



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

**BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

**TOM BATES - CHAIRPERSON
SUSAN ADAMS
SCOTT HAGGERTY
CAROL KLATT**

**JOHN GIOIA - VICE CHAIRPERSON
JOHN AVALOS
DAVID HUDSON
NATE MILEY
BRAD WAGENKNECHT**

**MONDAY
MAY 6, 2013
10:30 A.M.**

**AIR DISTRICT HEADQUARTERS
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 Air 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 three (3) minutes each.

3. APPROVAL OF MINUTES OF MARCH 14, 2013

4. UPDATE ON AIR DISTRICT LEGISLATIVE INITIATIVES

**T. Addison/5109
taddison@baaqmd.gov**

The Committee will be briefed on key Air District legislative initiatives.

5. CONSIDERATION OF LEGISLATION

**T. Addison/5109
taddison@baaqmd.gov**

The Committee will discuss and review bills, and adopt positions where appropriate.

6. COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS

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

7. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**
8. **ADJOURNMENT**

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

**(415) 749-5073
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 Air District's Headquarters 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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
FOR QUESTIONS PLEASE CALL (415) 749-4963**

**EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS**

MAY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	6	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Monday	6	10:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	8	9:00 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(At the Call of the Chair)</i>	Thursday	9	10:00 a.m.	4 th Floor Conf. Room And via videoconference at Santa Rosa Junior College Doyle Library, Room 4243 1501 Mendocino Avenue Santa Rosa, CA
Special Board of Directors Meeting - Budget Hearing <i>(At the Call of the Chair)</i>	Wednesday	15	9:45 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	23	9:30 a.m.	Board Room

JUNE 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	6	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	27	9:30 a.m.	Board Room

MM – 4/30/13 (9:30 a.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 23, 2013

Re: Minutes of the Legislative Committee Meeting of March 14, 2013

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee Meeting of March 14, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee Meeting of March 14, 2013.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachments

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5073

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Thursday, March 14, 2013

1. Call to Order – Roll Call

Committee Chairperson Tom Bates called the meeting to order at 9:32 a.m.

Present: Committee Chairperson Tom Bates; and Directors Susan Adams, John Avalos, Scott Haggerty, David Hudson, Nate Miley and Brad Wagenknecht.

Absent: Vice-Chairperson John Gioia and Director Carol Klatt.

Also Present: Board of Directors Chairperson Ash Kalra.

2. Public Comment Period:

Jeanne Quock addressed the Committee to follow up on her request for legislation regarding the mitigation of emissions from back-up diesel generators, as initially requested at the meeting of the Board of Directors on March 6, 2013. Chairperson Bates asked for clarification that the Air District is currently working on a rule on this subject as opposed to legislation. Jack Broadbent, Executive Officer/Air Pollution Control Officer, confirmed staff is already working on a proposed rule.

3. Approval of Minutes of March 21, 2012, and December 3, 2012

Committee Comments: None.

Public Comments: None.

Committee Action: Director Hudson made a motion to approve the Minutes of March 21, 2012, and December 3, 2012; Director Wagenknecht seconded; and the motion carried unanimously.

4. Update on Air District Legislative Initiatives

NOTED PRESENT: Directors Haggerty and Miley were noted present at 9:37 a.m.

Thomas Addison, Senior Advanced Projects Advisor, delivered the staff report Update on Air District Legislative Initiatives, including the two primary components: to sponsor legislation in response to the August 6, 2012, fire at the Chevron Richmond refinery, which would allow

higher penalties for one-day incidents that disrupt communities; and to reauthorize critical air quality funding programs due to expire in the next several years, including the Carl Moyer and Assembly Bill (AB) 923 programs.

Committee Comments:

Chairperson Bates and Directors Adams and Hudson asked for more information on AB 8 Perea/Skinner and Senate Bill (SB) 11 Pavley/Rubio, which was provided by Mr. Addison and Brian Bunger, District Counsel.

Public Comments: None.

Committee Action:

Director Wagenknecht made a motion, seconded by Director Hudson, to recommend the Board of Directors take the following positions on the following bills:

Support: AB 8 Perea/Skinner and SB 11 Pavley/Rubio; and

Sponsor: SB 691 Hancock

The motion carried unanimously.

5. Consideration of New Bills

Mr. Addison delivered the staff report Consideration of New Bills, including those deemed by staff to be the most significant to the Committee for its consideration.

Committee Comments: None.

Public Comments: None.

Committee Action:

Director Wagenknecht made a motion, seconded by Director Adams, to take an oppose position on AB 794 Gorell. The motion carried with Director Hudson voting no.

Director Hudson made a motion, seconded by Director Adams, to take an oppose position on AB 818 Blumenfield. The motion carried unanimously.

Director Wagenknecht made a motion, seconded by Director Haggerty, to take an oppose position on AB 866 Lindner. The motion carried unanimously.

Director Wagenknecht made a motion, seconded by Director Adams, to take a support position on AB 953 Ammiano. The motion carried with Directors Haggerty and Hudson voting no.

Chairperson Bates asked staff to develop a proposed amendment to the portion of the Administration Code relating to votes of abstention.

Director Haggerty made a motion, seconded by Director Hudson, to take a support position on AB 1077 Gorell. The motion carried with Director Bates voting no.

Director Wagenknecht made a motion, seconded by Director Adams, to take a support in concept position on AB 1193 Ting. The motion carried unanimously.

Director Wagenknecht made a motion, seconded by Director Miley, to take a support in concept position on SB 454 Corbett. The motion carried unanimously.

Director Avalos made a motion, seconded by Director Wagenknecht, to take an oppose position on SB 621 Gaines. The motion carried unanimously.

Director Wagenknecht made a motion, seconded by Director Hudson, to take oppose positions on SB 736 Wright and SB 760 Wright. The motion carried unanimously.

Chairperson Bates asked about bills regarding the California Environmental Quality Act (CEQA), which questions were answered by Mr. Addison. Chairperson Bates asked that there be further discussion on CEQA-related bills at the next Committee meeting.

The Committee and staff discussed SB 792 DeSaulnier.

6. Proposed Delegation Visit to Sacramento

Mr. Addison delivered the staff report Proposed Delegation Visit to Sacramento regarding whether and when to schedule such a visit. The Committee and staff discussed the same.

Committee Comments: None.

Public Comments: None.

Committee Action: None; informational only.

7. Committee Members' Comments/Other Business: None.

8. Time and Place of Next Meeting: At the Call of the Chairperson.

9. Adjournment: The meeting adjourned at 10:52 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 26, 2013

Re: Update on Air District Legislative Initiatives

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District has a two-part legislative agenda this year. The first part is to reauthorize critical air quality funding programs due to expire in the next several years, particularly the Air District-administered Carl Moyer and AB 923 programs. These programs cut toxic diesel emissions by cleaning up older, highly polluting engines used in trucks, school buses, off-road equipment, ships, or agricultural engines. The second part is to advance legislation in response to the August 6, 2012 fire at the Chevron Richmond refinery, which would discourage major violations by allowing higher penalties for one-day incidents that disrupt communities.

DISCUSSION

AB 8 (authored by Assemblymembers Henry Perea and Nancy Skinner) and SB 11 (authored by Senators Fran Pavley and Anthony Cannella) would each reauthorize the Carl Moyer and AB 923 programs, the AB 118 programs, and make changes to the Clean Fuel Outlet regulation (CFO). The CFO is an Air Resources Board (ARB) regulation that specifies how infrastructure for refueling hydrogen fuel cell vehicles is funded. The Air District is actively lobbying in support of both measures, along with a broad and diverse coalition.

AB 8 passed out of the Assembly Transportation Committee on a vote of 10 to 3, although San Francisco Assemblymember Tom Ammiano joined two Republican members in voting against the bill. That bill will be heard next on May 6th in the Assembly Natural Resources Committee. Prior to being heard on the Assembly Floor (where it needs a two-thirds vote for passage), AB 8 must also clear the Assembly Appropriations Committee in May.

SB 11 passed out of the Senate Environmental Quality Committee on a vote of 8 to 1, with bipartisan support in early April. It was heard next in the Senate Transportation and Housing Committee, chaired by Senator Mark DeSaulnier, where it faced a tough vote. Senator DeSaulnier was asking for major amendments to the bill that would have fractured the diverse

coalition of supporters. While Senator Pavley and her supporters agreed to some of the amendments, Senator DeSaulnier declined to vote for the bill, which made it out of the committee with the bare minimum of votes necessary for passage. The passage was bipartisan, since Republican co-author Anthony Cannella sits on this committee and voted for it. SB 11 next goes to the Senate Appropriations Committee, where it will be voted on in May.

Both reauthorization bills require the difficult super-majority vote. This makes their passage challenging, especially given the opposition of both the Sierra Club and the Howard Jarvis Taxpayers Association. Conservative voices have called the bills “a \$2.8 billion tax increase”, which makes it difficult for many Republicans to support them. On the other hand, some liberal Democrats are troubled to vote for the bill given the opposition of the Sierra Club. That opposition is based on the fact that the bills would change an ARB regulation (the CFO). However, ARB not only supports the bills, but actively is lobbying for this very change in their regulations.

The Air District is sponsoring SB 691, authored by Senator Loni Hancock, to increase penalty ceilings for one-day violations that harm entire communities. We have been joined by Breathe California as a cosponsor, and some of our supporters include the American Lung Association, the California Air Pollution Control Officers Association, the Sierra Club, the Natural Resources Defense Council, the Asian Pacific Environmental Network, Greenaction, the South Coast Air District, the mayors of Oakland and Richmond, and Regional Asthma Management and Prevention. A very long list of business organizations oppose the bill, including the California Chamber of Commerce, the California Manufacturing and Technology Association, the California Council for Economic and Environmental Balance, the California Metals Coalition, the California League of Food Processors, various agricultural groups, the California Taxpayers Association, the Independent Energy Producers Association, the California Restaurant Association, organizations representing gas stations and service stations, and the Western States Petroleum Association. The bill has been selected by CalChamber as one of the few dozen bills to receive the infamous ‘job-killer’ designation, and has been the subject of intense lobbying.

To date, the bill has passed the Senate Environmental Quality Committee on a 6 to 2 vote, with Senator Ron Calderon abstaining and both Republicans voting against it. It is scheduled to be heard next in the Senate Judiciary Committee on May 7, 2013. If it passes there, its next hurdle will be passage off the Senate Floor by the end of May. Staff have been meeting regularly with the opposition to discuss ways to address their concerns.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 26, 2013

Re: Consideration of Legislation

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

At its March meeting, the Committee discussed **SB 792, authored by Senator Mark DeSaulnier (D-Concord)**. At that time, the committee declined to take a position, but expressed concerns about the bill. The bill has been amended several times since that discussion, and a current copy of the bill is attached for the Committee's consideration. The bill is supported by Public Advocates and Urban Habitat, and opposed by the Metropolitan Transportation Commission (MTC). MTC has proposed an alternative to the current version of SB 792, which has been the subject of discussion by the Joint Policy Committee (JPC) at its last executive committee meeting. This alternative proposal is attached. SB 792 as envisioned by Senator DeSaulnier is primarily procedural; it would require the JPC to prepare plans on how to do joint planning. The alternative proposal is practical, focused on better regional planning results; it would actually establish the joint planning required. Given the perspectives of Board members expressed to date on this bill, staff are recommending an '**Oppose unless amended**' position. The recommended amendments are those suggested by MTC.

SB 605, authored by Senator Ricardo Lara (D-Southgate), is a new bill since the Committee's March meeting. A copy is attached. It affects cap-and-trade revenues, and provisions of California's plan to cut greenhouse gas emissions under AB 32. The author is concerned that facilities subject to California's cap-and-trade provisions are allowed under ARB regulations to generate emission reductions outside of California. The bill would only allow reductions within the state.

This is a major policy consideration, with huge effects on the costs of compliance for AB 32, both costs to directly affected industry, but also to California residents and consumers who will ultimately bear most of these costs. Certainly some observers would argue that such a bill would make the costs of AB 32 compliance so high that significant resulting public opposition might at a minimum cause a slowing of California's efforts to cut emissions, if not worse. Others would suggest that California should see the co-benefits of greenhouse gas emission reductions, rather than those co-benefits accruing elsewhere.

However, Air District staff is not suggesting a position on this issue. Rather, we are recommending an ‘**Oppose unless amended**’ position based on the part of the bill that says all emission reductions shall be “in areas that are most impacted by greenhouse gas pollutants and other pollutants”. This language is ambiguous and could be very problematic for the region. It could mean a major reduction in funding to the Bay Area from programs such as AB 118, since ozone concentrations are higher elsewhere in the state. Staff recommend the bill be amended to be silent on the issue of where in California emission reductions be targeted, especially given the passage by the Legislature last year of SB 535 (which directed significant funding to disadvantaged communities).

SB 793, is also authored by Senator Ricardo Lara (D-Southgate). It is sponsored by the Pacific Merchant Maritime Association, and could increase emissions at Bay Area ports by weakening ARB’s regulation on marine vessels using shorepower while at berth. Beginning on January 1, 2014, operators of container vessels and cruise ships that dock in Oakland or San Francisco will be required under ARB regulation to connect at least 50% of their vessels to shorepower. This bill would prevent ARB from penalizing non-complying operators whose vessels do not use shorepower if there are safety or testing issues the operator finds when they try to plug in. Under the regulation, ARB staff already have the necessary flexibility to address, on a case-by-case basis, issues of non-compliance. California has spent many millions of dollars of Proposition 1B funding to provide shorepower at our ports to help ensure major emissions reductions. Staff recommends an “**Oppose**” position.

Finally, an updated list of air quality measures of significance is attached, along with their current status.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Reviewed by: Jean Roggenkamp

Attachments

- 1) Senate Bill No. 792, authored by Senator Mark DeSaulnier
- 2) Senate Bill No. 605, authored by Senator Ricardo Lara
- 3) Senate Bill No. 793, authored by Senator Ricardo Lara
- 4) BAAQMD Bill Discussion List (April 2013)

BAAQMD BILL DISCUSSION LIST

April 2013

BILL NO.	AUTHOR	SUBJECT	Status	POSITION (Positions in italics are staff recommendations)
AB 8	Perea and Skinner	Reauthorizes Moyer/923, AB 118 incentive funding programs, and makes changes to Clean Fuels Outlet regulation	Asm. Nat. Resources 5/6	Support [MTC Support]
AB 14	Lowenthal	Requires a state freight plan	Asm. Trans. 4/29	[MTC Support]
AB 26	Bonilla	Addresses cap-and-trade revenue expenditure, including at refineries and requires certain work to be done to certain labor standards	Asm. Nat. Resources 4/29	
AB 37	Perea	Requires CEQA lead agency to prepare a record of proceedings	Asm. Approps. 5/1	
AB 147	V.M.Perez	Salton Sea dust mitigation plan involving local air districts and ARB	Asm.Nat.Resources 4/29	
AB 153	Bonilla	Requires ARB to adopt new process for GHG offset protocols	Asm.Nat.Resources 4/29	
AB 220	Ting	Eliminates sales tax for low emission vehicles	Asm. Rev.& Tax	
AB 245	Grove	Repeals Western Climate Initiative's statutory exemption from open meeting requirements	Asm. Gov. Org.	
AB 266	Blumenfield	Extends clean vehicle HOV access until 2025	Asm. Approps.	[MTC Oppose unless amended]
AB 278	Gatto	Makes changes to calculations used in Low Carbon Fuel Standard	Asm. Approps. 5/1	
AB 284	Quirk	Establishes Road to 2050 Board, for recommendations on cutting GHGs to 80% of 1990 levels by 2050	Asm. Utilities 4/29	
AB 304	Williams	Requires Director of Pesticide Regulation to make public data on pesticides that are toxic air contaminants	Asm. Approps.	
AB 337	Allen	Intent bill emphasizing economic importance of ports to California	Asm. Jobs & Econ.	
AB 380	Dickinson	Requires online posting of CEQA documents	Asm. Loc. Govt. 5/1	
AB 416	Gordon	Creates Local Emission Reduction Program to use general fund appropriations for grants to	Asm. Approps. 5/1	

AB 453	Mullin	Makes LAFCOs eligible for sustainable communities grants from Strategic Growth Council	Asm. Approps.	
AB 466	Quirk-Silva	Continues regional distribution of CMAQ funds per previous formula	Asm. Approps. 5/1	[MTC Support]
AB 515	Dickinson	Establishes CEQA compliance courts to quickly resolve CEQA cases	Asm. Judic.	
AB 572	Atkins	Requires documentation of energy efficiency in buildings beyond code to allow generation of credits	Asm. Nat. Resources	
AB 574	Lowenthal	Sustainable Communities Infrastructure Program funded by cap-and-trade	Asm.Nat. Resources 5/29	[MTC Support]
AB 628	Gorell	Allows state funding of port energy management plan to promote economic development while reducing air emissions	Asm. Jobs & Econ. 4/30	
AB 794	Gorell	Would exempt from CEQA composting projects and landfill green energy projects	Asm. Nat. Resources	Oppose
AB 818	Blumenfield	Allows city attorneys to enforce stationary source air pollution regulations	Asm. Judiciary	Oppose
AB 866	Linder	Significantly increases state agency requirements prior to enacting regulations	Asm. Accountability & Admin. Review	Oppose
AB 887	Allen	Spot bill on economic analysis of regulations		
AB 898	Ting	States legislative intent to increase electric vehicle charging infrastructure		
AB 953	Ammiano	Changes CEQA law to effectively overturn the <i>Ballona Wetlands</i> decision	Asm. Approps.	Support
AB 1002	Bloom	Imposes new \$6 annual vehicle registration fee surcharge for Sustainable Communities Strategy Account	Asm. Local Govt. 5/1	
AB 1051	Bocanegra	Sustainable Communities for All; uses cap-and-trade funds to cut GHG emissions from lower-income, especially by increasing transit funding	Asm. Trans. 4/29	
AB 1056	Jones	Requires quarterly reports on AB 32 allowance auctions	Asm. Nat. Resources	
AB 1077	Muratsuchi	Establishes parity in vehicle license fees and sales tax paid for alternative fuel vehicles and their gasoline counterparts	Asm. Rev. & Tax 5/6	Support
AB 1081	Medina	Adds ports to state 5-year infrastructure plan	Asm. Trans. 4/29	
AB 1096	Nestande	Salton Sea Restoration license plate	Asm. Trans. 4/29	
AB 1102	Grove	Requires ARB to auction GHG allowances from utilities before auctioning other allowances	Asm. Nat. Resources	
AB 1193	Ting	States legislative intent to allow local governments the same flexibility in designing bike lanes as they have when designing local streets and roads	Asm. Local Govt.	Support in concept
AB 1194	Ammiano	Provides \$46M for Safe Routes to Schools	Asm. Trans.	

AB 1211	Linder	HOV spot bill		
AB 1219	Morrell	Spot bill on economic impact of regulations		
AB 1228	V.M. Perez	Allows larger fuel cell power generators into net energy metering program	Asm. Utilities 4/29	
AB 1257	Bocanegra	Effort to maximize natural gas use for GHG reasons, including as transportation fuel	Asm. Nat. Resources 4/29	
AB 1290	Perez	Adds new members to California Transportation Commission, including ARB as a non-voting member	Asm. Trans. 4/29	
AB 1375	Chau	Requires ARB to use cap-and-trade funds to establish Clean Technology Investment Fund	Asm. Nat. Resources 4/29	
SB 11	Pavley	Reauthorizes Moyer/923, AB 118 incentive funding programs, and makes changes to Clean Fuels Outlet regulation	Sen. Approps.	Support [MTC Support]
SB 34	Rubio	Regulates CO2 oil recovery projects that demonstrate carbon sequestration		
SB 43	Wolk	Establishes a shared renewable energy self-generation program	Sen. Energy 4/30	
SB 123	Corbett	Establishes new environmental and land use superior courts	Sen. Approps.	
SB 286	Yee	Extends HOV lane use by clean vehicles for 3 additional years, through 1/1/2018	Sen. Floor	
SB 336	Huff	Spot bill on California gasoline blend		
SB 359	Corbett	Makes changes to CEQA exemption for high-density infill	Sen. Env. Quality 5/1	
SB 389	Wright	Prohibits SCAQMD from charging a fee to transfer emissions offsets from internal bank, effectively overturning a SCAQMD regulation	Sen. Env. Quality 5/1	
SB 436	Jackson	Requires at least one scoping meeting for CEQA on highway projects	Sen. Env. Quality 5/1	
SB 454	Corbett	Electric Vehicle Charging Stations Open Access Act	Sen. Energy 4/30	Support in concept
SB 459	Pavley	Plan to increase purchase and lease of efficient vehicles by the middle income	Sen. Approps.	
SB 497	Walters	Prohibits GHG fees on California public or private universities/colleges	Sen. Env. Quality 5/1	
SB 525	Galgiani	Imposes CEQA exemption for Altamont Commuter Express upgrades	Sen. Env. Quality 5/1	
SB 600	Lieu	Requires changes to alternative fuel conversion certification program at ARB	Sen. Trans.& Housing 4/30	

SB 605	Lara	Requires cap-and-trade revenues to be spent only in California	Sen. Env. Quality 5/1	<i>Oppose unless amended</i>
SB 617	Evans	Makes a variety of changes to CEQA	Sen. Env. Quality 5/1	
SB 621	Gaines	Extends compliance dates in In-Use Heavy Duty Diesel Fueled Vehicle regulation by five years	Sen. Trans.& Housing	Oppose
SB 633	Pavley	Changes treatment of new information after CEQA EIR is deemed complete	Sen. Env. Quality 5/1	
SB 691	Hancock	Increases air penalty ceilings for one-day community-disrupting violations	Sen. Judiciary 5/7	Sponsor
SB 731	Steinberg	Multiple changes to CEQA, including treatment of Sustainable Communities Strategy	Sen. Env. Quality 5/1	
SB 736	Wright	Limits air district fee authority for power plant modifications that increase thermal efficiency	Sen. Env. Quality	Oppose
SB 739	Calderon	Spot bill on CEQA		
SB 754	Evans	Multiple changes to CEQA designed to modernize certain sections	Sen. Env. Quality 5/1	
SB 760	Wright	Limits regulatory and penalty authority of air districts with emission reduction credit programs over powerplants (modified to lessen air district concerns)	Sen. Approps.	Oppose
SB 787	Berryhill	Enacts Sustainable Environmental Protection Act, by reducing reach of CEQA	Sen. Env. Quality 5/1	
SB 792	DeSaulnier	Assigns new tasks to the Joint Policy Committee with respect to ABAG, BAAQMD, BATA, BCDC, and MTC	Sen. Govt.& Finance 5/1	<i>Oppose unless amended</i> [MTC Oppose]
SB 793	Lara	Exempts marine vessels from ARB shorepower regulatory requirements in certain circumstances	Sen. Trans.& Housing 4/30	<i>Oppose</i>
SB 798	DeLeon	Establishes Green Infrastructure Bank Account, which can be funded through cap-and-trade funds	Sen. Govt. & Finance	

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 605

Introduced by Senator Lara

February 22, 2013

An act to add Section 38561.5 to the Health and Safety Code, relating to school safety greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 605, as amended, Lara. ~~School safety: persistently dangerous schools. California Global Warming Solutions Act of 2006: scoping plan.~~

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The act requires the scoping plan to be updated at least once every 5 years.

This bill would require the state board, when updating the scoping plan, to include specified criteria. The bill would require all greenhouse gas emissions reductions be achieved within the state in areas that are most impacted by greenhouse gas pollutants and other air pollutants, except as specified.

~~Existing law establishes various laws relating to school safety and violence prevention, and, among other things, requires each school district and county office of education to be responsible for the overall~~

development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

This bill would express the Legislature’s intent to enact legislation that would establish criteria for, and provide for the identification of, persistently dangerous schools.

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

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

1 SECTION 1. Section 38561.5 is added to the Health and Safety
 2 Code, to read:
 3 38561.5. (a) When updating the scoping plan pursuant to
 4 subdivision (h) of Section 38561, the state board shall do all of
 5 the following:
 6 (1) Revise the million metric tons of emissions (MMTE) to
 7 emphasize in-state actions that create jobs in the state, including,
 8 but not limited to, retrofits.
 9 (2) Achieve maximum technologically feasible and cost-effective
 10 emissions reductions in short-lived climate pollutants no later than
 11 December 31, 2015.
 12 (3) Limit the use of offsets to all of the following:
 13 (A) Those offsets originating and achieved within the state.
 14 (B) Those offsets used to offset greenhouse gas emissions in a
 15 location that has greenhouse gas emissions.
 16 (C) Those offsets occurring at the same time greenhouse gas
 17 emissions are occurring, to the extent possible.
 18 (4) Adopt a backstop plan in the event a market-based
 19 compliance mechanism adopted by the state board and the Low
 20 Carbon Fuel Standard regulations (Subarticle 7 (commencing
 21 with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of
 22 Division 3 of Title 17 of the California Code of Regulations) do
 23 not accomplish the goals intended in the scoping plan.
 24 (5) Expend special funds, including, but not limited to, funds
 25 derived from market-based compliance mechanisms, the Electric
 26 Program Investment Charge Fund created by Section 25711 of
 27 the Public Resources Code, and the Alternative and Renewable
 28 Fuel and Vehicle Technology Fund created by Section 44273, for
 29 emissions reductions from sources within the state in furtherance

1 of achieving and maintaining the limit established pursuant to
2 Part 3 (commencing with Section 38550).

3 (b) All greenhouse gas emissions reductions shall be achieved
4 within the state in areas that are most impacted by greenhouse
5 gas pollutants and other air pollutants unless both of the following
6 occur:

7 (1) The state board makes a finding at a public hearing that
8 there are no technologically feasible and cost-effective emissions
9 reductions that may be made in areas that are most impacted by
10 greenhouse gas pollutants within the state, and the state board
11 submits that finding to the Joint Legislative Budget Committee.

12 (2) Within 30 days of the submission pursuant to paragraph
13 (1), the Joint Legislative Budget Committee shall concur or
14 nonconcur on the finding. If, after 30 days, the Joint Legislative
15 Budget Committee has not concurred or nonconcurred in the
16 finding, the finding shall be deemed to be concurred.

17 ~~SECTION 1. It is the intent of the Legislature to enact~~
18 ~~legislation that would establish criteria for, and provide for the~~
19 ~~identification of, persistently dangerous schools.~~

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 792

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Sections 66537, 66537.1, 66537.2, 66537.3, 66537.4, 66537.5, 66537.6, and 66537.7 to the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, DeSaulnier. Regional entities: Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional entities in this 9-county area to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy pursuant to Senate Bill 375 of the 2007–08 Regular Session coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The regional

organization plan would include a plan for integrating, by July 1, 2016, certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for consolidating certain functions that are common to the regional entities. The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require the joint policy committee to ensure public participation in the development and adoption of the plan, to hold at least one public hearing in each county of the region, and to adopt a final plan by June 30, 2015. *The bill would require provisions of the comprehensive regional plan to be implemented by July 1, 2016.* The bill would also require the joint policy committee to develop and adopt public and community outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. The bill would require the joint policy committee, until a comprehensive regional plan is adopted, to conduct a review of the major planning documents and associated policies, and plans, and regulations of each regional entity, including an assessment of the consistency of the documents, policies, plans, and regulations with each other, with the requirements of Senate Bill 375 of the 2007–08 Regular Session, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee’s general fund. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program.

The bill would require the Legislative Analyst’s Office to analyze voting power disparities based on population, race, and ethnicity relative to the voting power of each city and county on the governing board of each of the regional agencies, and to report to the Legislature by July 1, 2014, as specified.

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 66537 is added to the Government Code,
2 to read:

3 66537. For purposes of Sections 66537.1 to 66537.7, inclusive,
4 the following definitions shall apply:

5 (a) "Region" means the area encompassed by the Counties of
6 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,
7 Santa Clara, Solano, and Sonoma.

8 (b) "Regional entities" means the Metropolitan Transportation
9 Commission, including any joint exercise of powers agencies that
10 include the commission as a member agency; the Bay Area Toll
11 Authority; the Bay Area Air Quality Management District; the San
12 Francisco Bay Conservation and Development Commission; and
13 the Association of Bay Area Governments.

14 SEC. 2. Section 66537.1 is added to the Government Code, to
15 read:

16 66537.1. (a) The joint policy committee created pursuant to
17 subdivision (d) of Section 66536 shall prepare a regional
18 organization plan that includes all of the following:

19 (1) A plan for integrating, by July 1, 2016, the major planning
20 documents described in subdivision (c) of Section 66536.1 into a
21 comprehensive regional plan that also addresses priority
22 infrastructure needs, the goals and policies related to economic
23 development opportunities adopted pursuant to subdivision (b) of
24 Section 66537.6, and social equity goals to ensure that people of
25 all income levels, races, and ethnicities share fairly in the benefits
26 and burdens associated with the comprehensive regional plan and
27 its implementation.

1 (2) A plan for consolidating the functions that are common to
2 the regional entities, including, but not limited to, personnel and
3 human resources, budget and financial services, electronic data
4 and communications systems, legal services, contracting and
5 procurement of goods and services, public information and
6 outreach services, intergovernmental relations, transportation, land
7 use, economic, and related forecasting models, and other related
8 activities. Consideration shall be given to ensuring that there are
9 common personnel classifications where appropriate among the
10 regional entities, and the consolidation of other functions or
11 activities, as deemed feasible, that will further the mission of the
12 joint policy committee and will reduce redundancy. The plan shall
13 also include a statement as to the expected reduction in the cost
14 of overhead and in the cost of operation and management of the
15 regional entities.

16 (b) On or before December 31, 2014, the staff shall submit to
17 the joint policy committee a draft regional organization plan. The
18 joint policy committee shall ensure early, continuous, and inclusive
19 public participation in the development and adoption of the regional
20 organization plan and shall hold at least one public hearing in each
21 county of the region to receive public comment on the draft plan.
22 A final plan shall thereafter be ~~adopted for implementation on or~~
23 ~~before June 30, 2015 adopted on or before June 30, 2015. All of~~
24 *the provisions of the comprehensive regional plan developed under*
25 *paragraph (1) of subdivision (a) shall be implemented by July 1,*
26 *2016.*

27 (c) All cost savings derived from implementation of the regional
28 organization plan shall be directed to the joint policy committee's
29 general fund.

30 SEC. 3. Section 66537.2 is added to the Government Code, to
31 read:

32 66537.2. The joint policy committee shall develop and adopt
33 public and community outreach and inclusive public participation
34 policies to govern the development and adoption of the regional
35 organization plan as well as regular joint policy committee
36 meetings. These policies shall also govern the meetings of regional
37 entities, the meetings of standing committees, and meetings of ad
38 hoc or other temporary committees. In developing the policies,
39 the joint policy committee shall ensure that outreach programs are
40 inclusive of limited-English-proficient populations, and utilize all

1 available communication technologies, including webcasting and
2 social media, print, radio, and television. The joint policy
3 committee shall also establish policies for the holding workshops
4 of the joint policy committee and the regional entities in the cities
5 and counties of the region. The joint policy committee shall provide
6 an opportunity for the public to comment on the draft and the final
7 recommended policies. The policies shall be adopted on or before
8 October 31, 2014.

9 SEC. 4. Section 66537.3 is added to the Government Code, to
10 read:

11 66537.3. The joint policy committee shall maintain an Internet
12 Web site containing relevant information pertaining to the joint
13 policy committee's activities.

14 SEC. 5. Section 66537.4 is added to the Government Code, to
15 read:

16 66537.4. The joint policy committee shall be subject to the
17 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
18 of Part 1 of Division 2 of Title 5).

19 SEC. 6. Section 66537.5 is added to the Government Code, to
20 read:

21 66537.5. (a) Until the joint policy committee adopts a
22 comprehensive regional plan as described in Section 66537.1, the
23 joint policy committee shall review both the draft and adopted
24 versions of both of the following:

25 (1) Major planning documents described in subdivision (c) of
26 Section 66536.1.

27 (2) Policies, plans, and regulations of each regional entity
28 associated with the major planning documents.

29 (b) The review shall include an assessment of the consistency
30 of the planning documents, policies, plans, and regulations with
31 each other, with the requirements of Senate Bill 375 of the 2007–08
32 Regular Session, and with the goals and policies related to
33 economic development opportunities adopted pursuant to
34 subdivision (b) of Section 66537.6. The joint policy committee
35 shall issue a consistency report describing the findings of each
36 review. The joint policy committee shall hold public and
37 community hearings in accordance with its public outreach policies
38 regarding the draft consistency findings. The findings of each
39 consistency review shall be considered by the applicable regional

1 entity in connection with any proposed amendment to a planning
2 document, policy, plan, or regulation.

3 SEC. 7. Section 66537.6 is added to the Government Code, to
4 read:

5 66537.6. (a) The joint policy committee shall appoint an
6 advisory committee on economic competitiveness with members
7 from the business community, including representatives of small
8 businesses and the technology and manufacturing sectors,
9 community colleges, public and private universities, labor, local
10 governments, community organizations with an interest in
11 expanding economic opportunity for low-income populations and
12 communities, and other organizations involved with the private
13 economy.

14 (b) The joint policy committee, in consultation with the advisory
15 committee, shall adopt goals and policies related to the inclusion
16 of economic development opportunities in the plans of the regional
17 entities and the comprehensive regional plan. The goals and
18 policies shall also promote amenities that are special to the region
19 and contribute to the region’s quality of life. Social equity goals
20 and considerations shall be integrated throughout to ensure that
21 low-income populations and populations of color share fairly in
22 the benefits and burdens of the economic development goals and
23 policies and their implementation.

24 SEC. 8. Section 66537.7 is added to the Government Code, to
25 read:

26 66537.7. On or before July 1, 2014, the Legislative Analyst’s
27 Office shall analyze and report to the Legislature on the voting
28 power that each city and county in the region has on the governing
29 board of each of the regional entities, including an analysis of any
30 voting power disparities based on population, race, and ethnicity.
31 The analysis shall utilize appropriate metrics, such as votes per
32 million in population. The report to the Legislature shall include
33 recommended changes to regional entity governance and voting,
34 including any recommended legislation, that would lessen
35 disparities, if any, to insignificant levels.

36 SEC. 9. If the Commission on State Mandates determines
37 that this act contains costs mandated by the state, reimbursement
38 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

O

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 793

Introduced by Senator Lara

February 22, 2013

An act to ~~amend~~ *add* Section ~~43013~~ of ~~39633~~ to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 793, as amended, Lara. Air pollution: *oceangoing vessels*.

Existing law regulates air emissions from cruise ship engines and oceangoing ship engines. Regulations of the State Air Resources Board limit the time during which auxiliary diesel engines of container vessels, passenger vessels, and refrigerated cargo vessels are operated while those vessels are docked at berth at a California port.

This bill would deem an oceangoing vessel, as defined, that meets specified requirements to have met the limitations on hours of operation of auxiliary diesel engines while at berth for that vessel visit. The bill would require an oceangoing vessel that is equipped to receive shore power to conduct the testing and inspection necessary to validate the safety of utilizing the shore power equipment during its current and future visits to that berth upon each initial visit by that vessel to specified marine terminals. The bill would require an oceangoing vessel that exceeds specified hours of service limitations because the testing and safety inspections of the equipment on the vessel that allows the use of electricity from the terminal have not validated the safety of the equipment to be subject to these provisions under specified circumstances.

~~Existing law requires the State Air Resources Board to adopt standards and regulations for motor vehicles, off-road or nonvehicle engine~~

categories, and portable fuel containers and spouts, in order to control the emissions of air contaminants.

~~This bill would make nonsubstantive changes to these provisions.~~

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

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

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The state has adopted the world's most comprehensive*
4 *regulation of air emissions from vessels while at berth and on*
5 *January 1, 2014, will lead a pioneering effort to utilize onshore*
6 *power at various ports throughout the state.*

7 *(b) Safe and successful implementation of the state's at-berth*
8 *regulations will provide significant improvements in air quality*
9 *resulting from the reduction of air emissions from oceangoing*
10 *vessels.*

11 *(c) Compliance with these at-berth regulations has and will*
12 *continue to require extensive and multibillion dollar capital*
13 *investments in shore power infrastructure both onshore, by marine*
14 *terminals, ports, and electric utilities, and onboard numerous*
15 *oceangoing vessels, including container, cruise, and refrigerated*
16 *ships.*

17 *(d) Given the lack of international standards that govern the*
18 *modification of vessels for shore power, requirements for new*
19 *vessel construction, shoreside installation of shore power, and the*
20 *provision of shore power to vessels, vessels that are initially*
21 *attempting to comply with the regulations must test and validate*
22 *shoreside power interactions in order to certify those connections*
23 *as safe and successful.*

24 *(e) To facilitate compliance with the at-berth regulations, all*
25 *vessels that have completed all of the retrofits, improvements, or*
26 *equipment modifications necessary to comply with the rules and*
27 *that visit a terminal that also has been properly outfitted with a*
28 *shore power installation must be afforded the opportunity to*
29 *successfully test their equipment and establish a safe interface*
30 *between the vessel and the shoreside equipment.*

31 *(f) Vessels that attempt to comply with the state's at-berth*
32 *regulations in good faith should avoid the application of penalties*

1 *in the case of exigent circumstances and should be allowed to*
2 *make the adjustments and calibrations necessary to be certified*
3 *as safe and successful as soon as possible.*

4 *SEC. 2. Section 39633 is added to the Health and Safety Code,*
5 *to read:*

6 *39633. (a) For purposes of this section, “oceangoing vessel”*
7 *means a commercial, government, or military vessel meeting any*
8 *one of the following:*

9 *(1) A vessel greater than or equal to 400 feet in overall length*
10 *as defined in Section 679.2 of Title 50 of the Code of Federal*
11 *Regulations, as adopted June 19, 1996.*

12 *(2) A vessel greater than or equal to 10,000 gross tons pursuant*
13 *to the convention measurement as defined in Sections 69.51 to*
14 *69.61, inclusive, of Title 46 of the Code of Federal Regulations,*
15 *as adopted September 12, 1989.*

16 *(3) A vessel propelled by a marine compression ignition engine*
17 *with a per-cylinder displacement of greater than or equal to 30*
18 *liters.*

19 *(b) It is the intent of the Legislature in enacting this section to*
20 *encourage full compliance with Section 93118.3 of Subchapter*
21 *7.5 of Chapter 1 of Division 3 of Title 17 of the California Code*
22 *of Regulations for oceangoing vessels in a manner that avoids any*
23 *situation that threatens the safety of any vessel, the vessel’s crew,*
24 *cargo, or equipment, or any personnel, equipment, or cargo on a*
25 *marine terminal that may arise from an event beyond the control*
26 *of the master of a vessel that is attempting to certify its ability to*
27 *safely utilize shore power.*

28 *(c) (1) An oceangoing vessel that meets the requirements of*
29 *this section shall be deemed to have met the limitations on hours*
30 *of operation of auxiliary diesel engines while at berth for that*
31 *vessel visit.*

32 *(2) All visits made pursuant to this section shall be counted*
33 *toward compliance with the minimum-visit requirements of the*
34 *vessel’s fleet and the onboard auxiliary generation associated with*
35 *each visit made pursuant to this section shall be excluded from*
36 *the vessel’s fleet’s power reduction calculations.*

37 *(d) Upon each initial visit by an oceangoing vessel that is*
38 *equipped to receive shore power to a marine terminal with a berth*
39 *equipped to provide compatible shore power, the vessel shall*
40 *conduct the testing and inspection necessary to validate the safety*

1 of utilizing the shore power equipment during its current and future
2 visits to that berth.

3 (e) An oceangoing vessel that exceeds the hours of service
4 limitations under Section 93118.3 of Subchapter 7.5 of Chapter 1
5 of Division 3 of Title 17 of the California Code of Regulations
6 because the testing and safety inspections of the equipment on the
7 vessel that allows the use of electricity from the terminal have not
8 validated the safety of the equipment shall be subject to this section
9 if all of the following apply:

10 (1) The master of the vessel has made the necessary effort to
11 complete testing and inspection.

12 (2) The master of the vessel has notified the state board.

13 (3) The master of the vessel properly recorded the discussion
14 of the testing and validation of the onboard equipment, detailing
15 any lack of compatibility that prevents the usage of shore power
16 equipment. This discussion shall include the date when the testing
17 and validation commenced, identification of when and description
18 of any lack of compatibility or invalidation of equipment, and the
19 dates and description of each effort to remedy the lack of
20 compatibility or invalidation, including efforts to repair or modify.

21 (4) Any repairs or modifications necessary to complete the
22 testing or safety inspection have been ordered or scheduled for
23 completion at the earliest practicable time, provided those repairs
24 or modifications are scheduled for completion no later than the
25 next visit by the vessel to a berth properly equipped to provide
26 shore power.

27 (f) This section does not preclude a vessel that suffers from
28 equipment failure subsequent to the testing and validation of any
29 equipment, as provided pursuant to this section, from exercising
30 the optional operational requirements pursuant to Section
31 93118.3(d)(1)(I)(3) of Subchapter 7.5 of Chapter 1 of Division 3
32 of Title 17 of the California Code of Regulations, or from
33 complying with the reporting and recordkeeping requirements
34 pursuant to Section 93118.3(g)(1)(B)1g of Subchapter 7.5 of
35 Chapter 1 of Division 3 of Title 17 of the California Code of
36 Regulations.

37 ~~SECTION 1. Section 43013 of the Health and Safety Code is~~
38 ~~amended to read:~~

39 ~~43013. (a) The state board shall adopt and implement motor~~
40 ~~vehicle emission standards, in-use performance standards, and~~

1 motor vehicle fuel specifications for the control of air contaminants
2 and sources of air pollution which the state board has found to be
3 necessary, cost effective, and technologically feasible, to carry out
4 the purposes of this division, unless preempted by federal law.

5 (b) ~~The state board shall, consistent with subdivision (a), adopt~~
6 ~~standards and regulations for light-duty and heavy-duty motor~~
7 ~~vehicles, medium-duty motor vehicles, as determined and specified~~
8 ~~by the state board, portable fuel containers and spouts, and off-road~~
9 ~~or nonvehicle engine categories, including, but not limited to,~~
10 ~~off-highway motorcycles, off-highway vehicles, construction~~
11 ~~equipment, farm equipment, utility engines, locomotives, and, to~~
12 ~~the extent permitted by federal law, marine vessels.~~

13 (e) ~~Prior to adopting standards and regulations for farm~~
14 ~~equipment, the state board shall hold a public hearing and find and~~
15 ~~determine that the standards and regulations are necessary, cost~~
16 ~~effective, and technologically feasible. The state board shall also~~
17 ~~consider the technological effects of emission control standards~~
18 ~~on the cost, fuel consumption, and performance characteristics of~~
19 ~~mobile farm equipment.~~

20 (d) ~~Notwithstanding subdivision (b), the state board shall not~~
21 ~~adopt any standard or regulation affecting locomotives until the~~
22 ~~final study required under Section 5 of Chapter 1326 of the Statutes~~
23 ~~of 1987 has been completed and submitted to the Governor and~~
24 ~~Legislature.~~

25 (e) ~~Prior to adopting or amending any standard or regulation~~
26 ~~relating to motor vehicle fuel specifications pursuant to this section,~~
27 ~~the state board shall, after consultation with public or private~~
28 ~~entities that would be significantly impacted as described in~~
29 ~~paragraph (2) of subdivision (f), do both of the following:~~

30 (1) ~~Determine the cost-effectiveness of the adoption or~~
31 ~~amendment of the standard or regulation. The cost-effectiveness~~
32 ~~shall be compared on an incremental basis with other mobile source~~
33 ~~control methods and options.~~

34 (2) ~~Based on a preponderance of scientific and engineering data~~
35 ~~in the record, determine the technological feasibility of the adoption~~
36 ~~or amendment of the standard or regulation. That determination~~
37 ~~shall include, but is not limited to, the availability, effectiveness,~~
38 ~~reliability, and safety expected of the proposed technology in an~~
39 ~~application that is representative of the proposed use.~~

1 ~~(f) Prior to adopting or amending any motor vehicle fuel~~
2 ~~specification pursuant to this section, the state board shall do both~~
3 ~~of the following:~~
4 ~~(1) To the extent feasible, quantitatively document the~~
5 ~~significant impacts of the proposed standard or specification on~~
6 ~~affected segments of the state's economy. The economic analysis~~
7 ~~shall include, but need not be limited to, the significant impacts~~
8 ~~of any change on motor vehicle fuel efficiency, the existing motor~~
9 ~~vehicle fuel distribution system, the competitive position of the~~
10 ~~affected segment relative to border states, and the cost to~~
11 ~~consumers.~~
12 ~~(2) Consult with public or private entities that would be~~
13 ~~significantly impacted to identify those investigative or preventive~~
14 ~~actions that may be necessary to ensure consumer acceptance,~~
15 ~~product availability, acceptable performance, and equipment~~
16 ~~reliability. The significantly impacted parties shall include, but~~
17 ~~need not be limited to, fuel manufacturers, fuel distributors,~~
18 ~~independent marketers, vehicle manufacturers, and fuel users.~~
19 ~~(g) To the extent that there is any conflict between the~~
20 ~~information required to be prepared by the state board pursuant to~~
21 ~~subdivision (f) and information required to be prepared by the state~~
22 ~~board pursuant to Chapter 3.5 (commencing with Section 11340)~~
23 ~~of Part 1 of Division 3 of Title 2 of the Government Code, the~~
24 ~~requirements established under subdivision (f) shall prevail.~~
25 ~~(h) It is the intent of the Legislature that the state board act as~~
26 ~~expeditiously as is feasible to reduce nitrogen oxide emissions~~
27 ~~from diesel vehicles, marine vessels, and other categories of~~
28 ~~vehicular and mobile sources that significantly contribute to air~~
29 ~~pollution problems.~~