



CapitolVoice

Sierra Club California —Your Voice in the State Capitol

Fall 2005

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Tough Year in the
Assembly

A Dark Year in the Capitol

by Bill Magavern

While we were once again successful in blocking all significant attacks on the laws that protect and restore California's environment, the combination of polluter influence and special-election politics spelled death for most major proposals to clean up our air and water, manage growth wisely, and preserve wild places.

Republicans and business Democrats in the California Assembly, faced with a choice of protecting our air and water or protecting the profits of big polluters, almost always sided with the polluters during the legislative session. Corporate lobbies and their legislative allies killed a number of commonsense bills to clean up our air and water. And, because of the impending special election, there was an undercurrent of party politics that hindered some legislation.

These public health bills were targeted for defeat both by the entire Republican caucus and by a number of Democrats who frequently vote with corporate polluters like oil companies and developers. Public opinion surveys consistently show overwhelming support for stronger safeguards for our air and water, yet these popular causes are stymied in Sacramento by the power of big campaign contributors.

The Legislature did succeed in passing a handful of bills in early September to help protect the health of Californians from industrial poisons. Unfortunately, Governor Arnold Schwarzenegger, who also receives large contributions from corporate polluters, vetoed the two most significant of these, which would have strengthened enforcement of existing pesticide safety laws and tracked environmental pollutants found in the bodies of state residents. The governor also vetoed bills that would have improved water resource planning and funded mitigation of poison runoff.

Other important bills passed the Senate only to languish in the Assembly without even receiving votes on the floor, including measures to launch the biggest solar home program in the nation and to inject much-needed expertise into the San Joaquin Valley's air district.

The good news in a bad year is that Schwarzenegger — whose mixed record on the environment puts him head and shoulders above all of Sacramento's other Republican electeds, but below his gubernatorial predecessor — did sign 6 of the top 10 bills that emerged from the Legislature. The most important measures that became law this year include:

- A Sierra Club sponsored-ban on toxic mercury in switches, relays and measuring devices;



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Not Politics as Usual

by Bill Allayaud



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Well, our staff has once again made it through the grind of a legislative year, that is, January through mid-September. The Fall is not just a time to recharge our batteries. On the contrary, we are busy planning legislation for next year, responding to the media who want to know how Arnold did, and testifying before entities like the Board of Forestry.

In many ways, it was a typical year for us in Sacramento. We welcomed and met the incoming class of State Senators and Assemblymembers, we analyzed bills that were introduced covering a wide range of issues, we bird-dogged key committees to help move good bills along and kill the bad ones, and we lobbied the Governor's office to sign or veto measures that the Sierra Club cares about.

But, this year was a bit different for several reasons. As an accompanying article by Bill Magavern describes, a certain group of Democrats in the Assembly played a bigger role than usual, killing many good pieces of legislation that would protect our air, water, and land. Additionally, because the Governor insisted that we have a special election, the atmosphere was more partisan than usual. This is a shame, as I and you know that the environment is an issue that crosses party lines among Californians. These factors, combined with the usual dismal showing by the Republicans on environmental issues, resulted in a lackluster year for our issues.

A major casualty in this setting was the solar roofs legislation (SB 1 by Senator Murray). This was the centerpiece of the Governor's environmental agenda and it fell victim to partisan politics and broken-down negotiations. We certainly hope the Democratic leaders and the Governor work this one out and come back next year with a bill that makes sense and gets California further along the renewables path.

So, because the Legislature handed him a stack of mediocre bills, Mr. Schwarzenegger appeared to be poised to have an easy time "greening up" his environmental record. It was not to be, however, as he finished the work of the Assembly Republicans and the aforementioned polluter Democrats by vetoing a number of good bills. He did sign some decent legislation and we are thankful for that. Our hope is that since 2006 is a gubernatorial election year, it will push him to higher levels.

We held our annual Lobby Day in August, and we had about 30 Sierra Club members working the halls of the Capitol with our lobbying team. Once again, I think they had a rewarding time, helped us push key legislation, and saw firsthand how things work here. While it can be a bit discouraging at times, I am sure they came away with a greater appreciation of what your Sierra Club California staff is both up against and capable of.

Finally, thank you for your support of our program, so that we can continue to provide members of the Sierra Club and our thirteen California chapters an effective voice in the Capitol.



VOTE NO on Props 73, 75 & 76

by Paul Mason

Governor Schwarzenegger's November 8 special election is shaping up to be an expensive referendum on his policies and approach to government. Rather than engaging the Legislature in a reasoned dialogue, the Governor has chosen to bypass the legislative process to try to fundamentally change California's political landscape at the ballot box.

The Sierra Club is formally opposed to three of the Schwarzenegger-backed initiatives: Proposition 73, which limits access to abortion services for women under 18; Proposition 75, which seeks to cripple the political influence of labor unions; and Proposition 76, which would give the Governor vastly expanded authority to cut the state budget without involving the Legislature.

Proposition 76

Prop 76 would dramatically alter California's budget process to give the Governor vastly expanded power to cut the budgets of state agencies and programs without involving the Legislature.

Under the proposal the Governor would gain the authority to cut state programs without any legislative oversight under several relatively common scenarios, such as not having an approved budget by July 1. This broad new authority would allow a governor with anti-environmental leanings to single-handedly decimate environmental protection agencies.

The initiative includes a spending cap provision, which also applies to programs funded by polluter fees. Under the proposed initiative, programs to regulate polluters would be limited, even if there is sufficient fee revenue to expand the program without any costs to taxpayers.

Proposition 75

Prop 75 seeks to cripple the political influence of public employee unions by prohibiting them from spending money on political activities, unless they annually obtain the express written consent of each union member whose dues will be used.

Sierra Club supports the ability of membership organizations to use members' dues and contributions for public advocacy purposes. This initiative is a blatant attempt by conservative ideologues and big corporations to hamstring their most well-funded opposition.

Prop 75 would skew the political landscape against the environmental cause. The measure is a brazen attempt to remove

one of the biggest sources of campaign funding for many Democrats and some Republicans. Notably, Prop 75 would not require corporate polluters to gain the permission of their shareholders before lobbying against the environment or contributing to candidates.

Public employee unions have come to the aid of California's environment many times. For example: CA Nurses Association, one-quarter of whose members are public employees, has supported many of our top priorities, like reducing greenhouse gas emissions from motor vehicles; and in 2000, public employee unions helped the environmental community defeat the Polluter Protection Act, Prop 37, which would have reclassified environmental mitigation fees as taxes requiring 2/3 votes. Were Prop 75 to pass, these allies would have fewer resources with which to come to the aid of environmental causes.

Prop 75 is currently leading in the polls, with roughly 58% support and 33% opposition.

Proposition 73

Proposition 73 would require parental notification and a 48-hour waiting period prior to providing an abortion to women under 18, except for medical emergencies or if the court provides a judicial exception. It is opposed by the California Medical Association, California Nurses Association and Planned Parenthood.

Sierra Club supports a woman's right to have unrestricted access to family planning services. This proposed constitutional amendment would create an obstacle for women who need access to abortion, and would be particularly onerous to young women from abusive homes. Provisions allowing for women to go to court to get a release from the notification and waiting period requirements are unrealistic – these women need support and counseling, not lawyers to navigate an overcrowded legal system.

Proposition 73 will be one of the closest votes on the ballot. This position is consistent with a long-standing national Sierra Club policy on women's reproductive rights and family planning.

Turnout for the special election is expected to be low, so every vote will count. Sierra Club California's leaders encourage everyone to vote. More information on these propositions can be found on our website: www.sierraclubcalifornia.org

ASSEMBLY REPORT CARD	AB 289	AB 405	AB 1328	AB 1360	AB 1415	SB 44	SB 426	SB 600	SB 646	SB 820	
	Chemical Detection Info.	Experimental Pesticide Prohibition	Cache Creek Wild & Scenic	Cleanup of Contaminated Sites	Mercury Ban	Air Quality in General Plans	Liquefied Natural Gas Plants	Monitoring Pollution in People	Clean Water Requirements	Water Resources Info. and Planning	TOTAL FAVORABLE VOTES
Governor Schwarzenegger	n/a	Signed	Signed	n/a	Signed	n/a	n/a	Vetoed	n/a	Vetoed	3/5
STATE ASSEMBLY MEMBER	6/02/05	9/7/05	8/25/05	6/2/05	9/7/05	9/8/05	9/8/05	9/8/05	9/8/05	9/7/05	
Karen Bass (D-47)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Patty Berg (D-1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Rudy Bermudez (D-56)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Wilma Chan (D-16)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Judy Chu (D-49)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Mervyn Dymally (D-52)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Noreen Evans (D-7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Jackie Goldberg (D-45)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Loni Hancock (D-14)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Betty Karnette (D-54)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Johan Klehs (D-18)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Paul Koretz (D-42)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
John Laird (D-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Mark Leno (D-13)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Lloyd Levine (D-40)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Sally Lieber (D-22)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Gene Mullin (D-19)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Joe Nation (D-6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Jenny Oropeza (D-55)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Fran Pavley (D-41)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Mark Ridley-Thomas (D-48)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Ira Ruskin (D-21)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Lori Saldaña (D-76)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Leland Yee (D-12)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10/10
Fabian Nuñez (D-46)	Y	Y	E	Y	Y	Y	Y	Y	Y	Y	9/9
Hector De La Torre (D-50)	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	9/10
Dave Jones (D-9)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	9/10
Cindy Montañez (D-39)	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	9/10
Pedro Nava (D-35)	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	9/10
Dario Frommer (D-43)	Y	Y	Y	Y	Y	A	Y	Y	A	Y	8/10
Jerome Horton (D-51)	A	Y	Y	A	Y	Y	Y	Y	Y	Y	8/10
Carol Liu (D-44)	A	Y	Y	Y	Y	Y	Y	Y	A	Y	8/10
Ed Chavez (D-57)	A	Y	Y	A	Y	N	Y	Y	Y	Y	7/10
Joe Coto (D-23)	A	Y	Y	N	Y	N	Y	Y	Y	Y	7/10
Simon Salinas (D-28)	Y	Y	Y	A	Y	Y	Y	Y	A	A	7/10
Rebecca Cohn (D-24)	N	Y	Y	A	Y	Y	Y	N	A	Y	6/10
Tom Umberg (D-69)	Y	A	Y	A	Y	A	Y	Y	N	Y	6/10

E = excused absence/not present for vote. A = abstained from vote (counts as unfavorable).

For Senate scorecard, please see our website: www.sierraclubcalifornia.org

STATE ASSEMBLY MEMBER	TOTAL FAVORABLE VOTES										
	AB 289	AB 405	AB 1328	AB 1360	AB 1415	SB 44	SB 426	SB 600	SB 646	SB 820	6/10
Juan Vargas (D-79)	Y	Y	Y	A	Y	A	Y	A	A	Y	6/10
Lois Wolk (D-8)	N	Y	Y	A	Y	Y	Y	N	N	Y	6/10
Joe Baca (D-62)	N	Y	Y	N	Y	N	N	Y	N	Y	5/10
Ronald Calderon (D-58)	N	A	Y	N	Y	N	Y	Y	N	Y	5/10
Alberto Torrico (D-20)	A	Y	A	A	Y	N	Y	Y	N	Y	5/10
Gloria Negrete-McLeod (D-61)	N	N	E	N	Y	A	Y	Y	N	Y	4/9
Juan Arambula (D-31)	N	Y	Y	A	Y	N	N	Y	N	N	4/10
Joe Canciamilla (D-11)	N	A	Y	N	Y	A	N	Y	N	Y	4/10
Tom Harman (R-67)	N	N	Y	N	Y	N	N	N	N	Y	3/10
Nicole Parra (D-30)	N	Y	N	N	Y	N	N	Y	N	N	3/10
Lynn Daucher (R-72)	N	N	N	N	Y	N	N	N	N	Y	2/10
Shirley Horton (R-78)	N	Y	N	N	N	N	N	N	N	Y	2/10
Barbara Matthews (D-17)	N	N	Y	N	Y	N	N	N	N	N	2/10
Keith Richman (R-38)	A	N	Y	A	Y	N	N	N	N	N	2/10
Todd Spitzer (R-71)	N	N	N	N	Y	N	N	N	N	Y	2/10
Russ Bogh (R-65)	N	Y	N	N	N	N	N	N	N	N	1/10
Bill Emmerson (R-63)	N	N	N	N	N	N	N	N	N	Y	1/10
Bonnie Garcia (R-80)	N	N	N	N	Y	N	N	N	N	N	1/10
Audra Strickland (R-37)	N	N	N	N	Y	N	N	N	N	N	1/10
Jay La Suer (R-77)	N	N	N	N	N	N	N	N	N	Y	1/10
Van Tran (R-68)	N	N	N	N	N	N	N	N	N	Y	1/10
Greg Aghazarian (R-26)	N	N	N	N	N	N	N	N	N	N	0/10
John Benoit (R-64)	N	N	N	N	N	N	N	N	N	A	0/10
Sam Blakeslee (R-33)	N	N	A	N	N	N	N	N	N	N	0/10
Dave Cogdill (R-25)	N	N	N	N	N	N	N	N	N	N	0/10
Chuck DeVore (R-70)	N	N	N	N	N	N	N	N	N	N	0/10
Ray Haynes (R-66)	N	N	N	N	N	N	N	N	N	N	0/10
Guy Houston (R-15)	N	N	N	N	N	N	N	N	N	N	0/10
Bob Huff (R-60)	N	N	N	N	N	N	N	N	N	N	0/10
Rick Keene (R-3)	N	N	N	N	N	N	N	N	N	N	0/10
Doug LaMalfa (R-2)	N	N	N	N	N	N	N	N	N	N	0/10
Tim Leslie (R-4)	N	N	N	N	N	N	N	N	N	N	0/10
Bill Maze (R-34)	N	N	N	N	N	N	N	N	N	N	0/10
Kevin McCarthy (R-32)	N	N	N	N	N	N	N	N	N	N	0/10
Dennis Mountjoy (R-59)	N	A	N	N	N	N	N	N	N	N	0/10
Alan Nakanishi (R-10)	N	N	N	N	N	N	N	N	N	N	0/10
Roger Niello (R-5)	N	N	N	N	N	N	N	N	N	N	0/10
George Plescia (R-75)	N	N	N	N	N	N	N	N	N	N	0/10
Sharon Runner (R-36)	N	N	N	N	N	N	N	N	N	N	0/10
Michael Villines (R-29)	N	N	N	N	N	N	N	N	N	N	0/10
Mimi Walters (R-73)	N	N	N	N	N	A	N	N	N	N	0/10
Mark Wyland (R-74)	N	N	N	N	N	N	N	N	N	N	0/10

Delta Levees and Flooding

by Jim Metropulos

The images of flooding in New Orleans in the aftermath of Hurricane Katrina has invigorated interest in the deteriorating condition of the Central Valley's 1,600 miles of levees. Conditions in Northern California's Delta region, where the Sacramento and San Joaquin rivers meet and flow into the San Francisco Bay, are a potential trouble spot. Much of the escalating development in the Delta is happening in areas that are susceptible to flooding. An earthquake or heavy winter storms could cause levees to rupture, threatening neighborhoods near rivers. Multiple levee failures in the Delta could also threaten the delivery of drinking water from Northern California to 23 million people in Southern California through the State Water Project.

Although the devastation in New Orleans may serve as a wake-up call for California to begin taking steps to repair its levee system, other events from the past year put the state on notice that something must be done to lessen the flood risks that the Central Valley faces. First, the state Supreme Court declared, in a case stemming from a 1986 levee break that inundated homes in Yuba County, that the state was liable for damages arising from the failure of project levees built by the federal government with state participation. The "Paterno decision," as it's called, requires the state to pay out nearly \$500 million to residents to cover property losses.

Also, last June, the failure of one levee on the Upper Jones tract in the South Delta, near Stockton, cost the State \$100 million for emergency response, damage to private property, lost crops, and levee repair. This breach happened during dry season and was ultimately blamed on weakening caused by borrowing rodents.

Earlier this year, the state's Department of Water Resources released a report, titled "Flood Warnings," on the Central Valley's flood risks. The report called the Valley's flood control system a "ticking time bomb" because of the neglected levee maintenance and inadequate funding. DWR estimated the cost to repair at \$2 billion.

Late in the legislative session this year, DWR put some of its proposals into legislation. The bill, AB 1665 by Assemblymember John Laird (D – Santa Cruz) would have renamed the state Reclamation Board – the agency that oversees flood control in the Central Valley – as the Central Valley Flood Management Board. The board would assess the condition of the levees, map flood-hazard areas on rivers, and annually notify property owners in those hazard zones. The board would have been given tax assessment

power to raise money for its work. Sierra Club California supported this bill because it would have provided funding to both repair and maintain the flood control system and update floodplain maps to provide better information on flood risk to the public and the local agencies that authorize development.



Sudden dry weather failure of Middle River Levee on Upper Jones Tract near Stockton in 2004.

However, AB 1665 brought swift opposition from flood control agencies, the realtors, and taxpayer and homeowner groups. The flood control groups opposed because they felt that it was unclear who would be taxed and how. Realtors did not want to notify homeowners that they lived in flood hazard zones. With this opposition, the bill was scaled back considerably, but by then it was too late. Time was running out to move the bill through the Legislature, even with the extra attention brought by flooding in New Orleans.

When the Legislature returns to Sacramento in January, they will once again take up the issue of repairing the levees and how to pay for it. Both Governor Schwarzenegger and Senate President Don Perata have suggested a major bond issue for levee work. If such a bond moves forward, Sierra Club California will insist that any upgrades to the levees don't result in simply more development and people moving into floodplains. We will also advocate for more setback levees. These are levees built farther from a river's edge or channel that give a river more room to spread when waters are high and provide more natural habitat for wildlife and plants.

A Tough Year in the Assembly

by Paul Mason

This was not a very good year for environmental legislation. Though many good bills were introduced, and most of those passed the Senate, the Assembly has again earned its nickname – the House of Pain.

On the previous two pages you will find our 2005 report card for Assembly Members. The chart details the floor votes for ten of our priority bills, as well as the Governor's action on those bills that reached his desk.

As you can see, the Republican Caucus continues to have an appalling record on environmental bills. Of the 32 Republicans in the Assembly, 21 earned a perfectly dismal score of zero, and none voted for more than three of the ten bills. In contrast, 23 Democrats voted for all of these bills.

Perhaps the most influential members on environmental bills are those Democrats who comprise the "Business Caucus" or so-called "Moderate Caucus." They frequently join forces with Republicans and big business/corporate interests to block environmental and public health legislation. With scores ranging from 20% to 50%, these "Polluter Democrats" are out of touch with the interests of Californians. And our report card ratings only tell half the story – the Polluter Dems wield such influence that many good bills never even get brought up for a vote on the Assembly Floor!

Because big corporate interests exert such influence in the Assembly, most really ambitious bills never make it to the Governors desk. Of those bills that did make it to the Governor, he signed six of our top 10 bills, and of the 43 bills we wrote letters on, he took the action we suggested (either sign or veto) 56% of the time. While this is vastly better than his Republican colleagues in the Legislature, there is room for improvement for this self-proclaimed environmentalist..

These "Polluter Democrats" have the worst records in their party on environmental bills.

To be fair, nearly all Republicans have worse records.

Barbara Matthews (D-17) - Tracy/Central Valley

Nicole Parra (D-30) - Hanford/Central Valley

Joe Canciamilla (D-11) - Pittsburg/East Bay Area

Juan Arambula (D-31) - Fresno/Central Valley

Gloria Negrete-McLeod (D-61) - Chino/Ontario

Alberto Torrico (D-20) - Newark/Milpitas/Fremont

Ronald Calderon (D-58) - Montebello/East LA

Joe Baca (D-62) - Rialto/San Bernadino

Legislative Wrap Up > *continued from cover*

- A long-sought requirement that CalTrans use much higher percentages of recycled tires in its paving projects;
- Wild-and-scenic designation for Cache Creek; and
- A ban on using experimental pesticides in public schools.

The disappointing output of environmental measures in the Assembly came despite the best efforts of the Democratic leadership and environmental champions like John Laird, Fran Pavley and Hector De La Torre, who worked tirelessly to pass measures to improve environmental health and environmental justice in California.

The Senate Democrats, under the leadership of President Don Perata and key committee chairs Sheila Kuehl and Alan Lowenthal, continued their excellent record of standing up for California's air, water, and wild places. The Senate also

superbly carried out its role in the confirmation process, rejecting a handful of Schwarzenegger's anti-environmental appointees, while confirming the appointees who appear to be qualified to fulfill their agencies' missions of stewardship.

Much of the work of Sierra Club California's team goes into defeating the bad bills that would take us backward instead of forward. This year we succeeded on virtually every proposal that we opposed, either by stopping it or by amending it into an acceptable form. For example, an attempt by big agribusiness to pre-empt local governments' restrictions on genetically modified food never passed out of its first committee. Likewise, a proposal to exempt the military from safeguards for the toxic contaminant perchlorate died at the starting gate after we opposed it. Perhaps most importantly, the work of our staff helped stop the Schwarzenegger administration from submitting legislation that would seriously undermine the California Environmental Quality Act.



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INSIDE...

2005 Legislative Wrap-up, Assembly Report Card,
Special Election Recommendations, and much more...

PLEASE VOTE NOVEMBER 8th!

► WE NEED YOUR SUPPORT! ◀

Sierra Club California is your voice in the State Capitol. Every day, we represent your interests and values before the Legislature, the Governor and various state agencies. Our regular presence and expertise allows the 200,000 members of the Sierra Club in California to speak with a clear and powerful voice. But we need your help.

Despite being the largest membership environmental organization in California, we operate on a shoe-string budget. On average, we receive less than two dollars from each Sierra Club membership in California, and we rely on individual gifts for the rest of our budget.

Three Ways to Help:

- Return the enclosed envelope with your contribution.
- Donate online: www.sierraclubcalifornia.org.
- Remember us in your will. Bequests are an excellent way to leave a legacy of environmental protection after you are gone. It's easy, just include language similar to that below, or talk to your lawyer when preparing your estate plan.

“To Sierra Club California, a non-profit organization located in Sacramento, California, organized and existing under the laws of the State of California, for the general support of its conservation work”