

Selected Significant Aviation-Related Bills in the California Legislature

1. **AB 37 (Strickland): “Sales and Use Taxes: Exemptions: Gasoline and Diesel Fuel”**: Existing law imposes a sales tax on automotive gasoline and diesel fuel. This bill would exempt those fuels from the sales and use taxes, but would require the State to reimburse local governments for local revenues lost from the exemption to the sales and use taxes (up to the 3½% portion of the sales tax rate). The bill was “held under submission” in the Assembly Committee on Revenue and Taxation due to budget considerations.
2. **AB 93 (Wayne): “San Diego County Regional Airport Authority”**: *In 2000, SB 329 created a San Diego Regional Government Efficiency Commission to consider alternative forms of government in the County. One of the most significant issues in SB 329 was to determine a location that could work as a replacement to San Diego International Airport (Lindbergh Field). AB 93 creates a regional airport authority within San Diego County, to own and operate Lindbergh Field (to be transferred from the San Diego Unified Port District), and also to look for an alternative location. The Authority is independent of any other regional governmental structure, and does not go before the voters for approval, although SB 329 provided for that. The Authority would act as the: a) Airport land use commission for San Diego County, replacing San Diego Association of Governments (SANDAG); b) Aviation planning agency for the County (also replacing SANDAG); and c) Recipient of all state and federal airport grants, passing them through to the airports’ owners and operators. Proponents of the bill state that the bill resulted from a consensus of local governments in the County. AB 93 passed the Legislature, and is on the Governor’s Desk.*
3. **AB 243 (Runner): “Aircraft Jet Fuel Tax: Exemption”**: Existing law imposes a sales and use tax on aircraft jet fuel, which generates revenue for State and local general, public safety, and transportation funds. This bill would exempt aircraft jet fuel sold to an air common carrier of property or persons at an airport in an enterprise zone from the sales and use tax. AB 243 would exempt aircraft jet fuel from the State General Fund portion of the sales tax (currently 4 ¾ %), but would retain the local sales and use taxes imposed on jet fuel (up to 3 ½ %). AB 243 was “held under submission” in the Assembly Committee on Revenue and Taxation due to budget considerations.
4. **AB 309 (Longville): “Sales and Use Taxes: Fuel: Prepayment”**: Under existing law, aircraft jet fuel is subject to the sales tax. This bill’s provisions would conform with AB 2114, Chapter 1053 of the Statutes of 2000, relating to the prepayment of the sales tax on aircraft jet fuel at the first point of distribution. Additional prepayments would be permissive if more than 75% of the gross receipts are from the retail sale of motor vehicle fuel, diesel fuel, or aircraft jet fuel. *AB 309 passed the Legislature and is on the Governor’s Desk.*
5. **AB 491 (Frommer): “Rental Vehicles: Passenger Vehicles”**: *Existing federal law provides that revenues generated by an airport must be spent on the airport, or on a system of airports owned by the airport’s sponsor. Existing state law provides for the terms and conditions of rental vehicles, in support of a consolidated rental car facility, or for common use by airport passengers moving between terminals and rental car facilities. This bill defines a “customer facility charge” (CFC) as it relates to rental vehicle charges imposed by airports, and paid by the rental vehicle customer. For rates advertised by rental vehicle companies to their customers, each company shall disclose the amount of the CFC, and the “aggregate amount to be collected.” The bill states that Burbank-Glendale-Pasadena Airport (BUR), and all other airports, may not use revenues from the CFC on customers of rental car businesses for airport expansion or on BUR’s replacement terminal. The CFC may not be used to operate or maintain the rental car facility, and is only operative until the bonds used for financing the facility are paid. Other bill provisions are concerned with financial responsibility when the renter has an accident. AB 491 passed the Legislature and is on the Governor’s Desk.*

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6. **AB 631 (Oropeza): Transportation: Needs Assessment:** This bill would require completion of an assessment of the State transportation system by the California Transportation Commission, in conjunction with the regional transportation planning agencies and the metropolitan planning organizations (RTPAs/MPOs), and the California Department of Transportation. The bill included “intermodal connections and airport facilities”, “goods movement and transit equity assessment” in the assessment of condition, performance, and deficiencies, to be completed every five years. *The assessment is to include transportation investments during the past five years to address deficiencies. AB 631 passed the Legislature and is on the Governor’s Desk.*
7. **AB 1207 (Longville): “Small Wind Energy Systems”:** *In recognition of the need to generate more energy in California, this bill is intended to promote and encourage the use of small wind energy systems and to limit obstacles to their use. Local governments can pass ordinances that impose conditions on the installation of small wind energy systems, such as compliance with federal requirements about installations close to airports, and the State Aeronautics Act. The bill would not allow such a system to be built, if prohibited by a comprehensive land use plan and any implementing regulations adopted by an airport land use commission. In agricultural areas, the local government shall take reasonable steps to notify pest control aircraft pilots registered to operate in the county. AB 1207 passed the Legislature and is on the Governor’s Desk.*
8. **AB 1367 (Wiggins): “Land Use: School Siting”:** *The bill’s intent is to foster improved communications and coordination between cities, counties, and school districts. If a city or county, in its zoning ordinance, has provided for the location of public schools and has completed a general plan, then the school district would meet with the appropriate agency of the city or county. The city or county would be able to have a role in the siting of schools within its land use jurisdiction. AB 1367 passed the Legislature and is on the Governor’s Desk.*
9. **AB 1382 (Liu) and SB 921 (Knight): “Space Industry Development”;** **SB 76 (O’Connell), SB 154 (Haynes), and SB 640 (Knight): “Sales and Use Tax Exemption: Space Flight”;** and **AB 1001 (Longville): “Space Industry”:** AB 1382 and SB 921 would establish a space industry development program in the Technology, Trade & Commerce Agency. AB 1382’s provisions would be funded *through annual appropriations of the Budget Act.* SB 76, SB 154, and SB 640 generally provide for exemptions from the sales tax for property sold for use in space flight. SB 76 would expand the exemption to include property used in spaceport operations. SB 154 and SB 640 would allow material that is not intended to be launched into space to be exempt from the sales tax. AB 1001 would establish a “California Spaceport Development Zone Act of 2001”, which would authorize the Technology, Trade & Commerce Agency to establish five spaceport zones, comparable to enterprise zones, including tax incentives for economic development primarily engaged in launch related activities. The spaceport zone would be in existence 40 years, and include a financing district. *AB 1382 passed the Legislature and is on the Governor’s Desk.* SB 921 has not yet been assigned to a policy committee in the Senate. SB 76 is scheduled for further hearing in the Senate Committee on Revenue and Taxation. SB 154 is pending in the Senate Committee on Revenue and Taxation. SB 640 is *pending* in the Senate Committee on Revenue and Taxation’s *Inactive File.* AB 1001’s hearing in the Assembly Committee on Revenue and Taxation was postponed.
10. **AB 1436 (Correa) and SB 703 (Perata and Bates): “Military Base Reuse: Orange County”:** *AB 1436 would prohibit the annexation of any inhabited property on El Toro to any city, until El Toro has been transferred to the local redevelopment authority recognized pursuant to California statute.* SB 703 would establish a new reuse entity for El Toro, contingent on voter approval of “The Orange County Central Park and Nature Preserve Initiative” on March 5, 2002. Composition of the reuse entity and certain planning activities are established in SB 703. *AB 1436 failed passage on a*

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vote of 6-18 on the Senate Floor, but reconsideration was granted. SB 703 is pending in the Senate Committee on Local Government.

11. **ACR 119 and ACR 120 (Runner): “Aerospace Highway” and “Aerospace Valley Monument”:** *These resolutions would dedicate a portion of State Highway 14 near Edwards Air Force Base as the “Aerospace Highway,” and establish a monument and plaque in that area, in recognition of the major accomplishments of aviators in the region. ACR 119 and ACR 120 have not yet been assigned to a policy committee.*
12. **AJR 9 (Runner): “Space Shuttle”:** This resolution would request the President and Congress to consider the continuation of the “Space Shuttle Modification Program” at Plant 42 in Palmdale, and other space industry objectives. *AJR 9 is Resolution Chapter 98, of the Statutes of 2001.*
13. **AJR 29 (Florez): “Flight Training Schools”:** *The author notes that some of the September 11, 2001 terrorists learned to pilot an aircraft in the U.S. The resolution requests Congress to instruct the FAA to implement security measures including, but not limited to, identification, fingerprinting, and domestic and international background checks for students and trainees at private or government-operated flight training schools. AJR 29 passed the Legislature.*
14. **SB 13 (McClintock): “Sales and Use Tax: Rate Reduction”:** Existing law provided for a reduction of $\frac{1}{4}$ % in the sales tax under certain positive economic conditions. This reduction took place on January 1, 2001 for one year; this bill would make the reduction permanent. The bill failed to pass the Senate Committee on Revenue and Taxation, but it was granted reconsideration. The bill’s subsequent hearing was canceled at the request of the author.
15. **SB 244 (Speier): “Environmental Quality: Airport Expansion and Enlargement Projects”:** This bill would: a) Require any airport expansion or enlargement of a publicly owned airport, which needs to acquire “tide and submerged lands, or other lands subject to the public trust for commerce, navigation, or fisheries” for that project, to have a 120-day public review period for any draft environmental impact report; b) Defines “carrying out or approving a project” to include consideration of a plan for expansion or enlargement of an airport; and c) Adds language to the State Aeronautics Act in the Public Utilities Code, where “acquisition of land” would include “tide and submerged lands, or other lands subject to the public trust for commerce, navigation, or fisheries”. SB 244 is supported by the San Francisco International Airport. A bill recently introduced in Congress, H.R. 2107, would preempt states and their political subdivisions from prohibiting runway expansion projects at medium and large hub airports in the U.S. (there are nine such airports in California, including Los Angeles, San Francisco, and San Diego International Airports). *SB 244 passed the Legislature and is on the Governor’s Desk.*
16. **SB 656 and SB 1054 (Knight): “Military Base Retention”:** SB 656 would establish the Military Base Retention Authority Act, to include single reuse authorities for retention planning for military bases. A list of military bases in SB 656 include several existing aviation facilities, but does not contain any that are proposed for closure or realignment. *SB 1054 shall recognize the local reuse authority as the agency for planning the retention of military bases.* SB 656 is pending in the Senate Committee on Local Government. *SB 1054 passed the Legislature and is on the Governor’s Desk.*
17. **SB 822 (Poochigian): “County Sheriffs: Search and Rescue”:** The sheriff of each county has search and rescue responsibilities. This bill would specifically include searching for persons in missing or downed aircraft. The sheriff may transfer this responsibility to another agency or jurisdiction through a written agreement. Any expense incurred in the activity would be considered a

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proper county charge. This bill was scheduled for hearing in the Senate Committee on Local Government, but the hearing was canceled at the request of the author.

18. **SB 865 (Polanco): “California-Mexico Border Infrastructure Financing Authority”**: Population growth along the California and Mexico border will lead to “escalating infrastructure deficits” by 2020, including airports. This bill would create the above authority, which would be required to issue revenue bonds for construction of infrastructure. Projects would be revenue-generating, such as air cargo facilities. *The bill was held in the Assembly Committee on Appropriations.*
19. **SB 869 (Karnette): Department of Transportation: Airport Assessment Study**: Under existing law, Caltrans is responsible for developing a California Aviation System Plan. This bill would require Caltrans to conduct a needs assessment study on airports, including an airport inventory, capacity of airports for air traffic, projected growth of the airports, planned airport expansions, and infrastructure evaluation. SB 869 was scheduled for hearing in the Senate Committee on Transportation, but it was canceled at the request of the author. It is our understanding that SB 869 will be a two-year bill, in order to conduct additional research.
20. **SB 1053 (Knight): “Centennial of Flight Program”**: Under existing law, the California Department of Education (CDE) is required to assist school districts in developing an aviation education program. SB 1053 would emphasize, in that aviation education program, materials to commemorate the 100th anniversary of the Wright Brothers’ first flight. CDE would be encouraged to use resources from the National Aeronautics and Space Administration and the U.S. Centennial of Flight Commission. School districts are encouraged to integrate aviation into mathematics, science, social studies, and vocational training, and to work with NASA centers in California. SB 1053’s *hearing on August 22, 2001 in the Assembly Committee on Appropriations was postponed.*
21. **SJR 17 (Vincent): “Federal Interstate Highways: International Airports: Schools”**: SJR 17 was amended recently, stating airports and freeways have a “significant detrimental impact on adjacent schools”; the resolution suggests that billboard revenue could offset the detrimental impacts. The resolution urges Congress and the President to establish a “Federal Transportation Impact Assistance Program” for schools located within two miles of an international airport, or adjacent to federal-aid highways. *The resolution passed the Senate and is pending in the Assembly Committee on Transportation.*
22. **SJR 24 (Knight): Military Base Closures**: *The author states that additional military bases will close in 2003 and 2005. This resolution would advocate the continued existence of military bases in California through the next round of base closures. The resolution has not yet been assigned to a policy committee.*