



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

WEDNESDAY
APRIL 15, 2009
UPON ADJOURNMENT OF BOARD OF DIRECTORS MEETING

7TH FLOOR BOARD ROOM
DISTRICT OFFICES

REVISED 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 23, 2009

4. CONSIDERATION OF NEW BILLS AND CORRESPONDING POSITIONS

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will present air quality bills for the Committee's consideration.

5. REPORT ON POLL ON BOARD SIZE AND COMPOSITION

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will present the results of the most recent poll of Board members.

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 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

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	15	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 2nd Thursday of each Month)</i>	Wednesday	15	Immediately Following Board of Directors Regular Meeting	Board Room
Board of Directors Climate Protection Committee <i>(Meets 2nd Thursday each Month)</i>	Friday	17	9:30 a.m.	4 th Floor Conf. 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
Board of Directors Budget & Finance Committee <i>(Standing Committee Meeting Date Under Consideration)</i>	Wednesday	29	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
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

May 2009 Calendar Continued on Next Page

MAY 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
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

JUNE 2009

Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(Meets 1st Thursday every other Month)</i>	Thursday	4	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee <i>(Meets 2nd Thursday of each Month)</i>	Thursday	11	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(Meets 2nd Thursday each Month)</i>	Thursday	11	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	17	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i>	Thursday	25	9:30 a.m.	4 th Floor Conf. Room

JL – 4/08/09 (10:09 p.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: April 7, 2009

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

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

DISCUSSION

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

Call to Order: Chairperson Tom Bates called the meeting to order at 9:35 a.m.

Roll Call: Chairperson Tom Bates, Vice Chairperson Brad Wagenknecht, Susan Garner, Scott Haggerty, Mark Ross and Michael Shimansky.

Absent: Dan Dunnigan and Carol Klatt

Also Present: Chairperson Pamela Torliatt

Public Comments: There were no public comments.

Consideration of New Bills and Corresponding Agency Positions: *Senior Advanced Projects Advisor Tom Addison*

- Bill introduction deadline – February 27, 2009
- 120 Legislators responded with approximately 2,500 new bills
- Air quality popular subject area

Bills of Air Quality Significance/Recommended Position:

BILL	AUTHOR	DESCRIPTION	POSITION
AB 28	Jeffries	Prohibits air districts from restricting use of public agency natural gas engines to pump water	OPPOSE
AB 118	Logue	Repeals California Global Warming Solutions Act of 2006	OPPOSE
AB 318	Emmerson	Smog check amnesty cleanup (fixing last year's bill)	SUPPORT
AB 859	Jones	Annual smog inspection of older vehicles	SUPPORT

AB 892	Furutani	Allows Prop 1B Goods Movement Emission Reduction Program funds to be reallocated when a project is no longer feasible	SUPPORT
AB 1135	Skinner	VMT data collection at time of registration	SUPPORT
AB 1186	Blumenfield	Requires non-residential building lessors to separately list parking costs in the lease agreement	SUPPORT
SB 435	Pavley	Adds post-2000 motorcycles to smog check program	SUPPORT
SB 554	Hollingsworth	Prohibits air districts from restricting the installation or use of wood-burning equipment	OPPOSE
SB 632	Lowenthal	Requires container ports to assess and report their infrastructure and air quality needs	SUPPORT
SB 728	Lowenthal	Imposes civil penalty for violation of parking cashout law, and allows air districts to impose additional penalties and compliance mechanisms	SUPPORT

Committee Discussion

AB 118:

- Shimansky: Suggested suspending AB 118, opposed to AB 1135.

AB 1135:

- Ross: AB 1135-Odometer already reported to DMV if vehicle older than 7 years but exempt for vehicles pre-1975; potential privacy issue for those who have older cars.
- Torliatt: No privacy issues when FastTrac began; may be broken down by zip code to determine VMT; asked that bill include provision for insurance information not to be released.

AB 1186:

- Torliatt: Questioned how bill applies to undesignated parking; would rather provide cash incentive to employers with +50 employees.
- Bates: Confirmed that cashout law does not apply if parking and building are bundled.
- Ross: Concerns of having to renegotiate leases; problematic with common areas.
- **Committee Recommendation:** Request amendment of AB 1186 such that the benefit would apply to all employers, regardless of whether they rent or own buildings; and change position from “Support” to “Neutral, unless amended”.

SB 728:

- Ross: Confirmed employers could be exempt if they charged some amount of money for parking, i.e., 25 cents.
- Garner: Questioned enforcement; confirmed this would be done by local jurisdiction; abstained/non-support due to information lacking enforcement provisions.
- Haggerty: Abstain/non-support position.

Committee Action: Vice Chairperson Wagenknecht made a motion to recommend Board of Directors' approval of the following positions on bills:

Oppose: AB 28, AB 118 and SB 554
Support: AB 318, AB 859, AB 892, AB 1135, SB 435, SB 632 and SB 728
Neutral unless amended: AB 1186

Chairperson Torliatt seconded the motion; which carried unanimously (*AB 118 and AB 1135: Shimansky voted no; SB 728: Garner, Bates and Haggerty voted no*).

Approval of Minutes: Director Shimansky moved to approve February 23, 2009 minutes; seconded by Director Garner; carried unanimously without objection.

Discussion of Survey Results on Board Size and Composition:

Executive Officer/APCO Jack Broadbent & Senior Advanced Projects Advisor Tom Addison

Member Comments: Committee had 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.

11 Members responded:

- 2 expressed no preference;
- 4 preferred Option one – no change;
- 3 preferred Option 3;
- 1 preferred Option 2 – Cap the Board at current size of 22;
- Final respondent: Proposed option wherein the Board size would be reduced further than the first three options—all counties would receive 1 representative, counties with a population over 1 million would receive second representative; and additionally, the cities of San Jose, San Francisco and Oakland would receive a representative—total Board size of 15.

Committee Discussion/Direction: Committee members discussed capping Board size at current level, ramifications of thresholds in Option 3, grandfathering in existing members, and requested staff to re-poll the Board of Directors.

Committee Member Comments: The Committee discussed changing the “per day” Board Member compensation language “per meeting”, voiced a desire to tie it to reductions in vehicle miles traveled and emissions, and suggested pursuing legislation next year.

Next Meeting: **9:30 a.m., Monday, April 9, 2009**
939 Ellis Street, 4th Floor Conference Room

Adjournment: Meeting adjourned at 10:38 a.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 7, 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

Staff are bringing additional air quality bills to the Committee for its consideration. In addition to the bills analyzed below, staff may present a few additional bills to the Committee verbally. As of today's date, a number of air quality bills are still in spot form. However, staff anticipate that some of these will likely be amended between the date of preparation of this memorandum and the Committee's meeting. The Committee may want to consider taking a position on the most significant of such measures. The longer list of air quality bills is attached, which shows their status. Finally, copies of the bills below are attached.

ANALYSES

AB 96 is authored by Assemblymember Ira Ruskin (D-Redwood City). It provides up to \$8 million in financial assistance to smaller gas station owners to help them comply with clean air requirements. In March of 2000, the Air Resources Board (ARB) adopted a requirement that gas stations improve their equipment designed to prevent gasoline vapors from escaping into the air. This equipment is referred to as 'enhanced vapor recovery phase II', or EVR. The regulation will prevent 10 tons per day of smog-forming emissions statewide. The deadline for this equipment to be operational at stations was April 1, 2009.

While ARB adopted the regulation, enforcement is done by local air districts. While the majority of stations have installed the equipment, many have not. There are a variety of reasons why not all stations are in compliance with EVR, including the costs of the equipment, some owners' inability to get loans to pay for the equipment, local land use permitting delays, and procrastination. District staff have undertaken a massive outreach and education program with the stations well in advance of the deadline, and are now working to bring everyone into compliance as quickly as possible. This bill will help bring more stations into compliance and reduce emissions, so staff recommend a "**Support**" position.

AB 1033 is authored by Assemblymember Jim Nielsen (R-Biggs). It is a response to what the author believes to be a poor economic analysis by ARB of its scoping plan, which was prepared to help California meet its greenhouse gas reduction targets. However, the bill imposes its new and onerous requirements on not only ARB, but also local agencies who are or wish to adopt greenhouse gas reductions through regulatory action. It would require agencies to quantify the

AGENDA: 4

effectiveness of existing regulations prior to adopting new regulations. It would require independent third-party analysis of such regulations. It would prevent any new regulations being adopted on sources that are already regulated, until eight years after the source is in compliance with all earlier regulation. Staff believe that this would effectively halt both greenhouse gas reduction efforts already underway and in the planning stages, and recommend an “**Oppose**” position.

AB 1527 is authored by Ted Lieu (D-Torrance). As concern over California’s air quality and climate change problems has grown, so have the number of State grant programs to cut emissions. In addition to the Carl Moyer program, we now have the Goods Movement Emissions Reduction Program (GMERP; from 2006’s Proposition 1B) and 2007’s AB 118 program. Each program has separate rules and requirements. This complicates things for those who try to apply for funding, as well as for the air districts administering the projects funded through these programs. This bill essentially allows multiple grant programs to be combined to fund a single air quality project. Staff support the streamlining of grant programs, and recommend a “**Support**” position.

SB 232 is authored by Senator John Benoit (R-Palm Desert). In essence, it would dramatically expand an existing loophole to California’s smog check program. The loophole was established in 2001, and allows 500 vehicles per year to be permanently exempted from smog check. So-called specialty constructed vehicles are eligible to apply for the 500 annual slots. This bill would eliminate the cap of 500 such slots and allow an unlimited number of these vehicles to operate without emissions inspections. Unfortunately, many of these vehicles (which are typically hot rods) operate without emissions controls. Furthermore, this bill would also allow motorists who have registered their vehicles incorrectly specifically to escape the smog check program to be legally exempted from the program. Thus, it would undo last year’s successful AB 619 (which the District supported) 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. Staff are recommending an “**Oppose**” position on this measure.

SB 295 is authored by Senator Bob Dutton (R-Inland Empire). It is an urgency measure, and is triggered by the author’s concerns with the California Global Warming Solutions Act of 2006, commonly called AB 32. Senator Dutton believes that the current poor economic climate should halt greenhouse gas regulations. The bill would prohibit implementing any of ARB’s AB 32 regulations until unemployment in the State has been below 5.8% for three consecutive months. It would also require new economic analyses of both the scoping plan and regulations adopted to implement AB 32. Staff note that the District supported AB 32 without any economic caveats, and recommend an “**Oppose**” position on this measure.

SB 385 is authored by Senator Rod Wright (D-Los Angeles). Essentially, it would allow certain vehicles made in 1976 and more recently to be exempted from the smog check program. It is sponsored by an automobile museum, which is concerned that requiring smog checks means fewer older vehicles will be preserved for posterity’s sake. The District sponsored the bill in 2004 (AB 2683-Lieber) that required that 1976 and newer vehicles be subject to smog check. In many respects, this bill is an attempt to partly undo AB 2683 by those who unsuccessfully fought its passage. The issues that the sponsors of SB 385 raise were discussed at length in 2004. Staff note that the Bureau of Automotive Repair has an exemption process for older vehicles that cannot obtain needed emissions control parts. These vehicles are allowed to pass smog, even though their emissions are far above allowable levels, if the needed parts are not available. The Department of Motor Vehicles allows cars to be registered as non-operable, and these vehicles are also exempt from smog check. The costs of insuring, garaging, and maintaining older vehicles far outweigh the costs of smog check inspection for these vehicles. But fundamentally,

AGENDA: 4

older vehicles are those most in need of emissions inspections. Exempting them from smog check will increase emissions, and staff recommend an “**Oppose**” position on this measure.

SB 425 is authored by Senator Joe Simitian (D-Palo Alto). Like a number of other bills, it is still being amended prior to being heard in its first policy committee. Staff have had a series of discussions with the author’s office concerning the bill, and have learned that they plan to amend the bill shortly. Staff anticipate that the amended version of the bill will be in print prior to April 15th, and if this is so, will present the amended version to the Committee. Staff expect that the amended bill will essentially bring about better compliance with the State’s existing parking cash-out law that the Committee discussed at its last meeting. Senator Simitian’s amended bill would do this by having businesses who are not complying with the existing law lose their business tax deduction for the parking they provide to their employees. The Franchise Tax Board would check for compliance with existing law in their auditing process, and this would effectively bring about better compliance with existing law. Staff are recommending a “**Support if amended**” position, dependent on these amendments actually being introduced.

SB 518 is authored by Senator Alan Lowenthal (D-Long Beach), and is another bill that would cut greenhouse gas emissions by reforming parking policy. It is sponsored by the Natural Resources Defense Council. Its premise is that “free” parking and hidden parking subsidies have high social, economic, and environmental costs, and that California cannot meet its greenhouse gas emission reduction goals without reductions in drive-alone travel. It would generally prohibit the State and community colleges from subsidizing parking. (The University of California and California State University systems already have such a prohibition.) It also establishes a diverse menu of roughly a dozen different reforms in parking policy that local governments can choose among. These include installing meters in areas with parking shortages, charging for metered parking at market rates, eliminating minimum parking requirements, and having employers offer transit passes on a pre-tax basis. This last option is effectively what San Francisco did recently, with the support of both local employers and business groups and environmental organizations. Different menu options are assigned different point values, and local governments would be required to have in place some minimum level of reforms. Staff recommend a “**Support**” position on this bill.

SB 811 is authored by Senator Mark DeSaulnier (D-Antioch). It is sponsored by the Attorney General’s office, after their investigation into fraudulent registrations uncovered a large number of vehicles that had their emissions controls tampered with. These California vehicles are titled in a handful of other states, with the motorist choosing a year prior to 1976 for the vehicle’s model year. (Vehicles older than 1976 are not subject to emissions inspections.) These other states do not inspect the vehicle, let alone its engine or emissions controls. The owner then registers the car in California, which takes the model year from the other state’s title paperwork on faith. Last year’s AB 619 (Emmerson) dealt with the vehicles that had already come through this loophole. SB 811 closes the loophole, preventing those who have tampered with or removed emissions controls from escaping smog check this way in the future. Staff 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

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 96

Introduced by Assembly Member Ruskin
(Principal coauthor: Assembly Member Chesbro)

January 6, 2009

An act to amend ~~Section~~ Sections 25299.81, 25299.105, 25299.109, and 25299.117 of the Health and Safety Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 96, as amended, Ruskin. Gasoline: underground storage tanks.

Existing

(1) *Existing* law provides for the regulation of underground storage tanks by the State Water Resources Control Board. Existing law requires the board to take specified actions with regard to unauthorized releases from petroleum underground storage tanks, including, among other things, adopting regulations requiring the owners of those tanks to undertake certain actions.

Existing law provides for a grant *and loan* program for small businesses ~~to use~~ to pay specified costs of complying with the underground storage tank regulations adopted by the board. ~~Eligibility~~ Existing law contains various eligibility criteria for the grant funds, ~~as specified in existing law, requires~~, including a requirement that the grant applicant, the applicant's family, or an affiliated entity, has owned and operated the project tank since January 1, 1997.

This bill would delete that ownership requirement from the grant eligibility criteria.

(2) Under existing law, the grant and loan program is funded through the Petroleum Underground Storage Tank Financing Account. Existing law allows not more than 33% of the available funds to be used for the purpose of providing grants. Existing law requires the interest and other increments resulting from the investment of the funds in the account to be placed in a separate subaccount to be expended for the administration of the program.

This bill would make a one time transfer of \$8,000,000 from the administrative subaccount to be appropriated for the purpose of making grants in the 2008–09 and 2009–10 fiscal years, and would exclude these funds from the amount of funds from which grants are provided pursuant to existing law.

(3) Existing law, the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, provides, in part, for the establishment of an Underground Storage Tank Cleanup Fund to pay for various costs of corrective action and abatement for the unauthorized release of hazardous materials from underground storage tanks. The provisions of this act will expire January 1, 2016. Under existing law, upon the expiration of the Petroleum Underground Storage Tank Financing Account on January 1, 2011, the funds remaining in that account revert to the Underground Storage Tank Cleanup Fund.

This bill would extend the repeal date of the grant and loan program as well as the Petroleum Underground Storage Tank Financing Account to January 1, 2016. Additionally, it would make provisions for the payment of loans and grants, conditions of which were effective prior to January 1, 2016, from the Underground Storage Tank Cleanup Fund and the Petroleum Underground Storage Tank Financing Account, as specified.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 25299.81 of the Health and Safety Code
- 2 is amended to read:
- 3 25299.81. (a) Except as provided in subdivisions (b) and (c),
- 4 this chapter shall remain in effect only until January 1, 2016, and

1 as of that date is repealed, unless a later enacted statute, which is
2 enacted before January 1, 2016, deletes or extends that date.

3 (b) Notwithstanding subdivision (a), Article 1 (commencing
4 with Section 25299.10), Article 2 (commencing with Section
5 25299.11), and Article 4 (commencing with Section 25299.36)
6 shall not be repealed and shall remain in effect on January 1, 2016.

7 (c) The repeal of certain portions of this chapter does not
8 terminate any of the following rights, obligations, or authorities,
9 or any provision necessary to carry out these rights and obligations:

10 (1) The filing and payment of claims against the fund, including
11 the costs specified in subdivisions (c), (e), and (h) of Section
12 25299.51, and claims for commingled plumes, as specified in
13 Article 11 (commencing with Section 25299.90), until the moneys
14 in the fund are exhausted. Upon exhaustion of the fund, any
15 remaining claims shall be invalid.

16 (2) The repayment of loans, outstanding as of January 1, 2016,
17 due and payable to the board.

18 (3) The recovery of moneys reimbursed to a claimant to which
19 the claimant is not entitled, or the resolution of any cost recovery
20 action.

21 (4) The collection of unpaid fees that are imposed pursuant to
22 Article 5 (commencing with Section 25299.40), as that article read
23 on December 31, 2015, or have become due before January 1,
24 2016, including any interest or penalties that accrue before, on, or
25 after January 1, 2016, associated with those unpaid fees.

26 (5) (A) The filing of an application for funds from, and the
27 making of payments from, the Underground Storage Tank
28 Petroleum Contamination Orphan Site Cleanup Fund pursuant to
29 Section 25299.50.2, any action for the recovery of moneys paid
30 pursuant to Section 25299.50.2 to which the recipient is not
31 entitled, and the resolution of that cost recovery action.

32 (B) Upon liquidation of funds in the Underground Storage Tank
33 Petroleum Contamination Orphan Site Cleanup Fund, the obligation
34 to make a payment from the Underground Storage Tank Petroleum
35 Contamination Orphan Site Cleanup Fund is terminated.

36 (6) (A) *The payment of loans and grants, consistent with the*
37 *terms of agreements that were effective prior to January 1, 2016,*
38 *from the Underground Storage Tank Cleanup Fund, pursuant to*
39 *this chapter or the Petroleum Underground Storage Tank*
40 *Financing Account pursuant to Chapter 6.76 (commencing with*

1 *Section 25299.100). Upon exhaustion of the Underground Storage*
2 *Tank Cleanup Fund, any remaining claims for payment of grants*
3 *or loans shall be invalid.*

4 *(B) The amount of money disbursed for grants and loans*
5 *pursuant to Chapter 6.76 (commencing with Section 25299.100)*
6 *shall not exceed the sum of following:*

7 *(i) The amount that reverts to the Underground Storage Tank*
8 *Cleanup Fund pursuant to Section 25299.111.*

9 *(ii) Amounts recovered through the repayment of loans granted*
10 *pursuant to Chapter 6.76 (commencing with Section 25299.100).*

11 *(iii) The resolution of any cost recovery action filed prior to*
12 *January 1, 2016, or the initiation of an action or other collection*
13 *process to recover defaulted loan moneys due to the board or to*
14 *recover money paid to a grant or loan recipient pursuant to*
15 *Chapter 6.76 (commencing with Section 25299.100) to which the*
16 *recipient is not entitled.*

17 *(d) The board shall continuously post and update on its Internet*
18 *Web site, but at a minimum, annually on or before September 30,*
19 *information that describes the status of the fund and shall make*
20 *recommendations, when appropriate, to improve the efficiency of*
21 *the program.*

22 **SECTION 4.**

23 *SEC. 2.* Section 25299.105 of the Health and Safety Code is
24 amended to read:

25 25299.105. (a) The board shall make grant funds available
26 from the Petroleum Underground Storage Tank Financing Account
27 to eligible grant applicants who meet all of the following eligibility
28 requirements:

29 (1) The grant applicant is a small business, pursuant to the
30 following requirements:

31 (A) The grant applicant meets the conditions for a small business
32 concern as defined in Section 632 of Title 15 of the United States
33 Code, and in the federal regulations adopted to implement that
34 section, as specified in Part 121 (commencing with Section
35 121.101) of Chapter I of Title 13 of the Code of Federal
36 Regulations.

37 (B) The grant applicant employs fewer than 20 full-time and
38 part-time employees, is independently owned and operated, and
39 is not dominant in its field of operation.

1 (2) The principal office of the grant applicant is domiciled in
2 the state and the officers of the grant applicant are domiciled in
3 this state.

4 (3) All tanks owned and operated by the grant applicant are
5 subject to compliance with Chapter 6.7 (commencing with Section
6 25280), and the regulations adopted pursuant to that chapter.

7 (4) The facility where the project tank is located has sold at
8 retail less than 900,000 gallons of gasoline annually for each of
9 the two years preceding the submission of the grant application.
10 The number of gallons sold shall be based upon taxable sales
11 figures provided to the State Board of Equalization for that facility.

12 (5) The grant applicant owns or operates a tank that is in
13 compliance with Section 25290.1, 25290.2, or 25291, or
14 subdivisions (d) and (e) of Section 25292, and the regulations
15 adopted to implement those sections.

16 (6) The facility where the project tank is located was legally in
17 business retailing gasoline after January 1, 1999.

18 (b) Grant funds may only be used to pay the costs necessary to
19 comply with the requirements of Section 25284.1, 25292.4, or
20 25292.5.

21 (c) If the total amount of grant requests by eligible grant
22 applicants to the board pursuant to this section exceeds, or is
23 anticipated to exceed, the amount in the Petroleum Underground
24 Storage Tank Financing Account, the board may adopt a priority
25 ranking list to award grants based upon the level of demonstrated
26 financial hardship of the eligible grant applicant or the relative
27 impact upon the local community where the project tank is located
28 if the claim is denied.

29 *SEC. 3. Section 25299.109 of the Health and Safety Code is*
30 *amended to read:*

31 25299.109. (a) The Petroleum Underground Storage Tank
32 Financing Account is hereby created in the State Treasury. The
33 Petroleum Underground Storage Tank Financing Account is created
34 for both of the following purposes:

35 (1) Receiving federal, state, and local money.

36 (2) Receiving repayments of loans and interest and late fees on
37 those accounts.

38 (b) Upon appropriation by the Legislature, funds in the account
39 shall be used by the board only to make loans and grants pursuant
40 to this chapter.

1 (c) The board shall annually make available not more than 33
2 percent of the available funds from the account, *other than funds*
3 *transferred pursuant to subdivision (e)*, for the purposes of
4 providing grants pursuant to this chapter.

5 (d) Notwithstanding Section 16305.7 of the Government Code,
6 all interest or other increments resulting from the investment of
7 the funds in the Petroleum Underground Storage Tank Financing
8 Account pursuant to Article 4 (commencing with Section 16470)
9 of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government
10 Code shall be deposited in a subaccount of the Petroleum
11 Underground Storage Tank Financing Account, and expended only
12 pursuant to Section 25299.113.

13 (e) *The sum of eight million dollars (\$8,000,000) is hereby*
14 *transferred from the subaccount established in subdivision (d) to*
15 *the Petroleum Underground Storage Tank Financing Account and*
16 *is appropriated for the purpose of making grants pursuant to this*
17 *chapter in the 2008–09 and 2009–10 fiscal years.*

18 *SEC. 4. Section 25299.117 of the Health and Safety Code is*
19 *amended to read:*

20 25299.117. This chapter is repealed as of January 1, ~~2011~~ 2016,
21 unless a later enacted statute that is enacted on or before January
22 1, ~~2011~~ 2016, deletes or extends that date.

23 *SEC. 5. This act is an urgency statute necessary for the*
24 *immediate preservation of the public peace, health, or safety within*
25 *the meaning of Article IV of the Constitution and shall go into*
26 *immediate effect. The facts constituting the necessity are:*

27 *In order to immediately finance projects critical to the protection*
28 *of the environment it is necessary that this act, at the earliest*
29 *possible time, take effect immediately.*

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1033

Introduced by Assembly Member Nielsen

February 27, 2009

~~An act to amend Section 39002 of the Health and Safety Code, relating to air pollution.~~ *An act to add Section 38567 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1033, as amended, Nielsen. ~~Air pollution.~~ *California Global Warming Solutions Act of 2006: greenhouse gas emissions: regulation.*

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 level in 1990 to be achieved by 2020. The state board is required to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions.

This bill would require a state or local agency, before adopting or amending a regulation after January 1, 2010, to evaluate and measure the effectiveness of any regulations adopted by the state or local agency on or before January 1, 2010, to reduce greenhouse gas emissions, and obtain an independent 3rd-party economic impact analysis of any proposed regulation that the state or local agency determines would impose aggregate costs of \$1,000,000 or more on greenhouse gas

emission sources subject to the proposed regulation, irrespective of the economic or noneconomic benefits of the regulation.

The bill would require a state or local agency to consider the severity of any adverse economic impact identified by the 3rd-party analysis, and would authorize the agency on that ground to revise or choose not to adopt the proposed regulation. The bill would require the agency, if it adopts the proposed regulation without revision, to make findings, supported by evidence, that the adoption of the proposed regulation is reasonable.

The bill would prohibit a state or local agency from adopting or amending a regulation to reduce greenhouse gas emissions after January 1, 2010, that imposes a greenhouse gas emission requirement on a greenhouse gas emission source that is more stringent than any regulation adopted by that state or local agency on or before January 1, 2010, that is applicable to that emission source, until eight years after the date that emission source achieved compliance with that earlier regulation.

~~Existing law generally gives responsibility for the control of air pollution from vehicular sources to the State Air Resources Board and from all other sources to local and regional authorities, as provided.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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

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

- 1 SECTION 1. Section 38567 is added to the Health and Safety
- 2 Code, to read:
- 3 38567. (a) It is the intent of the Legislature in enacting this
- 4 section to promote the reasoned, restrained, and economically
- 5 sensitive regulation of greenhouse gas emissions.
- 6 (b) Before adopting or amending a regulation to reduce
- 7 greenhouse gas emissions after January 1, 2010, pursuant to this
- 8 division or other authority, a state or local agency shall do all of
- 9 the following:
- 10 (1) Evaluate and measure the effectiveness of any existing
- 11 regulations adopted by the state or local agency to reduce
- 12 greenhouse gas emissions, including measuring the greenhouse

1 *gas emission reductions from regulations adopted on or before*
2 *January 1, 2010.*

3 *(2) Obtain an independent third-party economic impact analysis*
4 *of any proposed regulation that the state or local agency*
5 *determines would impose aggregate costs of one million dollars*
6 *(\$1,000,000) or more on greenhouse gas emission sources subject*
7 *to the proposed regulation, irrespective of the economic or*
8 *noneconomic benefits of the regulation.*

9 *(3) The state or local agency shall consider the severity of any*
10 *adverse economic impact identified pursuant to paragraph (2),*
11 *and on that basis may revise or choose not to adopt the proposed*
12 *regulation. If the state or local entity adopts the proposed*
13 *regulation without revision, the state or local agency shall make*
14 *findings, supported by evidence, that the adoption of the proposed*
15 *regulation is reasonable.*

16 *(c) The state or local agency shall not adopt or amend a*
17 *regulation to reduce greenhouse gas emissions after January 1,*
18 *2010, pursuant to this division or other authority, that imposes a*
19 *greenhouse gas emission requirement on a greenhouse gas*
20 *emission source that is more stringent than any regulation adopted*
21 *by that state or local agency on or before January 1, 2010, that is*
22 *applicable to that emission source, until eight years after the date*
23 *that emission source achieved compliance with that earlier*
24 *regulation.*

25 ~~SECTION 1. Section 39002 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~39002. Local and regional authorities have the primary~~
28 ~~responsibility for the control of air pollution from all sources other~~
29 ~~than vehicular sources. The control of vehicular sources, except~~
30 ~~as otherwise provided in this division, shall be the responsibility~~
31 ~~of the State Air Resources Board. Except as otherwise provided~~
32 ~~in this division, including, but not limited to, Sections 41809,~~
33 ~~41810, and 41904, local and regional authorities may establish~~
34 ~~stricter standards than those set by law or by the state board for~~
35 ~~nonvehicular sources. However, the state board shall, after holding~~
36 ~~public hearings as required in this division, undertake control~~
37 ~~activities in any area wherein it determines that the local or regional~~

- 1 authority has failed to meet the responsibilities given to it by this
- 2 division or by any other provision of law.

O

ASSEMBLY BILL

No. 1527

Introduced by Assembly Member Lieu

February 27, 2009

An act to add Section 43024 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as introduced, Lieu. Motor vehicle emission reduction projects.

Existing law creates the Carl Moyer Memorial Air Quality Standards Attainment Program and the Goods Movement Emission Reduction Program, which provide state funds to reduce emissions from motor vehicles, as provided.

This bill would allow a motor vehicle emission reduction project to be funded from multiple air quality programs, including the Carl Moyer Memorial Air Quality Standards Attainment Program and the Goods Movement Emission Reduction Program.

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 43024 is added to the Health and Safety
- 2 Code, to read:
- 3 43024. A motor vehicle emission reduction project may be
- 4 funded from multiple programs pursuant to this division, including
- 5 the Carl Moyer Memorial Air Quality Standards Attainment
- 6 Program (Chapter 9 (commencing with Section 44275)) and the

- 1 Goods Movement Emission Reduction Program (Chapter 3.2
- 2 (commencing with Section 39625) of Part 2), if the project meets
- 3 the requirements of those programs described in this division.

O

Introduced by Senator BenoitFebruary 23, 2009

An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 232, as introduced, Benoit. Vehicles: specially constructed vehicles.

Existing law establishes a registration amnesty program for specially constructed vehicles, as defined, that have been previously registered or classified incorrectly and requires that a specially constructed vehicle, upon registration with the Department of Motor Vehicles, be inspected by stations authorized to perform referee functions, for the purposes of determining the engine model-year used in the vehicle or the vehicle model-year, and the emission control system application.

Existing law also requires the department to annually provide a registration to no more than the first 500 of these vehicles that meet specified criteria.

This bill would delete the first 500 vehicle limitation and instead require the department to provide registration to any specially constructed vehicle that meets the specified criteria. The bill would provide that the registered owner of a specially constructed vehicle that is currently registered or incorrectly registered may change the vehicle's registration by complying with those specified criteria.

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 44017.4 of the Health and Safety Code
2 is amended to read:

3 44017.4. (a) Upon *initial* registration with the Department of
4 Motor Vehicles, a passenger vehicle or pickup truck that is a
5 specially constructed vehicle, as defined in Section 580 of the
6 Vehicle Code, shall be inspected by stations authorized to perform
7 referee functions. This inspection shall be for the purposes of
8 determining the engine model-year used in the vehicle or the
9 vehicle model-year, and the emission control system application.
10 The owner shall have the option to choose whether the inspection
11 is based on the engine model-year used in the vehicle or the vehicle
12 model-year.

13 (1) In determining the engine model-year, the referee shall
14 compare the engine to engines of the era that the engine most
15 closely resembles. The referee shall assign the 1960 model-year
16 to the engine in any specially constructed vehicle that does not
17 sufficiently resemble a previously manufactured engine. The
18 referee shall require only those emission control systems that are
19 applicable to the established engine model-year and that the engine
20 reasonably accommodates in its present form.

21 (2) In determining the vehicle model-year, the referee shall
22 compare the vehicle to vehicles of the era that the vehicle most
23 closely resembles. The referee shall assign the 1960 model-year
24 to any specially constructed vehicle that does not sufficiently
25 resemble a previously manufactured vehicle. The referee shall
26 require only those emission control systems that are applicable to
27 the established model-year and that the vehicle reasonably
28 accommodates in its present form.

29 (b) Upon the completion of the inspection, the referee shall affix
30 a tamper-resistant label to the vehicle and issue a certificate that
31 establishes the engine model-year or the vehicle model-year, and
32 the emission control system application.

33 (c) (1) The Department of Motor Vehicles shall ~~annually~~
34 provide a registration to ~~no more than the first 500 vehicles that~~
35 ~~meet any vehicle that meets~~ the criteria described in subdivision
36 (a) that ~~are~~ *is* presented to that department for registration pursuant
37 to this section. ~~The 500-vehicle annual limitation does not apply~~

1 to the renewal of registration of a vehicle registered pursuant to
2 this section.

3 (d) *The registered owner of a specially constructed vehicle that*
4 *is currently registered or incorrectly registered may change the*
5 *vehicle's registration by complying with the requirements of*
6 *subdivision (a).*

7 (e) *There shall not be a limit on the number of specially*
8 *constructed vehicles that may be registered by the department*
9 *pursuant to this section.*

10 SEC. 2. Section 4750.1 of the Vehicle Code is amended to
11 read:

12 4750.1. ~~(a)~~ If the department receives an application for
13 registration of a specially constructed passenger vehicle or pickup
14 truck after it has registered 500 specially constructed vehicles
15 during that calendar year pursuant to Section 44017.4 of the Health
16 and Safety Code, and the vehicle has not been previously
17 registered, the vehicle shall be assigned the same model-year as
18 the calendar year in which the application is submitted inspected
19 and registered pursuant to Section 44017.4 of the Health and
20 Safety Code, for purposes of determining the model-year and the
21 emissions inspection requirements for the vehicle.

22 (b) If the department receives an application for registration of
23 a specially constructed passenger vehicle or pickup truck that has
24 been previously registered after it has registered 500 specially
25 constructed vehicles during that calendar year pursuant to Section
26 44017.4 of the Health and Safety Code, and the application requests
27 a model-year determination different from the model-year assigned
28 in the previous registration, the application for registration shall
29 be denied and the vehicle owner is subject to the emission control
30 and inspection requirements applicable to the model-year assigned
31 in the previous registration. For a vehicle that participated in the
32 amnesty program pursuant to Section 9565, the model-year of the
33 previous registration shall be the calendar year of the year in which
34 the vehicle owner applied for amnesty. However, a denial of an
35 application for registration issued pursuant to this subdivision does
36 not preclude the vehicle owner from applying for a different
37 model-year determination and application for registration under

- 1 ~~Section 44017.4 of the Health and Safety Code in a subsequent~~
- 2 ~~calendar year.~~

O

Introduced by Senator DuttonFebruary 25, 2009

An act to amend Section 38563 of, and to add Section 38561.5 to, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 295, as introduced, Dutton. 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 to evaluate the total potential costs and total potential economic and noneconomic benefits of the plan. 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, notwithstanding this provision or any other provision of law, would prohibit the state board or its staff from beginning to develop these regulations until June 1, 2009, and until the state board reevaluates the evaluation of costs discussed above. The bill would prohibit the state board from implementing those regulations until the unemployment rate in the state is below 5.8% for 3 consecutive months. The bill would

also require the state board to evaluate, and make public, the costs of those regulations.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 38561.5 is added to the Health and Safety
2 Code, to read:
3 38561.5. (a) Notwithstanding Section 38562 or any other
4 provision of law, the state board or its staff shall not begin to
5 develop the regulations described in Section 38562 until all of the
6 following occur:
7 (1) June 1, 2009, at the earliest.
8 (2) The state board has completed an additional peer-reviewed
9 study to reevaluate the evaluations made pursuant to subdivision
10 (d) of Section 38561 that takes into consideration any
11 peer-reviewed comments on the original evaluations. This
12 additional study shall include all of the following:
13 (A) Estimates of the actual costs in every year, and for every
14 sector of the economy, of the recommendations identified in the
15 scoping plan adopted pursuant to Section 38561, and shall not
16 include only annual averaged costs.
17 (B) Estimates of overall costs and savings and the
18 cost-effectiveness of the reductions identified in the scoping plan
19 adopted pursuant to Section 38561, including appropriate inclusion
20 of reductions in copollutants.
21 (C) Estimates of the timing of capital investments, annual
22 expenditures to repay those investments, and the resulting cost
23 savings.
24 (D) Sensitivity of the results to changes in key inputs, including
25 energy price forecasts and estimates of measure costs and savings.
26 (E) Impacts on small businesses.
27 (3) The Legislative Analyst has certified that the study required
28 by paragraph (2) has been completed.
29 (b) Notwithstanding Section 38562 or any other provision of
30 law, the state board shall not implement the regulations described
31 in Section 38562 until the unemployment rate in the state is below

1 5.8 percent for three consecutive months. The state board shall not
2 be required to suspend regulations implemented after the
3 unemployment rate in the state is below 5.8 percent for three
4 consecutive months, if the unemployment rate again rises to 5.8
5 percent or greater.

6 (c) The state board shall evaluate, and make public, the costs
7 of each regulation adopted pursuant to Section 38562.

8 SEC. 2. Section 38563 of the Health and Safety Code is
9 amended to read:

10 38563. ~~Nothing~~ *Except as provided in Section 38561.5, nothing*
11 *in this division restricts the state board from adopting greenhouse*
12 *gas emission limits or emission reduction measures prior to January*
13 *1, 2011, imposing those limits or measures prior to January 1,*
14 *2012, or providing early reduction credit where appropriate.*

15 SEC. 3. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the Constitution and shall go into
18 immediate effect. The facts constituting the necessity are:

19 In order to ensure that the adoption of greenhouse gas emission
20 reduction regulations does not negatively impact the state's
21 economy, it is necessary that this act take effect immediately.

Introduced by Senator WrightFebruary 26, 2009

An act to amend Section 4000.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 385, as introduced, Wright. Historic motor vehicles: preservation.

(1) Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances.

Existing law also requires the Department of Motor Vehicles to require any motor vehicle subject to the above requirements to demonstrate compliance with the smog check requirements by submission of a valid smog check certificate of compliance or noncompliance, as appropriate, upon initial registration, and upon the transfer of ownership and registration of the motor vehicle, with certain exceptions, including, an exemption from these requirements for any motor vehicle manufactured prior to the 1976 model-year.

This bill would also exempt a motor vehicle that has historic vehicle license plates if the registered owner signs a statement under penalty of perjury that the motor vehicle will be used for specified purposes and if the registered owner owns 2 or more currently registered motor vehicles that are not registered as historic motor vehicles.

(2) To the extent that the bill would require a statement signed under penalty of perjury, the bill would create a new crime and, thus, impose a state-mandated local program.

(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 4000.1 of the Vehicle Code is amended
 2 to read:
 3 4000.1. (a) Except as otherwise provided in subdivision (b),
 4 (c), or (d) of this section, or subdivision (b) of Section 43654 of
 5 the Health and Safety Code, the department shall require upon
 6 initial registration, and upon transfer of ownership and registration,
 7 of ~~any~~ a motor vehicle subject to Part 5 (commencing with Section
 8 43000) of Division 26 of the Health and Safety Code, a valid
 9 certificate of compliance or a certificate of noncompliance, as
 10 appropriate, issued in accordance with Section 44015 of the Health
 11 and Safety Code.
 12 (b) With respect to new motor vehicles certified pursuant to
 13 Chapter 2 (commencing with Section 43100) of Part 5 of Division
 14 26 of the Health and Safety Code, the department shall accept a
 15 statement completed pursuant to subdivision (b) of Section 24007
 16 in lieu of the certificate of compliance.
 17 (c) For purposes of determining the validity of a certificate of
 18 compliance or noncompliance submitted in compliance with the
 19 requirements of this section, the definitions of new and used motor
 20 vehicle contained in Chapter 2 (commencing with Section 39010)
 21 of Part 1 of Division 26 of the Health and Safety Code shall control.
 22 (d) Subdivision (a) does not apply to a transfer of ownership
 23 and registration under any of the following circumstances:
 24 (1) The initial application for transfer is submitted within the
 25 90-day validity period of a smog certificate as specified in Section
 26 44015 of the Health and Safety Code.

1 (2) The transferor is the parent, grandparent, sibling, child,
2 grandchild, or spouse of the transferee.

3 (3) A motor vehicle registered to a sole proprietorship is
4 transferred to the proprietor as owner.

5 (4) The transfer is between companies the principal business of
6 which is leasing motor vehicles, if there is no change in the lessee
7 or operator of the motor vehicle or between the lessor and the
8 person who has been, for at least one year, the lessee's operator
9 of the motor vehicle.

10 (5) The transfer is between the lessor and lessee of the motor
11 vehicle, if there is no change in the lessee or operator of the motor
12 vehicle.

13 (6) The motor vehicle was manufactured prior to the 1976
14 model-year.

15 (7) Beginning January 1, 2005, the transfer is for a motor vehicle
16 that is four or less model-years old. The department shall impose
17 a fee of eight dollars (\$8) on the transferee of a motor vehicle that
18 is four or less model-years old. Revenues generated from the
19 imposition of that fee shall be deposited into the Vehicle Inspection
20 and Repair Fund.

21 (e) The State Air Resources Board, under Part 5 (commencing
22 with Section 43000) of Division 26 of the Health and Safety Code,
23 may exempt designated classifications of motor vehicles from
24 subdivision (a) as it deems necessary, and shall notify the
25 department of that action.

26 (f) Subdivision (a) does not apply to a motor vehicle when an
27 additional individual is added as a registered owner of the motor
28 vehicle.

29 (g) For purposes of subdivision (a), any collector motor vehicle,
30 as defined in Section 259, is exempt from those portions of the
31 test required by subdivision (f) of Section 44012 of the Health and
32 Safety Code, if the collector motor vehicle meets all of the
33 following criteria:

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

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

38 (3) The motor vehicle complies with the exhaust emissions
39 standards for that motor vehicle's class and model year as
40 prescribed by the department, and the motor vehicle passes a

1 functional inspection of the fuel cap and a visual inspection for
2 liquid fuel leaks.

3 *(h) Subdivision (a) does not apply to a transfer of ownership*
4 *and registration if all of the following conditions are met:*

5 *(1) The motor vehicle has historic vehicle license plates pursuant*
6 *to Section 5004.*

7 *(2) The registered owner of the motor vehicle signs a statement*
8 *under penalty of perjury on a form provided by the department*
9 *that the motor vehicle will be used principally for the purposes*
10 *defined in subdivision (f) of Section 5004.*

11 *(3) The registered owner of the motor vehicle owns two or more*
12 *currently registered motor vehicles that are not registered as*
13 *historic motor vehicles pursuant to Section 5004.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

Introduced by Senator Simitian

February 26, 2009

An act to add Section 39611 to the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 425, as introduced, Simitian. Vehicle trip reduction.

Existing law creates the State Air Resources Board, with various powers and duties relative to reduction of air pollution. Existing law creates the Department of Transportation, with various powers and duties relative to transportation planning.

This bill would require the State Air Resources Board, in coordination with the Department of Transportation, to develop a program for employers employing more than 100 individuals to reduce the number of single-occupant vehicle trips, as specified.

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 39611 is added to the Health and Safety
- 2 Code, to read:
- 3 39611. The state board shall, in coordination with the
- 4 Department of Transportation, develop a program for employers
- 5 employing more than 100 individuals to do all of the following:
- 6 (a) Collect information from employers and regional
- 7 transportation agencies on existing programs designed to reduce
- 8 the number of single-occupant vehicle trips.

- 1 (b) Evaluate the effectiveness of the programs described in
- 2 subdivision (a).
- 3 (c) Make information about the programs in subdivision (a) that
- 4 are effective available to employers and the general public on an
- 5 Internet Web site.
- 6 (d) Develop additional incentives for employers to adopt
- 7 programs and practices that will help achieve a goal of reduction
- 8 from current levels of single-occupant vehicle trips by 25 percent
- 9 in 2015 and 33 percent in 2020.

Introduced by Senator LowenthalFebruary 26, 2009

An act to amend Section 76360 of the Education Code, and to add Division 19 (commencing with Section 43000) to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as introduced, Lowenthal. Vehicles: parking services and fees.

(1) Existing law regulates the amount of fees that a community college district may charge for parking and authorizes the governing board of a community college district to require payment of a parking fee at a campus in excess of established limits for the purpose of funding the construction of oncampus parking facilities if certain conditions are met.

This bill would delete these provisions and instead require that state funds not be used, directly or indirectly, to subsidize parking services, except as specified, for students, employees, or other persons on district-owned or district-leased property on and after January 1, 2011. The bill also would authorize the governing board of a community college district to exempt specified students who receive financial assistance or who rideshare or carpool from paying parking fees that exceed a specified amount.

(2) Under existing law, the State Building Construction Act, state funds may be used to fund the construction or operations of parking facilities in California. Under existing law, a city, county, or city and county is authorized to provide for the parking of motor vehicles, including the construction and operation of parking facilities, and the

acquisition of land, property, and rights of way necessary or convenient for use as public parking places.

This bill would prohibit, notwithstanding any other provision of law on and after January 1, 2011, the use of state funds to, directly or indirectly, subsidize the construction or operations of parking in California, except as specified, and for this purpose, the bill would define both the construction and operating costs of parking, the full cost of a parking space, transit intensive areas, and specify the exceptions to this requirement. A violation of the Vehicle Code is a crime.

The bill would require, on or before January 1, 2012, a city, county, or city and county to adopt and implement, or have adopted and implemented, measures from a specified menu that achieve a total score of at least 20 points, based on the points associated with that menu to ensure that a city, county, or city and county manages its parking so that the actual cost of a parking space equals its full cost, as specified. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

The bill also would authorize a city, county, or city and county, to request the State Air Resources Board to approve and award points for other alternate measures to reduce or eliminate subsidies that fail to charge users for the full cost of a parking space, as specified. The bill also would provide that if a city, county, or city and county adopts and implements measures to achieve a total score of at least 50 points from the specified menu, the city, county, or city and county, with respect to any application for competitive loan or grant programs funded by a general obligation bond approved by the voters on or after January 1, 2010, would receive bonus points equal to 5% of the total available points.

(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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 Legislature finds and declares all of the
2 following:

3 (a) The transportation sector contributes over 40 percent of the
4 greenhouse gas emissions in the State of California; automobiles
5 and light trucks alone contribute almost 30 percent. The
6 transportation sector is the single largest contributor of greenhouse
7 gases of any sector.

8 (b) In 2006, the Legislature passed and the Governor signed
9 Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter
10 AB 32), which requires the State of California to reduce its
11 greenhouse gas emissions to 1990 levels no later than 2020.
12 According to the State Air Resources Board, in 1990 greenhouse
13 gas emissions from automobiles and light trucks were 108 million
14 metric tons, but by 2004 these emissions had increased to 135
15 million metric tons.

16 (c) Greenhouse gas emissions from automobiles and light trucks
17 can be substantially reduced by new vehicle technology and by
18 the increased use of low carbon fuel. However, even taking these
19 measures into account, it will be necessary to achieve significant
20 additional greenhouse gas reductions by reducing vehicle trips and
21 per capita vehicle miles traveled. Without those reductions,
22 California will not be able to achieve the goals of AB 32.

23 (d) In addition, automobiles and light trucks account for 50
24 percent of air pollution in California and 70 percent of the state's
25 consumption of petroleum. Reducing vehicle trips will provide
26 significant assistance to California's goals to implement the federal
27 and state Clean Air Acts and to reduce the state's dependence on
28 petroleum.

29 (e) The existence of "free" parking is a significant factor that
30 encourages vehicle trips. At employment sites, employer-paid
31 parking increases rates of driving by as much as 22 percent.
32 Conversely, employee-paid parking reduces rates of driving by
33 the same amount. On a congested street, eliminating just 10 percent
34 of vehicles results in freeflowing traffic. Because parking is
35 underpriced, it is overconsumed.

36 (f) Excessive governmental parking requirements greatly expand
37 the built footprint and increase travel distances, thereby increasing
38 per capita measures of vehicle miles traveled and reducing the

1 viability of clean transportation modes that help to achieve the
2 state's global warming targets, including walking, bicycling, and
3 public transportation.

4 (g) Parking is costly to build and maintain. Where land is valued
5 at \$1 million an acre, the land beneath a parking space would rent
6 at approximately \$1,000 a year. Building a structured parking
7 space costs between \$17,000 and \$30,000, with underground spaces
8 costing significantly more. Annual operations and maintenance
9 costs vary from \$100 and \$500 per space per year. When parking
10 is provided free to the user, these costs are hidden elsewhere in
11 the cost of doing business. Free parking at stores is paid for by all
12 customers in higher prices for goods, including those customers
13 who do not drive. Free employer parking is paid for by lower wages
14 for all workers, including those who do not drive. Free onstreet
15 parking is paid for by the entire community in the form of taxes.

16 (h) Eliminating subsidies and revealing the actual cost of parking
17 to drivers has enormous potential to reduce greenhouse gas and
18 other pollution emissions through reducing vehicle trips. In the
19 short term, changes to parking policy can reduce greenhouse gas
20 emissions more than all other strategies combined. Eliminating
21 parking subsidies can also improve social equity by lowering prices
22 for those who choose not to drive, often lower-income households.

23 SEC. 2. Section 76360 of the Education Code is amended to
24 read:

25 ~~76360. (a) (1) The governing board of a community college~~
26 ~~district may require students in attendance and employees of the~~
27 ~~district to pay a fee, in an amount, not to exceed forty dollars (\$40)~~
28 ~~per semester and twenty dollars (\$20) per intersession, to be~~
29 ~~established by the board, for parking services. The fee shall only~~
30 ~~be required of students and employees using parking services and~~
31 ~~shall not exceed the actual cost of providing parking services.~~

32 *76360. (a) Except as provided in subdivision (b), state funds*
33 *shall not be used, directly or indirectly, to subsidize parking*
34 *services for students, employees, or other persons on district-owned*
35 *or district-leased property on and after January 1, 2011. Parking*
36 *services are not subsidized if parking user fees cover land and*
37 *construction costs within no less than 15 years, and operation and*
38 *maintenance costs on an annual basis.*

39 *(b) (1) The governing board of a community college district*
40 *may exempt students who receive financial assistance pursuant to*

1 *any programs described in subdivision (g) of Section 76300 from*
2 *parking fees that exceed twenty dollars (\$20) per semester.*

3 (2) To encourage ridesharing and carpooling, ~~for the governing~~
4 ~~board of a community college district may exempt~~ a student who
5 certifies, in accordance with procedures established by the board,
6 that he or she regularly has two or more passengers commuting to
7 the community college with him or her in the vehicle parked at
8 the community college, ~~the fee shall not from parking fees that~~
9 ~~exceed thirty dollars (\$30) per semester and ten dollars (\$10) per~~
10 ~~intersession.~~

11 ~~(b) (1) The governing board may require payment of a parking~~
12 ~~fee at a campus in excess of the limits set forth in subdivision (a)~~
13 ~~for the purpose of funding the construction of on-campus parking~~
14 ~~facilities if both of the following conditions exist at the campus:~~

15 ~~(A) The full-time equivalent (FTES) per parking space on the~~
16 ~~campus exceeds the statewide average FTES per parking space on~~
17 ~~community college campuses.~~

18 ~~(B) The market price per square foot of land adjacent to the~~
19 ~~campus exceeds the statewide average market price per square~~
20 ~~foot of land adjacent to community college campuses.~~

21 ~~(2) If the governing board requires payment of a parking fee in~~
22 ~~excess of the limits set forth in subdivision (a), the fee may not~~
23 ~~exceed the actual cost of constructing a parking structure.~~

24 ~~(c) Students who receive financial assistance pursuant to any~~
25 ~~programs described in subdivision (g) of Section 76300 shall be~~
26 ~~exempt from parking fees imposed pursuant to this section that~~
27 ~~exceed twenty dollars (\$20) per semester.~~

28 ~~(d) The governing board of a community college district may~~
29 ~~also require the payment of a fee, to be established by the~~
30 ~~governing board, for the use of parking services by persons other~~
31 ~~than students and employees.~~

32 ~~(e)~~

33 ~~(c) All parking fees collected shall be deposited in the designated~~
34 ~~fund of the district in accordance with the California Community~~
35 ~~Colleges Budget and Accounting Manual, and shall be expended~~
36 ~~only for parking services or for purposes of reducing the costs to~~
37 ~~students and employees of the college of using public transportation~~
38 ~~to and from the college.~~

39 ~~(f)~~

1 (d) Fees collected for use of parking services provided for by
2 investment of student body funds under the authority of Section
3 76064 shall be deposited in a designated fund in accordance with
4 the California Community Colleges Budget and Accounting
5 Manual for repayment to the student organization.

6 ~~(g)~~
7 (e) "Parking services," as used in this section, means the
8 purchase, construction, and operation and maintenance of parking
9 facilities for vehicles and motor vehicles as defined by Sections
10 415 and 670 of the Vehicle Code.

11 SEC. 3. Division 19 (commencing with Section 43000) is added
12 to the Vehicle Code, to read:

13
14 DIVISION 19. PARKING REQUIREMENTS

15
16 43000. For the purposes of this division, the following terms
17 have the following meaning:

18 (a) "Full cost of a parking space" means the sum of all of the
19 following:

20 (1) Annualized land cost. For above-ground structured parking
21 within a larger building, assume a fractional land cost based upon
22 above-ground volume of the parking facility compared to other
23 occupiable space. For entirely underground parking, assume no
24 land value. To annualize the cost, divide actual or fractional land
25 cost by 10. For leased land, use the annual lease rate.

26 (2) Annualized construction cost. Include full project cost
27 divided by the useful life of the facility. If actual costs are not
28 available, use a per-space cost from a relevant parking construction
29 cost index, and assume a 40-year useful life.

30 (3) Annualized operations and maintenance costs. Include
31 lighting, landscape, irrigation, security, insurance, pavement
32 maintenance, collections, enforcement, and related costs.

33 (b) "Transit intensive area" means central business districts,
34 areas within one-half mile of a major transit stop, as defined in
35 subdivision (b) of Section 21155 of the Public Resources Code,
36 and areas within one-quarter mile of a high-quality transit corridor,
37 as defined in subdivision (b) of Section 21155 of the Public
38 Resources Code.

39 43001. (a) Notwithstanding any other provision of law, state
40 funds shall not be used, directly or indirectly, except as provided

1 in subdivision (b), to subsidize the construction or operations of
 2 parking in California on and after January 1, 2011. For the purposes
 3 of this section, the construction costs of parking include the land,
 4 design, environmental review, permitting, project management,
 5 mitigation, and actual construction costs. Operating costs include
 6 debt service, maintenance, insurance, enforcement, collections,
 7 utilities, security, and other ancillary costs necessary to the
 8 operations of the parking facility. The construction or operation
 9 of parking is not subsidized if parking user fees cover construction
 10 costs within no less than 15 years and operating costs on an annual
 11 basis.

12 (b) All of the following are exceptions to subdivision (a):

13 (1) Locations where the cost of collecting payment for parking
 14 would exceed 75 percent of total revenue collected.

15 (2) Existing parking facilities at state parks where parking
 16 demand does not exceed capacity on more than 10 percent of days.

17 (3) Existing parking facilities at state-owned or leased
 18 employment facilities that employ 25 or fewer state employees or
 19 contractors where parking demand does not exceed capacity on
 20 more than 10 percent of days during peak hours.

21 (4) Locations where existing employee collective bargaining
 22 agreements forbid payment of parking, until the time that those
 23 agreements expire.

24 (5) Locations where federal rules, prior contracts, or prior
 25 funding agreements restrict payment for parking.

26 43002. (a) On or before January 1, 2012, a city, county, or
 27 city and county shall adopt and implement, or have adopted and
 28 implemented, measures from the following menu that achieve a
 29 total score of at least 20 points, based on the points associated with
 30 each menu item:

MEASURE	POINTS
PARKING REQUIREMENTS AND ZONING	
Eliminate minimum parking requirements citywide or within the unincorporated county.	20
Reduce average minimum parking requirements for all general office, general retail, general commercial, and similar development citywide or within the unincorporated county to:	2
Less than 3 spaces per 1,000 square feet	5
Less than 3 spaces per 1,000 square feet	10

1	Less than 2 spaces per 1,000 square feet	
2	Less than 1 space per 1,000 square feet	
3	Eliminate minimum parking requirements for projects in transit	
4	intensive areas.	10
5	Establish maximum parking restrictions for all general office,	
6	general retail, general commercial, and similar development at or	
7	below the following:	
8	3 spaces per 1,000 square feet	10
9	2 spaces per 1,000 square feet	15
10	1 space per 1,000 square feet	20
11	Establish commercial parking maximums of 2 or fewer spaces per	
12	1,000 sq. feet citywide or within the unincorporated county.	10
13	Establish commercial parking maximums of 2 or fewer spaces per	
14	1,000 sq. feet in transit intensive areas.	5
15	Establish residential parking maximums of 1 or fewer spaces per	
16	unit in transit intensive areas.	5
17	Establish design controls requiring parking to be underground or	
18	“wrapped” in active uses on building frontages facing public	
19	streets.	2
20	Remove restrictions against residential tandem parking, including	
21	eliminating requirements that parking must be independently	
22	accessible to count toward minimum residential parking	
23	requirement, if any.	2
24	Remove restrictions against mechanized and mechanical “lift”	
25	parking, including counting mechanized spaces toward minimum	
26	requirement, if any.	2
27	Establish a shared parking ordinance and requirements for	
28	interconnection of parking in all commercial areas.	2
29	Remove or increase allowable density limits and floor area ratios	
30	(FAR), allowing infill development on existing parking lots.	10
31	PARKING AND TRANSPORTATION DEMAND	
32	MANAGEMENT	
33	Adopt an ordinance to require that any lease for a residential	
34	dwelling unit within a housing development of five or more units,	
35	if a parking space or spaces are provided in connection with the	
36	lease, include a separate unbundled charge for the parking space	
37	or spaces that reflects the full cost of the parking space or spaces	
38	but is not less than the number of parking spaces multiplied by the	
39	cost of a monthly transit pass within the city, county, or city and	5

1	county and that the lessee may opt out of the parking charge by	
2	foregoing use of the parking space or spaces.	
3	Adopt an ordinance to require that any lease for commercial space	
4	in a complex of five or more commercial tenants include a separate	
5	unbundled charge for the parking space or spaces that reflects the	
6	full cost of the parking space or spaces but is not less than the	
7	number of parking spaces multiplied by the cost of a monthly	
8	transit pass within the city, county, or city and county and that the	
9	lessee may opt out of the parking charge by foregoing use of the	
10	parking space or spaces.	5
11	Adopt an ordinance to require that any new employment contract	
12	under which the employer provides a parking space within the	
13	city, county, or city and county include a nonreimbursable charge	
14	to the employee that reflects the full cost of the parking space but	
15	is not less than the cost of a monthly transit pass within the city,	
16	county, or city and county and that the employee may opt out of	
17	by foregoing use of the parking space.	5
18	Adopt an ordinance to require employers to offer transit passes to	
19	all employees, including full time, part time, and seasonal	
20	employees, on a pretax basis and certify compliance upon	
21	application for a new or renewal business license.	2
22	PARKING MANAGEMENT	
23	Adopt an ordinance to set on-street parking meter and public	
24	parking lot and garage rates to achieve an 85% target occupancy	
25	rate during hours when adjacent businesses are open or employ	
26	demand-responsive rates that vary throughout the day to achieve	
27	an 85% target occupancy rate.	10
28	Establish a Parking Benefit District, whereby all or a portion of	
29	new public parking revenues are directed toward improvements	
30	within the district where the revenue was raised.	5
31	Establish a Residential Parking Benefit District, whereby a limited	
32	number of commuters may pay to park in an otherwise restricted	
33	Residential Parking Permit area, with the net revenue directed	
34	toward improvements within the district where the revenue was	
35	raised.	5
36	Install parking meters in areas with parking occupancy rates of	
37	greater than 85% and establish meter rates such that parking	
38	availability improves to 85% or better.	2
39	PARKING REVENUE	

1 2 3 4	Adopt an ordinance to direct at least 50% of net public parking revenues to programs that reduce parking demand, including, but not limited to, public transit, transportation demand management, or bicycle and pedestrian infrastructure and promotion.	3
5 6 7 8 9	Adopt a parking sales tax or use fee upon parkers, with at least 85% of resulting net revenue directed at programs that reduce parking demand, including, but not limited to, public transit, transportation demand management, or bicycle and pedestrian infrastructure and promotion.	5
10 11 12 13 14	Adopt a parking impact fee or property assessment on parking owners, with at least 85% of resulting net revenue directed at programs that reduce parking demand, including, but not limited to, public transit, transportation demand management, or bicycle and pedestrian infrastructure and promotion.	5

15

16 (b) Upon request by a city, county, or city and county, the State
 17 Air Resources Board may approve and award points for other
 18 alternate measures to reduce or eliminate subsidies that fail to
 19 charge users for the full cost of a parking space, if points are
 20 awarded in a manner that is roughly proportionate to the estimated
 21 reduction in vehicle trips to be achieved by the alternate measure,
 22 in comparison with the measures described in subdivision (a).

23 (c) If a city, county, or city and county adopts and implements
 24 measures to achieve a total score of at least 50 points, with respect
 25 to any application submitted by the city, county, or city and county
 26 for competitive loan or grant programs funded by a general
 27 obligation bond approved by the voters on or after January 1, 2010,
 28 the city, county, or city and county shall receive bonus points equal
 29 to 5 percent of the total available points.

30 (d) Cities, counties, and cities and counties are encouraged to
 31 address any parking spillover from new development through the
 32 use of residential parking permits or other parking management
 33 strategies and to provide residents who resided in the parking
 34 permit zone prior to adoption of the parking permit zone a parking
 35 permit for free.

36 SEC. 4. No reimbursement is required by this act pursuant to
 37 Section 6 of Article XIII B of the California Constitution for certain
 38 costs that may be incurred by a local agency or school district
 39 because, in that regard, this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty for a crime
2 or infraction, within the meaning of Section 17556 of the
3 Government Code, or changes the definition of a crime within the
4 meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 However, if the Commission on State Mandates determines that
7 this act contains other costs mandated by the state, reimbursement
8 to local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

O

Introduced by Senator DeSaulnierFebruary 27, 2009

An act to add Section 4750.2 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 811, as introduced, DeSaulnier. Vehicles: specially constructed vehicles.

Existing law, upon application for registration of a vehicle previously registered outside this state, requires the Department of Motor Vehicles to grant full faith and credit to the currently valid certificate of title describing the vehicle, the ownership thereof, and the liens thereon, issued by the state in which the vehicle was last registered. Existing law also requires the department to require upon registration of a motor vehicle, previously registered outside this state, a valid certificate of compliance, or a certificate of noncompliance, with California's emission regulations. Existing law additionally requires specially constructed vehicles, depending on various criteria, to be subject to different emission inspection and control requirements based on the engine model year, the vehicle model year, or the calendar year in which the application for vehicle registration is submitted.

This bill would require specially constructed vehicles, as defined, that were previously registered outside this state to be subject to emission control and inspection requirements applicable to the same calendar year that the vehicle was originally constructed as a specially constructed vehicle.

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 4750.2 is added to the Vehicle Code, to
2 read:
3 4750.2. Notwithstanding Section 4304 or 4750.1, if the
4 application for registration of a vehicle previously registered
5 outside this state is for a specially constructed vehicle, as defined
6 in Section 580, the vehicle is subject to emission control and
7 inspection requirements applicable to the same calendar year that
8 the vehicle was originally constructed as a specially constructed
9 vehicle, unless otherwise modified by Section 44017.4 of the
10 Health and Safety Code.

O

BAAQMD BILL DISCUSSION LIST

APRIL 2009

BILL NO.	AUTHOR	SUBJECT	POSITION	STATUS
AB 19	Ruskin	Carbon Labeling Act of 2009; voluntary carbon footprint of consumer products		Asm Nat. Resources
AB 21	B.Lowenthal	Requires reviews of methyl bromide use, including at ports		Asm. Env. Safety
AB 28	Jeffries	Prohibits air districts from restricting use of public agency natural gas engines to pump water	Oppose	4/13/09 Asm. Nat. Resources
AB 96	Ruskin	Changes to gasoline underground storage tank grant program		Asm. Approps.
AB 118	Logue	Repeals California Global Warming Solutions Act of 2006		Asm Nat. Resources
AB 137	Jeffries	Tightens Brown Act requirements for advisory committees		Asm. Loc. Govt.
AB 222	Adams	States intent to advance biofuels and green power production		
AB 231	Huffman	Climate Protection Trust Fund		4/20/09 Asm. Nat. Resources
AB 318	Emmerson	Smog check amnesty cleanup (fixing last year's bill)	Support	4/14/09 Asm. Bus. & Professions
AB 376	Nava	Voluntary greenhouse gas emissions offsets		
AB 397	Jeffries	Makes SCAQMD Board members elected positions		4/15/09 Asm. Loc.Govt.
AB 414	Galgiani	Extends Moyer eligibility to heavy-duty fleet trade down program		4/20/09 Asm. Trans.
AB 433	Ammiano	Requires new residential construction near roads with high PM levels to have ventilation system to reduce PM exposures for residents		Asm. Housing
AB 453	Garrick	Gasoline vapor recovery spot bill		4/20/09 Asm. Nat. Resources

AB 478	Chesbro	Requires ARB to consult with Integrated Waste Board in development of AB 32 rules		4/13/09 Asm. Nat. Resources
AB 499	Hill	CEQA		4/13/09 Asm. Nat. Resources
AB 658	Hayashi	Doubles potential grant amount to dry cleaners moving to cleaner technologies		4/14/09 Asm. Env. Safety
AB 670	Berryhill	Allows veterans to use HOV lanes		4/20/09 Asm. Trans.
AB 696	Hagman	Allows CEQA project applicant to resolve disputes with lead agency via an arbitrator		4/20/09 Asm. Nat. Resources
AB 782	Jeffries	Significant changes to 2008's SB 375 to make the law more business-friendly		4/20/09 Asm. Nat. Resources
AB 821	Brownley	Clean and Healthy Schools Act		Asm. Education
AB 823	Hill	Increases state buyback amount for failed smog vehicle to potentially \$2,000		4/13/09 Asm. Trans.
AB 835	Monning	Addresses VOC emissions from pesticides		4/13/09 Asm. Agri.
AB 859	Jones	Annual smog inspection of older vehicles	Support	4/13/09 Asm. Trans.
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		4/20/09 Asm. Trans.
AB 892	Furutani	Allows Prop 1B Goods Movement Emission Reduction Program funds to be reallocated when a project is no longer feasible	Support	4/13/09 Asm. Trans.
AB 922	Miller	Exempts California-made biofuel from diesel fuel tax		5/11/09 Asm. Rev. & Tax
AB 956	Skinner	States intent to require ARB to adopt regulations on pavement coating to reduce urban heat island effect		4/20/09 Asm. Trans.
AB 1016	Villines	Abolishes California Energy Commission and creates new Department of Energy		Asm. Utilities & Commerce
AB 1033	Nielsen	New requirements on state and local agencies adopting GHG regulations		Asm Nat. Resources

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		4/20/09 Asm. Nat. Resources
AB 1097	Eng	Requires state fleet to achieve 35 mpg		Asm. Business & Professions
AB 1107	Blakeslee	Spot bill on scientific peer review of CalEPA regulations		
AB 1135	Skinner	VMT data collection at time of registration	Support	4/20/09 Asm. Trans.
AB 1186	Blumenfield	Requires non-residential building lessors to separately list parking costs in the lease agreement		4/20/09 Asm. Trans.
AB 1204	Huber	Broadens last year's SB 375 CEQA exemption beyond residential and mixed-use/residential projects		4/20/09 Asm. Nat. Resources
AB 1212	Ruskin	Authorizes ARB to implement a feebate program on new vehicle sales to cut greenhouse gas emissions		Asm. Trans.
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		4/13/09 Asm. Nat. Resources
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		Asm. Utilities & Commerce
AB 1350	Blakeslee	Establishes California Sustainable Biofuels Program		Asm. Nat. Resources
AB 1373	Skinner	Requires plan to phase out use of high global warming potential refrigerants by 2020		4/20/09 Asm. Nat. Resources
AB 1395	Torricono	Requires ARB to make publicly available all proposals to change regulations and workshop information		Asm. Nat. Resources
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		4/20/09 Asm. Nat. Resources

AB 1405	De Leon	Establishes Community Benefits Fund to mitigate climate change impacts in the most impacted and economically disadvantaged communities		4/20/09 Asm. Nat. Resources
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		Asm. Trans.
AB 1502	Eng	Extends hybrid vehicle use of HOV lanes from 2011 to 2017		Asm. Trans.
AB 1507	Block	Revises environmental grant program for metal plating facilities		Asm. Env. Safety
AB 1527	Lieu	Allows a single motor vehicle emission reduction project to be funded from multiple grant programs		Asm. Trans.
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		4/20/09 Asm. Nat. Resources
ABX3 30	Garrick	Delays Phase II EVR by one year		
SB 31	Pavley	Specifies uses for fees collected by ARB on greenhouse gas emission sources		4/20/09 Sen. Env. Quality
SB 104	Oropeza	Adds nitrogen trifluoride as a greenhouse gas, and establishes process for adding other compounds		4/20/09 Sen. Env. Quality
SB 124	Oropeza	Codifies regulations limiting idling of schoolbuses		4/14/09 Sen. Trans. & Housing
SB 128	Padilla	Creates the California Climate Change Institute		Sen. Rules
SB 180	Florez	Portable classroom air quality spot bill		Sen. Env. Quality

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		Sen. Approps.
SB 225	Florez	Allows districts to create emission reduction credits from projects funded with public and private funds		4/20/09 Sen. Env. Quality
SB 232	Benoit	Would allow an unlimited number of specialty constructed vehicles to be registered annually		Sen. Trans. & Housing
SB 295	Dutton	Would prevent AB 32 implementation until the unemployment rate is below 5.8% for 3 months		4/20/09 Sen. Env. Quality
SB 351	Huff	HOV lane spot bill		Sen. Rules
SB 382	Florez	Prohibits San Joaquin Valley agricultural burning on days when residential burning is banned		4/21/09 Sen. Food & Agri.
SB 385	Wright	Exempts historic vehicles from smog check, and allows owners to self-certify that their vehicle is historic		Sen. Trans. & Housing
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		4/14/09 Sen. Trans. & Housing
SB 400	Corbett	Expands AB 118 grant funding to go to broader change of clean vehicles, and defines CA Green Vehicle		4/14/09 Sen. Trans. & Housing
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		4/15/09 Sen. Loc. Govt.
SB 412	Kehoe	Changes and extends self-generation incentive program for non-solar distributed generation		4/21/09 Sen. Energy
SB 425	Simitian	Creates a new employer-based trip reduction program		4/21/09 Sen. Trans. & Housing
SB 435	Pavley	Adds post-2000 motorcycles to smog check program	Support	4/14/09 Sen. Trans. & Housing
SB 468	Runner	Air pollution spot bill		
SB 476	Correa	Exempts from CEQA some environmental enhancement projects, and limits cumulative impact evaluation		4/27/09 Sen. Env. Quality

SB 507	Cox	Delays by one year Phase II enhanced vapor recovery for gas stations		4/27/09 Sen. Env. Quality
SB 518	Lowenthal	Reforms parking policy to reduce driving and associated emissions		4/21/09 Sen. Trans. & Housing
SB 535	Yee	Extends hybrid use of HOV lanes indefinitely		Sen. Trans. & Housing
SB 554	Hollingsworth	Prohibits air districts from restricting the installation or use of wood-burning equipment	Oppose	Sen. Env. Quality
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		Sen. Env. Quality
SB 626	Kehoe	Assigns CEC to develop and implement policies to encourage plug-in hybrids		4/21/09 Sen. Energy
SB 632	Lowenthal	Requires container ports to assess and report their infrastructure and air quality needs	Support	4/27/09 Sen. Env. Quality
SB 675	Steinberg	Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2009		Sen. Rules
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		Sen. Rules
SB 721	Steinberg	Creates Climate Action Team to coordinate AB 32 actions and implementation		4/20/09 Sen. Env. Quality
SB 722	Steinberg	Establishes requirements on those selling voluntary greenhouse gas emission reduction credits		Sen. Env. Quality
SB 728	Lowenthal	Imposes civil penalty for violation of parking cashout law, and allows air districts to impose additional penalties and compliance mechanisms	Support	Sen. Env. Quality
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		4/14/09 Sen. Trans. & Housing

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 7, 2009

Re: REPORT ON POLL ON BOARD SIZE AND COMPOSITION

RECOMMENDED ACTION:

None; informational item.

DISCUSSION

At its last meeting, the Legislative Committee discussed the results of the initial poll of Board members on the size and composition of the District Board. The Committee then directed staff to re-poll all Board members on only two options for changing the Board's size. However, the full Board of Directors at its last meeting redirected staff to include in the poll the additional proposals made by Directors Yeager and Sperring. Staff have sent out this poll, now with four options, to all Board members. A copy of this latest poll is attached. Staff will tabulate the results and present them to the Legislative Committee for its consideration.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Board of Directors

From: Tom Bates, Legislative Committee Chair

Date: April 7, 2009

Re: Final Survey on Board Size

At its March 23rd meeting, the Legislative Committee discussed the Board's responses to the email survey on the size of the Board. Only four of the fifteen respondents preferred no changes to the status quo, although the other eleven preferred a diverse set of changes. After discussion, the Committee decided to poll again to attempt to reach some closure on the issue. The full Board at its April 1st meeting directed staff to include in this second poll the two additional proposals made by Board members in addition to the two scenarios selected by the Legislative Committee.

The Legislative Committee wanted the Board to have some background information on this issue. The statutory language governing the size of the Board dates to 1976, when the regional population was considerably smaller. It specifies that Bay Area counties with populations less than 300,000 have one seat on the Board, while counties between 300,000 and 750,000 have two seats. Counties between 750,000 and 1,000,000 have three seats, and counties over one million in population have four seats. Thus the Board has steadily expanded in numbers over time to its current size of 22. Outside the Bay Area, the other California air districts have governing boards that range in size from five members to a high of fifteen. The South Coast, for example, has thirteen Board members.

Currently, the counties of Alameda, Contra Costa, and Santa Clara have four seats, while San Francisco has three seats. San Mateo and Sonoma have two seats, while Marin, Napa, and Solano have one. Note that while Solano and Sonoma Counties are each split between the Bay Area and adjacent air basins, their seats are based on the portion of the county population within the Bay Area Air Quality Management District (Air District). The current population of the portion of Solano County in the Air District, for example, is 293, 282. When this population increases to 300,000, the Board will increase to 23 Directors. Similarly, staff anticipate that a 24th Director will likely be seated in a few years as San Mateo County adds a future third representative, and the Board will continue to grow into the future as the region's population continues to expand.

This is shown in tabular form below:

County	Population in the BAAQMD area	Number of Current Seats
Alameda	1,543,000	4
Contra Costa	1,051,674	4
Marin	257,406	1
Napa	136,704	1
Santa Clara	1,837,075	4
San Francisco	824,525	3
San Mateo	739,469	2
Solano	293,282	1 ¹
Sonoma	427,631	2
Total Board Size		22

Please indicate which of the following four options you would prefer:

Option A: No change to the language governing the size of the Board. Under this option, the Board will grow relatively quickly to 24 members.

Option B: This was labeled as Option 3 in the previous poll. Under this option, the populations at which counties add additional representatives would be changed. A second representative would be added at 350,000 (rather than 300,000). A third representative would be added at 800,000 (rather than 750,000). A fourth representative would be added at 1,200,000 (rather than 1,000,000). However, existing representatives from counties that have already exceeded the current population triggers would not be removed, but counties would not add representatives until the new triggers are reached. This would keep the Board at its current size of 22 members for perhaps another decade.

Option C: This proposal was suggested by Director Yeager. Each county would have one seat, and counties with a population over one million would have a second seat. San Francisco, Oakland, and San Jose would also each get an additional seat. This would yield a Board of 15 members, which would not increase in size for perhaps another decade.

Option D: This proposal was suggested by Director Spering. Each county with a population under 750,000 would have one seat, selected by the Board of Supervisors. Counties over 750,000 would have a second seat, selected by the City Selection Committee. This would yield a Board of 13 members, which would increase to 14 members relatively quickly.

POLL:

Please select Option A, B, C, or D.

I prefer Option A _____

I prefer Option B _____

I prefer Option C _____

I prefer Option D _____

Name: _____

¹ Please note that the final survey sent via email showed Solano County with (2) representatives, staff will clarify number of seats as (1) at the April 15, 2009, Legislative Committee meeting.