



The California Legislative

2007 REPORT CARD

2007 Legislative Session Wraps Up With Some Progress, But on Many Key Issues It's "Wait 'til Next Year"

After a highly productive session in the 2006 election year established key new safeguards for the global climate and human health, this year has seen far fewer major new laws enacted to protect California's environment. Although some key measures found success, on many vital issues our elected officials seem to be echoing the eternal refrain of Chicago Cubs fans: "Wait 'til next year."

Bright spots included flood protection, clean air, and endangered species protection. A package of bills negotiated by the Legislature and Governor finally starts to bring some sense to development in flood-prone areas. SB 5 (Machado) requires the state to prepare a Central Valley Flood Protection Plan by 2012. AB 5 (Wolk) reforms, restructures and renames the state Reclamation Board, which is the agency in charge of flood protection in the Central Valley. AB 70 (Jones) would provide for limited shared contribution between the state and local governments when local governments approve new developments in previously undeveloped areas that can increase property damages resulting from a flood for which the state is liable.

The Healthy Heart and Lung Act, AB 233 (Jones), sponsored by Sierra Club California and American Lung Association of California, will improve enforcement of rules that limit toxic diesel emissions, and SB 719 (Machado) will, at long last, reform the San Joaquin Valley's lackluster Air

Pollution Control District by adding expertise and urban representation. AB 118 (Núñez) will raise about \$150 million annually for clean fuel and clean air programs. To help reduce our use of energy and toxic materials, AB 1109 (Huffman) will encourage more efficient and toxic-free lighting. Also in the energy area, AB 1470 (Huffman) will give financial incentives for installation of residential solar hot water systems.

Governor Schwarzenegger surprised many observers by signing AB 821 (Nava) to require the use of non-lead bullets when hunting big game within the range of the endangered California Condor. This state icon is suffering from lead poisoning, because the birds eat bullet fragments when scavenging carcasses.

Speaking of poisons, the Governor has opened a Green Chemistry Initiative to reduce human exposure to toxic chemicals, most of which currently come into our homes and workplaces without being required to demonstrate safety. Legislation to reduce toxic threats fared poorly this year on the whole, but Schwarzenegger's signing of the Toxic Toys bill, AB 1108 (Ma), will invigorate the Green Chemistry process by keeping hazardous substances away from the youngest Californians. The bill bans phthalates, a plastic softener, from products meant for infants and toddlers.

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The Bills and What Happened to Them

We chose the bills featured in our report card based on their policy significance and their effectiveness in illustrating the relative “greenness” of the Legislators. Additional information about the bills, including the bill text, committee analyses, and votes, can be found at www.legislature.ca.gov.

AIR QUALITY/GLOBAL WARMING

AB 493 (*Ruskin*) Would have made cleaner cars more affordable by giving purchasers of the new cars with the lowest greenhouse gas emissions a discount, paid for by surcharges on the dirtiest vehicles. It failed to pass the Assembly on June 6, 2007.

SB 210 (*Kehoe*) Would have established a Low-Carbon Fuel Standard that achieves at least a 10% reduction of greenhouse gas emissions from transportation fuels, along with protection for public health and sustainability. It passed both houses of the Legislature but was vetoed by the Governor.

SB 719 (*Machado*) Reforms the lackluster San Joaquin Valley Unified Air Pollution Control District board by adding two big-city representatives and two public members with medical and air pollution expertise. It passed both houses of the Legislature and was signed into law by the Governor.

SB 974 (*Lowenthal*) Would fund air quality and transportation projects at the mega-ports of Los Angeles, Long Beach and Oakland by assessing a fee on containers shipped through the ports. SB 974 is on the Assembly floor and, as a two-year bill, can be taken up again by the Legislature in 2008.

ENERGY

AB 888 (*Lieu*) Would have set green building standards for commercial buildings, starting in 2013. It passed both houses of the Legislature but was vetoed by the Governor.

AB 1109 (*Huffman*) Requires the state to develop and implement a comprehensive strategy to increase the energy and reduce the pollution associated with current lighting technology. It passed both houses of the Legislature and was signed into law by the Governor.

AB 1470 (*Huffman*) Creates a \$250 million incentive program to encourage the installation of solar water heating systems that offset natural gas use in homes and businesses throughout the state. It passed both houses of the Legislature and was signed into law by the Governor.

FLOOD/LAND USE

AB 70 (*Jones*) Requires local governments to share liability for flood damages with the state if local land-use decisions lead to damages. It passed both houses of the Legislature and was signed into law by the Governor.

FORESTRY

AB 994 (*Parra*) Would have established a purchase preference for state agencies for lumber produced in California, which relies largely on clearcutting, even over more environmentally sustainable out-of-state lumber products. It passed the Assembly but was not heard in the Senate. We opposed this bill, and encouraged Assembly members to vote No.

PARKS

SB 404 (*Kehoe*) Would have provided the state with a process for decisions that modify or adjust boundaries to state wilderness areas and result in a de-designation of state wilderness. It passed the Senate but failed to pass the Assembly's Water, Parks & Wildlife Committee on July 3, 2007. For our report card, we use the May 17, 2007 Senate Floor vote and July 3, 2007 Assembly committee vote to grade the legislators.

TRANSPORTATION/PLANNING

AB 1358 (*Leno*) Would require local governments' circulation elements (in the general plan) to account for all users such as bikes and pedestrians. AB 1358 remains on the Senate floor as a two-year bill, and can be taken up again by the Legislature in 2008.

TOXICS

AB 558 (*Feuer*) Would have required industrial users of chemicals to report on their use of hazardous materials. It passed the Assembly but failed to pass out of the Senate Appropriations Committee. For our report card, we use the June 7, 2007 Assembly Floor vote and the September 10 Senate Environmental Quality and Appropriations Committee votes to grade the legislators.

AB 706 (*Leno*) Would ban the use of toxic flame retardants in furniture. It passed the Assembly but failed to pass the Senate Floor on September 12, 2007. It is a two-year bill and can be taken up again by the Legislature in 2008.

WATER

AB 1420 (*Laird*) Ties state funding for water management grants and loans to the implementation of water conservation measures by urban water suppliers. It passed both houses of the Legislature and was signed into law by the Governor.

SIERRA CLUB CALIFORNIA SENATE REPORT CARD	AB 70	AB 706	AB 888	AB 1109	AB 1420	AB 1470	SB 210	SB 404	AB 558	SB 719	SB 974	Total Favorable Votes
	Flood Liability	Toxic Flame Retardants	Green Building	Lighting Efficiency	Water Conservation	Solar Water Heating	Cleaner Fuels	Wilderness Protection	Toxic Use Information	Central Valley Air Quality	Cleaner Ports	
Elaine Alquist	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	10/10
Gilbert Cedillo	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Ellen Corbett	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Sheila Kuehl	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Alan Lowenthal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Carole Migden	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	10/10
Jenny Oropeza	Y	Y	Y	Y	Y	Y	Y	E	Y	E	Y	9/9
Gloria Romero	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	10/10
Jack Scott	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	10/10
Joe Simitian	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Darrell Steinberg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Tom Torlakson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11/11
Patricia Wiggins	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	10/10
Mark Ridley-Thomas	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	10/11
Christine Kehoe	Y	Y	Y	Y	A	Y	Y	Y	n/a	Y	Y	9/10
Alex Padilla	Y	Y	Y	Y	A	Y	Y	Y	n/a	Y	Y	9/10
Don Perata	A	Y	Y	Y	Y	Y	Y	Y	n/a	Y	Y	9/10
Edward Vincent	Y	N	Y	E	Y	Y	E	Y	n/a	Y	Y	7/8
Leland Yee	A	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	9/11
Dean Florez	Y	N	Y	N	Y	Y	Y	Y	N	Y	Y	8/11
Ronald Calderon	Y	Y	N	Y	Y	Y	Y	Y	n/a	N	N	7/10
Denise Ducheny	Y	N	N	Y	Y	Y	Y	Y	n/a	Y	A	7/10
Mike Machado	Y	N	N	Y	Y	Y	Y	Y	n/a	Y	A	7/10
Gloria Negrete-McLeod	Y	A	Y	Y	A	Y	Y	N	n/a	Y	Y	7/10
Abel Maldonado	Y	N	A	Y	Y	N	A	N	n/a	N	N	3 /10
Lou Correa	N	N	N	N	Y	N	N	A	n/a	Y	N	2/10
Bob Margett	N	N	N	N	Y	N	N	N	n/a	N	Y	2/10
Tom Harman	N	N	N	N	N	N	N	N	n/a	Y	N	1/10
Dave Cox	N	N	N	N	N	N	N	N	N	Y	N	1/11
Mark Wyland	N	N	N	N	N	N	N	N	N	Y	N	1/11
Sam Aanestad	N	N	N	N	N	N	N	N	N	N	A	0/11
Dick Ackerman	N	N	N	N	N	N	N	N	n/a	N	N	0/10
Roy Ashburn	N	N	N	N	N	N	N	N	N	N	N	0/11
Jim Battin	N	N	N	N	N	N	N	N	N	N	A	0/11
Dave Cogdill	N	N	N	N	N	N	N	N	n/a	N	N	0/10
Jeff Denham	N	N	N	N	N	N	N	N	n/a	N	N	0/10
Bob Dutton	N	N	N	N	N	N	N	N	N	N	A	0/11
Dennis Hollingsworth	N	N	N	N	N	N	N	E	n/a	E	N	0/8
Tom McClintock	N	N	N	N	N	N	N	N	n/a	N	N	0/10
George Runner	A	N	N	N	N	N	N	N	N	N	A	0/11
TOTAL YES VOTES	23	19	21	23	24	24	23	21	n/a	26	22	

Y = Yes, a favorable vote N = No or Abstained, an unfavorable vote E = an excused absence n/a = Vote in Committee only

SIERRA CLUB CALIFORNIA ASSEMBLY REPORT CARD	AB 70	AB 493	AB 558	AB 706	AB 888	AB 994	AB 1109	AB 1358	AB 1420	AB 1470	SB 210	SB 404	SB 719	Total favorable votes
	Flood Liability	Clean Car Discount	Toxic Use Information	Toxic Flame Retardants	Green Buildings	State Wood Purchases	Lighting Efficiency	Safe Streets	Water Conservation	Solar Water Heating	Cleaner Fuels	Wilderness Protection	Central Valley Air Quality	
Juan Arambula	Y	Y	Y	Y	Y	E	Y	Y	Y	Y	Y	n/a	Y	11/11
Karen Bass	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Jim Beall	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Patty Berg	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Julia Brownley	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Amina Wilmer Carter	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Kevin de Leon	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Mark DeSaulnier	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Mike Eng	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Noreen Evans	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Mike Feuer	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Loni Hancock	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Mary Hayashi	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Jared Huffman	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	13/13
Dave Jones	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Betty Karmette	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Paul Krekorian	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
John Laird	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Mark Leno	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Lloyd Levine	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Sally Lieber	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Gene Mullin	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	13/13
Ira Rusklin	Y	Y	Y	Y	Y	E	Y	Y	Y	Y	Y	n/a	Y	11/11
Lori Saldana	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	12/12
Nell Soto	Y	E	E	E	Y	E	Y	E	Y	Y	Y	n/a	Y	7/7
Sandre Swanson	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	n/a	Y	12/12
Lois Wolk	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	13/13
Ted Lieu	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	12/13
Pedro Nava	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	12/13
Joe Coto	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	11/12
Mike Davis	Y	A	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	11/12
Hector De La Torre	Y	A	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	11/12
Fiona Ma	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	11/12
Fabian Núñez	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	11/12
Anthony Portantino	Y	A	Y	Y	Y	A	Y	Y	Y	Y	Y	n/a	Y	11/12
Curren Price	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	11/12
Alberto Torrico	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a	Y	11/12
Felipe Fuentes	Y	A	Y	Y	Y	*	Y	Y	Y	Y	Y	n/a	Y	10/11
Anna Cabellero	N	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	12/13

Unfortunately, the Governor vetoed important bills to make our buildings and fuels greener. AB 888 (Lieu) would have set green building standards for commercial buildings, starting in 2013. AB 1058 (Laird) would have set green building standards for new residential construction, and AB 35 (Ruskin) would have required CAL-EPA to set sustainable building standards for the construction and renovation of state buildings. SB 210 (Kehoe) would have required the adoption of a low-carbon fuel standard by 2010 that achieved at least a 10 percent reduction of greenhouse gas emissions and maintained or improved upon air quality benefits gained by current gasoline and diesel fuel standards.

The Legislature deferred until next year the vital tasks of spurring smart growth, requiring utilities to generate more power from renewables, and cleaning up the filthy air at the mega-ports of Los Angeles, Long Beach and Oakland. Sierra Club California and our allies had pushed the Legislature to act in these vital areas, but many key bills stalled toward the end of session due to opposition from powerful special interests. SB 974 (Lowenthal), the Clean Ports bill, was deferred until January at the request of Governor Schwarzenegger. Both SB 375 (Steinberg), which seeks to reduce vehicular emissions through smarter land use patterns, and SB 411 (Simitian), which would require utilities to generate 33% of their power from renewable sources, failed to clear the Assembly Appropriations Committee, and AB 558 (Feuer), which would have generated information on the use of toxic chemicals, died by a close vote of the Senate Appropriations panel.

The Legislature's failure to pass these important bills, along with the Governor's vetoes of some of the bills passed by lawmakers, leave substantial unfinished business to be taken up next year. Since 2008 is an election year, and our elected officials know that protecting our health and ecology is very popular with voters, we have reason to expect more progress next year.

Schwarzenegger's Record on the Environment

While not making a splash like last year, when he signed the Global Warming Solutions Act, the Governor's legislative performance went up a bit in 2007. The Governor agreed with Sierra Club California's positions on 18 of the 25 bills we asked him to sign or veto, which is a 72% record. In his three prior years, he was at 65%, 56%, and 64%. So while he is "up" to 72%, is this good enough for California where the environment is high on most people's list? Clearly, he can do better.

We characterize the Governor as a "shade of green," because he seems to always take one step forward and one step back. For example, in 2007, he dumped the excellent head of the Air Resources Board and a solid member of the Fish and Game Commission. And his threatened veto of SB 974 (Senator Lowenthal's bill on pollution at the big ports) held up this critical piece of legislation for the second year in a row.

But Governor Schwarzenegger deserves credit for, more than anyone except Al Gore, raising the visibility of the fight against global warming. A hallmark of his first four years in office is his conviction that we need to tackle climate change now and that California must be a leader in that fight. And, Schwarzenegger's support of environmental protection in general is vastly better than the rest of the other elected members of his Republican party in Sacramento. As our Report Card shows, most Republican legislators once again scored zero, putting them way out of touch with most Californians, including Republicans and Independents.

Sierra Club Supports Prop. 93: CA Term Limit Changes

Sierra Club California supports Proposition 93, which would alter term limits for members of the California Legislature. This measure will be before voters on February 5, 2008 (the Presidential Primary election). Proposition 93 changes California's term limits law by allowing a legislator to serve up to 12 years in either the Senate or the Assembly, or a combination of both. California's current term limits law allows legislators to serve a total of 14 years: 3 two-year terms in the State Assembly and 2 four-year terms in the Senate.

We support Prop 93 for two reasons. First, we need legislators in Sacramento that understand complex environmental issues. By being able to serve longer in one house, Legislators gain the experience and expertise needed to bring long-term solutions to the table. Second, we need experienced lawmakers with institutional memory who can follow the implementation of laws by state agencies after they are passed by the Legislature.