

# 2008 LEGISLATIVE SUMMARY



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## COMMITTEE REPORT

January 2009  
CEC-160-2009-001



Arnold Schwarzenegger, Governor



# **CALIFORNIA ENERGY COMMISSION**

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## 2008 Legislative Summary

### **Notice**

Summaries of 2008 chaptered and vetoed legislation may be found at  
<http://www.leginfo.ca.gov/billinfo.html>.

## **Preface**

The *2008 Legislative Summary* is intended as a tool to easily access information on 2008 energy-related bills. It provides information on bills that were enrolled in 2008, the final year of the 2007-2008 legislative session

The report is divided into two parts: energy-related bills, which were chaptered and those that were vetoed. Each section contains a Summary Table, followed by a Bill Abstract for each listed bill which summarizes the bill and its impacts. In addition, there is an index at the back of the report that lists the chaptered and vetoed bills individually by major subject area and provides a page number for each bill.

## **Acknowledgements**

The Office of Governmental Affairs would like to acknowledge the contributions of all those individuals who participated in the development of the 2008 bill analyses. We are especially grateful for the work of the Deputy Directors and the Legislative Coordinators in each division, who assisted our office by assuring the timely technical analyses by their divisions, coordinating the policy committee presentations and participating in the Energy Commission bill analysis process.

The 2008 Legislative Coordinators were:

- Energy Efficiency & Renewables: Tracy Boggs
- Fuels & Transportation Energy: Debbie Jones
- Office of Chief Counsel: Jonathan Bles
- Energy Research and Development: Peter Spaulding
- System Assessment and Facilities Siting: Joseph Merrill
- Electricity Supply Analysis: Cynthia Rogers

In addition, there are several individuals who are designated subject matter experts and without their knowledge and expertise in commenting on certain bills, we could not provide the accurate information necessary to provide quality bill analyses. We would like to acknowledge those individuals who exceeded all expectations. Their contributions to the bill analyses are greatly appreciated.

# 2008 LEGISLATIVE SUMMARY

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# ENERGY COMMISSION-RELATED BILLS

## 2008 Chaptered Legislation

Bill Number	Subject
AB 109 (Núñez) Chapter 313, Statutes of 2008	Air Pollution: Alternative Fuels And Vehicle Technologies
AB 578 (Blakeslee) Chapter 627, Statutes of 2008	Energy: Distributed Energy Generation: Study
AB 811 (Levine) Chapter 159, Statutes of 2008	Contractual Assessments: Energy Efficiency Improvements
AB 1451 (Leno) Chapter 538, Statutes of 2008	Property Tax: Exclusion from Newly Constructed: Active Solar Energy System
AB 1763 (Blakeslee) Chapter 551, Statutes of 2008	Energy: Billing Information
AB 1892 (Smyth) Chapter 40, Statutes of 2008	Common Interest Developments: Solar Energy
AB 2009 (Hernandez) Chapter 221, Statutes of 2008	Utility User Taxes: Exemption
AB 2176 (Caballero) Chapter 229, Statutes of 2008	Energy: Federal Block Grants
AB 2180 (Lieu) Chapter 539, Statutes of 2008	Solar Energy
AB 2267 (Fuentes) Chapter 537, Statutes of 2008	California-Based Entities: Self-Generation Incentive Program
AB 2404 (Salas) Chapter 240, Statutes of 2008	Energy Efficiency: Water Efficiency Programs
AB 2466 (Laird) Chapter 540, Statutes of 2008	Local Government Renewable Energy Self-Generation Program
AB 2522 (Arambula) Chapter 677, Statutes of 2008	San Joaquin Valley Unified Air Pollution Control District
AB 2720 (Levine) Chapter 148, Statutes of 2008	Environment: Environmental Impact Reports
AB 2768 (Levine) Chapter 541, Statutes of 2008	Energy: Solar Energy Systems: Pricing
AB 2791 (Blakeslee) Chapter 253, Statutes of 2008	Energy: Waste Heat and Carbon Emissions Reduction Act
AB 2804 (Hayashi) Chapter 542, Statutes of 2008	Renewable Energy Resources: California Solar Initiative
AB 2863 (Leno) Chapter 535, Statutes of 2008	Independent Solar Energy Producers: Master-Meter Customers

## 2008 Chaptered Legislation (Cont'd)

<b>Bill Number (Cont'd)</b>	<b>Subject (Cont'd)</b>
AB 3018 (Núñez) Chapter 312, Statutes of 2008	California Green Collar Jobs Act of 2008: Green Jobs
AB 3048 (Utilities and Commerce Committee) Chapter 558, Statutes of 2008	Public Utilities: Local Publicly owned Electric Utilities: Renewable Energy Resources
AB 3058 (Utilities and Commerce Committee) Chapter 693, Statutes of 2008	Electric Power Contracts: Just and Reasonable Charges
SB 286 (Lowenthal) Chapter 373, Statutes of 2008	Transportation Enhancement Funds: Conservation Corps
SB 380 (Kehoe) Chapter 544, Statutes of 2008	Renewable Energy Resources
SB 1399 (Simitian) Chapter 176, Statutes of 2008	Public Resources: Solar Shading
SB 1473 (Calderon) Chapter 719, Statutes of 2008	Building Standards
SB 1754 (Kehoe) Chapter 543, Statutes of 2008	Energy: California Alternative Energy and Advanced Transportation Financing Authority

## 2008 Chaptered Legislation (Cont'd)

### **AB 109 (Núñez), Chapter 313, Statutes of 2008 - Air Pollution: Alternative Fuels and Vehicle Technologies**

**Summary:** This bill makes technical and clarifying changes to last session's AB 118 (Nunez, Chapter 750, Statutes of 2007).

Specifically, this bill clarifies definitions to be used in the analysis of fuels; adds clarification to the provision requiring identification of additional revenue streams; requires the Energy Commission to hold at least three public hearings throughout the state prior to approving the investment plan; requires regulations be submitted for review by the Office of Administrative Law; provides that projects approved for funding by the Energy Commission be approved at a noticed public hearing; limits the exemption to renewable diesel or biodiesel infrastructure, fueling stations, and equipment; adds battery electric vehicle technology as an eligible project for funding; and adds research related to pedestrian safety impacts of vehicle technologies to those projects eligible for funding.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Health and Safety Code – Amends § 44270.3, 44271, 44272, 44273, and 44274. Amends and renumbers § 44271.5. Adds the headings of Article 1 (commencing with § 44270), Article 2 (commencing with § 44272), and Article 3 (commencing with § 44274) to Chapter 8.9 of Part 5 of Division 26 relating to air pollution.

### **AB 578 (Blakeslee), Chapter 627, Statutes of 2008 – Energy: Distributed Energy Generation: Study**

**Summary:** Requires the California Public Utilities Commission, in consultation with the California Independent System Operator and the Energy Commission to study the impacts of distributed generation on the state's distribution and transmission grid and to submit a report to the Governor and the Legislature on or before January 1, 2010.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Resources Code - Amends § 25303.

## 2008 Chaptered Legislation (Cont'd)

### **AB 811 (Levine) Chapter 159, Statutes of 2008 – Contractual Assessments: Energy Efficiency Improvements**

**Summary:** This bill authorizes a legislative body of any city, as defined, to determine that it would be in the public interest to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property. The bill authorizes a property owner, upon written consent of an authorized city official, to purchase directly the related equipment and materials for the installation of distributed generation renewable energy sources or energy efficiency improvements and to contract directly for the installation of those sources or improvements.

**Appropriation:** None

**Effective:** July 21, 2008

**Sections Affected:** Streets and Highways Code - Amends § 5898.12, 5898.20, 5898.22, and 5898.30. Adds § 5898.14 and 5898.21.

### **AB 1451 (Leno) Chapter 538, Statutes of 2008 – Property Tax: Exclusion from Newly Constructed: Active Solar Energy System**

**Summary:** This bill extends until the 2015-2016 fiscal year an exclusion from property tax assessment for the value of an active solar energy system and corrects an inconsistency in existing code related to when a change in property ownership terminates the exemption.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Revenue and Taxation Code - Amends § 73.

## 2008 Chaptered Legislation (Cont'd)

### AB 1763 (Blakeslee), Chapter 551, Statutes of 2008 – Energy: Billing Information

**Summary:** Requires each electrical corporation and each gas corporation to disclose, in a timeframe consistent with each corporation's next general rate case, on the residential customer's billing statement specified information on usage and cost, and contact information for the Public Utilities Commission Consumer Affairs Branch, and to make available online to residential customers specified information on usage and energy conservation measures. The commission is authorized to modify, adjust, or add to these requirements as the individual circumstances of each electrical corporation or gas corporation merit, or for master-meter customers, as individual circumstances merit. The bill requires the commission, as part of the general rate case of an electrical corporation or gas corporation, to assess opportunities to improve the quality of information contained in the utility's periodic billings. The bill also makes various findings and declarations on the need to, and benefits of, providing customers with information regarding their current and historic energy usage, the breakdown of the different costs of their usage, and specific recommendations of measures they can take to reduce their energy consumption.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Utilities Code – Amends § 739.

### AB 1892 (Smyth), Chapter 40, Statutes of 2008 – Common Interest Developments: Solar Energy

**Summary:** This bill provides that any provision in the governing documents of a common interest development that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable, except as specified. This bill does not prevent the inclusion of reasonable restrictions on the use of solar energy systems in those documents

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Civil Code – Amends § 714.

## 2008 Chaptered Legislation (Cont'd)

### **AB 2009 (Hernandez), Chapter 221, Statutes of 2008 – Utility User Taxes: Exemption**

**Summary:** Provides that, for purposes of the statute permitting counties to impose a utility user tax on the consumption of gas, the term "gas" shall not be construed as referring to the consumption of compressed natural gas dispensed by a gas compressor, within a local jurisdiction, that is dedicated to providing compressed natural gas as a motor vehicle fuel for use by the local agency or public transit operator.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Revenue and Taxation Code - Amends § 7284.2.

### **AB 2176 (Caballero), Chapter 229, Statutes of 2008 – Energy: Federal Block Grants**

**Summary:** This bill requires the Energy Commission to administer funds received from the federal Energy Independence and Security Act of 2007 and ensure that at least 60 percent of those funds are provided to small cities and counties in order to reduce fossil fuel emissions, improve energy efficiency and to reduce total energy use. Not more than five percent of the funds may be used for administrative expenses.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Resources Code – Adds Chapter 5.5 (commencing with § 25450) to Division 15.

### **AB 2180 (Lieu), Chapter 539, Statutes of 2008 – Solar Energy**

**Summary:** Requires a homeowners association in a common interest development to respond to a request from a member to install a solar energy system in his/her separate interest within 60 days.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Civil Code - Amends § 714.

## 2008 Chaptered Legislation (Cont'd)

### **AB 2267 (Fuentes), Chapter 537, Statutes of 2008 – California-Based Entities: Self-Generation Incentive Program**

**Summary:** This bill requires the Energy Commission, when administering the Public Interest Energy Research program, to fund projects that result in job creation and economic benefits in California by giving funding priority to California-based entities.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Resources Code - Amends § 25620 and 25620.5. Public Resources Code - Amends §379.6.

### **AB 2404 (Salas), Chapter 240, Statutes of 2008 – Energy Efficiency: Water Efficiency Programs**

**Summary:** This bill requires the California Public Utilities Commission (CPUC) to report to the Legislature by March 31, 2010 on the results of pilot programs the CPUC has already undertaken for water conservation and associated energy use.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** The bill requires a report to be made to the Legislature on the results of a pilot program approved by CPUC Decision 07-12-050.

### **AB 2466 (Laird), Chapter 540 - Local Government Renewable Energy Self-Generation Program**

**Summary:** This bill authorizes a local government to receive a bill credit to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, and requires the commission to adopt a rate tariff for the benefiting account.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Utilities Code - Adds Chapter 7.5 (commencing with § 2830) to Part 2 of Division 1.

## 2008 Chaptered Legislation (Cont'd)

### AB 2522 (Arambula), Chapter 677 - San Joaquin Valley Unified Air Pollution Control District

**Summary:** This bill authorizes the San Joaquin Valley Unified Air Pollution Control District to increase fees to up to, but not exceeding, \$30 for incentive-based programs to achieve surplus emissions reductions, and requires the state board to assess the use of these fees in achieving and maintaining state and federal ambient air quality standards.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Health and Safety Code -. Adds Chapter 5.8 (commencing with § 40610) to Part 3 of Division 26.

### AB 2720 (Levine), Chapter 148 – Environment: Environmental Impact Report

**Summary:** This bill makes technical, nonsubstantive changes to the California Environmental Quality Act regarding the siting of school facilities near or on hazardous waste sites or near facilities emitting hazardous emissions.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Resources Code - Amends § 251151.4 and 2511.8.

### AB 2768 (Levine), Chapter 541 – Energy: Solar Energy Systems: Pricing

**Summary:** Deletes a requirement that ratepayers who install solar energy systems be on a time-variant pricing tariff. The bill gives the California Public Utilities Commission (CPUC) the authority to require a time-variant pricing tariff for solar energy customers instead of specifically requiring when the CPUC cannot and when the CPUC must order time-variant pricing.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Resources Code - Amends § 2851.

## 2008 Chaptered Legislation (Cont'd)

### **AB 2791 (Blakeslee), Chapter 253 – Energy: Waste Heat and Carbon Emissions Reduction Act**

**Summary:** This bill makes federal, state, and local government facilities eligible for the “pay-as-you-save” pilot financing program to support upfront costs for combined heat and power electricity generating systems.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Utilities Code - Amends § 2842.4.

### **AB 2804 (Hayashi), Chapter 542 – Renewable Energy Resources: California Solar Initiative**

**Summary:** This bill would permit a school district or community college district to request an extension from the California Public Utilities Commission for reserved incentives from the California Solar Initiative when the inability to complete the solar energy system installation is for reasons beyond the district’s control.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Utilities Code - Adds § 2851.5.

### **AB 2863 (Leno), Chapter 535 – Independent Solar Energy Producers: Master-Meter Customers**

**Summary:** This bill requires a master-meter customer to charge each user a rate not to exceed the rate that would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Public Utilities Code - Amends § 218, 218.3, and 739.5 and adds Article 3 (commencing with § 2868) to Chapter 9 of Part 2 of Division 1.

## 2008 Chaptered Legislation (Cont'd)

### **AB 3018 (Núñez), Chapter 312 – California Green Collar Jobs Act of 2008: Green Jobs**

**Summary:** This enacts the California Green Collar Jobs Act of 2008 requiring the California Workforce Investment Board to establish the Green Collar Jobs Council that shall, in consultation with representatives from various public and private groups, develop a comprehensive array of programs, strategies, and resources to address the workforce needs that accompany California's growing green economy and to establish, among other programs, green job training programs for eligible individuals.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Unemployment Insurance Code - Adds Division 8 (commencing with § 15000).

### **AB 3048 (Utilities and Commerce Committee), Chapter 558, Statutes of 2008 – Public Utilities: Local Publicly Owned Electric Utilities: Renewable Energy Resources**

**Summary:** This bill allows electricity generated from small hydroelectric facilities sold to a local publicly-owned electric utility (POU) and incremental electricity generation resulting from an efficiency improvement to a large hydroelectric facility financed by a POU to be eligible for the Renewable Portfolio Standard; revises existing definitions to clarify application to POU's; removes the limitation of certain biomass fuels from the Energy Commission's Existing Renewable Facilities Program; corrects numbering in Code sections; requires the Public Utilities Commission to prepare an annual report for the Legislature, rather than making an annual appearance before the Legislature.

**Appropriation:** None

**Effective:** January 1, 2009

**Sections Affected:** Labor Code - Amends § 3099.2. Public Resources Code – Amends § 25302.5, 25534, 25741, and 25742. Public Utilities Code – Amends § 5, 20, 216, 353.11, 366.2, 380, 387, 387.5, 394.5, 395.5, 399.12, 399.12.5, 701.8, 761.3, 747, 848, 2774.5, 2827, 2852, 3302, 7000, 8340, and 9604. Amends and renumbers § 228.5 and 399.25. Adds § 224.3. Repeals § 399.1. Repeals the heading of Article 15 (commencing with § 399) of Chapter 2.3. Repeals the heading of Article 5 (commencing with § 445) of Chapter 2.5 of, Part 1 of Division.

## 2008 Chaptered Legislation (Cont'd)

### **AB 3058 (Utilities and Commerce Committee), Chapter 693, Statutes of 2008 – Electric Power Contracts: Just and Reasonable Charges**

**Summary:** This bill requires the Public Utilities Commission to determine whether the cost and administration of any proposed contract modification are just and reasonable for any contract to purchase electricity by the Department of Water Resources.

**Appropriation:** None

**Effective:** September 30, 2008

**Sections Affected:** Water Code - Amends § 80110.

### **SB 286 (Lowenthal), Chapter 373, Statutes of 2008 – Transportation Enhancements Funds: Conservation Corps**

**Summary:** This bill Requires the Department of Transportation, in consultation with community conservation corps, California Conservation Corps (CCC), the California Transportation Commission, regional transportation planning agencies, county transportation commissions, and congestion management agencies to develop criteria that give priority in the selection of projects to the sponsors of eligible projects that partner with, or commit to employ the services of, a community conservation corps or the CCC to construct or undertake the project.

**Appropriation:** None

**Effective:** Effective January 1, 2009.

**Sections Affected:** Streets and Highways Code - Adds Chapter 7.5 (commencing with § 2370) to Division 3.

### **SB 380 (Kehoe), Chapter 544, Statutes of 2008 – Renewable Energy Resources**

**Summary:** This bill requires all investor owned utilities to offer a feed-in tariff (FiT) to any retail customer interested in selling electricity from an eligible, distributed renewable facility sized up to 1.5 MW; modifies and expands existing law to apply to all customers; and increases the cumulative cap of eligible facilities from 250 MW to 500 MW. The FiT is subject to approval by the California Public Utilities Commission.

**Appropriation:** None

**Effective:** January 1, 2009.

**Sections Affected:** Public Utilities Code - Amends § 399.20.

## 2008 Chaptered Legislation (Cont'd)

### **SB 1399 (Simitian), Chapter 176, Statutes of 2008 – Public Resources: Solar Shading**

**Summary:** This bill provides that instead of exempting trees or shrubs which cast a shadow on the solar collector at the time of the installation of the solar collector, the exemption applies to any tree or shrub that was planted prior to the installation of the solar collector. The bill also provides that the protections of the Act only apply to solar collectors that are placed on the roof of a building, or is installed on the ground because the solar collector cannot be installed on the roof of a building due to inappropriate roofing material, slope of the roof, structural shading, or the orientation of the building.

Finally, the bill provides that a person who fails to remove or alter a tree or shrub that is in violation of the provisions of the Act is guilty of a public nuisance, and deletes a provision in existing law that provides that a violation of the Act is punishable by a fine not to exceed \$1,000 per day.

**Appropriation:** None

**Effective:** January 1, 2009.

**Sections Affected:** Public Resources Code – Amends § 25981, 25982, 25984, and 25985. Adds § 25982.1. Repeals and adds § 25983.

### **SB 1473 (Calderon), Chapter 719, Statutes of 2008 – Building Standards**

**Summary:** This bill authorizes the California Building Standards Commission to adopt “green building standards” when no other agency has authority or expertise to do so, and directs local governments to collect a fee of \$4 per \$100,000 in valuation from building permit applicants to fund the development, adoption, publication, and educational efforts for green building standards. .

**Appropriation:** None

**Effective:** January 1, 2009.

**Sections Affected:** Health and Safety Code – Adds § 18930.5, 18931.6, 18931.7, and 18938.3.

## 2008 Chaptered Legislation (Cont'd)

<b>SB 1754 (Kehoe), Chapter 543, Statutes of 2008 – Underground Storage Tanks: Biodiesel</b>
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**Summary:** This bill adds authority for the California Alternative Energy and Advanced Transportation Financing Authority to purchase alternative source energy projects and to make loans to participating parties to purchase alternative source energy projects; requires that projects financed by bonds are subject to requirements of public works projects; and requires the projects financed be limited to those that support the state's goals of greenhouse gas emissions and are intended to primarily offset part or all of a customer's own electrical requirements.

**Appropriation:** None

**Effective:** January 1, 2009.

**Sections Affected:** Public Utilities Code – Adds § 2775.8.

## ENERGY COMMISSION-RELATED BILLS

### 2008 Vetoed Legislation

Bill Number	Subject
AB 1755 (Fuentes)	Electricity: Rates: Plant Held for Future Use Account
AB 2179 (Furutani)	Air Quality: Diesel Fuel
AB 2269 (Fuentes)	Renewable Energy Resources: Local Publicly Owned Electric Utility: Solar Energy Systems
AB 2309 (DeSaulnier)	Energy Conservation: Residential Energy Efficiency Audit
AB 2560 (Lieu)	Medium- and Heavy-Duty Motor Vehicles: Air Pollution
AB 2939 (Hancock)	Building Standards: Green Buildings: Local Variances
AB 3033 (Laird)	University of California: Contracts
SB 980 (Padilla)	Energy: Local Publicly Owned Electric Utilities: Adequacy of Electric Distribution System
SB 1174 (Lowenthal)	Vehicles: Hybrid and Electric Vehicles: Visually Impaired Pedestrians
SB 1491 (McCLintock)	Electric Utilities: Remotely Controlled Devices: Programmable Communicating Thermostats
SB 1557 (Wiggins)	State Environmental Goals and Policy Report
SB 1574 (Florez)	Underground Storage Tanks: Biodiesel
SB 1645 (Wiggins)	Energy: Energy Aware Planning Guide
SB 1700 (Steinberg)	Gas Corporations: Underground Natural Gas Storage Facilities
SB 1760 (Perata)	Energy: Greenhouse Gas Emissions
SB 1762 (Perata)	Energy: Greenhouse Gas Emissions

## 2008 Vetoed Legislation (Cont'd)

### AB 1755 (Fuentes) - Electricity: Rates: Plant Held for Future Use Account

**Summary:** This bill would have required the Public Utilities Commission (CPUC) to review its guidelines for the Plant Held for Future Use Account and determine whether a proceeding would be needed to adjust the time period allowed for a property to be held in the account, and to consider opening a proceeding to revise the guidelines that apply to real property located within a transmission corridor zone designated by the Energy Commission. In addition, the bill would have required the CPUC to ensure that any gains or losses from the sale or reassignment of any interest in real property be allocated between customers and shareholders proportionately to the risks involved.

#### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 1755 without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### **AB 2179 (Furutani) – Electricity: Electrical Transmission Infrastructure Planning and investment**

**Summary:** Would have required that diesel-powered vehicles purchased, owned, or leased by the state use a renewable biomass-based diesel fuel that reduces greenhouse gas emissions as compared with regular diesel as determined by the Air Resources Board (ARB) by January 10, 2010, and required the ARB to develop sustainability criteria.

#### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 2179 without my signature.

The Air Resources Board (ARB) is currently developing the low carbon fuel standard (LCFS) as part of its implementation of AB 32, the California Global Warming Solutions Act of 2006. The purpose of the LCFS is to set declining carbon content targets for vehicle fuels and let the market determine which fuels to provide Californians for consumption. This bill chooses one type of fuel over another, which is contrary to the market concept underlying the development of the LCFS.

Additionally, the sustainability criteria required by this bill set a precedent for exhaustive but marginally beneficial analyses that are inconsistent with those presently under development by the ARB and would likely delay implementation of the LCFS.

Although I cannot support this measure, I strongly support the concept of our State fleets routinely using alternative and renewable fuels. In 2007, Caltrans initiated a pilot program to determine the feasibility of using biodiesel fuel in its fleet. To date, the results of that program have been favorable and I encourage them to continue expanding it in a cost effective manner.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

<b>AB 2269 (Fuentes) – Renewable Energy Resources: Local Publicly Owned Electric Utilities: Solar Energy Systems</b>
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**Summary:** This bill would have authorized a local publicly owned electric utility that serves more than 750,000 customers and also conveys water to its customers to use monetary incentives pursuant to its solar initiative program for the installation of a solar energy system on any property located in that corporation's service territory, including solar energy systems that are owned by the local publicly owned electric utility, and would have authorized the electricity generated by a solar energy system receiving monetary incentives through a solar initiative program to be sold to the local publicly owned electric utility if specified requirements are met.

### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 2269 without my signature.

This bill would authorize a public utility to receive solar incentives authorized by the SB 1 (Murray).

When I embarked on creating the Million Solar Roofs Plan, the goal was to get 3,000 megawatts of customer-generated solar power in an effort to encourage distributed generation to sustain our electrical grid and build a robust and commercially viable solar industry in California.

This bill undermines those goals by awarding solar incentives directly to the utility rather than to their customers. Although this bill is narrowly tailored, signing it would open the door from other utilities throughout the state that would seek similar treatment. If we wish to maintain this program, this cannot occur. I will not sign any bill that undermines this program by shifting the rebates it offers from customers to a publicly- or investor-owned utility.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### AB 2309 (DeSaulnier) – Energy Conservation: Residential Energy Efficiency Audit

**Summary:** This bill would have required the California Public Utilities Commission (CPUC) by January 1, 2010 to determine whether to require investor-owned utilities to provide in-home, owner-requested energy efficiency audits for owner-occupied residential buildings and make recommendations to the owner on cost-effective measures to increase energy efficiency. The bill would also have required the CPUC, in consultation with the Energy Commission, to prioritize cost-effective energy efficiency measures, and would have required the CPUC to develop a procedure to determine which energy efficiency improvements were actually completed by homeowners after receiving an audit.

#### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 2309 without my signature.

This bill is unnecessary as it would require the California Public Utilities Commission to determine whether to require corporations to provide owner-requested energy efficiency audits and make recommendations to the owner on cost-effective measures that would increase a building's energy efficiency.

Although I am supportive of efforts to increase energy efficiency, utilities and private entities already conduct energy audits when requested by building owners. Home audits are already included in each utility's portfolio of programs and upon completion of audits, the utilities offer residential owners recommendations for achieving increased energy efficiency.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### AB 2560 (Arambula) - Medium- and Heavy-Duty Motor Vehicles: Air Pollution

**Summary:** This bill would have required the Department of General Services to apply the same criteria established to rank environmental and energy benefits and costs of passenger cars and light-duty trucks for procurement by state and local governments to medium- and heavy-duty motor vehicles, and revise procurement procedures

#### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 2560 without my signature.

This bill requires the Department of General Services (DGS) to establish criteria for ranking the environmental and energy benefits and costs resulting from procuring medium- and heavy-duty vehicles by state and local governments.

DGS is currently in the process of implementing last year's AB 236 (Lieu) for passenger and light-duty vehicles and is in the process of implementing its new Fleet Asset Management System, which will give them important new tools to oversee the state's fleet and gather information on fuel efficiency and emissions reductions.

This bill would impose significant costs upon DGS to develop this new program for medium- and heavy-duty vehicles, yet the bill provides no appropriation to implement its provisions. This creates a General Fund pressure which, during this fiscal crisis, would be an irresponsible action.

For these reasons, I cannot support this measure.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### AB 2939 (Hancock) – Building Standards: Green Buildings: Local Variances

**Summary:** This bill would have allowed local governments to impose more restrictive building standards than those contained in the green building standards recently adopted by the California Building Standards Commission and contained in the California Building Standards Code (Title 24, California Code of Regulations). These more stringent, local standards would only have been adopted if local governments made a finding that the more restrictive standards are reasonably necessary to mitigate or address environmental conditions and would not unreasonably affect housing affordability.

#### **Governor's Veto Message:**

To the Members of the California State Assembly:

I am returning Assembly Bill 2939 without my signature.

This bill would authorize local jurisdictions to impose more restrictive modifications to the California Green Building Standards Code for both residential and non-residential buildings.

The bill is both unnecessary and overly far reaching.

At my direction, California was the first state in the nation to enact statewide green building standards. The California Building Standards Commission (BSC) this year adopted the California Green Building Standards Code and by the end of 2010 will enhance and expand those rules to provide further benefit. Local governments currently have the authority to enact even stronger green building standards if they so choose. Throughout California, dozens of localities have already done so.

Additionally, the bill is written in such broad terms that a local jurisdiction could make wholesale changes to the state building code, even to non-green building standards. This dramatic expansion of authority is contrary to existing health and safety practices that have been in place for decades. The BSC must maintain the legal statewide authority to develop building standards utilizing an open public adoption process with expert review.

Because of my strong support of both local control and green building standards, my Administration provided amendments that clarified the local authority which the bill's proponents sought. While agreement unfortunately was not reached this year, I encourage the Legislature to work with my Administration on future legislation that provides the absolute clarity that local governments can strengthen the state's green building standards, while maintaining California's rigorous uniform statewide health and safety standards.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

<b>AB 3033 (Laird) – University of California: Contracts</b>
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**Summary:** This bill would have urged the University and required the Department of General Services (DGS), with participation from any affected state agencies, to establish a model contract with standard provisions for research, training, service or grant contracts undertaken between the University and the state. The bill would have allowed the model contract to be modified in the future as determined by DGS and the University. The standard provisions could be waived or modified on a case-by-case basis if the University or contracting state agency had determined that the provisions were inappropriate for a specific contract.

### **Governor's Veto Message:**

To the Members of the California Senate:

To the Members of the California State Assembly:

I am returning Assembly Bill 3033 without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### **SB 980 (Padilla) – Energy: Local Publicly Owned Electric Utilities: Adequacy of Electric Distribution System**

**Summary:** This bill would have required the Energy Commission to evaluate the adequacy of the electric distribution system of local publicly owned electric utilities based on a specified number and class of customers; compare the adequacy to that of the investor-owned utilities based on data provided by the Public Utilities Commission; and include the evaluation in the November 1, 2009 *Integrated Energy Policy Report*.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 980 without my signature.

This bill requires the Public Utilities Commission to assist the California State Energy Resources Conservation and Development Commission in the evaluation of the adequacy of the electric distribution system of specified local publicly-owned utilities.

Notwithstanding the merits of addressing problems with the electric distribution system throughout the state, this is an activity that public-owned utilities can undertake on their own. Indeed, they have a responsibility to evaluate their distribution systems as often as deemed appropriate by their elected governing boards.

Additionally, implementation of this bill would be funded from the Public Utilities Reimbursement Account and the Energy Resources Program Account. Because both of these accounts are funded by the ratepayers of the state's investor-owned utilities, this bill requires investor-owned utility ratepayers to pay for an evaluation of publicly owned utility distribution systems. This is an inappropriate use of ratepayer funds.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### **SB 1174 (Lowenthal) – Vehicles: Hybrid and Electric Vehicles: Visually Impaired Pedestrians**

**Summary:** Would have required the Energy Commission to convene a task force to conduct research and make recommendations for legislation, regulations, needed technology, and funding options for the development of a device for hybrid and electric vehicles to emit auditory signals to ensure the safety of visually impaired pedestrians.

#### **Governor's Veto Message:**

To the Members of the California Senate:

I am returning Senate Bill 1174 without my signature.

This bill would require the Energy Commission to undertake research to develop a device to warn visually impaired pedestrians of the approach of a quiet electric or hybrid vehicle.

While I agree with the author that this is a safety issue that needs to be addressed, this is not an issue that is within the Energy Commission's area of expertise. Additionally, research is already underway on a state and federal level and a device has been developed that will soon be marketed, making the provisions in this measure duplicative and unnecessary.

In addition, funding for this type of endeavor may be available without the need for legislation. The Office of Traffic Safety, which administers federal highway safety funds, has a Pedestrian and Bicycle Safety Program which provides grants for projects with the goal of increasing safety awareness among pedestrians, bicyclists, and motorists through various approaches including education, enforcement, and engineering. I would encourage the author to pursue a solution through this option.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

<b>SB 1491 (McClintock) – Electric Utilities: Remotely Controlled Devices: Programmable Communicating Thermostats</b>
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**Summary:** Would have prohibited a utility from operating a remotely-controlled device that controls electrical equipment or appliances, such as programmable communicating thermostats (PCTs) and pool equipment, without the consent of the utility subscriber. In addition this bill would have allowed a subscriber to revoke any prior consent given to an electrical utility to use a remotely controlled device and to override a remote controlled device at the subscriber's discretion.

### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1491 without my signature.

Currently, all investor-owned utility load control programs are voluntary, opt-in programs. Current participants are subject to various agreements with their utilities and receive either a monetary or supply benefit in return.

This bill is overly broad because it allows existing subscribers to opt-out of a program in which they have already voluntarily entered. This is problematic because it may cause a shortfall in utility demand reduction during periods of electricity peak demand. Load control programs are critical to averting rotating outages as they provide near immediate demand relief when the grid is reaching its capacity limits or if there is localized congestion caused by transmission line failure.

For this reason, I am returning this bill without my signature

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### SB 1557 (Wiggins) – Renewable Energy and Public Interest Energy Research Programs

**Summary:** This bill would have required the Department of Finance to update the chapters in the State Administrative Manual regarding statewide planning and capitalized assets to include the state planning priorities in the State Environmental Goals and Policy Report.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1557 without my signature.

This bill requires the modification of state land use planning priorities to include meeting greenhouse gas emission limits and vehicle miles traveled when addressing new development projects.

By adding “reduces vehicle miles traveled” as a new criterion for state-funded infrastructure, this bill would create an impractical standard for public projects to comply with state planning priorities.

While limiting increases in traffic is important for the achievement of our greenhouse gas emission reduction goals, the language of this bill could be interpreted to mean that state-funded infrastructure must result in a net reduction of vehicle miles traveled below existing levels. Such ambiguity will lead to delayed projects and costly litigation.

State agencies and departments, pursuant to various existing statutes, already must consider environmental concerns, including public transit availability, when evaluating and citing new development projects. Our current planning priorities emphasize sustainable growth and infill development, the key implementation steps to reducing greenhouse gas emissions and vehicle miles traveled.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### SB 1574 (Florez) – Underground Storage Tanks: Biodiesel

**Summary:** This bill would have defined the term "biodiesel" and "biodiesel blend," and provided that an underground storage tank that stores a biodiesel blend on or before July 1, 2008, be deemed to be in compliance with the requirements imposed upon underground storage tanks storing hazardous substances and petroleum underground storage tanks; required, if the tank contained a biodiesel blend higher than B5, but not more than B20, that the local agency determine that the owner or operator employs best management practices; and authorized a local agency that determined an underground storage tank posed a risk to water quality to take enforcement action with regard to that underground storage tank.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1574 without my signature.

This bill provides interim standards for underground storage tanks storing biodiesel. As the Air Resources Board (ARB) moves forward with the adoption and implementation of the Low Carbon Fuel Standard (LCFS), the issue of the adequacy of underground storage tanks to safely store alternative fuels will continue to arise. This is especially true as we begin to realize our goal of new, lower carbon-content fuels being introduced into the marketplace.

We need to be prepared to handle this situation in a manner that neither impedes the deployment of alternative fuels, nor sacrifices our other environmental goals, such as improved water quality.

Therefore, I am directing the Secretary of the Environmental Protection Agency to coordinate with the State Water Resources Control Board and the ARB to assess this issue and that each entity, as appropriate, establish biodiesel and underground storage tank compatibility standards that can be consistently applied throughout the state.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### SB 1645 (Wiggins) – Energy: Energy Aware Planning Guide

**Summary:** This bill would have required the Energy Commission, in partnership with the Governor's Office of Planning and Research, to update the Energy Aware Planning Guide.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1645 without my signature.

This bill will result in unnecessary cost pressures to the General Fund as my Office of Planning and Research (OPR) is already updating its General Plan Guidelines to assist local government with considering policies that address climate change in their general plans. As a result, this bill's creation of a model climate change element to assist local governments in the development of their general plans is unnecessary.

Additionally, this bill would assign the overall development of the model elements to the California Energy Commission. However, state planning law already establishes OPR as the agency that provides guidance on the development of local government general plans.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### **SB 1700 (Wiggins) – Gas Corporations: Underground Natural Gas Storage Facilities**

**Summary:** This bill would have provided that a gas corporation that commences operation of an underground natural gas storage facility after January 1, 2009 that is located in an urban area under residential properties, be strictly liable for any damages to persons or property resulting from the operation of the facility, and would have required gas corporations subject to this bill to have liability insurance, surety bonds, and performance bonds, and would have required the Public Utilities Commission to determine levels of liability insurance and bonds.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1700 without my signature.

Operators of underground natural gas storage facilities in California are required to obtain a Certificate of Public Convenience and Necessity from the California Public Utilities Commission (CPUC) before beginning operation. As part of this process, the CPUC conducts a health risk assessment and a safety study, in addition to an environmental analysis pursuant to the California Environmental Quality Act (CEQA).

Natural gas storage facilities play an essential role in meeting the state's delivery requirements while moderating price swings. This bill imposes strict liability on any new natural gas storage facilities built in urban areas in the state after January 1, 2009. Protection of the public is important and the CPUC already has the authority to individually evaluate each project and determine the amount of liability insurance that is necessary. By imposing a strict liability standard on these facilities, this bill may chill the construction of new natural gas storage facilities in the state, negatively impacting both supply and natural gas prices.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### SB 1760 (Perata) – Energy: greenhouse gas emissions

**Summary:** This bill would have established the Climate Action Team (CAT) in statute with responsibility for coordinating the state's climate policy and efforts to reduce greenhouse gas (GHG) emissions. As part of these responsibilities, this bill would have required the CAT to receive and review the GHG emission reduction targets of each state agency; to develop a strategic research, development and demonstration plan for member agencies; and to prepare a biennial report on climate change impact adaptation and protection.

### Governor's Veto Message:

To the Members of the California State Senate:

I am returning Senate Bill 1760 without my signature.

This bill would codify the Climate Action Team (CAT) originally established by Executive Order S-3-05. The bill also directs CAT, beginning January 1, 2010, to prepare an annual strategic research, development, and demonstration plan and adopt a biennial climate change impact adaptation and protection plan.

The CAT, under leadership from the Secretary of the California Environmental Protection Agency (EPA), has successfully coordinated the climate change activities of state agencies for three years.

As we move forward, they will continue to play a greater role in the implementation of AB 32, the California Global Warming Solutions Act of 2006. That should be their main focus and to the extent that coordinating research falls within their responsibility, they should do so. But, placing this responsibility exclusively within CAT's jurisdiction is not appropriate at this time.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

## 2008 Vetoed Legislation (Cont'd)

### SB 1762 (Perata) - Energy: greenhouse gas emissions

**Summary:** This bill would have provided for the University of California to create the California Climate Change Institute that would be the only entity in the state permitted to pursue ratepayer surcharge-funded research and development projects pertaining to climate change.

#### **Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 1762 without my signature.

This bill would establish the California Climate Change Institute within the University of California (UC) to perform climate change research and develop educational and green workforce development strategies. Funding for the institute comes from a redirection of public interest energy research (PIER) funds and authorization of a new surcharge on electric service provided by investor- and publicly-owned utilities.

Unfortunately, this bill is too limiting and is too premature to be signed this year.

First, the bill places the institute entirely within the UC system. Doing so does not recognize the role that the other segments of California's higher education system can provide, not only for climate change research, but for the development and deployment of new technologies that will reduce our greenhouse gas emissions and keep California at the forefront of these emerging technologies.

Additionally, this bill is premature because the Air Resources Board (ARB) is still developing the Scoping Plan required by the Global Warming Solutions Act of 2006. This plan should be in place prior to re-organizing the way climate change research in the state is conducted.

Finally, the bill prohibits ratepayer-funded climate change research in other state agencies. This is ill-advised as it may deprive the state from being able to receive federal funding for projects that must be administered by particular state agencies. It would be a disservice to Californians if the state could not fully participate in federal funding paid for by their tax dollars.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

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