

Aviation-Related Bills in the California Legislature

2003-04 First Extraordinary Session: The following bills would amend the: a) Budget Act of 2002, or b) California statutes, to implement the budgetary changes.

1. **ABX1 6 (Oropeza), SBX1 17 (Senate Budget Committee), and SBX1 19 (Chesbro):** “**Reductions in the Budget Act of 2002 Relating to State and Local Government**”: ABX1 6 and SBX1 17 had identical language relating to aviation that would amend the Budget Act of 2002. *The bills specified an increase from \$6 million to \$11.15 million to be transferred in FY 2002-03 from the Aeronautics Account to the General Fund. **SBX1 19 replaced SBX1 17 in March; SBX1 19 did not make the additional transfer of \$5.15 million in FY 2002-03.** ABX1 6 passed the Legislature. SBX1 17 is pending in the Assembly Committee on Budget. **SBX1 19 passed the Legislature and was signed by Governor Davis. It is Chapter 3 of the Statutes of 2003-04, First Extraordinary Session.***

2. **ABX1 11 (Oropeza), SBX1 7 (Senate Budget Committee):** “**Reductions in the Budget Act of 2002 Relating to State Government**”: These two “budget trailer bills” had *initially had* identical language relating to aviation, *proposing to* amend the Public Utilities Code (PUC) in order to implement *proposed* amendments to the Budget Act of 2002 (i.e., ABX1 6 and SBX1 17). The PUC amendments *in SBX1 7* would:

- a) When appropriated by the Legislature, permanently allow the transfer of funds, for the \$10,000 Annual Credits, from the Aeronautics Account to the General Fund, including any funds that public entities owning the airports accumulated over a five-year period;
- b) Suspend the Annual Credits for FY 2003-04; and
- c) Permanently require the California Transportation Commission (CTC), in awarding any aviation grants to eligible airports, including AIP Matching and A&D Grants, to give the highest priority to security projects.

However, ABX1 11 deleted all the above PUC amendments relating to aviation. The aviation language in SBX1 7 continued to exist. SBX1 7 passed the Senate, and is pending in the Assembly Committee on Budget. **ABX1 11 passed the Legislature, and was signed by Governor Davis. It is Chapter 2 of the Statutes of 2003-04, First Extraordinary Session.**

2003-04 Regular Session

1. **AB 77 (LaSuer):** “**San Diego County Regional Airport Authority (SDCRAA)**”: This bill would exempt the unincorporated community in San Diego County of Ramona from the jurisdiction of the SDCRAA in studying and planning Ramona as a potential site for an alternative international airport to San Diego International Airport. *AB 77 is scheduled for hearing in the Assembly Committee on Transportation on April 7, 2003.*
2. **AB 296 (Mullin):** “**Portable Classrooms: Sound Insulation**”: *This bill would, after January 1, 2005, require new portable classrooms to have an interior noise level of 45 db or less. The author declares the Legislature has found that “incompatible land uses within a noise impact area include public schools of standard construction for which an aviation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure an interior CNEL of 45 db or less in all classrooms due to aircraft noise.” AB 296 is pending in the Assembly Committee on Education.*

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3. **AB 332 (Mullin): “Airports: Land Use Commissions”**: This bill would: a) Make school districts and community colleges subject to airport land use law; b) If a local agency plans to overrule the airport land use commission (ALUC), it would be required to, within 30 days of a public hearing, submit the specified findings to the Department and the ALUC for their review and comment, and incorporate those comments in the public record; c) Change “overrides” to “overrules” in airport land use law; and d) *Express the Legislature’s intent to discourage incompatible land uses near airports; local agencies planning to renovate or construct public buildings would be required to utilize various criteria in the Department’s Airport Land Use Planning Handbook, and Federal Aviation Regulation Part 77. The Assembly Committee on Local Government’s analysis of AB 332 stated San Francisco International Airport was the sponsor of the bill, and the League of California Aviation Professionals, the Port of Oakland, and the San Diego County Regional Airport Authority supported it. AB 332 passed the Assembly Committee on Local Government, and is pending in the Assembly Committee on Transportation.*
4. **AB 424 (Richman): “Education”**: This bill would, among other issues and by July 1, 2007, repeal the Education Code sections for the Department’s investigation of proposed school sites within two miles of an airport runway. A commission would submit a revised Education Code by January 1, 2005 to the Governor and the Legislature. *AB 424 is scheduled for hearing in the Assembly Committee on Education on April 23, 2003.*
5. **AB 530 (Mullin): “Aviation: Noise”**: This bill would, in subsequent legislation, require each airport served by an airline to mitigate airport noise through a collaborative program between the airport and airlines to reach operating performance goals in compliance with the airport noise standards administered by the Department. Assemblymember Mullin is chair of the Assembly Select Committee on Aviation and the Airline Industry, and held a hearing in Brisbane on February 27, 2003 on this issue. AB 530 has not yet been assigned to a policy committee in the Assembly.
6. **AB 694 (Levine): “Use Tax: Vehicles, Vessels, and Aircraft”**: This bill would make a “rebuttable presumption” that an aircraft purchased outside of California (CA) would be subject to CA’s use tax, under any of the following circumstances: a) It was purchased by a CA resident; b) It was subject to the CA property tax during the first 12 months of ownership; or c) It was used or stored in CA more than ½ the time during the first 12 months of ownership. This presumption may be “controverted” by documentary proof that the aircraft was purchased for use outside of CA during the first 12 months of ownership. The bill is intended to increase revenues, and will require a 2/3 vote for approval. *AB 694 is scheduled for hearing in the Assembly Committee on Revenue and Taxation on April 21, 2003.*
7. **AB 721 (Matthews): “Urban Growth Boundaries: Smart Growth Model Ordinance”**: This bill would require a city’s or county’s general plan to establish a 20-year urban growth boundary in the land use element for extension of urban services. Expansion of the growth boundary would be prohibited during that period unless certain conditions are met. Local jurisdictions complying with the updated preparation of the land use element would be eligible for partial reimbursement. Funding would be available for capital improvement projects in the updated land use element with an urban growth boundary. The Governor’s Office of Planning and Research would be required to develop a state “smart growth” model zoning ordinance. The bill has not yet been assigned to a policy committee in the Assembly.
8. **AB 920 (Nakano): “Real Estate Disclosures: Nuisance: Local Government”**: AB 2776, Chapter 496 of the Statutes of 2002, established a city or county disclosure requirement for real

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property in the vicinity of an airport influence area, effective January 1, 2004. AB 920 would provide, after January 1, 2005, unless a city or county adopts a different or additional disclosure form, that an "Airport Influence Area" disclosure would satisfy the requirement for disclosure of airports in transfers of real property. *The bill is scheduled for hearing in the Assembly Committee on Local Government on April 30, 2003.*

9. **AB 1183 (Ridley-Thomas): "California and Mexico Border Economic Infrastructure Financing Authority"**: The Legislature's intent is to recognize that due to the doubling of population by 2020 in counties bordering Mexico, transportation and other infrastructure needs must be addressed. This bill would establish the above Authority, which could be used to finance transportation, including airports, and other infrastructure needs. *The bill is scheduled for hearing in the Assembly Committee on Jobs, Economic Development, and the Economy on April 22, 2003.*
10. **AB 1221 (Steinberg and Campbell): "Taxation"**: *If passed, this bill would become the "California Balanced Communities Act of 2003". The bill is concerned with the tax rates and distribution of revenues from the sales and use tax and property tax, among cities, counties, a city and county, districts, school districts, community college districts, and county offices of education. The Legislature's intent is for the state to maintain its aggregate funding obligations. The bill is scheduled for hearing in the Assembly Committee on Revenue and Taxation on April 21, 2003.*
11. **AB 1263 (Benoit): "Trespass"**: In accordance with federal law, a person who: a) Willfully commits a trespass in entering or reentering a sterile area of an airport without submitting to the screening of his personal property, according to procedures to control access in that area; and b) Is responsible for delays or cancellations of scheduled flights due to the trespass, is punishable by imprisonment in state prison or county jail. AB 1263 is pending in the Assembly Committee on Public Safety.
12. **AB 1645 (Ridley-Thomas): "Airports: Ground Transportation Security"**: Under existing law, the Department: a) Issues an airport permit upon completion of an approval process; and b) Administers the airport noise regulations. This bill would require the Department to adopt standards governing security for ground access carriers serving an airport that has a Department-issued permit. *This bill is scheduled for hearing in the Assembly Committee on Transportation on April 21, 2003.*
13. **AB 1717 (Transportation Committee): "Transportation: Intermodal Corridors of Economic Significance"**: This bill would require the Department, in cooperation with the regional transportation planning agencies, to: a) Establish a task force to develop a strategy for avoiding congestion along the state's intermodal corridors of economic significance; b) Develop and apply freight-oriented performance measures on major corridors, to gauge the ability of the corridors to provide efficient goods movement; c) Continuously and closely monitor the performance of major corridors to determine deficiencies; and d) Develop improvement strategies for those deficiencies. *This bill is scheduled for hearing in the Assembly Committee on Transportation on April 7, 2003.*
14. **ACR 56 (Nakano): "California Space Day"**: In recognition of the contributions that space enterprise has made and will continue to be made in California, the resolution asks the Governor to proclaim March 18, 2003 as California Space Day. *SCR 56 is Resolution Chapter 11 for 2003. This resolution will be deleted in the next Legislative Update Report.*

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15. **AJR 10 (Garcia): “Imperial County Airport”**: This resolution would memorialize Congress to designate the Imperial County Airport as an International Port of Entry; and request the Imperial County Board of Supervisors to direct the County Airport Manager to pursue all appropriate action to achieve the designation. *The resolution is scheduled for hearing in the Assembly Committee on Transportation on April 7, 2003.*
16. **SB 593 (Ackerman): “Property Taxation: State Assessment: Commercial Air Operator Personal Property”**: Existing law imposes taxes on commercial air operators’ personal property, defined as “a person that operates an aircraft for any commercial purpose for compensation”. This bill would require, beginning in the 2004-05 Fiscal Year and each year thereafter, the Board of Equalization to assess the commercial air operators’ personal property on a statewide basis, and allocate the revenues to the tax rate area(s) in the counties in which the property is located. *SB 593 is scheduled for hearing in the Senate Committee on Revenue and Taxation on April 23, 2003.*
17. **SB 806 (Sher): “General Plans: Land Use: Circulation—Transportation Element”**: This bill would change the “Circulation Element” to the “Transportation Element”, which would be correlated to the land use element. “Military Airports” are specifically included in the “Transportation Element”. *SB 806 is scheduled for hearing in the Senate Committee on Local Government on May 7, 2003.*
18. **SB 924 (Karnette): “California Freight Advisory Commission”**: This bill would create the aforementioned Commission, to advise the Department, CTC, and regional transportation planning agencies on important freight-related needs, and recommend projects to meet those needs. The Commission would consist of representatives from the above agencies, members of the maritime, railroad, trucking, and multimodal freight shipping industries, a major California airport, and others involved in freight. *The bill is scheduled for hearing in the Senate Committee on Transportation on April 29, 2003.*
19. **SB 981 (Soto & Romero): “Petroleum Pollution Cleanup and Prevention Act of 2003”**: Due to air quality problems associated with transportation fuels, including those used for internal combustion engines in aircraft, this bill would impose a fee of \$.30 per barrel of crude oil. The revenues would be sent to the Children’s Health and Petroleum Pollution Remediation Fund, to provide funding for children’s health and other mitigation programs. *The bill is scheduled for hearing in the Senate Committee on Environmental Quality on April 21, 2003.*
20. **SB 998 (Bowen): “California Economic Stimulus and Public Infrastructure Security and Investment Bond Act”**: This bill would establish and give authority for issuing bonds for the purpose of economic development, to be distributed to nine regions of the state, which are similar to the Technology, Trade and Commerce Agency’s business regions. The bill is related to SB 924 and SB 981; the Freight Advisory Commission would make recommendations on infrastructure improvements within five miles of many facilities, including airports. *SB 998 is pending in the Senate Committee on Governmental Organization.*
21. **SB 1059 (Committee on Revenue and Taxation): “Taxation: Aircraft of Historical Significance”**: Under existing law, aircraft of historical interest which are displayed to the public for 12 days out of the year, are not held for sale, and do not use the aircraft for commercial or general transportation purposes, are exempt from the property tax. This bill would require the owner of the aircraft to demonstrate proof of the aircraft’s participation in the public event. The owner would be required to attach a certificate of attendance from the event coordinator. This

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bill addresses other taxation issues unrelated to aviation. *SB 1059 is pending in the Senate Committee on Revenue and Taxation.*

22. **SCA 2 (Torlakson): “Local Government: Sales Taxes: Transportation and Smart Growth Planning”**: This proposed Senate Constitutional Amendment (SCA) would authorize a county, city and county, a local transportation authority, or a regional transportation planning agency to submit an increase in the sales tax to voters, for the purpose of funding transportation projects and services related to smart growth planning. *SCA 2 is on the Senate Floor.*
23. **SCR 9 (Knight): “Space Shuttle Columbia”**: This resolution: a) Sends the Legislature’s condolences to the families of Columbia’s astronauts; b) Expresses gratitude to all astronauts in the past and future; c) Supports U.S. aggressiveness in space exploration; and d) Cites its confidence in finding the cause for the accident, and to encourage NASA in pursuing a new generation of space vehicles. *SCR 9 is Resolution Chapter 3 of 2003. This resolution will be deleted from the next Legislative Update Report.*