



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

SUSAN GARNER – CHAIRPERSON
JENNIFER HOSTERMAN
CAROL KLATT

DAVE HUDSON – VICE CHAIRPERSON
ASH KALRA
NATE MILEY

MONDAY
MARCH 7, 2011
9:45 A.M.

4TH FLOOR CONFERENCE ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

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 DECEMBER 6, 2010**

4. **REVIEW NEW BILLS AND CONSIDER RECOMMENDING POSITIONS**

T. Addison/5109
taddison@baaqmd.gov

The Committee will discuss and review new bills and consider recommending Board of Directors' positions where appropriate.

5. **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)

6. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**

7. **ADJOURNMENT**

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

(415) 749-5130

FAX: (415) 928-8560

BAAQMD homepage:

www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Executive Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94941, at the time such writing is made available to all, or a majority of all members of that body. Such writing may also be posted on the District's website (www.baaqmd.gov) at that time.

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

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

MARCH 2011

<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	2	9:45 a.m.	Board Room
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i>	Thursday	3	9:30 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i>	Thursday	3	11:00 a.m. Following Stationary Source Meeting	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Monday	7	9:45 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(At the Call of the Chair)</i>	Monday	7	11:00 a.m. Following Legislative Meeting	4 th Floor Conf. Room
Advisory Council Meeting	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	14	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	23	1:00 p.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

APRIL 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i>	Monday	4	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
Board of Directors Executive Committee <i>(At the Call of the Chair)</i>	Monday	11	9:30 a.m.	4 th Floor Conf. Room

APRIL 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Meeting	Wednesday	13	9:00 a.m.	Board Room
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 each Month)</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Thursday	28	11:00 a.m. Following Mobile Source	4 th Floor Conf. Room

MAY 2011

<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	4	9:45 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	25	1:00 p.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

HL – 2/28/11 (2:10 p.m.)
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Garner and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 1, 2011

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of December 6, 2010.

DISCUSSION

Attached for your review and approval are the draft minutes of the December 6, 2010 Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared By: Lisa Harper
Reviewed by: Jennifer Cooper

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, December 6, 2010

- Call to Order:** Chairperson Susan Garner called the meeting to order at 9:45 a.m.
- Roll Call:** Chairperson Susan Garner, Vice Chairperson Carol Klatt, and Directors Chris Daly, Scott Haggerty, Jennifer Hosterman, and David Hudson
- Absent:** Directors Tom Bates, Ash Kalra, and Nate Miley
- Also Present:** Board Chairperson Brad Wagenknecht and Director Pamela Torliatt
- Public Comments:** There were no public comments.

Approval of Minutes of October 4, 2010:

Committee Action: Director Hosterman made a motion to approve the October 4, 2010 Legislative Committee minutes; Director Hudson seconded the motion; carried unanimously without objection.

Potential Legislative Agenda for 2011

Senior Advanced Projects Advisor, Tom Addison, gave the staff presentation and discussed the Governor's release of suggested bill proposals for cuts to close the \$28 billion deficit, which he said is likely to result in cuts to State programs, new efforts to borrow unprotected, local revenues, and result in difficulty in passing new programs. Staff's recommendation is to protect existing programs and revenues from rollbacks and cuts.

Mr. Addison stated staff is proposing the District co-sponsor with the Metropolitan Transportation Commission (MTC) a bill that deals with a transit benefit ordinance. The City and County of San Francisco and the cities of Berkeley and Richmond have adopted similar ordinances which require employers to pay for transit passes with pre-tax dollars. The concept allows for benefits to both employees and employers by saving money in State employment taxes, as well through reductions of congestion and emissions. He noted MTC representative, Rebecca Long, is present to answer questions.

Committee Member Comments/Questions:

Directors briefly discussed with Mr. Addison the make-up of the new Senate and Assembly which is virtually unchanged and examples of employers currently taking advantage of the pre-employment tax concept. They discussed the ordinance's structure, potential for providing incentives to both small and large businesses, costs of implementation, and suggestions for a small business co-op and incentives. The Committee questioned the cost of implementation versus long-term savings for employees/employers, and impacts to the state and offsets to transit agency subsidies.

In response to questions, Ms. Long said she thinks having a mandatory regional requirement on employers is a big step and would be more successful politically if applied initially to employers with 10 or more employees, while also providing outreach to smaller employers.

Mr. Addison cited positive suggestions, but said he thinks many are not politically viable and unlikely to become law. He reviewed potential bills relating to charging installations for electric vehicles, a bill regarding notification of any increase in toxins, and said the transit benefit ordinance has a realistic chance this year with added benefits of improved air quality.

Mr. Broadbent added that in the past the Board has discussed its Board size which he is not recommending again, as well as tying penalties to the CPI, and staff is trying to be conservative in its recommendations. Director Haggerty discussed potential legislative distractions from the budget, but suggested the District be careful at deciding what it will take a pass on and asked to continue to be proactive.

Public Comments: None

Committee Action: Director Haggerty recommended the Board of Directors accept the 2011 legislative agenda, and continue to maintain a proactive approach; Chair Wagenknecht seconded the motion; carried unanimously without objection.

Possible Impacts of Proposition 26 on the District

Mr. Addison presented an overview of the recently approved Proposition 26, a Constitutional Amendment that defines a tax. He said the Proposition's passage was one of the most significant election results, as it was expected to fail until several weeks before the election and passed with a 5% margin. It was supported by Chevron, the Chamber of Commerce, the alcohol and tobacco industries, and the California Taxpayers Association. Opponents were outspent by three to one.

Mr. Addison stated the Proposition's definition is very broad, and he reviewed specific exemptions below and as outlined in the staff report:

New definition of tax: any "levy, charge, or exaction of any kind":

- Local governments (including the District) have some things exempted from being a tax:
 1. A charge imposed for a specific benefit, government service, or product directly to or for the payer that is not provided those not charged, and which does not exceed reasonable costs to the local government of conferring the benefit;

2. A charge imposed for the reasonable regulatory costs for issuing licenses and permits, performing investigations, inspection, and audits, and the administrative enforcement and adjudication thereof;
3. A fine, penalty, or other monetary charge imposed as a result of a violation of a law;
4. A charge imposed for the purchase, rental, or lease of local government property.

Mr. Addison described the following additional changes:

- New taxes require two-thirds vote (either of the people for local governments or of the Legislature);
- New burden of proof on the District to show that any new fee is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and the manner in which those costs are allocated to those paying bear a fair or reasonable relationship to the payer's burdens on, or benefits received from, the governmental activity.

He cited examples of non-exemptions as an Indirect Source Review (ISR) fee, certain taxes like an oil severance tax, fees on plastic bags to reduce the amount of litter, and a fee on alcohol.

Mr. Broadbent noted that the Budget and Finance Committee is scheduled to meet on Wednesday, December 8, 2010 and staff plans to discuss how Proposition 26 affects the District's fee structure and how it can be in line with the services provided while adhering to the new law.

Chair Wagenknecht questioned the District's ballot process for obtaining a 2/3 vote with the nine Bay Area counties, and Mr. Addison discussed the level of civic involvement needed. He added that the other new significant requirement is that the District would bear the burden to prove a change in any new fee is needed, and he said long-term implications may be significant.

Mr. Broadbent noted that the District is working with the other Special Districts in California who have the same system. Some Districts have taken the step of changing their fee rules to add in a CPI requirement, but the majority of districts did not. Staff feels confident the District can move forward and propose a fee structure.

Chair Garner suggested a plan be developed to identify existing fee gaps and how to close them. Directors addressed with Mr. Bunger, Legal Counsel, implementation of the last fee increase, cost containment efforts, and work with other attorneys of other air districts, and Mr. Bateman indicated that a cost recovery report will be completed January 2011.

Committee Members' Comments:

Chair Wagenknecht stated the Committee had also previously discussed a regional greenhouse gas (GHG) plan and asked for ideas to consider such legislation.

Public Comments: None

Committee Action: None; informational only.

Draft Minutes of December 6, 2010 Legislative Committee Meeting

Time and Place of Next Meeting: At the Call of the Chair

Adjournment: Meeting adjourned at 10:48 a.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Garner and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 26, 2011

Re: CONSIDERATION OF NEW BILLS

RECOMMENDED ACTION:

Discuss new, significant air quality bills and recommend Board of Directors' positions.

BACKGROUND

The 120 members of the Legislature responded to the February 18th bill introduction deadline by introducing 2,438 bills. Many of these bills have not yet been fleshed out, but are still in spot or intent form. Bills have until May 6th or May 13th (depending on whether they have fiscal implications or not) to pass their policy committee or committees in their first house, so policy committees will hear many hundreds of bills in advance of these deadlines. All bills must be in print for 30 days prior to being heard in their first committee.

DISCUSSION

Not surprisingly given the economic climate, there are a number of bills that would weaken greenhouse gas and air quality programs and regulations. Far more of these are directed at the Air Resources Board (ARB) rather than local air districts. Staff note that the Committee decided at its last meeting that its primary legislative goal for 2011 is to minimize legislative damage to air quality programs.

Given this goal, staff are recommending positions for the Committee's consideration on a number of bills, as listed in the table below. Copies of the actual bill language are attached to this memorandum, as is a longer list of bills of air quality significance. Because this memorandum is being prepared shortly after most of these bills have been initially published, facts about many of the bills are still scarce. If more information is received on some of these before the Committee's March 7th meeting, staff may verbally suggest additional positions for the Committee to consider at its meeting.

Staff also note that several ‘regulatory reform’ efforts are underway, and different parties (including the Pro Tem’s office, the Republican Caucus of each house, and the Little Hoover Commission) are all compiling suggestions for ways to reduce the regulatory burden that businesses in California currently face. Staff expects efforts will be made to secure Republican votes for key pieces of the budget by offering different ‘regulatory reforms’. Some of these may include weakening of important air quality and climate change regulations. Such proposals may emerge prior to the Committee’s next meeting after March 7th, so staff are requesting that the Committee endorse as a principal that important air quality and climate change programs not be sacrificed under the banner of regulatory reform.

BILL AND AUTHOR	SUBJECT	STAFF RECOMMENDATION
AB 128 Logue	Would allow ARB to, instead of imposing an air penalty, require violators to spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose
AB 333 Grove	Exempts counties with unemployment over 7% from AB 32	Oppose
AB 343 Atkins	Requires redevelopment plans to identify how redevelopment projects will help regions attain their SB 375 (GHG emission reduction) goals	Support
AB 382 Nestande	Requires all written district communications alleging violations to contain new detailed information, and imposes new requirements on inspectors	Oppose
AB 462 B.Lowenthal	Allows air districts to use AB 923 funds to replace older CNG tanks on school buses	Support
AB 710 Skinner	Infill Development and Sustainable Community Act; eliminates excessive minimum parking requirements in infill and transit-oriented development areas	Support
AB 942 Huber and B.Berryhill	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose
AB 1332 Donnelly	Abolishes ARB and transfers duties and obligations to CalEPA	Oppose
ABx1 2 Logue	Would allow ARB to instead of imposing an air penalty spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose
ABx1 7 Logue	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose
SB 170 Pavley	Allows South Coast Air District to receive intellectual property benefits or revenues from projects funded with grant funds controlled by the South Coast	Support if amended
SB 209 Corbett	Prevents homeowners associations from blocking EV residential charging installation	Support
SB 582	Allows MPO’s and air districts to jointly adopt regional commute	Co-Sponsor

Emmerson	benefit policies, with requirements on employers	
SB 724 Dutton	Expands ARB's requirements and considerations when assessing penalties, and imposes new deadlines and requirements on ARB when certifying engines	Oppose
SB 739 A.Lowenthal	Requires ports to assess infrastructure and air quality needs, in consultation with the local MPO and air district, specifying needed projects, funding, and timelines	Support

ANALYSES:

AB 128 is authored by Assemblymember Dan Logue (R-Chico). In his first two years in the Legislature, Mr. Logue has been an outspoken advocate for reducing air quality and greenhouse gas regulations on businesses. He believes reduced regulation and enforcement will improve California's economic climate, and that public health concerns about air emissions are overblown. He appears to be continuing this philosophy this year. This bill would allow ARB to, instead of charging penalties for violations, allow violators to spend an amount equivalent to the potential fine on compliance or supplemental environmental projects.

Staff are recommending an “**Oppose**” position, despite the fact that the bill is permissive rather than making a requirement on ARB. This is for two reasons. First, we believe its passage will create pressure on ARB to reduce or eliminate penalties. We think reduced penalties lead to worse compliance. Second, under current law, when companies violate air quality laws enforced by the ARB, penalty revenues are deposited into the Air Pollution Control Fund (APCF). Staff believe that this is appropriate, since the APCF is used to cut emissions, and violations cause an increase in emissions. Violators are already required to spend whatever is necessary to come into compliance, and penalties are beyond this amount. This bill would thus result in fewer emission reductions.

AB 333 is authored by Assemblymember Shannon Grove (R-Bakersfield), and is an attempt to prevent California from moving ahead with implementation of AB 32, the Global Warming Solutions Act of 2006. Specifically, the bill would (in her own words) “relieve California businesses from the costly and burdensome regulations associated with AB 32” until the unemployment rate in the county where the business resides falls below 7% for six consecutive months. Current unemployment levels in the State average 12%, so the bill would halt ARB's regulatory climate program indefinitely. Ms. Grove believes that regulations to cut greenhouse gas emissions will cost businesses dearly and increase unemployment levels further. Because of the District's support for AB 32 and efforts to protect the climate, staff recommends an “**Oppose**” position on this bill.

AB 343 is authored by Assemblymember Toni Atkins (D-San Diego), and is an effort to have redevelopment projects work in concert with the regional greenhouse gas reduction goals and targets established by SB 375 (Steinberg; 2008). Cities and counties are now required to consider greenhouse gases in their planning, but there is not a corresponding requirement currently for redevelopment agencies. This bill does not dictate minimum or even any reductions to be associated with redevelopment. Instead, it simply says that “every redevelopment plan shall consider and identify strategies for how redevelopment projects

will help attain the climate, air quality and energy conservations goals [per SB 375] or the applicable regional greenhouse gas emissions reduction targets.” Because of the District’s support for, and work to help implement SB 375, staff recommends a “**Support**” position.

AB 382 is authored by Assemblymember Brian Nestande (R-Palm Desert), and would impose new and troubling requirements on air districts in both inspections and enforcement of stationary source facilities and regulations. In many ways, it is a companion bill to last year’s SB 1402 (Dutton), which was signed into law and is just now being implemented. That bill affects ARB, and has required that agency to develop a penalty policy taking certain factors into account when setting penalties or settlement amounts.

This year’s bill has two parts, both of which apply specifically to air districts. The first deals with all written communication from a district to a party alleging that a violation has occurred. It requires a detailed breakdown of how proposed penalties were calculated, a quantification of pollution emitted in excess of allowable levels, and an explanation of why the proposed penalty is most appropriate for the specific violation. Staff believes that this one-sided process will significantly weaken enforcement. Essentially, the bill establishes a one-way discovery process, which is biased in favor of violators and against public health. It will encourage companies to avoid settlement (taking cases to court instead, at significant time and monetary expense to air districts) and reduces financial incentives to comply with air quality regulations.

The second section of the bill establishes a new and detailed code of conduct for air district inspectors. Among other things, it requires them to exercise “compassion, benevolence, and fairness”, and to be “courteous at all times and in all situations.” This portion of the bill seems paternalistic, one-sided in upholding the interests of industry over public health, and overly vague.

Staff recommend an “**oppose**” position on AB 382.

AB 462 is authored by Assemblymember Bonnie Lowenthal (D-Long Beach), and is sponsored by the South Coast Air District. It allows air districts to use incentive money (specifically the fifth and sixth dollar of the vehicle registration fee surcharge) to replace aging compressed natural gas tanks on school buses. Also, the funds can also be used to fix deteriorating natural gas dispensers for school buses, with a limit of up to \$500 per dispenser. The bill is permissive; it does not require air districts to fund these projects.

Compressed natural gas used as a transportation fuel in school buses cuts emissions in comparison to diesel fuel, and the District has promoted its use through our array of incentive funding programs. The gas is compressed and stored onboard in a tank or tanks, which have a lifespan in the range of 15 years before requiring replacement for safety reasons. A number of our school districts now have buses with aging tanks, and have requested that we provide incentive funds for their replacement. This bill would allow that, and staff recommends a “**Support**” position.

AB 710 is authored by Assemblymember Nancy Skinner (D-Berkeley), and is titled the Infill Development and Sustainable Community Development Act of 2011. The source of the bill is the Infill Builders Association, and it encourages infill development in transit-intensive areas by reducing locally-imposed minimum parking requirements. Reducing minimum parking requirements reduces drive-alone travel, encourages transit, bicycle, and pedestrian travel, and cuts criteria and greenhouse gas emissions. Because the District has long advocated in multiple policy documents and air quality plans for reducing minimum parking requirements in areas well-served by transit, staff recommends a “**Support**” position.

AB 942 is jointly authored by Assemblymembers Alyson Huber and Bill Berryhill (respectively, D-Lodi and R-Stockton). It requires that any fines or penalties imposed by the ARB (as well as the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the State Water Resources Control Board) be placed in the General Fund. Currently, ARB fines and penalties for violations of their regulations go the Air Pollution Control Fund, which is used to cut air pollution. This longstanding situation was developed because air quality violations cause illegal and unmitigated emissions. The General Fund is not used to fund air quality programs or emission reductions, and thus this bill will result in increased emissions. Staff recommends an “**Oppose**” position.

AB 1332 is authored by freshman Assemblymember Tim Donnelly (R-Hesperia). While a variety of his colleagues dislike the ARB and are attempting to limit or delay ARB’s programs and regulations, Mr. Donnelly is to be noted for the directness of his approach. He has gained some measure of fame for his popular YouTube video in which he disparages the ARB, and removes and shreds the section of the printed State budget funding ARB. This bill would abolish the ARB and transfer its duties, responsibilities, jurisdiction, and authority to the California Environmental Protection Agency (CalEPA). While at times District staff have been frustrated by different ARB actions and positions, staff believes air quality and public health will be better protected by the ARB than by CalEPA. Staff believes this bill is inappropriate and unwise, and recommends an “**Oppose**” position.

ABx1 2 is authored by Assemblymember Dan Logue (R-Chico), and has language identical to AB 128. Rather than being a regular session bill, this version is introduced in the First Extraordinary Session, which was called to address California’s budget crisis. Staff recommends an “**oppose**” position on this bill for the same reasons as AB 128.

ABx1 7 is also authored by Mr. Logue, and is another First Extraordinary Session bill. It is identical to AB 942 (Huber and Berryhill), which was discussed earlier. Staff recommends an “**Oppose**” position for identical reasons.

SB 170 is authored by Senator Fran Pavley (D-Agoura Hills), and is sponsored by the South Coast Air District. Currently, the bill applies only to the South Coast district, although the intention is for the bill to be expanded to apply to any air district in California. The genesis for the bill is the concern of the South Coast that while they fund a wide variety of new and emerging technologies, some of which become commercial successes, they have no way currently of sharing in the good fortune if one of their funded projects produces commercially viable and lucrative technology. The South Coast would like to be able to reap some financial reward for their investment, which they can then use to fund new clean technologies. The bill would allow the South Coast to negotiate revenue sharing agreements

with grant recipients. Of course, this District and others also fund and help develop new technologies with incentive funds. Thus staff is recommending a “**Support if amended**” position on the bill, if it is amended to include the other air districts.

SB 209 is authored by Senator Ellen Corbett (D-San Leandro). It is designed to help the commercialization of pure battery and plug-in vehicles, which have significant air quality benefits. It prevents homeowners associations from preventing electric vehicle owners from installing charging infrastructure at their residences, and is modeled after similar state legislation that was adopted in Hawaii. As vehicles like the Nissan Leaf and the Chevy Volt come to market, some potential owners who live in areas governed by homeowners associations will be blocked from installing charging hardware. This bill prevents this from happening, and staff recommends a “**Support**” position.

SB 724 is authored by Senator Bob Dutton (R-Inland Empire), and is another example of his continuing dissatisfaction with the ARB. Last year, Mr. Dutton authored SB 1402, which was also sponsored by an association of businesses subject to ARB oversight called Californians for Enforcement Reform and Transparency (CERT). CERT’s primary consultant is John Dunlap, who was Chair of ARB under Governor Pete Wilson. Last year’s bill was primarily about penalties assessed in ARB’s enforcement program. This year’s bill is primarily about ARB’s certification process of new or modified vehicles and engines in both on and off-road equipment, although it also affects penalties, by limiting the circumstances in which ARB can assess penalties for regulatory violations. The author states the bill is simply designed to ensure that ARB acts in a timely fashion on the many engine certification requests it receives. He and the sponsor believe that ARB is too slow in reviewing certification requests and that a bill to require more expeditious review is appropriate. Staff believes that requiring faster review turnarounds from ARB without an increase in certification staff or funding will simply mean that engines that do not meet emission standards will be approved before they can be tested and their deficiencies noted. Staff recommends an “**Oppose**” position.

SB 739 is authored by Senator Alan Lowenthal (D-Long Beach), and is the latest in a string of bills over many years attempting to address air pollution and infrastructure problems at the larger ports in California. The bill is identical to SB 632 which Senator Lowenthal authored in 2009 and the District supported. It would simply require the Ports of Long Beach, Los Angeles, and Oakland to assess their infrastructure and air quality needs, in consultation with their local Metropolitan Planning Organization and Air District. They would then specify needed projects, as well as their funding and timelines. Given the District’s historic support for cutting port emissions, and our earlier support for this identical measure, staff recommends a “**Support**” position.

Per the Committee’s direction, the District is co-sponsoring a bill with the Metropolitan Transportation Commission to allow regions to impose an employer commute benefit ordinance to help implement SB 375. This bill, SB 582, is authored by Senator Bill Emmerson, a Republican representing Riverside County, and has Assemblymember Jared Huffman, a Democrat representing portions of Marin and Sonoma County, as a Principal Co-Author. A copy of the bill is attached.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

ASSEMBLY BILL

No. 128

Introduced by Assembly Member Logue

January 11, 2011

An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 128, as introduced, Logue. State Air Resources Board: alternative actions to assessing penalties.

Existing law subjects violators of air pollution laws to specified civil and administrative penalties. Existing law imposes various duties on the State Air Resources Board relative to the reduction of air pollution.

This bill would authorize the state board, in lieu of assessing penalties for a violation of an air pollution control law administered by the state board, to require a person who has violated that law to spend an amount equivalent to the amount that would have been assessed for the violation toward actions to comply with the air pollution control law that was violated or toward a supplemental environmental project, as defined.

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 39615 is added to the Health and Safety
- 2 Code, to read:
- 3 39615. (a) In lieu of assessing penalties for a violation of an
- 4 air pollution control law administered by the state board, the state
- 5 board may require a person who has violated that law to spend an

1 amount equivalent to the amount that would have been assessed
2 for the violation towards actions to comply with the air pollution
3 control law that was violated or towards a supplemental
4 environmental project, if the person has prepared a financing plan
5 to complete the actions to comply with the air pollution control
6 law or prepared a financing plan to complete the supplemental
7 environmental project.

8 (b) (1) If the penalty amount exceeds fifteen thousand dollars
9 (\$15,000), the portion of the penalty amount that may be directed
10 to be expended on a supplemental environmental project shall not
11 exceed fifteen thousand dollars (\$15,000) plus 50 percent of the
12 penalty amount that exceeds fifteen thousand dollars (\$15,000).

13 (2) For purposes of this section, a “supplemental environmental
14 project” means an environmentally beneficial project that a person
15 agrees to undertake, with the approval of the state board, that would
16 not be undertaken in the absence of an enforcement action under
17 this section.

ASSEMBLY BILL

No. 333

Introduced by Assembly Member Grove

February 10, 2011

An act to add Section 38598.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as introduced, Grove. California Global Warming Solutions Act of 2006: unemployment.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.

This bill would require the state board to exempt from an emission reduction requirement adopted pursuant to the act an emissions source located within a county that on January 1, 2012, has an unemployment rate of 7% or greater, until that county's unemployment rate drops below 7% for 6 consecutive months.

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 38598.5 is added to the Health and Safety
2 Code, to read:
3 38598.5. The state board shall exempt from an emission
4 reduction requirement adopted pursuant to this division an
5 emissions source located within a county that on January 1, 2012,
6 has an unemployment rate of 7 percent or greater, until that
7 county's unemployment rate drops below 7 percent for six
8 consecutive months. The exemption created pursuant to this section
9 shall not return if the unemployment rate rises above 7 percent at
10 a later time.

O

ASSEMBLY BILL

No. 343

Introduced by Assembly Member Atkins

February 10, 2011

An act to add Section 33330.5 to the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as introduced, Atkins. Redevelopment plans: environmental goals.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law requires, among other things, that each redevelopment plan be consistent with the community's general plan.

Existing law requires or authorizes metropolitan planning organizations, local governments, and local legislative bodies, to adopt greenhouse gas emission reduction targets, rezoning activities, and traffic mitigation measures for transit priority projects, respectively, in order to attain specified climate, air quality, and energy conservation goals.

This bill would require each redevelopment plan to consider and identify strategies for how redevelopment projects will help attain the climate, air quality, and energy conservation goals or applicable regional greenhouse gas emission reduction targets.

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

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

- 1 SECTION 1. Section 33330.5 is added to the Health and Safety
- 2 Code, to read:
- 3 33330.5. Every redevelopment plan shall consider and identify
- 4 strategies for how redevelopment projects will help attain the
- 5 climate, air quality, and energy conservation goals identified in
- 6 Chapter 728 of the Statutes of 2008 or the applicable regional
- 7 greenhouse gas emission reduction targets.

O

ASSEMBLY BILL

No. 382

Introduced by Assembly Member Nestande

February 14, 2011

An act to add Section 40722 to, and to add Part 7 (commencing with Section 44400) to Division 26 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 382, as introduced, Nestande. Air inspectors: administrative and civil penalties.

(1) Existing law establishes the State Air Resources Board, which is responsible for the control of greenhouse gas emissions and emissions from motor vehicles, and is designated the air pollution control agency for all purposes set forth in federal law. Existing law vests air pollution control districts and air quality management districts with the primary responsibility for control of air pollution from all sources other than vehicular sources.

This bill would require an inspector, as defined, acting on behalf of the state board or a district to meet certain requirements.

(2) Existing law requires a written communication from the State Air Resources Board alleging that an administrative or civil penalty will be, or could be, imposed either by the state board or another party, including the Attorney General, for a violation of air pollution law, to contain specified information, and requires this information and final mutual settlement agreements reached between the state board and a person alleged to have violated air pollution laws to be made available to the public.

This bill would apply these requirements to an air pollution control or air quality management district. Because these requirements and the requirements discussed in (1) above would impose new duties on local districts, the bill would 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 40722 is added to the Health and Safety
2 Code, to read:

3 40722. (a) A written communication from a district alleging
4 that an administrative or civil penalty will be, or could be, imposed
5 either by the district or another party, including the Attorney
6 General, for a violation of air pollution law, shall contain a clear
7 explanation of all of the following:

8 (1) The manner in which the administrative or civil penalty
9 amount was determined, including the aggravating and mitigating
10 factors the district considered in arriving at the amount, and, where
11 applicable, the per unit or per vehicle basis for the penalty.

12 (2) The provision of law or regulations under which the alleged
13 violator is being assessed the administrative or civil penalty,
14 including the reason that provision is most appropriate for that
15 violation.

16 (3) Whether the administrative or civil penalty is being assessed
17 under a provision of law that prohibits the emission of pollution
18 at a specified level, and if so, a quantification of the specific
19 amount of pollution emitted in excess of that level, where
20 practicable. This quantification may be based on estimates or
21 emission factors.

22 (b) The information described in subdivision (a) and all final
23 mutual settlement agreements reached between a district and a

1 person alleged to have violated air pollution laws shall be made
2 available to the public.

3 SEC. 2. Part 7 (commencing with Section 44400) is added to
4 Division 26 of the Health and Safety Code, to read:

5

6

PART 7. INSPECTIONS

7

8 44400. (a) An inspector acting on behalf of the state board or
9 a district shall do all of the following:

10 (1) Act in a professional manner with the honesty and integrity
11 necessary to inspire confidence and respect for the public trust
12 held by an inspector.

13 (2) Promote environmental and public health by performing all
14 duties impartially and objectively without undue influence, based
15 upon relevant statutes, regulations, standards, policies, and
16 procedures.

17 (3) Provide to a representative of the business or individual
18 whose activities or operations are being inspected or investigated
19 all of the following:

20 (A) Identification.

21 (B) The statutory and regulatory authority for the inspection or
22 investigation.

23 (C) General information regarding the inspection and
24 enforcement process.

25 (D) Contact information to allow the business or individual to
26 obtain more information or provide feedback.

27 (4) Treat regulated businesses and individuals and the public
28 respectfully by being courteous at all times and in all situations.

29 (5) Exercise compassion, benevolence, and fairness during the
30 inspection or investigation and subsequent enforcement
31 proceedings.

32 (6) Respond to regulated businesses and individuals and the
33 public in a manner that is complete, clear, and easy to understand.

34 (7) Assist regulated businesses and individuals and the public
35 in their dealings with the district or state board.

36 (b) As used in this section, "inspector" means an individual
37 inspecting or investigating an activity or operation of a business
38 or individual to ensure compliance with air pollution laws.

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 462

Introduced by Assembly Member Bonnie Lowenthal

February 15, 2011

An act to amend Section 44229 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 462, as introduced, Bonnie Lowenthal. Air pollution: vehicular pollution.

Existing law authorizes an air pollution control district or a regional air quality management district, until January 1, 2015, to establish a fee of up to \$6 on the registration of motor vehicles registered in the district. Existing law requires the revenues from the first \$4 of the fee be used for specified purposes. Existing law requires that the revenues from the last \$2 of the fee be used for specified programs that the district determines remediate air pollution harms created by motor vehicles.

This bill would additionally authorize a district based on that determination to use the last \$2 of the fee for programs to replace onboard natural gas tanks on schoolbuses owned by a school district that are 15 years or older and to enhance deteriorating natural gas fueling dispensers of fueling infrastructures operated by a school district.

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

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

1 SECTION 1. Section 44229 of the Health and Safety Code, as
2 amended by Section 4 of Chapter 707 of the Statutes of 2004, is
3 amended to read:

4 44229. (a) After deducting all administrative costs it incurs
5 through collection of fees pursuant to Section 44227, the
6 Department of Motor Vehicles shall distribute the revenues to
7 districts, which shall use the revenues resulting from the first four
8 dollars (\$4) of each fee imposed to reduce air pollution from motor
9 vehicles and to carry out related planning, monitoring, enforcement,
10 and technical studies necessary for implementation of the California
11 Clean Air Act of 1988. Fees collected by the Department of Motor
12 Vehicles pursuant to this chapter shall be distributed to districts
13 based upon the amount of fees collected from motor vehicles
14 registered within each district.

15 (b) Notwithstanding the provisions of Section 44241 and Section
16 44243, a district shall use the revenues resulting from the next two
17 dollars (\$2) of each fee imposed pursuant to Section 44227 to
18 implement the following programs that the district determines
19 remediate air pollution harms created by motor vehicles on which
20 the surcharge is imposed:

21 (1) Projects eligible for grants under the Carl Moyer Memorial
22 Air Quality Standards Attainment Program (Chapter 9
23 (commencing with Section 44275) of Part 5).

24 (2) The new purchase, retrofit, repower, or add-on equipment
25 for previously unregulated agricultural sources of air pollution, as
26 defined in Section 39011.5, for a minimum of three years from
27 the date of adoption of an applicable rule or standard, or until the
28 compliance date of that rule or standard, whichever is later, if the
29 state board has determined that the rule or standard complies with
30 Sections 40913, 40914, and 41503.1, after which period of time,
31 a new purchase, retrofit, repower, or add-on of equipment shall
32 not be funded pursuant to this chapter. The districts shall follow
33 any guidelines developed under subdivision (a) of Section 44287
34 for awarding grants under this program.

35 (3) The new purchase of schoolbuses pursuant to the
36 Lower-Emission School Bus Program adopted by the state board.

1 (4) An accelerated vehicle retirement or repair program that is
2 adopted by the state board pursuant to authority granted hereafter
3 by the Legislature by statute.

4 (5) *The replacement of onboard natural gas fuel tanks on*
5 *schoolbuses owned by a school district that are 15 years or older,*
6 *not to exceed twenty thousand dollars (\$20,000) per bus.*

7 (6) *The enhancement of deteriorating natural gas fueling*
8 *dispensers of fueling infrastructures operated by a school district*
9 *with a one-time funding amount of up to five hundred dollars*
10 *(\$500) per dispenser.*

11 (c) The Department of Motor Vehicles may annually expend
12 not more than the following percentages of the fees collected
13 pursuant to Section 44227 on administrative costs:

14 (1) During the first year after the operative date of this chapter,
15 not more than 5 percent of the fees collected may be used for
16 administrative costs.

17 (2) During the second year after the operative date of this
18 chapter, not more than 3 percent of the fees collected may be used
19 for administrative costs.

20 (3) During any year subsequent to the second year after the
21 operative date of this chapter, not more than 1 percent of the fees
22 collected may be used for administrative costs.

23 (d) ~~No~~A project funded by the program shall *not* be used for
24 credit under any state or federal emissions averaging, banking, or
25 trading program. ~~No-emission~~ *Emission* reduction generated by
26 the program shall *not* be used as marketable emission reduction
27 credits or to offset any emission reduction obligation of any person
28 or entity. Projects involving new engines that would otherwise
29 generate marketable credits under state or federal averaging,
30 banking, and trading programs shall include transfer of credits to
31 the engine end user and retirement of those credits toward reducing
32 air emissions in order to qualify for funding under the program. A
33 purchase of a ~~low-emission~~ *low-emission* vehicle or of equipment
34 pursuant to a corporate or a controlling board's policy, but not
35 otherwise required by law, shall generate surplus emissions
36 reductions and may be funded by the program.

1 (e) This section shall remain in effect only until January 1, 2015,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2015, deletes or extends that date.

O

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Skinner

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, and to amend Section 75125 of the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as introduced, Skinner. Local planning: infill and transit-oriented development.

(1) The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development.

This bill would also prohibit a city or county from requiring more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other nonresidential space for a residential or mixed-use residential project located in a transit intensive area, as defined, or subject to an adopted downtown area plan,

an adopted neighborhood plan, or an adopted redevelopment project area.

(2) Existing law sets forth the duties of the Strategic Growth Council, including the duty to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate agencies to encourage the development of sustainable communities, as described.

This bill would modify the description of sustainable communities to additionally include communities that incentivize infill development.

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. This article shall be known and may be cited as
2 the Infill Development and Sustainable Community Act of 2011.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) Existing parking requirements are based on low density and
6 single land uses.

7 (2) Parking is costly to build and maintain and can increase the
8 cost of infill projects by 10 to 20 percent. The high cost of land,
9 construction, and maintenance to provide parking adds significantly
10 to the cost of transit-oriented development, making sites financially
11 infeasible and hindering economic development strategies.

12 (3) Increases in public transportation options and the
13 development of more walkable and bikeable neighborhoods reduce
14 the demand for parking.

15 (4) Excessive governmental parking requirements for infill and
16 transit-oriented development reduce the viability of transit by
17 limiting the number of households or workers near transit,
18 increasing walking distances, and degrading the pedestrian
19 environment.

20 (5) Reducing excessive minimum parking requirements for infill
21 and transit-oriented development and allowing builders and the
22 market to decide how much parking is needed can do all of the
23 following:

24 (A) Ensure sufficient amounts of parking at almost all times.

25 (B) Significantly reduce the cost of development and increase
26 housing affordability.

1 (C) Increase density in areas with the most housing demand,
2 and facilitate compact development and the attainment of
3 environmental goals.

4 (b) It is the intent of the Legislature to reduce unnecessary
5 government regulation and to reduce the cost of development by
6 eliminating excessive minimum parking requirements for infill
7 and transit-oriented development.

8 SEC. 3. Article 2 (commencing with Section 65200) is added
9 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
10 read:

11
12 Article 2. Infill Development and Sustainable Community Act
13 of 2011
14

15 65200. (a) A city, county, or city and county, including a
16 charter city, shall not require more than one parking space per
17 residential unit and more than one parking space per 1,000 square
18 feet of commercial or other nonresidential space for a residential
19 or mixed-use residential project located in a transit intensive area,
20 or subject to an adopted downtown area plan, an adopted
21 neighborhood plan, or an adopted redevelopment project area.

22 (b) For the purposes of this section, “transit intensive area”
23 means a central business district, an area within one-half mile of
24 a major transit stop, as defined in subdivision (b) of Section 21155
25 of the Public Resources Code, and an area within one-quarter mile
26 of a high-quality transit corridor, as defined in subdivision (b) of
27 Section 21155 of the Public Resources Code.

28 SEC. 4. Section 75125 of the Public Resources Code is
29 amended to read:

30 75125. The council shall do all of the following:

31 (a) Identify and review activities and funding programs of
32 member state agencies that may be coordinated to improve air and
33 water quality, improve natural resource protection, increase the
34 availability of affordable housing, improve transportation, meet
35 the goals of the California Global Warming Solutions Act of 2006
36 (Division 25.5 (commencing with Section 38500) of the Health
37 and Safety Code), encourage sustainable land use planning, and
38 revitalize urban and community centers in a sustainable manner.
39 At a minimum, the council shall review and comment on the
40 five-year infrastructure plan developed pursuant to Article 2

1 (commencing with Section 13100) of Chapter 2 of Part 3 of
 2 Division 3 of the Government Code and the State Environmental
 3 Goals and Policy Report developed pursuant to Section 65041 of
 4 the Government Code.

5 (b) Recommend policies and investment strategies and priorities
 6 to the Governor, the Legislature, and to appropriate state agencies
 7 to encourage the development of sustainable communities, such
 8 as those communities that promote equity, strengthen the economy,
 9 protect the environment, *incentivize infill development*, and
 10 promote public health and safety, consistent with subdivisions (a)
 11 and (c) of Section 75065.

12 (c) Provide, fund, and distribute data and information to local
 13 governments and regional agencies that will assist in developing
 14 and planning sustainable communities.

15 (d) Manage and award grants and loans to support the planning
 16 and development of sustainable communities, pursuant to Sections
 17 75127, 75128, and 75129. To implement this subdivision, the
 18 council may do all of the following:

19 (1) Develop guidelines for awarding financial assistance,
 20 including criteria for eligibility and additional consideration.

21 (2) Develop criteria for determining the amount of financial
 22 assistance to be awarded. The council shall award a revolving loan
 23 to an applicant for a planning project, unless the council determines
 24 that the applicant lacks the fiscal capacity to carry out the project
 25 without a grant. The council may establish criteria that would allow
 26 the applicant to illustrate an ongoing commitment of financial
 27 resources to ensure the completion of the proposed plan or project.

28 (3) Provide for payments of interest on loans made pursuant to
 29 this article. The rate of interest shall not exceed the rate earned by
 30 the Pooled Money Investment Board.

31 (4) Provide for the time period for repaying a loan made
 32 pursuant to this article.

33 (5) Provide for the recovery of funds from an applicant that fails
 34 to complete the project for which financial assistance was awarded.
 35 The council shall direct the Controller to recover funds by any
 36 available means.

37 (6) Provide technical assistance for application preparation.

38 (7) Designate a state agency or department to administer
 39 technical and financial assistance programs for the disbursing of
 40 grants and loans to support the planning and development of

1 sustainable communities, pursuant to Sections 75127, 75128, and
2 75129.

3 (e) No later than July 1, 2010, and every year thereafter, provide
4 a report to the Legislature that shall include, but is not limited to,
5 all of the following:

6 (1) A list of applicants for financial assistance.

7 (2) Identification of which applications were approved.

8 (3) The amounts awarded for each approved application.

9 (4) The remaining balance of available funds.

10 (5) A report on the proposed or ongoing management of each
11 funded project.

12 (6) Any additional minimum requirements and priorities for a
13 project or plan proposed in a grant or loan application developed
14 and adopted by the council pursuant to subdivision (c) of Section
15 75126.

O

ASSEMBLY BILL

No. 942

Introduced by Assembly Members Huber and Bill Berryhill

February 18, 2011

An act to amend Section 13332.18 of, and to add Section 13332.185 to, the Government Code, relating to the General Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as introduced, Huber. General Fund: fines.

Under existing law, with specified exceptions, revenues derived from the assessment of fines and penalties by any state agency may not be expended unless the Legislature specifically provides authority for the expenditure of these funds in the annual Budget Act or other legislation. Existing law directs that various fines and penalties be deposited in various special funds related to the agency that collected the revenue. Existing law creates the General Fund to consist of money received into the State Treasury that is not required by law to be credited to any other fund.

This bill would require, notwithstanding any other law, that any fine or penalty imposed by the Department of Pesticide Regulation, the Department of Toxic Substances Control, the State Air Resources Board, or the State Water Resources Control Board for a violation of a regulation adopted by that state agency be deposited into the General Fund. The bill would also make a statement of findings.

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. (a) The agencies, boards, departments, and offices
2 of the state generally strive to promulgate regulations that benefit
3 the people of the state.

4 (b) The people of the state expect that their government will
5 enact laws and promulgate regulations to protect the health and
6 welfare of the people of this state and that these laws and
7 regulations will tend to maximize benefits to society while
8 minimizing costs.

9 (c) Administrative and regulatory actions can have significant
10 and far-reaching consequences for individuals, nonprofit
11 organizations, and businesses throughout the state.

12 (d) When the law allows the same agency responsible for
13 seeking out violations and imposing fines to directly benefit by
14 placing fine moneys in its operating budget, it provides an incentive
15 for the agency to act in a manner that raises a question as to the
16 motivation for enforcement of regulations.

17 (e) It is the exclusive province of the Legislature to determine
18 the budget of state agencies, and, especially in times of economic
19 despair, an agency should not be permitted to fill a budget shortfall
20 by increasing collection of fines through regulatory activity.

21 (f) The primary object of enforcement of regulations
22 promulgated by agencies is the protection of the people of this
23 state, and any fines collected from enforcement of these regulations
24 should revert to the General Fund so the Legislature may determine
25 how those moneys will best serve the people of this state.

26 SEC. 2. Section 13332.18 of the Government Code is amended
27 to read:

28 13332.18. (a) Notwithstanding any other ~~provision~~ of law,
29 and except as specified in subdivision (b) *and in Section 13332.185*,
30 revenues derived from the assessment of fines and penalties by
31 any state agency shall not be expended unless the Legislature
32 specifically provides authority for the expenditure of these funds
33 in the annual Budget Act or other legislation. A fine or penalty is
34 a charge imposed by an agency or department for wrongdoing, in
35 excess of the cost of investigating, processing, or prosecuting the
36 conduct for which the charge is assessed, or the cost of collecting
37 it. A charge reasonably related to a service provided by a

1 department or agency is not a fine or penalty for purposes of this
2 section.

3 (b) This section shall not apply to the following:

4 (1) Any governmental cost fund if the use of revenues subject
5 to this section that are deposited in that fund for General Fund
6 purposes is prohibited by the California Constitution or the United
7 States Constitution.

8 (2) Late charges collected by state agencies.

9 (3) Funds collected by a state agency that are required to be
10 maintained by that agency for purposes of administration of a
11 federal program.

12 (4) A fund established for restitution to victims of the conduct
13 for which the fine or penalty was imposed or for repairing damage
14 to the environment caused by the conduct for which the fine or
15 penalty was imposed.

16 (5) The following funds, though the omission of any other fund
17 from the list contained in this paragraph shall not be grounds for
18 inferring the applicability of this section:

19 (A) The Fish and Game Preservation Fund.

20 (B) The Restitution Fund.

21 (C) The Peace Officers' Training Fund.

22 (D) The Driver Training Penalty Assessment Fund.

23 (E) The Corrections Training Fund.

24 (F) The Local Public Prosecutors and Public Defenders Training
25 Fund.

26 (G) The Victim-Witness Injury Fund.

27 (H) The Traumatic Brain Injury Fund.

28 (I) The Industrial Relations Construction Industry Enforcement
29 Fund.

30 (J) The Workplace Health and Safety Revolving Fund.

31 (K) The Oil Spill Response Trust Fund.

32 (L) The Oil Spill Prevention and Administration Fund.

33 (M) The Environmental Enhancement Fund.

34 (N) The Recovery Account of the Real Estate Fund.

35 (O) The Motor Vehicle Account in the State Transportation
36 Fund.

37 (P) The State Highway Account in the State Transportation
38 Fund.

39 (Q) The Motor Vehicle License Fee Account in the
40 Transportation Tax Fund.

1 (R) Funds for programs established pursuant to the Food and
2 Agricultural Code that can be terminated through an industry
3 referendum vote.

4 (c) For the purposes of this section, revenues derived from the
5 assessment of fines and penalties includes interest accrued from
6 the assessment of the fines and penalties.

7 SEC. 3. Section 13332.185 is added to the Government Code,
8 to read:

9 13332.185. (a) The applicability of this section is limited to
10 the Department of Pesticide Regulation, the Department of Toxic
11 Substances Control, the State Air Resources Board, and the State
12 Water Resources Control Board.

13 (b) Notwithstanding Section 13332.18 or any other law, a fine
14 or penalty imposed by a state agency included in subdivision (a)
15 for a violation of a regulation adopted by that state agency shall
16 be deposited into the General Fund.

ASSEMBLY BILL

No. 1332

Introduced by Assembly Member Donnelly

February 18, 2011

An act to amend Section 11564 of the Government Code, and to amend Sections 38505 and 39053 of, and to repeal and add Chapter 2 (commencing with Section 39510) of Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as introduced, Donnelly. State Air Resources Board: abolishment.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution, including greenhouse gas emissions. Existing law creates the state board within the California Environmental Protection Agency with prescribed membership.

This bill would abolish the State Air Resources Board and transfer its authority, duties, powers, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency.

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 11564 of the Government Code is
- 2 amended to read:
- 3 11564. (a) Effective January 1, 1988, an annual salary of
- 4 twenty-five thousand one hundred eighteen dollars (\$25,118) shall

1 be paid to each member of the ~~State Air Resources Board and the~~
2 Central Valley Flood Protection Board, if each member devotes a
3 minimum of 60 hours per month to state board work. The salary
4 shall be reduced proportionately if less than 60 hours per month
5 is devoted to state board work.

6 (b) The annual compensation provided by this section shall be
7 increased in any fiscal year in which a general salary increase is
8 provided for state employees. The amount of the increase provided
9 by this section shall be comparable to, but shall not exceed, the
10 percentage of the general salary increases provided for state
11 employees during that fiscal year.

12 (c) Notwithstanding subdivision (b), any salary increase is
13 subject to Section 11565.5.

14 SEC. 2. Section 38505 of the Health and Safety Code is
15 amended to read:

16 38505. For the purposes of this division, the following terms
17 have the following meanings:

18 (a) "Allowance" means an authorization to emit, during a
19 specified year, up to one ton of carbon dioxide equivalent.

20 (b) "Alternative compliance mechanism" means an action
21 undertaken by a greenhouse gas emission source that achieves the
22 equivalent reduction of greenhouse gas emissions over the same
23 time period as a direct emission reduction, and that is approved
24 by the state board. "Alternative compliance mechanism" includes,
25 but is not limited to, a flexible compliance schedule, alternative
26 control technology, a process change, or a product substitution.

27 (c) "Carbon dioxide equivalent" means the amount of carbon
28 dioxide by weight that would produce the same global warming
29 impact as a given weight of another greenhouse gas, based on the
30 best available science, including from the Intergovernmental Panel
31 on Climate Change.

32 (d) "Cost-effective" or "cost-effectiveness" means the cost per
33 unit of reduced emissions of greenhouse gases adjusted for its
34 global warming potential.

35 (e) "Direct emission reduction" means a greenhouse gas
36 emission reduction action made by a greenhouse gas emission
37 source at that source.

38 (f) "Emissions reduction measure" means programs, measures,
39 standards, and alternative compliance mechanisms authorized

1 pursuant to this division, applicable to sources or categories of
2 sources, that are designed to reduce emissions of greenhouse gases.

3 (g) “Greenhouse gas” or “greenhouse gases” includes all of the
4 following gases:

5 (1) Carbon dioxide.

6 (2) Methane.

7 (3) Nitrous oxide.

8 (4) Hydrofluorocarbons.

9 (5) Perfluorocarbons.

10 (6) Sulfur hexafluoride.

11 (7) Nitrogen trifluoride.

12 (h) “Greenhouse gas emissions limit” means an authorization,
13 during a specified year, to emit up to a level of greenhouse gases
14 specified by the state board, expressed in tons of carbon dioxide
15 equivalents.

16 (i) “Greenhouse gas emission source” or “source” means any
17 source, or category of sources, of greenhouse gas emissions whose
18 emissions are at a level of significance, as determined by the state
19 board, that its participation in the program established under this
20 division will enable the state board to effectively reduce greenhouse
21 gas emissions and monitor compliance with the statewide
22 greenhouse gas emissions limit.

23 (j) “Leakage” means a reduction in emissions of greenhouse
24 gases within the state that is offset by an increase in emissions of
25 greenhouse gases outside the state.

26 (k) “Market-based compliance mechanism” means either of the
27 following:

28 (1) A system of market-based declining annual aggregate
29 emissions limitations for sources or categories of sources that emit
30 greenhouse gases.

31 (2) Greenhouse gas emissions exchanges, banking, credits, and
32 other transactions, governed by rules and protocols established by
33 the state board, that result in the same greenhouse gas emission
34 reduction, over the same time period, as direct compliance with a
35 greenhouse gas emission limit or emission reduction measure
36 adopted by the state board pursuant to this division.

37 (l) “State board” means the ~~State Air Resources Board~~
38 *California Environmental Protection Agency*.

39 (m) “Statewide greenhouse gas emissions” means the total
40 annual emissions of greenhouse gases in the state, including all

1 emissions of greenhouse gases from the generation of electricity
2 delivered to and consumed in California, accounting for
3 transmission and distribution line losses, whether the electricity
4 is generated in state or imported. Statewide emissions shall be
5 expressed in tons of carbon dioxide equivalents.

6 (n) “Statewide greenhouse gas emissions limit” or “statewide
7 emissions limit” means the maximum allowable level of statewide
8 greenhouse gas emissions in 2020, as determined by the state board
9 pursuant to Part 3 (commencing with Section 38550).

10 SEC. 3. Section 39053 of the Health and Safety Code is
11 amended to read:

12 39053. “State Board” means the ~~State Air Resources Board~~
13 *California Environmental Protection Agency*.

14 SEC. 4. Chapter 2 (commencing with Section 39510) of Part
15 2 of Division 26 of the Health and Safety Code is repealed.

16 SEC. 5. Chapter 2 (commencing with Section 39510) is added
17 to Part 2 of Division 26 of the Health and Safety Code, to read:

18

19 CHAPTER 2. TRANSFER OF DUTIES OF STATE AIR RESOURCES
20 BOARD

21

22 39510. The California Environmental Protection Agency
23 succeeds to, and is vested with, all of the authority, duties, powers,
24 purposes, responsibilities, and jurisdiction of the former State Air
25 Resources Board.

ASSEMBLY BILL

No. 2

Introduced by Assembly Member Logue

December 6, 2010

An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2, as introduced, Logue. State Air Resources Board: alternative actions to assessing penalties.

(1) Existing law subjects violators of air pollution laws to specified civil and administrative penalties. Existing law imposes various duties on the State Air Resources Board relative to the reduction of air pollution.

This bill would authorize the state board, in lieu of assessing penalties for a violation of an air pollution control law administered by the state board, to require a person who has violated that law to spend an amount equivalent to the amount that would have been assessed for the violation toward actions to comply with the air pollution control law that was violated or toward a supplemental environmental project, as defined.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

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 39615 is added to the Health and Safety
2 Code, to read:
3 39615. (a) In lieu of assessing penalties for a violation of an
4 air pollution control law administered by the state board, the state
5 board may require a person who has violated that law to spend an
6 amount equivalent to the amount that would have been assessed
7 for the violation toward actions to comply with the air pollution
8 control law that was violated or toward a supplemental
9 environmental project, if the person has prepared a financing plan
10 to complete the actions to comply with the air pollution control
11 law or prepared a financing plan to complete the supplemental
12 environmental project.
13 (b) (1) If the penalty amount exceeds fifteen thousand dollars
14 (\$15,000), the portion of the penalty amount that may be directed
15 to be expended on a supplemental environmental project shall not
16 exceed fifteen thousand dollars (\$15,000) plus 50 percent of the
17 penalty amount that exceeds fifteen thousand dollars (\$15,000).
18 (2) For purposes of this section, a “supplemental environmental
19 project” means an environmentally beneficial project that a person
20 agrees to undertake, with the approval of the state board, that would
21 not be undertaken in the absence of an enforcement action under
22 this section.
23 SEC. 2. This act addresses the fiscal emergency declared by
24 the Governor by proclamation on December 6, 2010, pursuant to
25 subdivision (f) of Section 10 of Article IV of the California
26 Constitution.

O

ASSEMBLY BILL

No. 7

Introduced by Assembly Member Logue

December 6, 2010

An act to amend Section 13332.18 of, and to add Section 13332.185 to, the Government Code, relating to the General Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 7, as introduced, Logue. General Fund: fines.

(1) Under existing law, with specified exceptions, revenues derived from the assessment of fines and penalties by any state agency may not be expended unless the Legislature specifically provides authority for the expenditure of these funds in the annual Budget Act or other legislation. Existing law directs that various fines and penalties be deposited in various special funds related to the agency that collected the revenue. Existing law creates the General Fund to consist of money received into the State Treasury that is not required by law to be credited to any other fund.

This bill would require, notwithstanding any other law, that any fine or penalty imposed by the Department of Pesticide Regulation, the Department of Toxic Substances Control, the State Air Resources Board, or the State Water Resources Control Board for a violation of a regulation adopted by that state agency be deposited into the General Fund. The bill would also make a statement of findings.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

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. (a) The agencies, boards, departments, and offices
2 of the state generally strive to promulgate regulations that benefit
3 the people of the state.

4 (b) The people of the state expect that their government will
5 enact laws and promulgate regulations to protect the health and
6 welfare of the people of this state and that these laws and
7 regulations will tend to maximize benefits to society while
8 minimizing costs.

9 (c) Administrative and regulatory actions can have significant
10 and far-reaching consequences for individuals, nonprofit
11 organizations, and businesses throughout the state.

12 (d) When the law allows the same agency responsible for
13 seeking out violations and imposing fines to directly benefit by
14 placing fine moneys in its operating budget, it provides an incentive
15 for the agency to act in a manner that raises a question as to the
16 motivation for enforcement of regulations.

17 (e) It is the exclusive province of the Legislature to determine
18 the budget of state agencies, and, especially in times of economic
19 despair, an agency should not be permitted to fill a budget shortfall
20 by increasing collection of fines through regulatory activity.

21 (f) The primary object of enforcement of regulations
22 promulgated by agencies is the protection of the people of this
23 state, and any fines collected from enforcement of these regulations
24 should revert to the General Fund so the Legislature may determine
25 how those moneys will best serve the people of this state.

26 SEC. 2. Section 13332.18 of the Government Code is amended
27 to read:

28 13332.18. (a) Notwithstanding any other provision of law,
29 and except as specified in subdivision (b) *and in Section 13332.185*,
30 revenues derived from the assessment of fines and penalties by
31 any state agency shall not be expended unless the Legislature
32 specifically provides authority for the expenditure of these funds

1 in the annual Budget Act or other legislation. A fine or penalty is
2 a charge imposed by an agency or department for wrongdoing, in
3 excess of the cost of investigating, processing, or prosecuting the
4 conduct for which the charge is assessed, or the cost of collecting
5 it. A charge reasonably related to a service provided by a
6 department or agency is not a fine or penalty for purposes of this
7 section.

8 (b) This section shall not apply to the following:

9 (1) Any governmental cost fund if the use of revenues subject
10 to this section that are deposited in that fund for General Fund
11 purposes is prohibited by the California Constitution or the United
12 States Constitution.

13 (2) Late charges collected by state agencies.

14 (3) Funds collected by a state agency that are required to be
15 maintained by that agency for purposes of administration of a
16 federal program.

17 (4) A fund established for restitution to victims of the conduct
18 for which the fine or penalty was imposed or for repairing damage
19 to the environment caused by the conduct for which the fine or
20 penalty was imposed.

21 (5) The following funds, though the omission of any other fund
22 from the list contained in this paragraph shall not be grounds for
23 inferring the applicability of this section:

24 (A) The Fish and Game Preservation Fund.

25 (B) The Restitution Fund.

26 (C) The Peace Officers' Training Fund.

27 (D) The Driver Training Penalty Assessment Fund.

28 (E) The Corrections Training Fund.

29 (F) The Local Public Prosecutors and Public Defenders Training
30 Fund.

31 (G) The Victim-Witness Injury Fund.

32 (H) The Traumatic Brain Injury Fund.

33 (I) The Industrial Relations Construction Industry Enforcement
34 Fund.

35 (J) The Workplace Health and Safety Revolving Fund.

36 (K) The Oil Spill Response Trust Fund.

37 (L) The Oil Spill Prevention and Administration Fund.

38 (M) The Environmental Enhancement Fund.

39 (N) The Recovery Account of the Real Estate Fund.

1 (O) The Motor Vehicle Account in the State Transportation
2 Fund.

3 (P) The State Highway Account in the State Transportation
4 Fund.

5 (Q) The Motor Vehicle License Fee Account in the
6 Transportation Tax Fund.

7 (R) Funds for programs established pursuant to the Food and
8 Agricultural Code that can be terminated through an industry
9 referendum vote.

10 (c) For the purposes of this section, revenues derived from the
11 assessment of fines and penalties includes interest accrued from
12 the assessment of the fines and penalties.

13 SEC. 3. Section 13332.185 is added to the Government Code,
14 to read:

15 13332.185. (a) The applicability of this section is limited to
16 the Department of Pesticide Regulation, the Department of Toxic
17 Substances Control, the State Air Resources Board, and the State
18 Water Resources Control Board.

19 (b) Notwithstanding Section 13332.18 or any other law, a fine
20 or penalty imposed by a state agency included in subdivision (a)
21 for a violation of a regulation adopted by that state agency shall
22 be deposited into the General Fund.

23 SEC. 4. This act addresses the fiscal emergency declared by
24 the Governor by proclamation on December 6, 2010, pursuant to
25 subdivision (f) of Section 10 of Article IV of the California
26 Constitution.

O

Introduced by Senator Pavley

February 3, 2011

An act to add Sections 40453 and 40542 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 170, as introduced, Pavley. South Coast Air Quality Management District: adverse effects of air pollution: intellectual property.

Existing law creates the South Coast Air Quality Management District with jurisdiction over air quality within the South Coast Air Basin, including in the Counties of Los Angeles, Orange, Riverside, and San Bernardino.

This bill would authorize the south coast district to sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution. The bill would authorize the south coast district to determine what share, if any, of the intellectual property, or benefits resulting from intellectual property, developed from the use of district funds, including funds discharged as grants, will accrue to the south coast district.

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

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

- 1 SECTION 1. Section 40453 is added to the Health and Safety
- 2 Code, to read:
- 3 40453. The south coast district may sponsor, coordinate, and
- 4 promote projects that will lead to the prevention, mitigation, or

1 cure of the adverse effects of air pollution, including the adverse
2 health effects of air pollution.

3 SEC. 2. Section 40542 is added to the Health and Safety Code,
4 to read:

5 40542. The south coast district may determine what share, if
6 any, of the intellectual property, or benefits resulting from
7 intellectual property, developed from the use of district funds,
8 including funds discharged as grants, will accrue to the south coast
9 district. The south coast district may negotiate revenue sharing
10 agreements with recipients of south coast district funds, including
11 the collection of royalties. Proceeds obtained by the district from
12 these revenue sharing agreements shall be used for purposes
13 authorized by this chapter.

Introduced by Senator CorbettFebruary 8, 2011

An act to add Section 1353.9 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 209, as introduced, Corbett. Common interest developments: electric vehicle charging stations.

The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, which include community apartment projects, condominium projects, planned developments, and stock cooperatives.

This bill would provide that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, or any provision of the governing documents of a common interest development, that effectively prohibits or restricts the installation or use of an electrical vehicle charging station is void and unenforceable. The bill would authorize an association, as defined, to impose reasonable restrictions on those stations, as specified, and would impose requirements with respect to an association's approval process for those stations. An association that violates the bill's provisions would be liable for damages and a civil penalty, as specified.

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

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

1 SECTION 1. Section 1353.9 is added to the Civil Code, to
2 read:

3 1353.9. (a) Any covenant, restriction, or condition contained
4 in any deed, contract, security instrument, or other instrument
5 affecting the transfer or sale of any interest in a common interest
6 development, and any provision of a governing document, as
7 defined in subdivision (j) of Section 1351, that effectively prohibits
8 or restricts the installation or use of an electric vehicle charging
9 station is void and unenforceable.

10 (b) (1) This section does not apply to provisions that impose
11 reasonable restrictions on electric vehicle charging stations.
12 However, it is the policy of the state to promote, encourage, and
13 remove obstacles to the use of electric vehicle charging stations.

14 (2) For purposes of this section, “reasonable restrictions” are
15 restrictions that do not significantly increase the cost of the station
16 or significantly decrease its efficiency or specified performance.

17 (c) An electric vehicle charging station shall meet applicable
18 health and safety standards and requirements imposed by state and
19 local permitting authorities.

20 (d) For purposes of this section, “electric vehicle charging
21 station” means a station that is designed in compliance with Article
22 625 of the National Electrical Code and delivers electricity from
23 a source outside an electric vehicle into one or more electric
24 vehicles. An electric vehicle charging station may include several
25 charge points simultaneously connecting several electric vehicles
26 to the station.

27 (e) If approval is required for the installation or use of an electric
28 vehicle charging station, the application for approval shall be
29 processed and approved by the association in the same manner as
30 an application for approval of an architectural modification to the
31 property, and shall not be willfully avoided or delayed. The
32 approval or denial of an application shall be in writing. If an
33 application is not denied in writing within 60 days from the date
34 of receipt of the application, the application shall be deemed
35 approved, unless that delay is the result of a reasonable request
36 for additional information.

37 (f) An association that willfully violates this section shall be
38 liable to the applicant or other party for actual damages, and shall

- 1 pay a civil penalty to the applicant or other party in an amount not
- 2 to exceed one thousand dollars (\$1,000).
- 3 (g) In any action to enforce compliance with this section, the
- 4 prevailing party shall be awarded reasonable attorney's fees.

O

Introduced by Senator Emmerson
(Principal coauthor: Assembly Member Huffman)

February 17, 2011

An act to add Section 65081 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 582, as introduced, Emmerson. Commute benefit policies.

Existing law requires transportation planning agencies to undertake various transportation planning activities, including preparation of a regional transportation plan. Existing law requires transportation planning agencies that are designated under federal law as metropolitan planning organizations to include a sustainable communities strategy as part of the regional transportation plan for their region. Existing law creates air quality management districts with various responsibilities relative to reduction of air pollution.

This bill, beginning on January 1, 2013, would authorize a metropolitan planning organization, in partnership with the local air quality management district, to adopt a commute benefit ordinance that requires covered employers operating within the common jurisdiction of the organization and district with 20 or more covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance.

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

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

1 SECTION 1. Section 65081 is added to the Government Code,
2 to read:

3 65081. (a) It is the intent of the Legislature to encourage
4 metropolitan planning organizations and local air quality
5 management districts to work with local employers to adopt
6 policies that encourage commuting by means other than the
7 single-occupancy vehicle.

8 (b) On or after January 1, 2013, a metropolitan planning
9 organization, in partnership with the local air quality management
10 district, may adopt a commute benefit ordinance that requires
11 covered employers with 20 or more covered employees operating
12 within the common jurisdiction of the organization and district to
13 offer all covered employees one of the following choices:

14 (1) A pretax option: a program, consistent with Section 132(f)
15 of the Internal Revenue Code, allowing covered employees to elect
16 to exclude from taxable wages employee commuting costs incurred
17 for transit passes or vanpool charges, or bicycle commuting, up to
18 the maximum amount allowed by federal tax law.

19 (2) Employer-paid benefit: a program whereby the covered
20 employer covers the monthly cost of commuting via a public transit
21 system requested by each covered employee or reimburses each
22 covered employee's qualified vanpool charges.

23 (3) Employer-provided transit: transportation furnished by the
24 covered employer at no cost to the covered employee in a vanpool
25 or bus, or similar multipassenger vehicle operated by or for the
26 employer.

27 The commute benefit ordinance shall provide covered employers
28 with at least six months to comply after the ordinance is adopted.

29 (c) A commute benefit ordinance adopted pursuant to this
30 section shall specify all of the following: (1) how the implementing
31 agencies will inform covered employers about the ordinance, (2)
32 how compliance with the ordinance will be demonstrated, and (3)
33 any consequences for noncompliance.

34 (d) As used in this section, the following terms have the
35 following meanings:

36 (1) "Covered employer" means any employer for which an
37 average of 20 or more employees per week perform work for
38 compensation within the jurisdiction where the ordinance adopted

1 pursuant to this section operates. In determining the number of
2 employees performing work for an employer during a given week,
3 only employees performing work on a full-time basis shall be
4 counted.

5 (2) “Covered employee” means an employee who performed
6 at least 10 hours of work per week within the previous calendar
7 month within the jurisdiction where the ordinance adopted pursuant
8 to this section operates.

**Introduced by Senator Dutton
(Coauthors: Senators Cannella, Correa, Huff, Rubio, and
Strickland)**

February 18, 2011

An act to amend Sections 39619.7, 43024, and 43212 of, and to add Sections 43103 and 43103.5 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 724, as introduced, Dutton. State Air Resources Board: penalties: mobile source certification.

(1) Existing law grants to the State Air Resources Board the primary authority for the control of air pollution from vehicular sources. The state board tests and certifies new motor vehicle models for compliance with air pollution emissions standards developed by the state board.

This bill would require an application for certification of a new motor vehicle or engine, including off-road equipment and engines and aftermarket parts, to be approved or disapproved pursuant to specified requirements. The bill would authorize the executive officer of the state board to approve certification of a new motor vehicle or engine, including off-road equipment and engines and aftermarket parts, for any model year that has been certified by the federal Environmental Protection Agency without additional testing, if the state emissions standards for certification of that vehicle, equipment, engine, or part are no more stringent than the federal standards on which the federal Environmental Protection Agency certification was based.

The bill would require the state board to create a separate, short form certification application template for a 2013 model year and later carryover vehicle, equipment, or engine, as defined. The bill would

require this application form to contain a section for the applicant to certify, under penalty of perjury, that any change in an emissions-related component part has not resulted in an increase in emissions from the prior certified model year. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

(2) Existing law requires a written communication from the state board alleging that an administrative or civil penalty will be, or could be, imposed either by the state board or another party, including the Attorney General, for a violation of air pollution law, to contain specified information.

This bill would require this information to include specified information relating to quantifying excess emissions. The bill would require the state board to consider in assessing a penalty whether there were excess emissions above an applicable standard and, where practicable, to quantify these excess emissions.

(3) Existing law subjects any manufacturer or distributor who does not comply with the emission standards or the test procedures adopted by the state board to a civil penalty of \$50 for each vehicle that does not comply with the standards or procedures.

This bill would prohibit the imposition of any penalty in addition to this penalty for a violation that does not cause excess emissions above an applicable standard, including violations involving a carryover vehicle, equipment, or engine as defined.

(4) 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 39619.7 of the Health and Safety Code
2 is amended to read:
3 39619.7. (a) A written communication from the state board
4 alleging that an administrative or civil penalty will be, or could
5 be, imposed either by the state board or another party, including
6 the Attorney General, for a violation of air pollution law, shall
7 contain a clear explanation of all of the following:

1 (1) The manner in which the administrative or civil penalty
2 amount was determined, including the aggravating and mitigating
3 factors the state board considered in arriving at the amount, and,
4 where applicable, the per unit or per vehicle basis for the penalty.

5 (2) The provision of law or regulations under which the alleged
6 violator is being assessed the administrative or civil penalty,
7 including the reason that provision is most appropriate for that
8 violation.

9 (3) (A) Whether the administrative or civil penalty is being
10 assessed under a provision of law that prohibits the emission of
11 pollution at a specified level, and if so, a quantification of the
12 specific amount of pollution emitted in excess of that level, where
13 practicable. This quantification may be based on estimates or
14 emission factors. *The state board shall provide an opportunity to*
15 *the regulated person or entity to submit information regarding the*
16 *amount of pollution emitted in excess of an applicable standard*
17 *or the lack of any emissions above an applicable standard.*

18 (B) *Whether quantifying excess emissions was practicable,*
19 *whether a regulated person or entity submitted information*
20 *quantifying excess emissions, and the manner in which the penalty*
21 *was assessed to account for the magnitude of excess emissions or*
22 *the lack of excess emissions, as required by subdivision (c) of*
23 *Section 43024.*

24 (b) The information described in subdivision (a) and all final
25 mutual settlement agreements reached between the state board and
26 a person alleged to have violated air pollution laws shall be made
27 available to the public.

28 SEC. 2. Section 43024 of the Health and Safety Code is
29 amended to read:

30 43024. (a) No later than March 1, 2011, the state board shall
31 publish a penalty policy for civil or administrative penalties
32 prescribed under Chapter 1 (commencing with Section 43000) to
33 Chapter 4 (commencing with Section 43800), inclusive, and
34 Chapter 6 (commencing with Section 44200).

35 (b) The policy shall take into consideration all relevant
36 circumstances, including, but not limited to, all of the following:

37 (1) The extent of harm to public health, safety, and welfare
38 caused by the violation.

39 (2) The nature and persistence of the violation, including the
40 magnitude of the excess emissions.

1 (3) The compliance history of the defendant, including the
2 frequency of past violations.

3 (4) The preventive efforts taken by the defendant, including the
4 record of maintenance and any program to ensure compliance.

5 (5) The innovative nature and the magnitude of the effort
6 required to comply, and the accuracy, reproducibility, and
7 repeatability of the available test methods.

8 (6) The efforts of the defendant to attain, or provide for,
9 compliance.

10 (7) The cooperation of the defendant during the course of the
11 investigation and any action taken by the defendant, including the
12 nature, extent, and time of response of any action taken to mitigate
13 the violation.

14 (8) The financial burden to the defendant.

15 (c) *The state board shall consider in assessing a penalty whether*
16 *there were excess emissions above an applicable standard and,*
17 *where practicable, the state board shall quantify these excess*
18 *emissions.*

19 SEC. 3. Section 43103 is added to the Health and Safety Code,
20 to read:

21 43103. (a) (1) Within 30 days after receipt of an application
22 for certification of a new motor vehicle or engine, including
23 off-road equipment and engines and aftermarket parts, the executive
24 officer of the state board shall inform the applicant, in writing,
25 either: (A) that the application is complete and accepted for filing,
26 or (B) that the application is deficient, identifying the specific
27 information required to make the application complete.

28 (2) Within 15 days after receipt of additional information
29 provided in response to a determination by the executive officer
30 of the state board that an application for certification of a new
31 motor vehicle or engine, including off-road equipment and engines
32 and aftermarket parts, is deficient, the executive officer shall inform
33 the applicant, in writing, either: (A) that the new information is
34 sufficient to make the application complete and that the application
35 is accepted for filing, or (B) that the application is deficient,
36 identifying the specific information required to make the
37 application complete.

38 (3) Within 90 days after an application for certification of a new
39 motor vehicle or engine, including off-road equipment and engines
40 and aftermarket parts, is accepted for filing, the executive officer

1 of the state board shall act to approve or to disapprove the
2 application.

3 (b) (1) An applicant may inform the executive officer or the
4 ombudsman of the state board, in writing, if the requirements of
5 subdivision (a) have not been met.

6 (2) The executive officer and the ombudsman shall ensure that
7 action to approve or disapprove the application takes place within
8 30 days after receipt of the notice described in paragraph (1).

9 (c) (1) If the application for certification of a new motor vehicle
10 or engine, including off-road equipment and engines and
11 aftermarket parts, is for a carryover vehicle, equipment, or engine,
12 the executive officer shall approve or disapprove the application
13 within 30 days after the application is accepted for filing.

14 (2) If an application described in paragraph (1) is not approved
15 or disapproved within 210 days after the application is accepted
16 for filing, the application is deemed to have been approved by the
17 executive officer.

18 (3) For a carryover vehicle, equipment, or engine that has been
19 approved pursuant to this subdivision, the entire model year is
20 deemed to have been certified with the approval being effective
21 on the initial date when that model year began production.

22 (4) This subdivision applies to an application made on and after
23 January 1, 2012, and to an application that was filed prior to
24 January 1, 2012, and which has not yet been approved or
25 disapproved.

26 (d) The state board shall create a separate, short form
27 certification application template for a 2013 model year and later
28 carryover vehicle, equipment, or engine that shall include all of
29 the following:

30 (1) A conspicuously located section for the applicant to indicate
31 that the application is being submitted for a carryover vehicle,
32 equipment, or engine.

33 (2) A conspicuously located section for the applicant to certify,
34 under penalty of perjury, that any change in an emissions-related
35 component part has not resulted in an increase in emissions from
36 the prior certified model year.

37 (3) A conspicuously located section for the applicant to indicate
38 and provide information for any nonmaterial or minor changes
39 from the prior certified model year, including, but not limited to,
40 changes in emissions-related component parts that do not adversely

1 affect emissions compliance or performance or otherwise result
2 in increased emissions, or revised labels or warranty statements.

3 (e) As used in this section, “carryover vehicle, equipment, or
4 engine” means a vehicle, equipment, or engine certified to the
5 same emission regulations and standards as the certified prior
6 model year, if there has been no change to the subsequent model
7 year product that would increase emissions or adversely affect
8 emissions compliance or performance.

9 SEC. 4. Section 43103.5 is added to the Health and Safety
10 Code, to read:

11 43103.5. The executive officer of the state board may approve
12 certification of a new motor vehicle or engine, including off-road
13 equipment and engines and aftermarket parts, for any model year
14 that has been certified by the federal Environmental Protection
15 Agency, without requiring the applicant to submit to additional
16 testing prior to certification, if the state emissions standards for
17 certification of that vehicle, equipment, or engine are no more
18 stringent than the federal standards on which the federal
19 Environmental Protection Agency certification was based.

20 SEC. 5. Section 43212 of the Health and Safety Code is
21 amended to read:

22 43212. (a) Any manufacturer or distributor who does not
23 comply with the emission standards or the test procedures adopted
24 by the state board shall be subject to a civil penalty of fifty dollars
25 (\$50) for each vehicle ~~which~~ *that* does not comply with the
26 standards or procedures and ~~which~~ *that* is first sold in this state.
27 The payment of ~~such~~ *these* penalties to the state board shall be a
28 condition to the further sale by ~~such~~ *the* manufacturer or distributor
29 of motor vehicles in this state.

30 (b) *Notwithstanding Section 43154 or 43211, a penalty in*
31 *addition to the penalty provided for in this section shall not be*
32 *imposed for a violation of the emission standards, certification*
33 *requirements, or test procedures described in this chapter, if that*
34 *violation does not cause excess emissions above an applicable*
35 *standard, including violations involving a “carryover vehicle,*
36 *equipment, or engine” as defined in Section 43103.*

37 ~~Any~~

38 (c) Any penalty recovered pursuant to this section shall be
39 deposited into the Air Pollution Control Fund.

1 SEC. 6. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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Introduced by Senator LowenthalFebruary 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 739, as introduced, Lowenthal. Ports: congestion relief: air pollution mitigation.

(1) Existing law regulates the operation of ports and harbors. Existing law provides for the formation and organization of port districts.

This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2012, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with the movement of cargo, and reduce pollution associated with the movement of that cargo.

The bill would require each port to provide this assessment to the Legislature by July 1, 2012, and to include in the assessment the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for implementation.

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

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

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

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

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

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

4
5 CHAPTER 1. PORT FACILITY CONSTRUCTION
6

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

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

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

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

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

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

31 1750. (a) Beginning January 1, 2012, the Port of Long Beach
32 shall assess its infrastructure and air quality improvement needs.

33 (b) The port, when assessing infrastructure projects, shall consult
34 with the Southern California Association of Governments on
35 projects that improve the efficiency of cargo movement and reduce

1 congestion impacts associated with the movement of cargo to and
2 from the port through the southern California region. The port
3 shall identify any project lists, such as the Goods Movement Action
4 Plan, and provide any updated information for the projects on those
5 lists. In the assessment, the port, at a minimum, shall identify the
6 projects, funding source or possible funding source, and estimated
7 timelines for completion.

8 (c) The port, when assessing air quality projects, shall consult
9 with the South Coast Air Quality Management District on projects
10 that reduce pollution associated with the movement of cargo to
11 and from the port through the southern California region, including,
12 but not limited to, projects that reduce pollution from trucks, cargo
13 handling equipment, locomotives, and ships that move cargo within
14 and to and from the port. The port shall identify any project lists,
15 such as the Goods Movement Emission Reduction Plan or the San
16 Pedro Bay Clean Air Action Plan, and provide updated information
17 for the projects on those lists, where feasible. In the assessment,
18 the port, at a minimum, shall identify the projects, funding source
19 or possible funding source, and estimated timelines for
20 implementation.

21 (d) On or before July 1, 2012, the port shall provide this
22 assessment to the Legislature. The report shall include, but not be
23 limited to, an assessment of total costs, including updating cost
24 estimates from previous reports or project lists, for the
25 infrastructure and air quality improvements, as well as identifying
26 funding for projects that may have a source of funding and
27 identifying possible funding options for projects without a funding
28 source.

29 (1) The requirement for submitting a report imposed under this
30 subdivision is inoperative on January 1, 2016, pursuant to Section
31 10231.5 of the Government Code.

32 (2) A report to be submitted pursuant to this subdivision shall
33 be submitted in compliance with Section 9795 of the Government
34 Code.

35 1760. (a) Beginning January 1, 2012, the Port of Los Angeles
36 shall assess its infrastructure and air quality improvement needs.

37 (b) The port, when assessing infrastructure projects, shall consult
38 with the Southern California Association of Governments on
39 projects that improve the efficiency of cargo movement and reduce
40 congestion impacts associated with the movement of cargo to and

1 from the port through the southern California region. The port
2 shall identify any project lists, such as the Goods Movement Action
3 Plan, and provide any updated information for the projects on those
4 lists. In the assessment, the port, at a minimum, shall identify the
5 projects, funding source or possible funding source, and estimated
6 timelines for completion.

7 (c) The port, when assessing air quality projects, shall consult
8 with the South Coast Air Quality Management District on projects
9 that reduce pollution associated with the movement of cargo to
10 and from the port through the southern California region, including,
11 but not limited to, projects that reduce pollution from trucks, cargo
12 handling equipment, locomotives, and ships that move cargo within
13 and to and from the port. The port shall identify any project lists,
14 such as the Goods Movement Emission Reduction Plan or the San
15 Pedro Bay Clean Air Action Plan, and provide updated information
16 for the projects on those lists, where feasible. In the assessment,
17 the port, at a minimum, shall identify the projects, funding source
18 or possible funding source, and estimated timelines for
19 implementation.

20 (d) On or before July 1, 2012, the port shall provide this
21 assessment to the Legislature and shall include, but not be limited
22 to, an assessment of total costs, including updating cost estimates
23 from previous reports or project lists, for the infrastructure and air
24 quality improvements, as well as identifying funding for projects
25 that may have a source of funding and identifying possible funding
26 options for projects without a funding source.

27 (1) The requirement for submitting a report imposed under this
28 subdivision is inoperative on July 1, 2016, pursuant to Section
29 10231.5 of the Government Code.

30 (2) A report to be submitted pursuant to this subdivision shall
31 be submitted in compliance with Section 9795 of the Government
32 Code.

33 1770. (a) Beginning January 1, 2012, the Port of Oakland shall
34 assess its infrastructure and air quality improvement needs.

35 (b) The port, when assessing infrastructure projects, shall consult
36 with the Metropolitan Transportation Commission on projects that
37 improve the efficiency of cargo movement and reduce congestion
38 impacts associated with the movement of cargo to and from the
39 port through the northern California region. The port shall identify
40 any project lists, such as the Goods Movement Action Plan, and

1 provide any updated information for the projects on those lists. In
2 the assessment, the port, at a minimum, shall identify the projects,
3 funding source or possible funding source, and estimated timelines
4 for completion.

5 (c) The port, when assessing air quality projects, shall consult
6 with the Bay Area Air Quality Management District on projects
7 that reduce pollution associated with the movement of cargo to
8 and from the port through the northern California region, including,
9 but not limited to, projects that reduce pollution from trucks, cargo
10 handling equipment, locomotives, and ships that move cargo within
11 and to and from the port. The port shall identify any project lists,
12 such as the Goods Movement Emission Reduction Plan, and
13 provide updated information for the projects on those lists, where
14 feasible. In the assessment, the port, at a minimum, shall identify
15 the projects, funding source or possible funding source, and
16 estimated timelines for implementation.

17 (d) On or before July 1, 2012, the port shall provide this
18 assessment to the Legislature. The report shall include, but not be
19 limited to, an assessment of total costs, including updating cost
20 estimates from previous reports or project lists, for the
21 infrastructure and air quality improvements, as well as identifying
22 funding for projects that may have a source of funding and
23 identifying possible funding options for projects without a funding
24 source.

25 (1) The requirement for submitting a report imposed under this
26 subdivision is inoperative on January 1, 2016, pursuant to Section
27 10231.5 of the Government Code.

28 (2) A report to be submitted pursuant to this subdivision shall
29 be submitted in compliance with Section 9795 of the Government
30 Code.

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

33 ~~1760.~~

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

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

- 1 (1) Meet, hold public hearings, and compile data on issues that
2 include, but need not be limited to, all of the following:
- 3 (A) The projected growth of each maritime port in the state.
 - 4 (B) The costs and benefits of developing a coordinated state
5 program to obtain federal funding for maritime port growth,
6 security, and congestion relief.
 - 7 (C) Impacts of maritime port growth on the state’s transportation
8 system.
 - 9 (D) Air pollution caused by movement of goods through the
10 state’s maritime ports, and proposed methods of mitigating or
11 alleviating that pollution.
 - 12 (E) Maritime port security, including, but not limited to, training,
13 readiness, certification of port personnel, exercise planning and
14 conduct, and critical marine transportation system infrastructure
15 protection.
 - 16 (F) A statewide plan for continuing operation of maritime ports
17 in cooperation with the United States Coast Guard, the federal
18 Department of Homeland Security, the California Emergency
19 Management Agency, and the California National Guard, consistent
20 with the state’s emergency management system and the national
21 emergency management system, in the event of a major incident
22 or disruption of port operations in one or more of the state’s
23 maritime ports.
 - 24 (G) State marine transportation policy, legislation, and planning;
25 regional infrastructure project funding; competitiveness;
26 environmental impacts; port safety and security; and any other
27 matters affecting the marine transportation system of the United
28 States within, or affecting, the state.
- 29 (2) Identify all state agencies that are involved with the
30 development, planning, or coordination of maritime ports in the
31 state.
- 32 (3) Identify other states that have a statewide port master plan
33 and determine whether that plan has assisted those states in
34 improving their maritime ports.
- 35 (4) Compile all information obtained pursuant to paragraphs
36 (1) to (3), inclusive, and submit its findings in a report to the
37 Legislature not later than January 1, 2006. The report should
38 include, but need not be limited to, recommendations on methods
39 to better manage the growth of maritime ports and address the
40 environmental impacts of moving goods through those ports.

1 (c) The activities of the council pursuant to this section shall
2 not be funded with appropriations from the General Fund.
3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

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BAAQMD BILL DISCUSSION LIST

March 2011

BILL NO.	AUTHOR	SUBJECT	POSITION (Positions in italics are staff recommendations)
AB 49	Gatto	Development project permit streamlining	
AB 128	Logue	Would allow ARB to, instead of imposing an air penalty, spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	<i>Oppose</i>
AB 135	Hagman	Requires at least one ARB Board member to be a small-business owner	
AB 146	Dickinson	Adds a 12 th ARB Board member, from Sacramento air basin	
AB 296	Skinner	States legislative intent to regulate pavement reflectivity to reduce urban heat island	
AB 333	Grove	Exempts counties with unemployment over 7% from AB 32	<i>Oppose</i>
AB 343	Atkins	Requires redevelopment plans to identify how redevelopment projects will help regions attain their SB 375 (GHG emission reduction) goals	<i>Support</i>
AB 382	Nestande	Requires all written district communications alleging violations to contain new detailed information, and imposes new requirements on inspectors	<i>Oppose</i>
AB 462	B. Lowenthal	Allows air districts to use AB 923 funds to replace older CNG tanks on schoolbuses	<i>Support</i>
AB 470	Halderman	Spot bill on regional air district board membership	
AB 475	Butler	Expands current off-street parking rules & opportunities for ZEV's to plug-in hybrids	
AB 523	Valadao	States Legislative intent to eliminate all subsidies for ethanol in CA	
AB 605	Dickinson	Requires OPR to develop project mitigation guidelines to reduce VMT, and for projects meeting the guidelines to omit transportation-related CEQA analysis	
AB 638	Skinner	Requires ARB and CEC to adopt measures to reduce 2020 convention fuel use to 2003 levels, and increase alternative fuel use by 26% by 2022	
AB 650	Blumenfield	Creates Blue Ribbon Task Force on public transportation, whose charges include making funding recommendations to the Legislature	
AB 698	Hagman	Intent bill requiring ARB to report on 1992 Air Permit Streamlining Act	

AB 710	Skinner	Infill Development and Sustainable Community Act; eliminates excessive minimum parking requirements in infill and transit-oriented development areas	<i>Support</i>
AB 768	Gatto	Requires ARB to allow biomethane produced outside CA but used in CA to count towards Low Carbon Fuel Standard compliance	
AB 796	Blumenfield	Establishes program to provide loan guarantees to CA clean-tech companies	
AB 921	Allen	Agricultural Water Efficiency with Compost Use and GHG Reduction Act	
AB 937	Mendoza	Allows ships to use exhaust filtration approved by ARB instead of cold ironing	
AB 942	Huber & B.Berryhill	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	<i>Oppose</i>
AB 1054	Skinner	Expands PACE loan program to EV charging, energy efficiency, & renewables	
AB 1064	Furutani	Makes changes to Prop 1B requirements on ARB for shorepower projects	
AB 1095	B.Berryhill	Spot bill on air district hearing boards	
AB 1150	V.M.Perez	Extends self-generation incentive program through 2018, and makes changes	
AB 1160	Hill	States legislative intent to incentivize CA solar companies	
AB 1169	Halderman	Spot bill on toxic air contaminants	
AB 1285	Fuentes	States Legislative intent to create a community GHG reduction program, which would provide state oversight of local govt. and nonprofit GHG reduction investment, and facilitate the awarding of emission allowances to local entities	
AB 1332	Donnelly	Abolishes ARB and transfers duties and obligations to CalEPA	<i>Oppose</i>
AB 1339	Gorell	Would provide a 50% tax credit for purchase and installation of emergency standby generators at gas stations	
ABx1 2	Logue	Would allow ARB to instead of imposing an air penalty spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	<i>Oppose</i>
ABx1 7	Logue	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	<i>Oppose</i>
ABx1 14	Skinner	Expands PACE loan program to EV charging, energy efficiency, & renewables	
SB 23	Simitian et al.	Requires 33% of electricity sales to be renewable by 2010 (up from 20% by 2010)	
SB 170	Pavley	Allows South Coast Air District to receive intellectual property benefits or revenues from projects funded with grant funds controlled by the South Coast	<i>Support if amended</i>
SB 209	Corbett	Prevents homeowners associations from blocking EV residential charging	<i>Support</i>

SB 211	Emmerson	Limits the amount and severity of penalties for violations of ARB's tire inflation rule	
SB 237	Wolk	Requires an unspecified percentage of funds from state sale of GHG allowances to go to agriculture for GHG projects or grants or incentives	
SB 358	Cannella	Excludes from gross income ARB-provided funds for air pollution reduction	
SB 519	La Malfa	Spot bill on vehicle emissions	
SB 533	Wright and Correa	Requires ARB to post implementation schedule for AB 32 regulations in advance, as well as all forms, compliance tools or training	
SB 535	De Leon	Establishes the California Climate Change Community Benefits Fund	
SB 570	Rubio	Extends by two years existing San Joaquin Valley Air District program to replace high polluter vehicles with donated vehicles	
SB 582	Emmerson	Allows MPO's and air districts to jointly adopt regional commute benefit policies, with requirements on employers	Co-Sponsor
SB 669	Rubio	States Legislative intent to establish a regulatory framework for carbon geologic storage and capture projects	
SB 724	Dutton	Expands ARB's requirements and considerations when assessing penalties, and imposes new deadlines and requirements on ARB when certifying engines	<i>Oppose</i>
SB 730	Kehoe	Requires local governments to create an online building permit form for EV charging	
SB 739	A.Lowenthal	Requires ports to assess infrastructure and air quality needs, in consultation with the local MPO and air district, specifying needed projects, funding, and timelines	<i>Support</i>
SB 763	Steinberg	Establishes California Performance Plus Program and Awards under CalEPA	
SB 800	Hancock	Establishes Voluntary Greenhouse Gas Emission Offset Fund	
SB 832	Strickland	AB 32 spot bill	
SB 862	A.Lowenthal	Establishes Southern CA Goods Movement Authority	
SB 898	Steinberg	Requires at least annual reporting of Moyer fund distribution (possible spot bill)	
SB 901	Steinberg	Limits the BAR-administered vehicle retirement program to the highest polluting vehicles, with priority to vehicles in areas not meeting federal air quality standards	
SBx1 2	Simitian	Requires 33% of electricity sales to be renewable by 2010 (up from 20% by 2010)	