuing separate port emissions reductions bills.
- At March 23, 2009 Legislative Committee meeting, staff plans to submit air quality, land use, and congestion pricing bills.

Member Comments: Requested staff to schedule meetings with duplicate members on same dates, if possible.

Next Meeting: 9:30 a.m., Monday, March 23, 2009
939 Ellis Street, 4th floor conference room

Adjournment: Meeting adjourned at 9:58 a.m.

Lisa Harper
Clerk of the Boards

Edited by Kathleen Wilson

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 16, 2009

Re: Consideration of New Bills and Corresponding Agency Positions

RECOMMENDED ACTION:

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

DISCUSSION

The bill introduction deadline this year was February 27th, and California's 120 legislators have responded with close to 2,500 new bills. Given the State's financial situation, the legislative leaders had urged restraint on their members, and thus the total number of introduced bills is lower than it has been in recent years. On the other hand, air quality appears to be a particularly popular subject area for legislation this year. Staff have prepared the attached list of air quality measures, and can answer questions from the Committee about these bills. In addition to the listed bills, there are a very large number of measures dealing with the renewable portfolio standard, renewable energy production generally, and green technology and jobs.

Of the listed bills, staff have selected those presented below for more extensive discussion by the Committee.

ANALYSES

AB 28 is authored by Assemblymember Kevin Jeffries (R-Riverside). It would prohibit air districts from restricting the use of natural gas engines used to pump water. Many water districts use such engines to move water between storage facilities or from pumping stations. Such stationary engines are subject to permit by the local air district. The author, and the sponsoring water districts, are concerned about some air district regulations, particularly in the South Coast, that would require some of these engines to be electric. While natural gas engines generally offer significant environmental benefits compared to diesel engines, electric engines are generally preferable from an emissions perspective. Staff recommend an "**Oppose**" position on this bill, because of its arbitrary limitation of our ability to call for stringent emissions control standards.

AB 118 is authored by Assemblymember Dan Logue (R-Chico). It would repeal the California Global Warming Solutions Act of 2006, commonly called AB 32. The measure does not state a rationale for the repeal. However, some comments by the

Assemblymember at an Assembly Natural Resources Committee hearing on March 9th on the implementation of AB 32 can be used to surmise such a rationale. Assemblymember Logue expressed his belief that the current economic climate was not foreseen in 2006 when AB 32 was adopted. Furthermore, the poor economic climate means that costly regulations on issues that have not been proven to be problems are particularly untimely. Staff note that the District supported AB 32, and are thus recommending an “**Oppose**” position on this measure.

AB 318 is authored by Assemblymember Bill Emmerson (R-Redlands). It deals with motorists who have registered their vehicles incorrectly, most of whom have done so to avoid California’s smog check program. An Attorney General investigation into fraudulent registrations uncovered a large number of vehicles that had their emissions controls tampered with, and that these vehicles were being registered with incorrect model years to avoid all smog inspections. Last year, the same author passed a measure, after amending the bill to address all concerns expressed by the District, to set up an amnesty program for these vehicles. The conditions for receiving amnesty are that the vehicle owners are required to pay all back registration fees and taxes they should have paid, and that they meet current smog standards on these vehicles. This amnesty program thus has the potential of transforming gross emitters into very clean vehicles, and would be a statewide air quality benefit. This year’s measure would simply clarify that all the costs of the smog inspection required for amnesty are to be borne by the vehicle’s owner. Staff are recommending a “**Support**” position on this measure, which is consistent with the ‘polluter pays’ principle and the intent of last year’s amnesty bill.

AB 859 is authored by Assemblymember Dave Jones (D-Sacramento). It is identical to AB 616 (from the same author) in the last session, which the District supported. This bill is sponsored by the Sacramento Metropolitan Air Quality Management District. It would implement a suggestion from the Inspection and Maintenance Review Committee, who are appointed by the Governor to advise the Legislature on California’s smog check program. Their analysis indicates that this measure would result in reductions of roughly 20 tons of ozone precursors (primarily volatile organic compounds) daily. Currently, cars in California that are subject to the inspection are required to be smogged every other year, or at the time they are sold. Thus, if a vehicle’s emissions are malfunctioning, it can be two years before the owner realizes they have a problem. AB 859 would require that older vehicles that are subject to the program be inspected every year. The existing Consumer Assistance Program, designed to offset the cost to low-income motorists of repairing faulty vehicles, would continue to apply to these vehicles. Staff recommend a “**Support**” position.

AB 892, authored by Warren Furutani (D-Long Beach), deals with the funding air districts distribute from Proposition 1B’s Goods Movement Emission Reduction Program. Specifically, it fixes an unintended consequence of how the proposition was drafted. Generally, these funds are used to accelerate the cleanup of diesel engines used in goods distribution. Air districts award funding to cost-effective projects with significant air quality benefits. Currently, if a project sponsor has to abandon a project (for example, if they are unable to obtain particulate filters promised by an emissions controls manufacturer), the funding reverts to the State’s general fund, and no emission reductions are achieved. This bill simply allows such funding to go to another emission reduction project instead. This bill was drafted by air districts, working together through

the California Air Pollution Control Officers Association. Staff recommend a “**Support**” position.

AB 1135 is authored by Nancy Skinner (D-Berkeley). It simply would have vehicle owners report their odometer reading to the Department of Motor Vehicles on their annual registration paperwork. Last year, the District supported SB 375 (Steinberg), which essentially sets greenhouse gas targets for the different regions of the state, and requires regions to adopt a Sustainable Communities Strategy to achieve these targets. These targets are based on the vehicle miles traveled (VMT) in the region, although currently no comprehensive, consistent VMT database exists. The Metropolitan Transportation Commission has already adopted a ‘Support in Concept’ position on this bill, and sees it as necessary for consistent SB 375 implementation. This bill would create a statewide annually updated VMT database, allowing regions to track changes in vehicle use and helping them finetune their Sustainable Communities Strategy.

Because roughly 40% of total greenhouse gas emissions are tied to transportation, the bill will also allow the Air Resources Board (ARB) to more accurately assess how it is doing with our AB 32 goals. It also will provide better inventory data for the District as we track motor vehicle emissions and their impacts on the region’s air quality. Finally, improved VMT data has long been sought by the regional transportation planning agencies as they use this data in their travel planning process and models. Staff note that the bill is drafted to protect individual privacy by not linking vehicle owners’ names to their VMT data. Staff recommend a ‘**Support**’ position.

AB 1186 is authored by Bob Blumenfield (D-Van Nuys). It would close a loophole that has long made California’s parking cashout law relatively ineffective. The bill would specifically require that those who lease larger nonresidential buildings and associated parking separate the cost of the building from the parking in the lease. This would be beneficial to air quality primarily because of a state law passed roughly 15 years ago. The existing law applies only to large employers who lease parking, offer that parking to their employees without charge, and who can reduce the amount of parking they lease without penalty. For this rather narrow set of employers (perhaps only 12% of all large employers, according to an earlier study by the Legislative Analyst’s Office), the existing parking cashout law requires them to offer their employees either the parking or its cash value. Not surprisingly, many employees choose the cash option, and switch to carpool or transit, cutting emissions from driving alone. Because today many property owners do not differentiate the parking costs from building costs in their leases, the law only applies to roughly 3% of large employers. Thus, this bill should increase parking cashout emissions roughly four-fold. Staff recommend a ‘**Support**’ position.

SB 435 is authored by Senator Fran Pavley (D-Agoura Hills). It would include motorcycles manufactured after 2000 in the Smog Check program. The ARB has estimated that this would result in statewide emissions reductions of roughly five tons of ozone precursors per day. Staff note that this estimate was done prior to the significant fuel price increases of the last several years. These price increases sharply increased motorcycle useage and sales. Thus, staff believe that this estimate will be revised upward to reflect substantially higher motorcycle emissions. Surprisingly, motorcycles have much less stringent emissions controls than motor vehicles. Their emissions per mile driven are typically an order of magnitude more than the emissions of a passenger car. ARB’s mobile source enforcement program has also uncovered very high rates of

tampering with emissions control equipment in the motorcycle community. While some of the emissions tampering is done to improve the bikes' performance, some is done to increase the noise the bikes make. Thus, this bill would cut both noise pollution and air pollution. Motorcycles can not be tested on the dynamometers, or treadmills, found in Smog Check's enhanced inspection areas. They can be visually checked, to ensure that emissions control hardware is in place, and they can have tailpipe testing. The bill would have the Bureau of Automotive Repair, in conjunction with the ARB, determine the best testing protocol for motorcycles. Staff recommend a **'Support'** position for this bill.

SB 554 is authored by Senator Dennis Hollingsworth (R-Murrietta). This short, simple bill would prohibit air districts from restricting in any way the operation or installation of wood-burning equipment. It would repeal the woodsmoke rules across the State, including the rule in this district. Because staff believe that the fine particles emitted from woodburning are a serious public health issue, staff recommend an **'Oppose'** position on this measure.

SB 632 is authored by Senator Alan Lowenthal (D-Long Beach), and applies to the three container ports in the State. It would require these ports (Los Angeles, Long Beach, and Oakland) to assess their infrastructure and air quality improvement needs. They would be required to provide these reports to the Legislature by July 1, 2010. The reports would have to include funding options for addressing these needs. Staff recommend a **'Support'** position on this bill.

SB 728 is also authored by Senator Lowenthal, and is another bill on the subject of parking cashout. Historically, the ARB has not done much in the way of outreach to employers to inform them of their obligations under the existing parking cashout legislation, or much in the way of enforcement. This bill would clarify that those who violate the law are subject to ARB's civil penalty authority. Additionally, it would allow interested cities, counties, and air districts to pursue additional compliance strategies and penalties to help ensure that the existing law is complied with. Staff believe this bill would be a nice complement to AB 1186, and recommend a **'Support'** position.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean R. Roggenkamp

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Jeffries

December 1, 2008

An act to add Section 40722 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as introduced, Jeffries. Natural gas engines: water pumps.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would prohibit air pollution control districts and air quality management districts from restricting the use of engines powered by natural gas by a city, county, or special district, including a water district, to operate water pumps.

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

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

- 1 SECTION 1. Section 40722 is added to the Health and Safety
- 2 Code, to read:

1 40722. A district shall not restrict the use of engines powered
2 by natural gas by a city, county, or special district, including a
3 water district, to operate water pumps.

O

ASSEMBLY BILL

No. 118

Introduced by Assembly Member Logue

January 15, 2009

An act to repeal Division 25.5 (commencing with Section 38500) of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 118, as introduced, Logue. California Global Warming Solutions Act of 2006.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions.

This bill would repeal the California Global Warming Solutions Act of 2006.

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. Division 25.5 (commencing with Section 38500)
- 2 of the Health and Safety Code is repealed.

O

ASSEMBLY BILL

No. 318

Introduced by Assembly Member Emmerson

February 18, 2009

An act to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 318, as introduced, Emmerson. Bureau of Automotive Repair: inspection fees.

Existing law requires the Department of Motor Vehicles to develop and administer a vehicle registration amnesty program, which to be in effect from January 1, 2010, until December 31, 2010, for vehicles that were previously registered or classified incorrectly and that, pursuant to the program, become correctly registered. Existing law requires the department to grant amnesty to a vehicle owner if specified conditions are met by December 31, 2010.

This bill would authorize the Bureau of Automotive Repair to charge a vehicle owner who participates in this amnesty program a fee for each referee station inspection conducted pursuant to these provisions. The bill would require that the fee be sufficient to cover the actual costs of performing the inspection.

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. Section 4750.1 of the Vehicle Code is amended
- 2 to read:

1 4750.1. (a) If the department receives an application for
 2 registration of a specially constructed passenger vehicle or pickup
 3 truck after it has registered 500 specially constructed vehicles
 4 during that calendar year pursuant to Section 44017.4 of the Health
 5 and Safety Code, and the vehicle has not been previously
 6 registered, the vehicle shall be assigned the same model-year as
 7 the calendar year in which the application is submitted, for
 8 purposes of determining emissions inspection requirements for
 9 the vehicle.

10 (b) (1) If the department receives an application for registration
 11 of a specially constructed passenger vehicle or pickup truck that
 12 has been previously registered after it has registered 500 specially
 13 constructed vehicles during that calendar year pursuant to Section
 14 44017.4 of the Health and Safety Code, and the application requests
 15 a model-year determination different from the model-year assigned
 16 in the previous registration, the application for registration shall
 17 be denied and the vehicle owner is subject to the emission control
 18 and inspection requirements applicable to the model-year assigned
 19 in the previous registration. ~~For~~

20 (c) (1) ~~For a vehicle that participated~~ *participating* in the
 21 amnesty program *in effect from January 1, 2010, until December*
 22 *31, 2010*, pursuant to Section 9565, the model-year of the previous
 23 registration shall be the calendar year of the year in which the
 24 vehicle owner applied for amnesty. However, a denial of an
 25 application for registration issued pursuant to this subdivision does
 26 not preclude the vehicle owner from applying for a different
 27 model-year determination and application for registration under
 28 Section 44017.4 of the Health and Safety Code in a subsequent
 29 calendar year.

30 (2) *The Bureau of Automotive Repair may charge the vehicle*
 31 *owner who applies to participate in the amnesty program a fee for*
 32 *each referee station inspection conducted pursuant to Section*
 33 *9565. The fee shall be sufficient to cover the actual costs of*
 34 *performing the inspection.*

ASSEMBLY BILL

No. 859

Introduced by Assembly Member Jones

February 26, 2009

An act to amend Sections 44062.1 and 44094 of, and to add Section 44012.7 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 859, as introduced, Jones. Smog check: annual inspection: repair assistance program.

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The smog check program provides for the inspection of a motor vehicle, among other circumstances, upon its registration, upon transfer of ownership, and for vehicles registered in certain areas of the state, biennially. Some motor vehicles, including any motor vehicle manufactured prior to the 1976 model year, are exempt from biennial inspection. The department is required to charge a fee to a smog check station for each motor vehicle inspection, as provided. Violations of the smog check requirements constitute a crime.

Existing law creates the High Polluter Repair or Removal Account, and makes available, upon appropriation by the Legislature, all money in the account to the State Air Resources Board and the department to establish and implement a program for the repair or replacement of high polluting motor vehicles.

This bill would require the department to incorporate the annual inspection of motor vehicles that are models which are 15 years old or greater into the motor vehicle inspection and maintenance program by

January 1, 2010, and would require funds generated through additional inspection fees to be deposited into the High Polluter Repair or Removal Account.

By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The bill would exempt all vehicles not subject to biennial inspection, and vehicles or classes of vehicles determined by the department to be likely to pass the annual inspection.

(2) Existing law provides for a repair assistance program available to an individual whose maximum income level is 185% of the federal poverty level and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility. Existing law provides that the department may increase its contribution toward the repair of a motor vehicle in excess of \$450, if the department determines that the expenditure is cost effective.

This bill would increase this amount to \$750. The bill would make the repair assistance program only available to low-income individuals, and would change the maximum income level to 300% of the federal poverty level. The bill would make other conforming changes, and delete obsolete provisions of law.

(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. Section 44012.7 is added to the Health and Safety
- 2 Code, to read:
- 3 44012.7. (a) The department shall incorporate the annual
- 4 inspection of motor vehicles that are models which are 15 years
- 5 old or greater into the motor vehicle inspection and maintenance
- 6 program by January 1, 2010.
- 7 (b) All funds generated through additional inspection fees shall
- 8 be deposited into the High Polluter Repair or Removal Account
- 9 created by Section 44091.

1 (c) The department shall develop a vehicle emissions profile
2 that identifies vehicles or classes of vehicles that are likely to pass
3 annual inspection. The department shall revise this profile annually.

4 (d) Both of the following are exempt from the annual inspection:

5 (1) All vehicles not subject to biennial inspection, including
6 vehicles exempted by Section 44011.

7 (2) All vehicles or classes of vehicles determined by the
8 department to be likely to pass the annual inspection pursuant to
9 subdivision (c).

10 SEC. 2. Section 44062.1 of the Health and Safety Code is
11 amended to read:

12 44062.1. (a) The department shall offer a repair assistance
13 program through entities authorized to perform referee functions.

14 ~~(b) (1) The repair assistance program shall be available to the~~
15 ~~following eligible individuals:~~

16 ~~(A) An individual~~

17 ~~(b) (1) The repair assistance program shall be available to an~~
18 ~~individual who has a maximum income level of 200 percent of the~~
19 ~~federal poverty level, as published quarterly in the Federal Register~~
20 ~~by the Department of Health and Human Services is a low-income~~
21 ~~motor vehicle owner, and who is either or both of the following:~~

22 ~~(i)~~

23 ~~(A) The owner of a motor vehicle that has failed a smog check~~
24 ~~inspection.~~

25 ~~(ii)~~

26 ~~(B) The owner of a motor vehicle who was issued a notice to~~
27 ~~correct for an alleged violation of Section 27153 or 27153.5 of the~~
28 ~~Vehicle Code involving that vehicle, if the vehicle subject to that~~
29 ~~notice has failed a smog check inspection subsequent to receiving~~
30 ~~the notice.~~

31 ~~On and after January 1, 2009, the maximum income level~~
32 ~~prescribed for this subparagraph shall be set at 185 percent of the~~
33 ~~federal poverty level, as published quarterly in the Federal Register~~
34 ~~by the United States Department of Health and Human Services.~~

35 ~~(B) An individual who is the owner of a motor vehicle that has~~
36 ~~failed a smog check inspection and is directed to a test-only facility~~
37 ~~pursuant to Section 44010.5 or 44014.7. If the department~~
38 ~~determines that applications for repair assistance exceed the amount~~
39 ~~of funds available, to the maximum extent possible, applications~~

1 from low-income motor vehicle owners shall be given priority
 2 over other applications.

3 (2) The department shall offer repair cost assistance, funded by
 4 the High Polluter Repair or Removal Account in the Vehicle
 5 Inspection and Repair Fund created pursuant to subdivision (a) of
 6 Section 44091, to individuals based on the cost-effectiveness and
 7 air quality benefit of the needed repair. Repair assistance may
 8 include retesting costs and the costs of repairs to remedy the
 9 violation of Section 27153 or 27153.5 of the Vehicle Code.

10 (3) An applicant for repair assistance shall file an application
 11 on a form prescribed by the department, and shall certify under
 12 penalty of perjury that the applicant meets the applicable eligibility
 13 standards.

14 (4) Verification of income eligibility shall be based on at least
 15 one form of documentation, as determined by the department,
 16 including, but not limited to, (A) an income tax return, (B) an
 17 employment warrant, or (C) a form of public assistance
 18 verification.

19 (c) The repair assistance program shall be funded by the High
 20 Polluter Repair or Removal Account.

21 (d) Repairs to motor vehicles that fail smog check inspections
 22 and are subsidized by the state through the program shall be
 23 performed at a repair station licensed and certified pursuant to
 24 Sections 44014 and 44014.2. ~~Repair Repairs~~ shall be based upon
 25 a preapproved list of repairs for cost-effective emission reductions
 26 or repairs to remedy a violation of Section 27153 or 27153.5 of
 27 the Vehicle Code.

28 (e) The qualified low-income motor vehicle owner receiving
 29 repair assistance pursuant to this section shall contribute a
 30 copayment, as determined by the department as specified in Section
 31 44017.1, either in cash, or in emissions-related partial repairs as
 32 verified by a test-only station pursuant to paragraph (2) of
 33 subdivision (c) of Section 44015, or a combination thereof. ~~For~~
 34 ~~an owner of a motor vehicle described in subparagraph (B) of~~
 35 ~~paragraph (1) of subdivision (b), the department shall impose a~~
 36 ~~copayment at least equivalent to the amount imposed on a~~
 37 ~~low-income individual receiving assistance under this section.~~ If
 38 the repair cost exceeds the applicable repair cost limit, the
 39 department shall inform a motor vehicle owner of all options for
 40 compliance at the time of testing and repair.

1 (f) The department may increase its contribution toward the
2 repair of a motor vehicle under this program in excess of the
3 amount authorized for the repair of a ~~high-polluter~~ *high polluter*
4 pursuant to paragraph (1) of subdivision (b) of Section 44094, if
5 the department determines that the expenditure is ~~cost-effective~~
6 *cost effective*. In determining the cost effectiveness of the
7 expenditure, the department shall consider a failure of the visible
8 smoke test, pursuant to Section 44012.1, and the costs associated
9 with repairing a smoking vehicle.

10 ~~(g) Notwithstanding subparagraph (A) of paragraph (1) of~~
11 ~~subdivision (b), the department may increase the maximum income~~
12 ~~level of a low-income motor vehicle owner under this program~~
13 ~~from the amount specified in this section, not to exceed 225 percent~~
14 ~~of the federal poverty level, if the department determines that the~~
15 ~~increase is capable of being supported within existing budget~~
16 ~~allocations.~~

17 ~~(h)~~

18 (g) The department shall collect data from the program to
19 provide information on how to improve the program. Data
20 collection shall include all of the following:

21 (1) The number of motor vehicle owners that are eligible for
22 repair assistance.

23 (2) The number of eligible motor vehicle owners that use repair
24 assistance funds.

25 (3) The potential for fraud.

26 (4) The average repair bills.

27 (5) The types of repairs being done.

28 (6) The amount of partial repairs done prior to receipt of repair
29 assistance.

30 (7) The emissions benefits of providing repair assistance.

31 ~~(i)~~

32 (h) For purposes of this section, “low-income motor vehicle
33 owner” means a person whose income does not exceed ~~200~~ *300*
34 percent of the federal poverty level, *as published quarterly in the*
35 *Federal Register by the Department of Health and Human Services.*

36 SEC. 3. Section 44094 of the Health and Safety Code is
37 amended to read:

38 44094. (a) Participation in the high polluter repair or removal
39 program specified in this article and Article 10 (commencing with
40 Section 44100) shall be voluntary and shall be available to the

1 owners of high polluters that are registered in an area that is subject
2 to an inspection and maintenance program, have been registered
3 for at least 24 months in the district where the credits are to be
4 applied and, are presently operational, and meet other criteria, as
5 determined by the department.

6 (b) The program shall provide for both of the following:

7 (1) As to the repair of a high polluter, payment to the owner of
8 up to 80 percent of the total cost of repair, as determined by the
9 department, but the payment shall not exceed ~~four~~ *seven* hundred
10 fifty dollars ~~(\$450)~~ *(\$750)*.

11 (2) As to the removal of a high polluter, the program shall be
12 subject to Article 10 (commencing with Section 44100).

13 (c) Except as provided in Section 44062.3, the department may
14 specify the amount of money that may be paid to an owner of a
15 high-polluting motor vehicle who voluntarily retires the vehicle.
16 The amount paid by the department shall be based on the
17 cost-effectiveness and the air quality benefit of retiring the vehicle,
18 as determined by the department.

19 (d) The department may authorize participation in the program
20 based on a reasonable estimate of the future revenues that will be
21 available to the program.

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

ASSEMBLY BILL

No. 892

Introduced by Assembly Member Furutani

February 26, 2009

An act to amend Section 39626.5 of the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 892, as introduced, Furutani. Goods Movement Emission Reduction Program.

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of general obligation bonds for various transportation-related purposes, including reducing emissions and improving air quality in trade corridors. The State Air Resources Board is required to allocate the funds to be used for air quality purposes pursuant to specified requirements. No project can be funded unless the project is sponsored by an applicant, as defined. Returned funds or unspent funds from obligated contracts received by the applicant prior to the end of a requirement to liquidate funds within 4 years of the date of the award of a contract between the applicant and a contractor revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature.

This bill would authorize the applicant to reallocate these funds to backup projects covered by the same grant agreement, or these funds revert to the state board for reallocation consistent with guidelines to be developed by the state board. Funds reallocated either by the applicant

or the state board must be liquidated within 4 years of the date of the award of the original contract, or the funds revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature.

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

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

1 SECTION 1. Section 39626.5 of the Health and Safety Code
 2 is amended to read:
 3 39626.5. (a) A project shall not be funded pursuant to this
 4 chapter unless both of the following requirements are met:
 5 (1) The project is sponsored by an applicant.
 6 (2) The project is consistent with any comprehensive local or
 7 regional plans or strategies to reduce emissions from goods
 8 movement activities in its jurisdiction.
 9 (b) Notwithstanding Section 16304.1 of the Government Code,
 10 an applicant receiving funds pursuant to this chapter shall have up
 11 to two years from the date that the funds are allocated to the
 12 applicant to award the contract for implementation of the project,
 13 or the funds shall revert to the California Ports Infrastructure,
 14 Security, and Air Quality Improvement Account for allocation as
 15 provided in paragraph (2) of subdivision (c) of Section 8879.23
 16 of the Government Code upon appropriation by the Legislature.
 17 Funds not liquidated within four years of the date of the award of
 18 the contract between the applicant and the contractor shall revert
 19 to the California Ports Infrastructure, Security, and Air Quality
 20 Improvement Account for allocation as provided in paragraph (2)
 21 of subdivision (c) of Section 8879.23 of the Government Code
 22 upon appropriation by the Legislature. Returned funds or unspent
 23 funds from obligated contracts received by the applicant prior to
 24 the end of the *four-year* liquidation period *may be reallocated by*
 25 *the applicant to fund other projects listed in the same contract*
 26 *award, or shall be returned to the state board for reallocation by*
 27 *the state board pursuant to guidelines developed and adopted by*
 28 *the state board through a public process. These guidelines shall*
 29 *give first priority to projects that are both in the same emission*
 30 *source category and in the same trade corridor as the original*
 31 *project, and second priority to projects that are only in the same*

1 *trade corridor as the original project. All funds reallocated either*
2 *by the applicant or the state board shall be liquidated within four*
3 *years of the date of the award of the original contract. Funds not*
4 *liquidated within these four years shall revert to the California*
5 *Ports Infrastructure, Security, and Air Quality Improvement*
6 *Account for allocation provided in paragraph (2) of subdivision*
7 *(c) of Section 8879.23 of the Government Code upon appropriation*
8 *by the Legislature.*

9 (c) Of the amount appropriated in Item 3900–001–6054 of the
10 Budget Act of 2007, not more than twenty-five million dollars
11 (\$25,000,000) shall be available to the state board for the purpose
12 of executing grant agreements directly with ports, railroads, or
13 local air districts for eligible projects to achieve the earliest possible
14 health risk reduction from the emission sources identified in
15 subdivision (c) of Section 39625.1. It is the intent of the Legislature
16 that funds allocated pursuant to this subdivision be distributed
17 pursuant to the guidelines adopted by the state board under Section
18 39626, and that the *state* board provide sufficient opportunity for
19 the public to review and comment on any projects proposed to be
20 funded pursuant to this subdivision.

ASSEMBLY BILL

No. 1135

Introduced by Assembly Member Skinner

February 27, 2009

An act to amend Section 4602 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as introduced, Skinner. Vehicles: registration renewal.

Existing law requires an owner of a vehicle to submit an application for renewal of a vehicle registration to the Department of Motor Vehicles no later than midnight of the expiration date.

This bill would require the owner of a vehicle, upon application for renewal of a vehicle registration, to report the current odometer reading of the vehicle. The bill would require that information, except for the name of the vehicle owner, to be public information.

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) To assist in achieving California's climate change policy
- 4 objectives as these relate to the state's transportation planning
- 5 goals, it is evident that better information about greenhouse gas
- 6 emissions from motor vehicles will be essential.
- 7 (b) The current use of estimates and models for measuring the
- 8 miles driven and the resulting emissions from those miles driven

1 have been historically useful, but are considered generally
2 inadequate for providing the specific transportation needs of the
3 future.

4 (c) More accurate data about vehicle-miles-traveled—the
5 mileage driven annually by Californians—would provide essential
6 information to guide local transportation and land use planning.
7 Location of transit corridor improvements, light rail, bicycle paths,
8 and high-occupancy freeway lanes now depend on the estimates
9 done by various state agencies, but all of these projects would
10 benefit from more accurate data. Better data would also provide
11 more consistent local and statewide estimates for transportation
12 planning, city planning, and air quality planning efforts. The data
13 would be essential in establishing long-term, historical trends in
14 vehicle use, traffic congestion, energy consumption, and air quality
15 measures, including ozone precursor pollutants and greenhouse
16 gases.

17 (d) Mobile source emissions estimates would be improved due
18 to the detailed information on vehicle-miles traveled by vehicle
19 age. Newer vehicles tend to be cleaner, yet are driven more than
20 older vehicles. This data would be of critical importance to the
21 State Air Resources Board and local air districts in monitoring
22 fleet turnover, and the efficacy of tailpipe controls in reducing
23 criteria pollutants and greenhouse gases.

24 (e) Transportation planning models would be improved due to
25 detailed information on vehicle-miles traveled by neighborhood
26 for each registered vehicle. Vehicles owned by urban households
27 tend to be driven less than vehicles owned in suburban and rural
28 neighborhoods. This consistent statewide database would be critical
29 in identifying trends in vehicle usage in the rural, suburban, and
30 urban neighborhoods in California.

31 SEC. 2. Section 4602 of the Vehicle Code is amended to read:

32 4602. (a) Application for renewal of a vehicle registration
33 shall be made by the owner not later than midnight of the expiration
34 date, and shall be made by presentation of the registration card
35 last issued for the vehicle or by presentation of a potential
36 registration card issued by the department for use at the time of
37 renewal and by payment of the full registration year fee for the
38 vehicle ~~as provided in this code~~. If the registration card and
39 potential registration card are unavailable, a fee as specified in
40 Section 9265 shall not be paid.

- 1 *(b) At the time of application for renewal of a vehicle*
- 2 *registration, the owner shall report the current odometer reading.*
- 3 *This information, except for the name of the vehicle owner, shall*
- 4 *be public information.*

O

ASSEMBLY BILL

No. 1186

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to add Section 43846 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1186, as introduced, Blumenfield. Employee parking.

Existing law requires, in any air basin designated as nonattainment for certain air quality standards, an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program, as provided.

This bill would require a lessor of a nonresidential building, located within such an air basin, that offers parking to tenants of the building to list the parking costs as a separate line item in all lease agreements. The bill would make this requirement applicable only to a nonresidential building that has a maximum occupancy of 50 or more persons.

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

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

- 1 SECTION 1. Section 43846 is added to the Health and Safety
- 2 Code, to read:
- 3 43846. (a) The lessor of a nonresidential building, located
- 4 within an air basin designated as a nonattainment area pursuant to
- 5 Section 39608, that offers parking to tenants of the building shall
- 6 list the parking costs as a separate line item in all lease agreements.

- 1 (b) This section applies only to a nonresidential building that
- 2 has a maximum occupancy of fifty or more persons.

O

Introduced by Senator PavleyFebruary 26, 2009

An act to amend Section 44011 of, and to add Section 44012.5 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 435, as introduced, Pavley. Smog check program: motorcycles.

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs, that provides for the inspection of motor vehicles upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts from biennial inspection all motorcycles until the department implements test procedures applicable to motorcycles. Violations of smog check requirements are a crime.

This bill would require the department to include model-year 2000 and newer motorcycles in the smog check program beginning January 1, 2012.

Because violations of smog checks for motorcycles would be a crime, this bill would impose a state-mandated local program.

(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. Section 44011 of the Health and Safety Code, as
2 added by Section 3 of Chapter 739 of the Statutes of 2007, is
3 amended to read:

4 44011. (a) All motor vehicles powered by internal combustion
5 engines that are registered within an area designated for program
6 coverage shall be required biennially to obtain a certificate of
7 compliance or noncompliance, except for the following:

8 (1) All motorcycles ~~until the department, pursuant to Section~~
9 ~~44012, implements test procedures applicable to motorcycles~~
10 *manufactured prior to the 2000 model-year.*

11 (2) All motor vehicles that have been issued a certificate of
12 compliance or noncompliance or a repair cost waiver upon a change
13 of ownership or initial registration in this state during the preceding
14 six months.

15 (3) All motor vehicles manufactured prior to the 1976
16 model-year.

17 (4) (A) Except as provided in subparagraph (B), all motor
18 vehicles four or less model-years old.

19 (B) Beginning January 1, 2005, all motor vehicles six or less
20 model-years old, unless the state board finds that providing an
21 exception for these vehicles will prohibit the state from meeting
22 the requirements of Section 176(c) of the federal Clean Air Act
23 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
24 respect to the state implementation plan required by the federal
25 Clean Air Act.

26 (C) All motor vehicles excepted by this paragraph shall be
27 subject to testing and to certification requirements as determined
28 by the department, if any of the following apply:

29 (i) The department determines through remote sensing activities
30 or other means that there is a substantial probability that the vehicle
31 has a tampered emission control system or would fail for other
32 cause a smog check test as specified in Section 44012.

33 (ii) The vehicle was previously registered outside this state and
34 is undergoing initial registration in this state.

35 (iii) The vehicle is being registered as a specially constructed
36 vehicle.

1 (iv) The vehicle has been selected for testing pursuant to Section
2 44014.7 or any other provision of this chapter authorizing
3 out-of-cycle testing.

4 (D) This paragraph does not apply to diesel-powered vehicles
5 *or motorcycles*.

6 (5) In addition to the vehicles exempted pursuant to paragraph
7 (4), any motor vehicle or class of motor vehicles exempted pursuant
8 to subdivision (b) of Section 44024.5. It is the intent of the
9 Legislature that the department, pursuant to the authority granted
10 by this paragraph, exempt at least 15 percent of the lowest emitting
11 motor vehicles from the biennial smog check inspection.

12 (6) All motor vehicles that the department determines would
13 present prohibitive inspection or repair problems.

14 (7) Any vehicle registered to the owner of a fleet licensed
15 pursuant to Section 44020 if the vehicle is garaged exclusively
16 outside the area included in program coverage, and is not primarily
17 operated inside the area included in program coverage.

18 (8) (A) All diesel-powered vehicles manufactured prior to the
19 1998 model-year.

20 (B) All diesel-powered vehicles that have a gross vehicle weight
21 rating of 8,501 to 10,000 pounds, inclusive, until the department,
22 in consultation with the state board, pursuant to Section 44012,
23 implements test procedures applicable to these vehicles.

24 (C) All diesel-powered vehicles that have a gross vehicle weight
25 rating from 10,001 pounds to 13,999 pounds, inclusive, until the
26 state board and the Department of Motor Vehicles determine the
27 best method for identifying these vehicles, and until the department,
28 in consultation with the state board, pursuant to Section 44012,
29 implements test procedures applicable to these vehicles.

30 (D) All diesel-powered vehicles that have a gross vehicle weight
31 rating of 14,000 pounds or greater.

32 (b) Vehicles designated for program coverage in enhanced areas
33 shall be required to obtain inspections from appropriate smog
34 check stations operating in enhanced areas.

35 (c) For purposes of subdivision (a), a collector motor vehicle,
36 as defined in Section 259 of the Vehicle Code, is exempt from
37 those portions of the test required by subdivision (f) of Section
38 44012 if the collector motor vehicle meets all of the following
39 criteria:

1 (1) Submission of proof that the motor vehicle is insured as a
2 collector motor vehicle, as shall be required by regulation of the
3 bureau.

4 (2) The motor vehicle is at least 35 model-years old.

5 (3) The motor vehicle complies with the exhaust emissions
6 standards for that motor vehicle’s class and model-year as
7 prescribed by the department, and the motor vehicle passes a
8 functional inspection of the fuel cap and a visual inspection for
9 liquid fuel leaks.

10 ~~(d) This section shall become operative on January 1, 2010.~~

11 SEC. 2. Section 44012.5 is added to the Health and Safety
12 Code, to read:

13 44012.5. Beginning January 1, 2012, the department shall
14 include model-year 2000 and newer motorcycles, registered for
15 on-road use in California, in the inspection and maintenance
16 program established pursuant to this chapter. The department, in
17 cooperation with the state board, shall adopt regulations to
18 implement this section, including prescribing test procedures for
19 motorcycles by July 1, 2011.

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

Introduced by Senator HollingsworthFebruary 27, 2009

An act to add section 41814 to the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 554, as introduced, Hollingsworth. Air pollution control districts: residential wood-burning devices.

Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing federal regulations establish standards of performance for new residential wood heaters.

Existing law requires the state board, in consultation with the districts, to develop a list of the most readily available and cost-effective control measures that could be employed by the state board and districts to reduce emissions of PM 2.5 and PM 10 particulate matter. Existing law requires that the list include control measures for woodstoves and fireplaces among other emission source categories. Existing law requires the state board and each district to adopt an implementation schedule for the most cost-effective measures on the list.

This bill would prohibit any district from adopting a rule or regulation that restricts or prohibits the installation or operation of any wood-burning device in any new or existing residential structure.

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

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

- 1 SECTION 1. Section 41814 is added to the Health and Safety
- 2 Code, to read:
- 3 41814. A district may not adopt or implement any rule or
- 4 regulation that restricts or prohibits any of the following:
- 5 (a) Installation of any wood-burning fireplace, wood-burning
- 6 heater, or wood-burning stove in any new or existing residential
- 7 structure.
- 8 (b) Operation of a wood-burning fireplace, wood-burning heater,
- 9 or wood-burning stove at any new or existing residential structure.

Introduced by Senator LowenthalFebruary 27, 2009

An act to amend and renumber Section 1760 of, to add a heading to Chapter 1 (commencing with Section 1720) of, and to add Chapter 2 (commencing with Section 1740) to, Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as introduced, Lowenthal. Ports: congestion relief: air pollution mitigation.

(1) Existing law regulates the operation of ports and harbors.

This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo while reducing pollution associated with the movement of that cargo, and the replacement of trucks, cargo handling equipment, locomotives, and ships that move that cargo.

The bill would require each port to provide this assessment to the Legislature by July 1, 2010, and to include in the assessment the total costs of the infrastructure and air quality improvements and possible funding options for these projects.

By imposing these additional duties upon the ports this bill would establish a state-mandated local program.

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. The heading of Chapter 1 (commencing with
2 Section 1720) is added to Part 2 of Division 6 of the Harbors and
3 Navigation Code, immediately preceding Section 1720, to read:

4
5 CHAPTER 1. PORT FACILITY CONSTRUCTION
6

7 SEC. 2. Chapter 2 (commencing with Section 1740) is added
8 to Part 2 of Division 6 of the Harbors and Navigation Code, to
9 read:

10
11 CHAPTER 2. PORT CONGESTION RELIEF AND PORT MITIGATION
12 RELIEF
13

14 1740. The Legislature hereby finds and declares all of the
15 following:

16 (a) The Ports of Long Beach, Los Angeles, and Oakland operate
17 in unique communities, environments, and markets that require
18 infrastructure improvements and air pollution reduction measures
19 tailored to the nature and degree of need in each port of each
20 community.

21 (b) There is a need to mitigate the enormous burden imposed
22 on the highway transportation system serving the Ports of Long
23 Beach, Los Angeles, and Oakland by the overland movement of
24 container cargo shipped to and from those ports.

25 (c) The operations at the ports, including the movement of
26 locomotives, ships, and trucks that move cargo containers to and
27 from the ports, cause air pollution that requires mitigation. This
28 pollution contributes to the thousands of premature deaths and
29 billions of dollars of health costs each year attributable to goods
30 movement pollution in California.

31 1750. Beginning January 1, 2010, the Port of Long Beach shall
32 assess its infrastructure and air quality improvement needs
33 including, but not limited to, projects that improve the efficiency
34 of the movement of cargo while reducing pollution associated with
35 the movement of that cargo, and the replacement of the trucks,

1 cargo handling equipment, locomotives, and ships that move that
2 cargo. On or before July 1, 2010, the port shall provide this
3 assessment to the Legislature and shall include, but not be limited
4 to, an assessment of total costs of the infrastructure and air quality
5 improvements as well as all of the possible funding options for
6 those projects.

7 1760. Beginning January 1, 2010, the Port of Los Angeles shall
8 assess its infrastructure and air quality improvement needs
9 including, but not limited to, projects that improve the efficiency
10 of the movement of cargo while reducing pollution associated with
11 the movement of that cargo, and the replacement of the trucks,
12 cargo handling equipment, locomotives, and ships that move that
13 cargo. On or before July 1, 2010, the port shall provide this
14 assessment to the Legislature and shall include, but not be limited
15 to, an assessment of total costs of the infrastructure and air quality
16 improvements as well as all of the possible funding options for
17 those projects.

18 1770. Beginning January 1, 2010, the Port of Oakland shall
19 assess its infrastructure and air quality improvement needs
20 including, but not limited to, projects that improve the efficiency
21 of the movement of cargo while reducing pollution associated with
22 the movement of that cargo, and the replacement of the trucks,
23 cargo handling equipment, locomotives, and ships that move that
24 cargo. On or before July 1, 2010, the port shall provide this
25 assessment to the Legislature and shall include, but not be limited
26 to, an assessment of total costs of the infrastructure and air quality
27 improvements as well as all of the possible funding options for
28 those projects.

29 SEC. 3. Section 1760 of the Harbors and Navigation Code is
30 amended and renumbered to read:

31 ~~1760.~~

32 1730. (a) For purposes of this section, “council” means the
33 California Marine and Intermodal Transportation System Advisory
34 Council, a regional subunit of the Marine Transportation System
35 National Advisory Council chartered by the federal Secretary of
36 Transportation under the Federal Advisory Council Act ~~(P.L.~~
37 ~~92-463)~~ (Public Law 92-463).

38 (b) The council is requested to do all of the following:

39 (1) Meet, hold public hearings, and compile data on issues that
40 include, but need not be limited to, all of the following:

1 (A) The projected growth of each maritime port in the state.

2 (B) The costs and benefits of developing a coordinated state
3 program to obtain federal funding for maritime port growth,
4 security, and congestion relief.

5 (C) Impacts of maritime port growth on the state's transportation
6 system.

7 (D) Air pollution caused by movement of goods through the
8 state's maritime ports, and proposed methods of mitigating or
9 alleviating that pollution.

10 (E) Maritime port security, including, but not limited to, training,
11 readiness, certification of port personnel, exercise planning and
12 conduct, and critical marine transportation system infrastructure
13 protection.

14 (F) A statewide plan for continuing operation of maritime ports
15 in cooperation with the United States Coast Guard, the federal
16 Department of Homeland Security, the ~~Office of Emergency~~
17 ~~Services, the state Office of Homeland Security~~ *California*
18 *Emergency Management Agency*, and the California National
19 Guard, consistent with the state's emergency management system
20 and the national emergency management system, in the event of
21 a major incident or disruption of port operations in one or more
22 of the state's maritime ports.

23 (G) State marine transportation policy, legislation, and planning;
24 regional infrastructure project funding; competitiveness;
25 environmental impacts; port safety and security; and any other
26 matters affecting the marine transportation system of the United
27 States within, or affecting, the state.

28 (2) Identify all state agencies that are involved with the
29 development, planning, or coordination of maritime ports in the
30 state.

31 (3) Identify other states that have a statewide port master plan
32 and determine whether that plan has assisted those states in
33 improving their maritime ports.

34 (4) Compile all information obtained pursuant to paragraphs
35 (1) to (3), inclusive, and submit its findings in a report to the
36 Legislature not later than January 1, 2006. The report should
37 include, but need not be limited to, recommendations on methods
38 to better manage the growth of maritime ports and address the
39 environmental impacts of moving goods through those ports.

1 (c) The activities of the council pursuant to this section shall
2 not be funded with appropriations from the General Fund.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

O

Introduced by Senator Lowenthal

February 27, 2009

An act to amend Section 43845 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 728, as introduced, Lowenthal. Air pollution: parking cash-out program.

Existing law requires an employer of 50 persons or more who provides a parking subsidy to employees and who is in an air basin that is designated as a nonattainment area in terms of air quality to offer a parking cash-out program, defined as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space.

This bill would authorize the State Air Resources Board to impose a civil penalty for a violation of this requirement, and would authorize a city, county, and air pollution control district or air quality management district to adopt additional penalties and compliance mechanisms.

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

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

- 1 SECTION 1. Section 43845 of the Health and Safety Code is
- 2 amended to read:
- 3 43845. (a) In any air basin designated as a nonattainment area
- 4 pursuant to Section 39608, each employer of 50 persons or more
- 5 who provides a parking subsidy to employees, shall offer a parking

1 cash-out program. “Parking cash-out program” means an
2 employer-funded program under which an employer offers to
3 provide a cash allowance to an employee equivalent to the parking
4 subsidy that the employer would otherwise pay to provide the
5 employee with a parking space.

6 (b) A parking cash-out program may include a requirement that
7 employee participants certify that they will comply with guidelines
8 established by the employer designed to avoid neighborhood
9 parking problems, with a provision that employees not complying
10 with the guidelines will no longer be eligible for the parking
11 cash-out program.

12 (c) As used in this section, the following terms have the
13 following meanings:

14 (1) “Employee” means an employee of an employer subject to
15 this section.

16 (2) “Parking subsidy” means the difference between the
17 out-of-pocket amount paid by an employer on a regular basis in
18 order to secure the availability of an employee parking space not
19 owned by the employer and the price, if any, charged to an
20 employee for use of that space.

21 (d) Subdivision (a) does not apply to any employer who, on or
22 before January 1, 1993, has leased employee parking, until the
23 expiration of that lease or unless the lease permits the employer
24 to reduce, without penalty, the number of parking spaces subject
25 to the lease.

26 (e) It is the intent of the Legislature, in enacting this section,
27 that the cash-out requirements apply only to employers who can
28 reduce, without penalty, the number of paid parking spaces they
29 maintain for the use of their employees and instead provide their
30 employees the cash-out option described in this section.

31 (f) *The state board may impose the civil penalty described in*
32 *Section 43016 for a violation of this section. In addition, a city,*
33 *county, and air district may adopt additional penalties and*
34 *compliance mechanisms for a violation of this section for any*
35 *employer within that city, county, or air district’s jurisdiction.*

BAAQMD BILL DISCUSSION LIST

MARCH 16, 2009

BILL NO.	AUTHOR	SUBJECT
AB 19	Ruskin	Carbon Labeling Act of 2009; voluntary carbon footprint of consumer products
AB 21	B.Lowenthal	Restrictions on methyl bromide fumigation at ports
AB 28	Jeffries	Prohibits air districts from restricting use of public agency natural gas engines to pump water
AB 96	Ruskin	Changes to gasoline underground storage tank grant program
AB 118	Logue	Repeals California Global Warming Solutions Act of 2006
AB 137	Jeffries	Tightens Brown Act requirements for advisory committees
AB 222	Adams	States intent to advance biofuels and green power production
AB 231	Huffman	Climate Protection Trust Fund
AB 318	Emmerson	Smog check amnesty cleanup (fixing last year's bill)
AB 376	Nava	Voluntary greenhouse gas emissions offsets
AB 397	Jeffries	Makes SCAQMD Board members elected positions
AB 414	Galgiani	Extends Moyer eligibility to heavy-duty fleet trade down program
AB 433	Ammiano	Requires new residential construction near roads with high PM levels to have ventilation system to reduce PM exposures for residents
AB 453	Garrick	Gasoline vapor recovery spot bill
AB 478	Chesbro	Requires ARB to consult with Integrated Waste Board in development of AB 32 rules
AB 499	Hill	CEQA
AB 658	Hayashi	Doubles potential grant amount to dry cleaners moving to cleaner technologies
AB 670	Berryhill	Allows veterans to use HOV lanes
AB 696	Hagman	Allows CEQA project applicant to resolve disputes with lead agency via an arbitrator
AB 782	Jeffries	Significant changes to 2008's SB 375 to make the law more business-friendly
AB 821	Brownley	Clean and Healthy Schools Act

AB 823	Hill	Increases state buyback amount for failed smog vehicle to potentially \$2,000
AB 835	Monning	Addresses VOC emissions from pesticides
AB 859	Jones	Annual smog inspection of older vehicles
AB 881	Huffman	Authorizes local transportation authorities to implement programs to cut GHG emissions, and states intent to have Sonoma Transportation Authority coordinate GHG emission reductions from local and community agencies there
AB 892	Furutani	Allows Prop 1B Goods Movement Emission Reduction Program funds to be reallocated when a project is no longer feasible
AB 922	Miller	Exempts California-made biofuel from diesel fuel tax
AB 956	Skinner	States intent to require ARB to adopt regulations on pavement coating to reduce urban heat island effect
AB 1016	Villines	Abolishes California Energy Commission and creates new Department of Energy
AB 1033	Nielsen	Spot bill on air quality
AB 1043	Fong	States legislative intent to encourage biofuel use in California
AB 1085	Mendoza	Requires ARB to make publicly available all supporting information for a regulation before the comment period for the regulation
AB 1097	Eng	Requires state fleet to achieve 35 mpg
AB 1107	Blakeslee	Spot bill on scientific peer review of CalEPA regulations
AB 1135	Skinner	VMT data collection at time of registration
AB 1186	Blumenfield	Requires non-residential building lessors to separately list parking costs in the lease agreement
AB 1204	Huber	Broadens last year's SB 375 CEQA exemption beyond residential and mixed-use/residential projects
AB 1212	Ruskin	Authorizes ARB to implement a feebate program on new vehicle sales to cut greenhouse gas emissions
AB 1237	Garrick	Smog check spot bill
AB 1268	Gaines	States intent to impose a carbon tax and offset marginal personal income tax rates
AB 1305	V.M. Perez	Imposes a mitigation fee on electricity generated in Mexico and imported into the state
AB 1313	Adams	States legislative intent to have the Legislature regulate offset allocation in the South Coast
AB 1318	V.M. Perez	Transfers emission reduction credits from SCAQMD bank
AB 1350	Blakeslee	Establishes California Sustainable Biofuels Program
AB 1373	Skinner	Requires plan to phase out use of high global warming potential refrigerants by 2020

AB 1395	Torricono	Requires ARB to make publicly available all proposals to change regulations and workshop information
AB 1404	De Leon & V.M. Perez	Establishes multiple conditions greenhouse gas emission offsets must meet if they are to be used for AB 32 compliance
AB 1405	De Leon	Establishes Community Benefits Fund to mitigate climate change impacts in the most impacted and economically disadvantaged communities
AB 1431	Hill	Green chemistry spot bill
AB 1452	Skinner	States legislative intent to require ARB to adopt procurement standards for cement to reduce greenhouse gas and particulate emissions from its production and transport
AB 1496	Skinner	States intent to require CalEPA to have Supplemental Environmental Projects do mitigation near the scene of the environmental violation
AB 1500	Lieu	Extends hybrid vehicle use of HOV lanes from 2011 to 2016
AB 1502	Eng	Extends hybrid vehicle use of HOV lanes from 2011 to 2017
AB 1507	Block	Revises environmental grant program for metal plating facilities
AB 1527	Lieu	Allows a single motor vehicle emission reduction project to be funded from multiple grant programs
AB 1536	Blakeslee	Distributed generation spot bill
ACR 14	Niello	Calls on ARB to expand its economic analysis of AB 32 actions, and for the Governor to adjust deadlines
SB 31	Pavley	Specifies uses for fees collected by ARB on greenhouse gas emission sources
SB 104	Oropeza	Adds nitrogen trifluoride as a greenhouse gas, and establishes process for adding other compounds
SB 124	Oropeza	Codifies regulations limiting idling of schoolbuses
SB 128	Padilla	Creates the California Climate Change Institute
SB 180	Florez	Portable classroom air quality spot bill
SB 205	Hancock	Allows vehicle registration fee of up to \$10 to be placed on ballot by countywide transportation planning agencies for uses such as congestion management and air quality improvement
SB 225	Florez	Allows districts to create emission reduction credits from projects funded with public and private funds
SB 232	Benoit	Would allow an unlimited number of specialty constructed vehicles to be registered annually
SB 295	Dutton	Would prevent AB 32 implementation until the unemployment rate is below 5.8% for 3 months
SB 351	Huff	HOV lane spot bill
SB 382	Florez	Prohibits San Joaquin Valley agricultural burning on days when residential burning is banned

SB 385	Wright	Exempts historic vehicles from smog check, and allows owners to self-certify that their vehicle is historic
SB 391	Liu	Requires Caltrans to include greenhouse gas emission reductions in California Transportation Plan, and to consult with different entities, including air districts, in its development
SB 400	Corbett	Expands AB 118 grant funding to go to broader change of clean vehicles, and defines CA Green Vehicle
SB 406	DeSaulnier	Changes Planning and Advisory Council composition, and allows MPO's and COG's to impose a \$2 per vehicle registration fee for development and implementation of a regional blueprint to reduce vehicle use
SB 412	Kehoe	Changes and extends self-generation incentive program for non-solar distributed generation
SB 425	Simitian	Creates a new employer-based trip reduction program
SB 435	Pavley	Adds post-2000 motorcycles to smog check program
SB 468	Runner	Air pollution spot bill
SB 476	Correa	Exempts from CEQA some environmental enhancement projects, and limits cumulative impact evaluation
SB 507	Cox	Delays by one year Phase II enhanced vapor recovery for gas stations
SB 535	Yee	Extends hybrid use of HOV lanes indefinitely
SB 554	Hollingsworth	Prohibits air districts from restricting the installation or use of wood-burning equipment
SB 560	Ashburn	Modifies last year's SB 375 in multiple ways, including generating credit for localities that site commercial wind, solar, or biomass projects in their jurisdiction
SB 626	Kehoe	Assigns CEC to develop and implement policies to encourage plug-in hybrids
SB 632	Lowenthal	Requires container ports to assess and report their infrastructure and air quality needs
SB 675	Steinberg	Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2009
SB 696	Wright	States intent to ensure that there are sufficient ERC's in the South Coast for essential public services and clean, efficient, new powerplants
SB 721	Steinberg	Creates Climate Action Team to coordinate AB 32 actions and implementation
SB 722	Steinberg	Establishes requirements on those selling voluntary greenhouse gas emission reduction credits
SB 728	Lowenthal	Imposes civil penalty for violation of parking cashout law, and allows air districts to impose additional penalties and compliance mechanisms
SB 729	Walters	Greenhouse gas spot bill
SB 811	DeSaulnier	Requires specialty constructed vehicles from out-of-state to meet emissions requirements for their year of manufacture

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 16, 2009

Re: Discussion of Survey Results on Board Size and Composition

RECOMMENDED ACTION:

None; informational item.

DISCUSSION

At the last Legislative Committee meeting, staff was directed to poll Board members on the issue of the size and composition of the Board. The poll memorandum to the Board of Directors is attached for your review.

To date only eleven Board members have responded to the poll. Two of these did not express a preference among the options. Of the remaining nine respondents, four preferred Option One ('No Change'), three preferred Option Three, and one preferred Option 2. The final respondent preferred an option wherein the Board size would be reduced further than the first three options. In this alternative, all counties would receive one representative, and counties with a population over one million would receive a second representative. Additionally, the cities of San Jose, San Francisco, and Oakland would receive a representative. This would yield a total Board size of 15.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and
Members of the Board

From: Chairperson Tom Bates
Legislative Committee

Date: February 23, 2009

Re: Poll Concerning Board Size

At the Legislative Committee meeting, on Monday, February 23rd, staff was directed to poll the Board of Directors on the issue of the size of the Board. At the Board of Directors' meeting on Wednesday, February 4th, the full Board discussed the issue of potential legislative changes to the current Board size and composition. The Board of Directors sent the issue back to the Legislative Committee for further discussion. The Legislative Committee, after deliberation, decided to send the following poll to each of you for a response.

Please rank order the following options concerning the size of the Board of Directors.

- 1) No change to the current composition of the Board. (The composition is set in statute, with the number of representatives from each of the nine counties dependent on their population. Counties less than 300,000 have one representative, counties between 300,000 and 750,000 have two, counties between 750,000 and 1,000,000 have three, and counties over 1,000,000 have four.)
- 2) Cap the Board at its current size of 22. Each county would retain the same number of seats that it currently has, but future population increases would not trigger the Board expansion that would otherwise occur.
- 3) Change the county populations at which new representatives would be added. Delay adding a second representative until a county has a population of 350,000 (instead of 300,000), add a third representative at 800,000 (instead of 750,000), and add the fourth representative at 1,200,000 (instead of 1,000,000). Under this option, existing representatives from counties that have already exceeded the existing population triggers would not be removed, but counties would not add representatives until the new triggers are reached.
- 4) If you prefer an option not listed above, please describe it.

Please respond to Mary Ann Goodley, Executive Office Manager at mgoodley@baaqmd.gov by Tuesday, March 10, 2009. District staff will tabulate the results and the Legislative Committee will consider them at its next meeting.