



The California Legislative

2011 Report Card

Renewable Energy and Sharks Win, CEQA and State Parks Lose in 2011

The 2011 legislative year was one of the least productive for environmentalists in recent memory.

Overall, the legislature sent fewer bills—870—to the governor than it has in decades, more than 200 fewer than last year. Among those, the environmental bills that won the governor's signature delivered a few important gains and some troubling back-pedaling and losses.

Polluters, developers and big business have used the economic downturn to slash protective regulations across the country. Given that, the most remarkable thing about this legislative year may be that we have any good news to report, and that the bad news isn't worse.

The Gains and Steps Forward

The biggest gains for the environment include two bills that will help accelerate renewable energy investment and use in California. One, SB1x 2 (Simitian), increased to one third the amount of renewable energy a utility is required to include in its energy portfolio. The other, SB 790 (Leno), will make it easier for local governments to form and operate community choice aggregation programs (CCA), which can be used to increase renewable energy resources, cut greenhouse gas emissions, create new local jobs and foster new business opportunities in local communities. Sierra Club California sponsored the bill with the San Francisco Public Utilities Commission and the Marin Energy Authority.

Other gains include a ban on shark fin sales in California through AB 376 (Fong) and, through AB 1319 (Butler), new restrictions on highly toxic Bisphenol A (BPA) in plastics used in baby bottles, toddler cups and other food containers for young children. Both of these bills faced vocal opposition from industry interests, but organized and effective supporters helped drive home Californians' desire to do the right thing for the environment and public health.

The Losses and Rollbacks

At the beginning of 2011, the legislature's docket contained a long list of bills designed to reduce regulatory agencies' ability to enforce the law, dramatically roll back environmental review, and rip apart the foundations of environmental protections. Thanks to the vigilance of Sierra Club California and its allies, most of these died early in committee. As the year wore on, though, and the rhetoric against environmental protections got louder in Washington, DC, and echoed in California, defense became harder.

We're still trying to understand why so many of our friends in the legislature jumped on the bandwagon on a few key bills that clearly pose threats to environmental review and protection. Part of the answer, we think, lies in the upcoming election season and uncertainties posed by redistricting and the open primary.

In the last week of the session, the Speaker and the Senate President Pro Tem both asked Democratic legislators to back bills that reduced communities' ability to enforce environmental review for certain very large development projects. They framed the bills, SB 292 (Padilla) and AB 900 (Buchanan), as essential to create jobs. As we have often noted, bank practices and lack of finance, not environmental review, stand in the way of new jobs. Sierra Club California opposed both bills, but only a few of our stalwart allies in the legislature voted against the bills. The governor signed both at a media-drawing signing ceremony in Los Angeles.

Developers, landlords, and property managers waged a strong fight against a bill we sponsored, AB 19 (Fong). It would have required new apartment buildings and condominium towers to have individual water meters or submeters assigned to each residence. The bill died in the Assembly Housing and Community Development Committee. Metering would allow dwellers to monitor and control their own water use and possibly reduce their water bills. (See Losses, pg. 2.)

(Losses, cont.)

Our Senior Advocate, Jim Metropulos, thought the opposition to AB 19 seemed unusually fierce. Later we learned that it was the most heavily lobbied environmental bill in the legislature this year. More than 115 lobbyists were on someone's payroll to work the bill—and most were opponents. The bill is founded on common sense, so expect to hear about it again in the future. Sierra Club California also lost our effort to create a task force to identify funding options for transit through AB 650 (Blumenfeld). The governor vetoed the bill, suggesting that Caltrans and the legislature could do the work without a new bill. We're looking forward to working with the legislature and the new Caltrans

director—whenever the governor manages to appoint a new director—to identify the funding options.

Finally, State Parks took a big hit this year. After years of threats to close state parks to help balance the budget, the governor and the legislature agreed to a \$22 million cut in the Department of Parks and Recreation budget in March. This will result in the closure of 70 state parks over the next year. A bill we supported to help protect state park lands from roads, transmission lines and other types of development, SB 580 (Wolk), passed in the Senate but was stopped in the Assembly Water, Parks & Wildlife Committee.

Governor's Report Card:

Brown's Signing Record Nothing for Him to Crow About

Predicting how a new governor will act on bills during the first year in office is always tough. Add to that normal uncertainty the fact that the new governor is Jerry Brown and the unpredictability factor more than doubles.

During this round, among the 11 bills we've included on our scorecard that made it to his desk, the governor has been with us 6 times, and against us 5 times, for a **total score of 55%**. The governor is said to believe one should row to the right and row to the left to stay a middle course. In our view, protecting the environment isn't an issue of rowing left or right, it's simply the smart thing to do for public health, wildlife protection, and simple survival. A **55%** score is barely above his predecessor's

score in his last year in office.

To his credit, Brown has made some good appointments to agencies and departments that affect the environment. But too many posts are still unfilled, including heads of the Department of Pesticide Regulation and Caltrans. This might not be a problem, except that we're told that the governor looks to his agency heads for guidance on legislation. If there is no head, where's the guidance? There are also unfilled seats on key boards and commissions, including the State Water Resources Control Board. As we write this, it's about 10 months into his administration and key posts are still empty.

Sierra Club California Byron Sher Award Winners



The Byron Sher Award for Achievement in Environmental Protection by a Public Official was presented to Senator Christine Kehoe (left) by Senior Advocate Jim Metropulos, and to Assembly member Mike Feuer (right) by Director Kathryn Phillips, as part of Sierra Club California Lobby Day activities on August 28, 2011.

2011 Bill Summaries

SB 1x2 (Simitian): Requires that at least one third of our electricity come from clean, renewable sources by the year 2020. - **SUPPORT**-- Signed

AB 1112 (Huffman): Ensures that our state's oil spill prevention and response programs have sufficient funds to remain solvent and protect our beaches and coastal waters. - **SUPPORT**-- Signed

AB 1319 (Butler): Prohibits the manufacture, sale or distribution of any baby bottle, toddler cup or food container for children under age 3 that contains a detectable level of Bisphenol A (BPA), a toxic substance - **SUPPORT**-- Signed

AB 376 (Fong): Prohibits the shark fin trade in California and ends the state's contribution to recent rapid declines in shark populations and the cruel and wasteful practice of "finning." - **SUPPORT**-- Signed

AB 19 (Fong): Requires new apartment buildings and condominium towers after January 1, 2014 to have individual water meters or submeters assigned to each residence. Metering would allow dwellers to monitor and control their own water use and possibly reduce their water bills. - **SUPPORT**-- Failed in Committee

SB 790 (Leno): Strengthens existing law relating to Community Choice Aggregation (CCA) to foster fair competition and allow local governments to pursue CCA without undue barriers and excessive burdens. Local governments can use CCA programs as a tool to increase the use of renewable energy generation resources, achieve substantial reductions in greenhouse gas emissions, create new local jobs and foster new business opportunities in local communities. - **SUPPORT**-- Signed

SB 454 (Pavley): Authorizes the California Energy Commission to adopt regulations to enforce compliance with the state's appliance efficiency standards. - **SUPPORT**-- Signed

AB 650 (Blumenfield): Would have created a Blue Ribbon Task Force for Public Transportation for the 21st Century. Improving access to public transit will be vital to facilitating mobility for Californians while reducing emissions that cause air pollution and global warming. - **SUPPORT**-- Vetoed

SB 515 (Corbett): Would have shifted the onus for end-of-life management of batteries from local government to battery manufacturers. - **SUPPORT** -- Failed in Committee

SB 580 (Wolk): Protects California's state park system against development proposals that are inconsistent with state parks, and ensures that efforts to use state parks for nonpark purposes result in no net loss of park lands for Californians. - **SUPPORT**-- Failed in Committee

SB 833 (Vargas): Would have protected drinking water quality, the San Luis Rey River, and sites sacred to California Native American tribes from the construction and operation of Gregory Canyon Landfill, in San Diego County. - **SUPPORT**-- Vetoed

SB 147 (Leno): Would have revised California's outdated furniture flammability standards to give consumers the option of purchasing furniture and other upholstered products that meet flammability standards without the use of toxic flame-retardant chemicals. - **SUPPORT** -- Failed in Committee

SB 292 (Padilla): This special interest bill provides that any court challenge to the Environmental Impact Report (EIR) for the AEG football stadium in Los Angeles would go directly to the Appellate Court, with greatly curtailed time to prepare and file briefs. This would make it more difficult for local communities to exercise California Environmental Quality Act enforcement to assure impacts are fully addressed. - **OPPOSE**-- Signed

AB 628 (Conway): This dangerous and unnecessary bill allows Inyo County to designate segments of highways for combined-use by cars, trucks and all-terrain vehicles without consideration of impacts to rural residents, wildlife or cultural resources. - **OPPOSE**-- Signed

AB 900 (Buchanan and Gordon): This bill is an expansion of the concept designed for the AEG stadium in SB 292 and would require that any court challenge to the Environmental Impact Report (EIR) for "environmental leadership development projects" would go directly to the Appellate Court with curtailed time to prepare and file briefs. - **OPPOSE**-- Signed

Report Card Legend & Notes

+	means pro-environment vote
-	means anti-environment vote
NV-	means legislator was present, but chose not to cast a vote in support of a pro-environment bill
NV+	means legislator was present, but chose not to cast a vote on an anti-environment bill
E	means excused absence (does not count toward total score)

Scores are based on the number of "+" and "NV+" votes cast versus the total number of possible votes (excused votes do not count against a score, but NV- does).

SIERRA CLUB CALIFORNIA SENATE REPORT CARD	VOTE COUNT	Sierra Club California supported "aye" votes on these measures																
		SCORE	SB 1x 2	AB 1112	AB 724	AB 1319	AB 376	SB 790	SB 454	AB 650	SB 580	SB 833	SB 147*	SB 515*	AB 900	AB 628	SB 292	
			Renewable Portfolio Standard	Oil Spill Prevention	Clean E Jobs	Bisphenol A	Shark Fins	Electricity: Com choice	Energy eff. Standards	Transportation	State Parks	Landfill	Flame Retardant	Batteries	Special CEQA Treatment	Off-hwy Vehicle	LA Stadium	
Alquist, Elaine (D-13)	9/13	69%	+	+	+	+	+	+	+	+	+	NV-			-	-	-	
Anderson, Joel (R-36)	3/13	23%	-	-	-	-	+	-	-	-	-	+			+	-	-	
Berryhill, Tom (R-14)	3/13	23%	NV-	-	-	-	+	+	-	-	-	+			-	-	-	
Blakeslee, Sam (R-15)	7/14	50%	+	+	-	-	+	+	+	-	-	+		-	+	-	-	
Calderon, Ronald (D-30)	7/13	54%	+	+	-	-	+	+	+	+	-	+			-	-	-	
Canella, Anthony (R-12)	1/13	8%	-	-	-	-	-	-	-	-	-	+			-	-	-	
Corbett, Ellen (D-10)	12/14	86%	+	+	+	+	+	+	+	+	+	+	+		-	+	-	
Correa, Lou (D-34)	4/14	29%	-	-	-	-	+	+	-	-	-	+		-	-	-	-	
de Leon, Kevin (D-22)	9/13	69%	+	+	+	+	+	+	+	+	+	+			-	-	-	
DeSaulnier, Mark (D-7)	11/13	85%	+	+	+	+	+	+	+	+	+	+			-	-	+	
Dutton, Bob (R-31)	1/13	8%	-	-	-	-	NV-	-	-	-	-	+			-	-	-	
Emmerson, Bill (R-37)	2/14	14%	-	NV-	-	NV-	+	-	NV-	-	-	+		-	-	-	-	
Evans, Noreen (D-2)	12/13	92%	+	+	+	+	+	NV-	+	+	+	+			+	+	+	
Fuller, Jean (R-18)	2/13	15%	NV-	-	-	-	NV-	-	-	-	-	+			+	-	-	
Gaines, Ted (R-1)	3/13	23%	-	-	-	-	+	+	-	-	-	+			-	-	-	
Hancock, Loni (D-9)	12/14	86%	+	+	+	+	NV-	+	+	+	+	+		+	-	+	+	
Harman, Tom (R-35)	4/12	33%	NV-	+	-	E	+	+	-	NV-	NV-	+			-	-	-	
Hernandez O.D, Ed (D-24)	8/14	57%	+	+	+	NV-	-	+	+	+	+	+		-	-	-	-	
Huff, Bob (R-29)	3/13	23%	-	-	-	NV-	-	+	-	-	-	NV-			+	-	+	
Kehoe, Christine (D-39)	11/14	79%	+	+	+	+	+	+	+	+	+	-		+	-	-	+	
La Malfa, Doug (R-4)	3/13	23%	-	-	-	-	+	-	-	-	-	+			+	-	-	
Leno, Mark (D-3)	12/13	92%	+	+	+	+	+	+	+	+	+	+			-	+	+	
Lieu, Ted (D-28)	9/13	69%	+	+	+	+	-	+	+	+	+	+			-	-	-	
Liu, Carol (D-21)	10/13	77%	+	+	+	+	+	-	+	+	+	+			-	+	-	
Lowenthal, Alan (D-27)	10/14	71%	+	+	+	+	+	+	+	+	+	NV-		+	-	-	-	
Negrete-Mcleod, G. (D-32)	6/13	46%	+	NV-	NV-	NV-	+	-	+	E	+	+		-	-	NV+	-	
Padilla, Alex (D-20)	9/13	69%	+	+	+	+	NV-	+	+	+	+	+			-	-	-	
Pavley, Fran (D-23)	12/14	86%	+	+	+	+	+	+	+	+	+	+		+	-	+	-	
Price, Curren, Jr. (D-26)	9/14	64%	+	+	+	+	-	+	+	+	+	+		-	-	-	-	
Rubio, Michael (D-16)	8/13	62%	+	+	NV-	+	-	+	+	+	+	+			-	-	-	
Runner, Sharon (R-17)	3/12	25%	+	-	-	E	+	-	-	-	-	NV-			-	-	-	
Simitian, Joe (D-11)	11/14	79%	+	+	+	+	+	+	+	+	+	+		+	-	-	-	
Steinberg, Darrell (D-6)	11/13	85%	+	+	+	+	+	+	+	+	+	+			-	NV+	-	
Strickland, Tony (R-19)	3/14	21%	+	-	NV-	-	+	-	-	-	-	+		-	-	-	-	
Vargas, Juan (D-40)	9/14	64%	+	+	+	+	+	NV-	+	+	NV-	+			-	-	NV+	
Walters, Mimi (R-33)	2/13	15%	-	-	-	-	-	-	-	-	-	+			NV+	E	-	
Wolk, Lois (D-5)	9/13	69%	+	+	NV-	+	+	+	+	+	+	NV-			-	-	+	
Wright, Roderick (D-25)	4/13	31%	-	+	-	NV-	-	-	+	+	-	NV-			-	NV+	-	
Wyland, Mark (R-38)	1/14	7%	-	-	-	-	+	-	-	-	-	-			-	-	-	
Yee, Leland (D-8)	9/13	69%	+	+	+	+	-	+	+	+	+	-			-	+	-	

*committe stage

SIERRA CLUB CALIFORNIA ASSEMBLY REPORT CARD	Vote Count	Sierra Club California supported "aye" votes on these measures											SB 292	AB 628	AB 900
		SCORE	SB 1X 2	AB 1112	AB 1319	AB 376	AB 19*	SB 790	SB 454	AB 650	SB 580*	SB 833			
			Renewable Portfolio Standard	Oil Spill Prevention	Bisphenol A	Shark Fins	Water Meters	Electricity: Com choice	Energy eff. Standards	Transportation	State Parks	Landfill			
Achadjian, Katcho (R-33)	4/11	36%	+	-	-	+		+	-	-		+	-	-	-
Alejo, Luis (D-28)	7/11	64%	+	NV-	+	+		+	+	+		+	-	-	-
Allen, Michael (D-7)	9/11	82%	+	+	+	+		+	+	+		+	-	-	+
Ammiano, Tom (D-13)	10/11	91%	+	+	+	+		+	+	+		+	+	-	+
Atkins, Toni (D-76)	10/12	83%	+	+	+	+	+	+	+	+		+	+	-	-
Beall, Jim (D-24)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Berryhill, Bill (R-26)	4/12	33%	NV-	-	-	+		+	-	NV-	-	+	-	-	+
Block, Marty (D-78)	10/11	91%	+	+	+	+		+	+	+		+	NV+	+	-
Blumenfeld, Robert (D-40)	9/12	75%	+	+	+	+		+	+	+	+	+	-	-	-
Bonilla, Susan (D-11)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Bradford, Steven (D-51)	9/12	75%	+	+	+	+	+	+	+	+		+	-	-	-
Brownley, Julia (D-41)	9/11	82%	+	+	+	+		+	+	+		+	-	+	-
Buchanan, Joan (D-15)	9/11	82%	+	+	+	+		+	+	+		+	-	NV+	-
Butler, Betsy (D-53)	9/11	82%	+	+	+	+		+	+	+		+	-	NV+	-
Calderon, Charles (D-58)	7/11	64%	+	+	+	NV-		+	+	+		+	-	-	-
Campos, Nora (D-23)	8/12	67%	+	NV-	+	+		+	+	+	+	+	-	-	-
Carter, Wilmer Amina (D-62)	7/11	64%	+	+	+	+		NV-	+	+		+	-	-	-
Cedillo, Gilbert (D-45)	8/12	67%	+	+	+	+	NV-	+	+	+		+	-	-	-
Chesbro, Wesley (D-1)	10/11	91%	+	+	+	+		+	+	+		+	-	NV+	+
Conway, Connie (R-34)	2/11	18%	-	-	-	NV-		+	-	-		+	-	-	-
Cook, Paul (R-65)	1/11	9%	NV-	-	-	NV-		NV-	-	-		+	-	-	-
Davis, Mike (D-48)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Dickinson, Roger (D-9)	9/11	82%	+	+	+	+		+	+	+		+	-	NV+	-
Donnelly, Tim (R-59)	2/11	18%	-	-	-	-		-	-	-		NV-	+	-	+
Eng, Mike (D-49)	7/11	64%	+	+	+	-		+	+	+		+	-	-	-
Feuer, Mike (D-42)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Fletcher, Nathan (R-75)	4/11	36%	+	-	-	+		-	+	-		-	+	-	-
Fong, Paul (D-22)	10/12	83%	+	+	+	+		+	+	+	+	+	-	+	-
Fuentes, Felipe (D-39)	7/11	64%	+	+	+	-		+	+	+		+	-	-	-
Furutani, Warren (D-55)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Gaines, Beth (R-4)**	4/10	40%		-	-	+		+	-	-		+	-	-	+
Galgiani, Cathleen (D-17)	8/11	73%	+	+	NV-	+		+	+	+		+	-	-	NV+
Garrick, Martin (R-74)	2/11	18%	-	-	-	+		-	-	-		NV-	+	-	-
Gatto, Mike (D-43)	9/12	75%	+	+	+	+		+	+	+	NV-	+	-	+	-
Gordon, Richard (D-21)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Gorell, Jeff *** (R-37)	NA	NA	E	E	E	E		E	E	E		E	E	E	E
Grove, Shannon (R-32)	2/11	18%	-	+	-	NV-		-	-	-		+	-	-	-
Hagman, Curt (R-60)	4/11	36%	-	+	-	-		+	-	-		+	+	-	-
Halderman, Linda (R-29)	3/12	25%	-	-	-	+		NV-	-	-	-	+	-	-	+

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		SCORE	SB 1X 2	AB 1112	AB 1319	AB 376	AB 19*	SB 790	SB 454	AB 650	SB 580*	SB 833	SB 292	AB 628	AB 900
			Renewable Porfolio Standard	Oil Spill Prevention	Bisphenol A	Shark Fins	Water Meters	Electricity: Com choice	Energy eff. Standards	Transportation	State Parks	Landfill	LA stadium	Off-hwy Vehicle	Special CEQA Treatment
Hall, Isadore III (D-52)	6/11	55%	+	+	+	NV-		+	NV-	+		+	-	-	-
Harkey, Diane (R-73)	4/11	36%	-	-	-	-		+	-	+		+	-	-	NV+
Hayashi, Mary (D-18)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Hernández, Roger (D-57)	7/12	58%	+	-	+	+		+	+	+	NV-	+	-	-	-
Hill, Jerry (D-19)	9/11	82%	+	+	+	+		+	+	+		+	+	-	-
Huber, Alyson (D-10)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Hueso, Ben (D-79)	8/13	62%	+	NV-	+	+	NV-	+	+	+	NV-	+	NV+	-	-
Huffman, Jared (D-6)	11/12	92%	+	+	+	+		+	+	+	+	+	+	-	+
Jeffries, Kevin (R-66)	2/12	17%	NV-	-	-	+	-	NV-	-	-		+	-	-	-
Jones, Brian (R-77)	3/12	25%	-	-	-	+		-	-	-	-	NV-	+	-	+
Knight, Stephen (R-36)	4/11	36%	-	-	-	+		+	-	-		+	-	-	+
Lara, Ricardo (R-50)	7/12	58%	+	-	+	+		+	+	+	NV-	+	-	-	-
Logue, Dan (R-3)	2/11	18%	-	+	-	+		-	-	-		NV-	-	-	-
Lowenthal, Bonnie (D-54)	9/11	82%	+	+	+	+		+	+	+		+	-	NV+	-
Ma, Fiona (D-12)	7/11	64%	+	+	+	-		+	+	+		+	-	-	-
Mansoor, Allan (R-68)	2/11	18%	-	-	-	-		-	-	-		NV-	NV+	-	+
Mendoza, Tony (D-56)	6/9	67%	+	+	E	+		+	+	E		+	-	-	-
Miller, Jeff (R-71)	4/12	33%	+	-	-	+	-	+	-	NV-		+	-	-	-
Mitchell, Holly (D-47)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Monning, William (D-27)	9/11	82%	+	+	+	+		+	+	+		+	-	-	+
Morrell, Mike (R-63)	2/11	18%	-	-	-	+		-	-	-		NV-	-	-	NV+
Nestande, Brian (R-64)	5/11	45%	-	+	-	+		+	-	-		+	+	-	-
Neilsen, Jim (R-2)	2/11	18%	-	-	-	-		-	-	-		+	-	-	+
Norby, Chris (R-72)	3/11	27%	-	-	-	+		-	-	-		NV-	+	-	NV+
Olsen, Kristin (R-25)	0/12	0%	-	-	-	NV-		-	-	-	-	NV-	-	-	-
Pan, Richard (D-5)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Perea, Henry (D-31)	7/11	64%	+	-	+	+		+	+	+		+	-	-	-
Pérez, John (D-46)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Pérez, V. Manuel (D-80)	7/11	64%	+	NV-	+	+		+	+	+		+	-	-	-
Portantino, Anthony (D-44)	8/11	73%	+	+	+	+		+	+	+		+	-	-	-
Silva, Jim (R-67)	4/11	36%	-	-	-	+		-	-	-		+	+	-	NV+
Skinner, Nancy (D-14)	8/10	80%	E	+	+	+		+	+	+		+	-	+	-
Smyth, Cameron (R-38)	3/11	27%	+	-	-	+		NV-	-	-		+	-	-	-
Solorio, Jose (D-69)	7/11	64%	+	+	NV-	+		+	+	+		+	-	-	-
Swanson, Sandré (D-16)	8/11	73%	+	+	+	+		NV-	+	+		+	-	+	-
Torres, Norma (D-61)	9/12	75%	+	+	+	+	+	+	+	+		+	-	-	-
Valadao, David (R-30)	3/11	27%	-	-	-	+		+	-	-		+	-	-	-
Wagner, Donald (R-70)	3/11	27%	-	-	-	+		NV-	-	-		+	-	-	+
Wieckowski, Bob (D-20)	9/11	82%	+	+	+	+		+	+	+		+	-	+	-
Williams, Das (D-35)	10/11	91%	+	+	+	+		+	+	+		+	-	NV+	NV+
Yamada, Mariko (D-8)	12/12	100%	+	+	+	+		+	+	+	+	+	+	+	+

*committe stage

**Assemblymember Beth Gaines assumed office in May 2011

***Assemblymember Gorell is on military leave