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to in-use off-road diesel-fueled vehicles, as necessary to comply with and implement the compliance schedule.

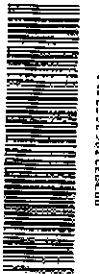
Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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An act to add Section 43018.2 to the Health and Safety Code, relating to air pollution.



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) The State of California should immediately stimulate construction activity in order to avert a long-term economic recession. The current economic downturn has left nearly 100,000 well-paid construction workers out of work and has caused thousands of construction firms to cease operation. The construction industry is the hardest hit segment of our economy.

(b) Regulations adopted by the State Air Resources Board in July 2007, which impose emissions standards on in-use off-road diesel-fueled vehicles and impose a 2010 compliance deadline, have further exacerbated the current economic downturn by forcing construction firms to shrink their fleets and sell their equipment out of state to meet that compliance deadline.

(c) The current economic downturn has resulted in a significant and unexpected reduction in emissions from in-use off-road diesel-fueled vehicle fleets. Hours of operation have decreased 28 percent and fuel consumption has decreased 24 percent and have placed the industry ahead of the State Air Resources Board's emissions reduction projections. Most of these reductions are permanent because the older equipment cannot return to California when construction activity begins to recover.

(d) Voters recently approved forty billion dollars (\$40,000,000,000) in bonds to reconstruct and expand the state's highways, water supply system, schools, and transportation network. These projects are an important element of the state's effort to build its way out of recession.



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(e) Changes to existing particulate matter and criteria air pollutant emissions standards for in-use off-road diesel-fueled vehicles would stabilize the construction industry and create jobs, maintain existing air pollution goals, and ensure adequate industry capacity to deliver timely bond construction projects.

SEC. 2. Section 43018.2 is added to the Health and Safety Code, to read:

43018.2. (a) (1) A regulation adopted by the state board that imposes fleet average or BACT requirements, or both, on in-use off-road diesel-fueled vehicles for NOx emissions shall be implemented no earlier than March 1, 2011. The state board shall require the vehicles to meet compliance targets beginning on March 1, 2011, and every three years thereafter, in accordance with the nitrogen oxides (NOx) targets set forth in Section 2449.1 of Title 13 of the California Code of Regulations for the years 2011, 2014, 2017, and 2020, as that section read on June 15, 2008.

(2) The state board shall require in-use off-road diesel-fueled vehicles to meet the NOx targets described in paragraph (1) in three-year intervals for the years 2011, 2014, 2017, and 2020, and shall not require compliance in shorter intervals.

(b) (1) A regulation adopted by the state board that imposes fleet average, or BACT requirements, or both, on in-use off-road diesel-fueled vehicles for PM emissions shall be implemented no earlier than March 1, 2011. The state board shall require the vehicles to meet compliance targets beginning on March 1, 2011, and every three years thereafter, in accordance with the PM targets set forth in Section 2449.2 of Title 13 of the California Code of Regulations for the years 2011, 2014, 2017, and 2020, as that section read on June 15, 2008.



(2) The state board shall require in-use off-road diesel-fueled vehicles to meet the PM targets described in paragraph (1) in three-year intervals for the years 2011, 2014, 2017, and 2020, and shall not require compliance in shorter intervals.

(c) The state board shall adopt, amend, or repeal rules and regulations pertaining to in-use off-road diesel-fueled vehicles, as necessary to comply with and implement this section.



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Surplus Property  
CEQA

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Surplus state real property: exemption from the California Environmental Quality Act.

(1) Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Other provisions of existing law authorize the Department of General Services to dispose of real property that the Legislature has declared surplus, and has directed the disposal of, by the Department of General Services.

This bill would exempt the sale of surplus state real property made on an "as is" basis from designated provisions of CEQA. The bill would also exempt from those provisions of CEQA the execution of the disposition agreement for surplus state real



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property when the disposition is not made on an "as is" basis and the close of escrow is contingent on specified conditions.

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

Vote: 23. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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An act to amend Section 11011 of the Government Code, relating to state property, and declaring the urgency thereof, to take effect immediately.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11011 of the Government Code is amended to read:

11011. (a) On or before December ~~31st~~ 31 of each year, each state agency shall make a review of all proprietary state lands, other than tax-deeded land, land held for highway purposes, lands under the jurisdiction of the State Lands Commission, land that has escheated to the state or that has been distributed to the state by court decree in estates of deceased persons, and lands under the jurisdiction of the State Coastal Conservancy, over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services. These lands shall include, but not be limited to, the following:

(1) Land not currently being utilized, or currently being underutilized, by the state agency for any existing or ongoing state program.

(2) Land for which the state agency has not identified any specific utilization relative to future programmatic needs.

(3) Land not identified by the state agency within its master plans for facility development.

(b) Jurisdiction of all land reported as excess shall be transferred to the Department of General Services, when requested by the director ~~thereof of that department~~, for sale or disposition under this section or as may be otherwise authorized by law.

(c) The Department of General Services shall report to the Legislature annually, the land declared excess and request authorization to dispose of the land by sale or otherwise.



(d) The Department of General Services shall review and consider reports submitted to the Director of General Services pursuant to Section 66907.12 of the ~~Government Code~~ this code and Section 31104.3 of the Public Resources Code prior to recommending or taking any action on surplus land, and shall also circulate the reports to all agencies that are required to report excess land pursuant to this section. In recommending or determining the disposition of surplus lands, the Director of General Services may give priority to proposals by the state that involve the exchange of surplus lands for lands listed in those reports.

(e) Except as otherwise provided by any other ~~provision of law~~, whenever any land is reported as excess pursuant to this section, the Department of General Services shall determine whether or not the use of the land is needed by any other state agency. If the Department of General Services determines that any land is needed by any other state agency it may transfer the jurisdiction of this land to the other state agency upon the terms and conditions as it may deem to be for the best interests of the state.

(f) When authority is granted for the sale or other disposition of lands declared excess, and the Department of General Services has determined that the use of the land is not needed by any other state agency, the Department of General Services shall sell the land or otherwise dispose of the same pursuant to the authorization, upon any terms and conditions and subject to any reservations and exceptions as the Department of General Services may deem to be for the best interests of the state. The Department of General Services shall report to the Legislature annually, with respect to each parcel of land authorized to be sold under this section, giving the following information:

(1) A description or other identification of the property.



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Treasury, for the purposes of supporting the management of the state's real property assets.

(i) Any rentals or other revenues received by the department from real properties, the jurisdiction of which has been transferred to the Department of General Services under this section, shall be deposited in the Property Acquisition Law Money Account and shall be available for expenditure by the Department of General Services upon appropriation by the Legislature.

(j) Nothing contained in this section shall be construed to prohibit the sale, letting, or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing the sale, letting, or disposition.

~~(k) Subdivisions (a) to (f), inclusive, of this section shall be inoperative from August 16, 2004, until July 1, 2005, with the exception of subdivisions (g) to (j), inclusive, which shall take effect retroactively, beginning November 3, 2004.~~

(k) (1) The disposition of a parcel of surplus state real property, pursuant to Section 11011.1, made on an "as is" basis shall be exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code. Upon title to the parcel vesting in the purchaser or transferee of the property, the purchaser or transferee shall be subject to any local governmental land use entitlement approval requirements and to Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

(2) If the disposition of a parcel of surplus state real property, pursuant to Section 11011.1, is not made on an "as is" basis and close of escrow is contingent on the



satisfaction of a local governmental land use entitlement approval requirement or compliance by the local government with Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code, the execution of the purchase and sale agreement or of the exchange agreement by all parties to the agreement shall be exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

(3) For the purposes of this subdivision, "disposition" means the sale, exchange, sale combined with an exchange, or transfer of a parcel of surplus state property.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make necessary statutory changes to implement the Budget Act of 2008 (Chapters 268 and 269 of the Statutes of 2008) at the earliest possible time, it is necessary that this act take effect immediately.



**CEQA Greenhouse Gas Litigation Relief**

Section 21097.5 of the Public Resources Code is added to read:

21097.5. (a) The failure to analyze adequately or to mitigate the effects of greenhouse gas emissions in an environmental impact report, negative declaration, mitigated negative declaration or other document required pursuant to this division for any proposed project does not create a cause of action for violation of this division.

(b) This section shall apply retroactively to an environmental impact report, negative declaration, mitigated negative declaration, or other document required pursuant to this division that has not become final.

(c) This section shall remain in effect only until the final regulations specifying greenhouse gas reduction measures adopted by the Air resources Board pursuant to section 38562 of the Health and Safety Code become operative and as of that date is repealed, unless a later enacted statute deletes or extends that date.

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Section 44282.5 is added to the Health and Safety Code, to read:

44282.5. (a) The state board shall attribute to farm equipment projects a life of at least 10 years.

(b) Farm equipment projects may be funded no matter the time period between the time of the application for funding and the compliance date of any local, state or federal statute, rule, regulation, memorandum of agreement or understanding, or other legally binding document that requires the change in equipment, vehicles, or operation involved in the project, so long as the project is not funded after the compliance date.

Chapter 2.7 (commencing with Section 41680) is added to Part 4 of Division 26 of the Health and Safety Code, to read:

41680 (a) The Department of Pesticide Regulations shall incorporate into the list of methods used to estimate the volatile organic compound emission potential for pesticides, additional scientifically validated methods that account for the reduction in emission potential due to formulation with reduced volatility inert ingredients and methods that characterize the atmospherically available emissions of formulations.

416181 (a) Based on recommendations and data provided by the Department of Pesticide Regulation, the state board shall, by December 31, 2009, submit to the United States Environmental Protection Agency for approval an amendment to the state implementation plan, that does, but is not necessarily limited to, the following:

(1) Replace the existing emission reduction goal for the Ventura nonattainment area pursuant to the pesticide element of the state implementation plan with a commitment for a fixed amount of volatile organic compound emissions from agricultural and commercial structural pesticides equivalent to no more than a 10 percent reduction from the base year inventory emissions.

(b) Based on recommendations and data provided by the Department of Pesticide Regulation, the state board shall, by May 1, 2009, modify the proposed 2007 update to the state implementation plan to remove the table of estimated emission reductions that appears in the proposed plan and replace that with a state commitment for a fixed amount of volatile organic compound emissions from agricultural and commercial structural pesticides equivalent to no more than a 12 percent reduction from the base year inventory emissions.

**Third Party Analysis of Economic Impact of ARB Regulations**

SECTION 1. Section 11346.6 is added to the Government Code, to read:

11346.6. (a)(1) The Secretary of the Business, Transportation and Housing Agency shall analyze any major regulation proposed by the California State Air Resources Board, to determine whether the regulation is cost effective and technically feasible and to make the findings specified in this section.

(b) For the purposes of this section, the following terms have the following meaning:

- (1) "Major regulation" means any proposed adoption, amendment, or repeal of a regulation adopted pursuant to or in furtherance of the State Implementation Plan under the federal Clean Air Act, scoping plan or amendment thereto under the Global Warming Solutions Act of 2006, or similar plan, that will have an economic impact of ten million dollars (\$10,000,000) or more on business enterprises or citizens of the state of California, as estimated by the California State Air Resources Board.
- (2) "Secretary" means the Secretary of the Business, Transportation and Housing Agency.
- (3) "Board" means the California State Air Resources Board.

(c)(1) The Board shall submit any major regulation to the Secretary immediately upon the completion of its final staff report on the proposed regulation, and shall defer final adoption of the proposed regulation until the Secretary and Board have complied with the provisions of this section.

(2) The Secretary shall prepare a report of the analyses and findings required by this section and shall submit that report to the Board within 60 working days of the date of receipt of the final staff report. The report shall be incorporated into the official record for the adoption of the regulation.

(d) The report shall include, but is not limited to, analyses and findings on all of the following:

- (1) Whether the Board has completed an adequate economic analysis of the proposed regulation, including:
  - (i) Costs of the regulation to the regulated parties to comply with the standards and requirements of the regulation, including lost productivity and opportunity cost.
  - (ii) Costs of the regulation to consumers, small businesses, local government including special districts, and low income communities resulting from increased costs or decreased supplies of goods and services caused by the regulation.
  - (iii) Differential costs of the regulation over the implementation period of the regulation.

(iv) Where the Board has identified economic benefits of the regulation, whether the Board has identified with adequate specificity the economic benefit and economic sectors that benefit from the regulation.

(2) Whether the proposed regulation is cost-effective and whether the final staff report recommends the most cost-effective alternative among those analyzed.

(3) Whether the proposed regulation is technologically feasible and allows adequate time for regulated parties to comply.

(4) Whether the Board has sufficiently justified the economic modeling or other economic analysis tools used in developing the regulation.

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(e) If the Secretary finds that any of the requirements in subsection (d) have not been met, then the Secretary's report shall identify the portions of the Board's staff report and proposed regulation that are inadequate and identify additional analyses necessary to meet the requirements. Upon receipt of the Secretary's report, the Board shall complete the identified additional analyses, revise its final staff report in order to meet the requirements, and resubmit its staff report to the Secretary for review pursuant to subsection (c).

(f) If the Secretary finds that the Board's staff report recommends an alternative that is not the most cost-effective alternative, the Board may adopt a lesser cost-effective alternative if it finds, supported by clear and convincing evidence in the record, that the adopted alternative is the only alternative among those analyzed which is allowed by a statute or court order.

(g) In carrying out the purposes of this section, the Secretary may enter into a contract with third parties to conduct the analyses required by this section. All findings required by this section must be made by the Secretary.

(h) The Board shall reimburse the Secretary for the cost of the analysis, not to exceed 10 percent of the total cost of developing the regulation. The Board shall build the cost of reimbursement into the cost of developing the regulation.

Expedited Bond Projects  
Suggested Language

Public Resource Code Sections 21080.15 et. seq. are added to read:

Section 1. 21080.15. (a) This division does not apply to either a transportation project funded in whole, or in part, under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code), or a project funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5) or a project listed in 21080.15 (b). This section shall also apply retroactively.

(b) State Route 12 rehabilitation project in San Joaquin County, U.S. Route 101 rehabilitation project in San Luis Obispo County, and U.S. Route 101 Doyle Drive project in San Francisco County.

21080.151. There is hereby created an ad hoc critical infrastructure permit review panel that shall consist of the Secretary of Business, Transportation and Housing, the Secretary of the California Environmental Protection Agency, and the Secretary of Resources.

21080.152. The panel shall hear and approve or deny appeals for time extensions from permitting agencies requested pursuant to Section 21080.155, and shall hear and approve or deny appeals from the department or local agency requested pursuant to Section 21080.157.

21080.153. For the purposes of this article, "permitting agency" means any of the following:

- (1) The Department of Fish and Game.
- (2) A regional water quality control board
- (3) A regional air quality board
- (4) The California Coastal Commission
- (5) A Certified Local Coastal Program
- (6) Any other state, regional, or local permitting agency responsible for issuing a permit for a critical infrastructure project.

21080.154. Notwithstanding any other provision of law, within 15 working days of receiving an application from the department or local agency for a permit for any project subject to Section 21080.15, a permitting agency shall issue the permit with any conditions the permitting agency deems necessary or shall deny the permit.

21080.155. If the permitting agency fails to act upon the permit within 15 working days, the permit shall be deemed approved, unless the critical infrastructure review panel grants a time extension. If the permitting agency is unable to issue or deny a permit within 15 working days, it may file an appeal for a time extension with the panel.

21080.156. Any permitting agency affected by this article may adopt procedures for expedited permits. Notwithstanding any other provision of law, any permitting agency is hereby exempt from compliance with this division for projects identified in this article.

21080.157. If the permitting agency denies a permit, or if the department or local agency determines that a permit issued pursuant to Section 21080.154 imposes unreasonable conditions that would lead to a significant delay in a critical infrastructure project, the department or local agency may file an appeal with the critical infrastructure permit review panel.

21080.158. Notwithstanding any other provision of law, if, at a duly noticed public meeting, the panel reviews a permit or a denial of a permit for which the department or local agency had filed an appeal pursuant to Section 21080.157, and finds that the permitting agency imposed unreasonable conditions, the panel may waive the permit, amend any condition established by the permit, or issue a permit that has been denied by the permitting agency.

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