



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON	PAMELA TORLIATT–VICE CHAIRPERSON
CHRIS DALY	DAN DUNNIGAN
ERIN GARNER	SCOTT HAGGERTY
LIZ KNISS	MARK ROSS
JOHN SILVA	

MONDAY
OCTOBER 31, 2005
9:30 A.M.

FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES

AGENDA

1. CALL TO ORDER - ROLL CALL

2. PUBLIC COMMENT PERIOD

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

3. APPROVAL OF MINUTES OF JUNE 6, 2005

4. SUMMARY OF 2005 LEGISLATIVE YEAR

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will present a summary of the recently concluded year in Sacramento, highlighting the outcome of measures on which the District adopted positions.

5. POTENTIAL LEGISLATIVE PROPOSALS FOR 2006

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will present potential legislative measures for consideration by the Committee to recommend to the Board of Directors for the Air District's legislative agenda for 2006.

6. COMMITTEE MEMBERS' COMMENTS

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

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

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

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

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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Wagenknecht and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 24, 2005

Re: Legislative Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of June 6, 2005.

DISCUSSION

Attached for your review and approval are the draft minutes of the June 6, 2005, Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors

Legislative Committee Meeting
9:30 a.m., Monday, June 6, 2005

- 1. Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:32 a.m.

Present: Brad Wagenknecht, Chairperson, Chris Daly (9:37 a.m.), Erin Garner, Scott Haggerty (9:36 a.m.), Mark Ross, John Silva.

Absent: Dan Dunnigan, Liz Kniss, Pamela Torliatt.

Also Present: Marland Townsend.

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

- 3. Approval of Minutes of April 4, 2005:** Director Ross moved approval of the minutes; seconded by Director Silva; carried unanimously without objection.

- 4. Consideration of New Bills and Corresponding Agency Positions:**

- SB 386 (Lieber)—Transfers smog check policy authority from BAR to ARB*
- AB 721 (Nunez)—Establishes loan program for metal platers to install technology to cut emissions*
- AB 1229 (Nation)—Puts air pollution and greenhouse gas emission labels on new cars*
- AJR 8 (Canciamilla)—Urges Congress to ratify international treaty on marine vessel emissions*
- SB 250 (Campbell)—Establishes specifications for hydrogen fuel for vehicles and fuel cells*
- SB 1042 (Perata)—Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005*

Staff presented recommended positions on these bills. Staff also answered questions on previously discussed bills or those included on the attached BAAQMD Discussion List—June 2005.

Thomas Addison, Advanced Projects Advisor, presented and discussed the following six bills with a staff recommendation for each one:

Bill	Brief Description	Committee Recommendation
AB 386 (Lieber)	Transfers smog check policy authority from BAR to ARB	Support
AB 721 (Nunez)	Establishes loan program for metal platers to install technology to cut emissions	Support
AB 1229 (Nation)	Puts air pollution and greenhouse gas labels on new cars	Support
AJR 8 (Canciamilla)	Urges Congress to ratify international treaty on marine vessel emissions	Support
SB 250 (Campbell)	Establishes specifications for hydrogen fuel for vehicles and fuel cells	Support
SB 1024 (Perata)	Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005	Support

Director Scott Haggerty arrived at 9:36 a.m. Director Chris Daly arrived at 9:37 a.m.

Committee Action: Director Daly moved that the Committee recommend that the Board adopt the positions on the list of six bills, seconded by Director Garner; carried unanimously without objection.

At the Committee’s request, staff provided information on several bills from the BAAQMD Bill Discussion List – June 2005. In response to a question from Director Ross, Mr. Addison stated that the subvention funds will not be further reduced this year. In addition, there are no further reductions on property tax revenue.

5. **Committee Members’ Comments:** There were none.
6. **Time and Place of Next Meeting:** Chairperson Wagenknecht noted he would like the Committee to standardize its meeting date to the first Monday of the month. The next meeting will be at the Call of the Chair. There will be no meeting in July.
7. **Adjournment:** The meeting was adjourned at 10:15 a.m.

Mary Romaidis
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 20, 2005

Re: Summary of 2005 Legislative Year

RECOMMENDED ACTION:

None (informational item)

BACKGROUND

We are now in effect halfway through the 2005-2006 Legislative Session. The Legislature finished its business on September 9th, and the Governor concluded his signing and vetoing of bills a month later. While Sacramento is looking ahead to the November 8th special election, it is instructive to look backwards to the recently concluded year of activity at the Capitol. Of the more than three thousand bills introduced, less than a third were passed by both the Senate and the Assembly and made it to the Governor's desk. He vetoed roughly one-fourth of these, leaving 729 bills which became law this year.

Technically, the majority of most bills introduced this year are "two-year bills." If they are still in the house where they originated, they must pass out of that house by the end of January to stay alive. While some authors of the two-year bills may attempt to move them when the Legislature reconvenes, most will die.

One factor that significantly influenced the outcome of environmental and air quality bills this year was the makeup of the Assembly. Because Assembly members are limited to a total of three two-year terms, essentially one-third of the 80 members of the Assembly are new at the start of a two-year session. In the Bay Area alone, there were five new members of the region's Assembly delegation. This year, the Assembly failed to pass a number of far-reaching air quality measures that their Senate colleagues passed. This dynamic—of a more-conservative Assembly than in the recent past—had a significant effect on the outcome of many of the air quality bills introduced this year.

Another significant factor affecting legislation was the tension between the Governor's office and legislative leaders over this year's pending special election. A number of measures and issues of significance to the District were influenced by this tension.

DISCUSSION

There were many significant air quality measures introduced in 2005, and the District took positions on 28 of them. This reflects the fact that legislators are much more aware of air quality issues than they have been historically. The following table highlights those bills on which the District adopted positions.

<i>Bill</i>	<i>Brief Description</i>	<i>BAAQMD Position</i>	<i>Outcome</i>
AB 383 Montanez	Directs smog check financial assistance to only those meeting income criteria, and increases that income level	Support if amended	Chaptered
AB 386 Lieber	Transfers smog check policy authority from BAR to ARB	Support	Failed to pass Legislature
AB 679 Calderon	Requires testing of CARB diesel to prove benefits	Oppose in concept	Failed to pass Legislature
AB 694 Chan	Improves Bay Area's Transportation Fund for Clean Air (TFCA) statutory language	Support (Sponsor)	Chaptered
AB 721	Provides loan guarantees to small-business chrome platers to cut emissions	Support	Chaptered
AB 838 Saldana	Establishes tax credit for hybrids	Support and seek amendments	Failed to pass Legislature
AB 898 Maze	Addresses smog check technician training	Oppose	Failed to pass Legislature
AB 1101 Oropeza	Extends existing toxic hotspot program to largest diesel magnet sources	Support	Failed to pass Legislature
AB 1220 Jones	Ensures districts' costs to enforce portable equipment registration program are covered, and improves program	Support	Failed to pass Legislature
AB 1229 Nation	Adds greenhouse gas emissions data to new car air pollution labels	Support	Chaptered
AB 1407 Oropeza	Impose an air quality fee on off-road diesel fuel and use proceeds for air cleanup projects	Support in concept	Failed to pass Legislature
AB 1430 Goldberg	Disallows ERC use in low-income and minority communities	Oppose unless amended	Failed to pass Legislature
AB 1697 Pavley	Prevents new daycare facilities near air pollution sources	Seek amendments	Failed to pass Legislature
AJR 8 Canciamilla	Urges Congress to ratify an international treaty limiting sulfur in marine vessel fuel	Support	Chaptered
SB 44 Kehoe	Requires air quality issues to be incorporated into local general plans	Support	Failed to pass Legislature
SB 109 Ortiz	Extends minor violations sunset and allows dual civil/criminal prosecution	Oppose unless amended	Failed to pass Legislature
SB 225 Soto	Evolving bill to increase Moyer funding	Support	Failed to pass Legislature
SB 250 Campbell	Facilitates transition to hydrogen fuels	Support	Failed to pass Legislature
SB 497 Simitian	Establishes Low-Emission Contractor Incentive Program	Support	Failed to pass Legislature
SB 523 Torlakson	Extends bike funding program	Support	Failed to pass Legislature

SB 698 Poochigian	Funds clean-up of pre-'77 schoolbuses	Support if amended	Failed to pass Legislature
SB 761 Lowenthal	Changes port truck idling program	Seek amendments	Failed to pass Legislature
SB 762 Lowenthal	Establishes Oakland Area Intermodal Port Congestion and Environmental Quality Commission	Seek amendments	Failed to pass Legislature
SB 771 Simitian	Bans ship incineration within 3 miles of shore	Support	Chaptered
SB 870 Escutia	Establishes mandatory minimum penalties for air violations and directs penalties to adjacent communities	Oppose unless amended	Failed to pass Legislature
SB 975 Ashburn	Exempts biodiesel users from ARB fleet rules for limited time	Oppose	Chaptered
SB 976 Ashburn	Exempts military from California new source review requirements	Oppose	Failed to pass Legislature
SB 1024 Perata	Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005	Support	Failed to pass Legislature

The District sponsored one bill this year—AB 694, authored by Assemblymember Wilma Chan. The statutory language governing the region's Transportation Fund for Clean Air had begun to limit the effectiveness of the program, and the primary legislative goal for the year was to improve this language. This was accomplished October 6th, when the Governor signed the bill into law. A strong coalition of diverse environmental and business organizations, including the Sierra Club and the California Chamber of Commerce, contributed to this success.

This was a very successful year from the perspective that bills that were bad for air quality failed to be enacted into law. The District took oppose or oppose unless amended positions on seven bills this year, and expressed concerns with an additional three measures. Of these ten measures, nine failed to pass out of the Legislature. AB 975 (Ashburn) was signed into law, but only after amendments were negotiated that removed the District's opposition.

On the other hand, many measures that the District supported that would have improved air quality were defeated, primarily in the Assembly. These included measures sponsored by environmental groups, the California Air Pollution Control Officers Association, and others. Most of these saw opposition from business, industry, trucking, railroad, or agricultural interests. This phenomenon—of a more conservative Assembly failing to endorse environmental measures, even modest steps—was not limited to air quality legislation.

Still, a number of measures the District supported did ultimately become law. These included bills to stop ship incineration, post greenhouse gas information on existing new car air quality labels, and help small-business chrome platers reduce emissions. While these will help improve air quality, all are modest measures which will not result in dramatic improvements.

The Governor signed AB 1234 (Salinas), which imposes new requirements on all special districts. This affects the District's Board members and some staff, and includes a requirement for mandatory ethics training. The Governor vetoed a bill that would have increased the size of the Air Resources Board, by adding a greenhouse gas expert and a representative from the Sacramento Air Basin. He also vetoed bills that would have increased local registration fee surcharges for transportation programs, primarily in the Bay Area.

On the budget front, 2005 was much like 2004 for the District. The State's transfer of funds to local air districts to support the District's work was neither cut nor increased. Per the terms of the agreement reached with local governments last year, the District again "contributed" 10% of its

local property tax revenues to the State. There was \$25 million in new funding included in the budget for cleanup of schoolbuses, with half going for retrofits and half going for replacement of pre-1977 buses.

A list of all the bills of potential air quality significance that the District tracked, and their outcomes, is attached to this memorandum.

BUDGET CONSIDERATION/FINANCIAL IMPACT

See discussion above for budget impacts of this legislative year.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tom Addison
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 20, 2005

Re: Potential Legislative Proposals For 2006

RECOMMENDED ACTION:

Recommend the Board adopt a legislative agenda for 2006.

DISCUSSION

Staff will orally present a range of ideas for consideration for incorporation into the District's 2006 legislative agenda.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tom Addison

Reviewed by: Jean Roggenkamp