ABAG

ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2010 State Legislative Session
Legislation & Governmental Organization Committee
January 7, 2010

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
*NEW BILLS					**Bold Face/Shading in Legislation Summary indicates change/ amendments.**

Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills

Federal Bills listed on page 7

	New Bills				
***AB 118 Logue**	**California Global Warming Solutions Act of 2006**	**ASM Natural Resources Committee** **Hearing 1/11/10**	Oppose		**This bill would suspend the California Global Warming Solutions Act of 2006 until the state unemployment rate is 5.5% or lower for four consecutive calendar quarters. The bill would require the resuspension of the act whenever the state unemployment rate rises above 5.5% for four consecutive calendar quarters. The bill would prohibit the state board, and specified other state agencies, from proposing, promulgating, or adopting any regulation pursuant to the act during a period of suspension, and would require that any such regulation adopted prior to January 1, 2011, be inoperative until the suspension is lifted. The bill would request local agencies to refrain from adopting rules, regulations, and policies that derive authority or responsibility from the act and to revise or repeal those rules, regulations, or policies adopted prior to January 1, 2011, until the suspension is lifted.**
***AB 283 Chesbro**	**California Product Stewardship Act**	**ASM Natural Resources Com.**	Support Supported by CSAC and LCC (2009)		**Would create the California Product Stewardship Act to require the Integrated Waste management Board (IWMB) to administer an Extended Producer Responsibility (EPR) program of product stewardship that encourages producers to be "comprehensively responsible" for the life cycle of their products. Specific stipulations include: requiring by July 2012 a selection of products with environmental, waste management and public health effects, including all products banned from landfill disposal, to be covered by the program and with set performance goals; and requiring a producer of covered product to submit a product stewardship plan after**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
					identification of covered product and prohibiting sale or promotional use of a covered product without a product stewardship plan. (two year bill)	
*AB 1343 Huffman	Architectural Paint Recycling	SEN Appropria-tions	Support CSAC Support (2009)		Would require manufacturers of architectural paint to develop and implement stewardship programs to manage post consumer paint. Plans would be reviewed by IWMB with annual reports required of manufacturers on the performance of their stewardship program. Note—post-consumer paint is the largest source of household hazardous waste in CA, making up about 1/3 of total household hazardous waste collected, and yet @ five percent of households in state make use of local household hazardous waste programs. (two year bill)	
*SB 26 Simitian	Home-Generated Pharmaceutical Waste	SEN Appropria-tions	Support		Defines home generated pharmaceutical waste as prescribed and over-the-counter drugs derived from a household and would exclude home generated pharmaceutical waste from the current definition of medical waste. Would require the Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop policies to manage home generated pharmaceutical waste. Would authorize pharmacies, health care facilities, clinics, household hazardous waste programs, nursing homes and government facilities to accept the home generated pharmaceutical waste; specifies criteria for storage and transportation of these wastes; would authorize, but not require, IWMB to make grants to local governments for the management of home generated pharmaceutical waste and sharps waste. (two year bill)	
*SB 346 Kehoe	Hazardous Materials: Motor Vehicle Brake Friction Materials	ASM Environmen-tal Safety & Toxic Materials	Support CSAC Support (2009)		Would require that the use of copper in brake pads sold in California be reduced to no more than 5% by weight by 2021, and no more than 0.5% by 2032. Working off of the allowable pollution limits on copper by State Water Resources Control Board, studies have shown that much of copper in urban watersheds comes from debris generated from use of brake pads. This copper brake pad phase out bill was sponsored by Sustainable Conservation on behalf of the Brake Pad Partnership. (two year bill)	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
	Carry-over bills from 2009 **ASSEMBLY BILLS**				
AB 46 Blakeslee	**Energy: Energy Conservation Assistance**	**SEN: To Inactive File by Sen. Benoit** ab_46 blakeslee	Support concept	**Watch**	Amended 3/31, 6/22, 9/4: This bill extends the sunset dates, from January 1, 2011 to January 1, 2012, for the Energy Conservation Assistance Account (ECAA) and the Local Jurisdiction Energy Assistance Account (LJEAA), each administered by the California Energy Commission (CEC): continues local assistance energy programs. Originally: Would extend the operation of the State Energy Conservation Assistance Account to January 1, 2015/2015 for @ 9 years: a continuously appropriated account in the General Fund that provides grants and loans to local governments and public institutions to maximize energy use savings. In existing law will end January 1, 2011.
AB 68 Brownley	**Solid Waste: Single-use Carryout Bags**	**ASM: Appropria-tions** **Hearing 5/6/09 Postponed by committee** ab_68 brownley	Watch	**Watch, but encourage bag giveaway programs**	Amended 3/31 and 4/23: *Amended definition of "Reusable bag" to mean a bag that is specifically designed and manufactured for multiple reuse, meaning 50 or more uses.* This bill would, on and after July 1, 2010, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than $0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund. The bill would prohibit a store from distributing a single-use carryout bag that is not a plastic or compostable carryout bag that meets specific requirements/recommendations to further encourage the use of reusable bags.
AB 87 Davis	**Single-use Carryout Bags: Environmental Effects—Mitigation**	**ASM: Appropria-tions** **In committee; hearing postponed by Committee** ab_87 davis	Watch	**Support 5/21/09** **Watch, but encourage bag giveaway programs**	**Amended 3/18 and 4/27: This bill restricts grocery and convenience stores from providing single-use carry out bags to their customers. Specifically: 1) As of July 1, 2010, prohibits grocery and convenience stores and pharmacies, as defined, from providing single-use carryout bags, to customers without charging a sales tax-free fee of 25 cents per bag (the Bag Pollution Cleanup Fee). 2) Exempts from the fee customers participating in certain low-income assistance programs. 3)Allows stores charging the fee to retain a portion of the amount generated by the fee to pay for implementation of the requirements of the bill, including educational programs and donation of reusable bags to community groups, nonprofits, and similar entities. 4) Creates the Bag Pollution Fund,**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 4
					available for annual legislative appropriation to the Integrated Waste Management Board for state programs for litter cleanup and source reduction and for grants to cities and counties for those same purposes.	
AB 155 Mendoza	**Local Government: Bankruptcy Proceedings** *(Similar bill was re-introduced as SB 88 (DeSaulnier) which did not pass—was re-referred to Committee on Rules)*	**SEN Local Governmen t Committee First hearing. Testimony taken. Further hearing to be set.** **ab 155 mendoza**	Oppose CSAC Oppose LCC Oppose	**Oppose**	Prohibits a local public entity (defined as a county, city, district, public authority, public agency) from exercising its rights under applicable federal bankruptcy law unless granted approval by the California Debt and Investment Advisory Commission (CDIAC), under CDIAC's terms and conditions.	
AB 280 Blakeslee and Ma	**California Earthquake Authority: Retrofit Programs—Grants**	**ASM Appropria-tions Held under Submission** **ab 280 blakeslee**	Support Concept	**Support in concept**	Would authorize the 3-member governing Board (Governor, Treasurer, Commissioner) to create a program, administered by the Earthquake Authority, to access and dispense federal stimulus dollars for purposes of retrofitting multiunit, soft-story buildings. Includes parameters of a city or county having adopted by ordinance a retrofit program, and other stipulations.	
AB 744 Torrico	**Transportation: Toll Lanes—Express Lane Network**	**SEN Appropria-tions Held under Submission** **ab 744 torrico**	Support	**Support**	Authorizes the Bay Area Toll Authority (BATA) to develop a Bay Area Express Lane Network (network). Specifically: This bill would authorize the Bay Area Toll Authority to acquire, administer, and operate a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish. -- would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. --would authorize the authority to determine the types of vehicles that may use the lanes. --would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol. --would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account, which the authority	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					would be required to create, and would authorize the authority to issue revenue bonds for the express lane program. --would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions.
AB 782 Jeffries	**Regional Transportation Plans: Sustainable Communities Strategies**	**ASM Natural Resources Committee Last action: 4/27 Hearing cancelled at request of author** **ab 782 jeffries**	Watch	**Watch**	The bill outlines a number stipulations regarding what happens after Sustainable Communities Strategy or alternative planning strategy (resulting from SB 375 requirements) is accepted: stipulations on project approval, adding commercial builders/business community to a business advisor committee to be created by MPOs, extending CEQA exemptions, and states Legislative intent to enact legislation to resolve conflicts with scheduling of new housing element updates and adoption of regional transportation plans.
AB 814 Krekorian	**Firearm Surrender Process and Procedure**	**SEN Public Safety Com** **ab 814 krekorian**	Support concept	**Support**	Amended 4/13, 6/1: This bill would establish a procedure for *a defendant* who *owns, has* possession, custody, or control of *a firearm*, to sell the firearm to a firearms dealer or relinquish the firearm to a law enforcement agency in order to comply with existing prohibitions. The procedure would in part require the defendant to disclose whether the defendant owns or has possession, custody, or control of any firearms and to list those firearms. The bill would provide procedures for persons in or out of custody to relinquish their firearms, including designating a law enforcement agency or a person as the defendant's *designee, and would* require the defendant or the defendant's designee to file a form showing, among other things, the date the firearm was relinquished. Failure to timely file the form would be an infraction punishable by a fine not exceeding *$500*. This bill would urge local law enforcement agencies to obtain a secured mailbox from the Department of Justice in order to receive information from the Prohibited Armed Persons File, and would encourage review of the file in connection with the relinquishment of firearms by defendants subsequent to conviction, as specified.
AB 1342 Evans	**Local Taxation: Income Taxes—Vehicle License Fees**	**ASM Revenue & Taxation Com**	Support CSAC Support	**Support**	Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both: 1)Contains legislative findings noting that: a) Proposition 13 has reduced local property taxes by approximately 50%;

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 6
		Hearing cancelled at request of author			b) In response to the enactment of Proposition 13, the state has provided local governmental agencies with increased amounts of state funds to maintain police, school, and other local services; c) Proposition 13 has resulted in increased state control and decreased local control with respect to the provision of local governmental services; d) The state is experiencing great difficulty in providing state funds to maintain local governmental services at historical levels; and, e) It is appropriate and necessary to shift some authority, control, and responsibility back to local governmental agencies to allow those agencies to determine the level of services appropriate for their citizens. --Provides that, notwithstanding existing law, the board of supervisors of any county may, by ordinance, place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: A local PIT; and/or, a local license fee on any vehicle, registered within the county in which the local license fee is imposed, that is subject to registration under the Vehicle Code and on which a VLF is imposed under existing law. --Provides that a local VLF shall be subject to the following conditions: a) The aggregate license fee rate imposed by both the state and county on any vehicle shall not exceed 2% of the vehicle's market value; b) The local VLF shall be assessed and collected in the same manner as the fee imposed by state law; c) The local VLF shall be administered by the Department of Motor Vehicles (DMV); and the DMV shall transmit all revenues, less its costs of administration and any refunds, to the county in which the fee is imposed.	
ACA 9 Huffman	**Local Government Bonds: Special Taxes—voter approval**	**ASM Third Reading** **aca 9 huffman**	Support CSAC Support LCC Support	**Support**	Amended 6/26 to add "city and county, to those authorized to impose a special tax. Proposes a constitutional amendment to change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district impose a special tax with the approval of 55% of its voters voting on the tax. Would lower to 55% the voter approval threshold for a city, county, city and county to incur bonded indebtedness.	
	SENATE BILLS					
SB 7	**Renewable Energy Sources:—**	**Placed on**	Support	**Support**	Amended 5/5: This bill would require the electricity distribution	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
Wiggins	**Net Metering** ***(Feed-in Tariff reference in title removed)***	**ASM inactive file by ASM Torrico** **sb_7 wiggins**	concept	**(if amended to provide better rates/credits to individual generator)**	utility or cooperative *to* allow the eligible customer-generator to apply net surplus electricity, *as defined*, as a credit for kilowatt hours consumed during *one, or both, of* the *two* following 12-month periods. This bill requires utilities to compensate customers that use net metering for any generation in excess of their load or, for customers on time of use rates any net dollar value, on an annual basis, or to roll that excess generation over, on a kilowatt hour basis, to the next 12-month cycle. The compensation rate would be set by the CPUC at a rate no less than the MPR.
SB 31 Pavley	**California Global Warming Solutions Act of 2006: Revenue Allocations**	**SEN Inactive file** **Placed on Inactive file at request of author** **sb_31 pavley**	Watch	**Watch**	Would require that revenues collected due to compliance mechanisms adopted by the State Air Resources Board also be deposited in the Air Pollution Control Fund. Specified uses of the revenues collected would fund renewable energy and energy efficiency programs to reduce greenhouse gas emissions (particularly programs focusing on low-income consumers); for investments in emission reduction technologies; and for green jobs development and training that will reduce greenhouse gas emissions.
	Federal Legislation				
***S. 1619 Dodd**	**The Livable Communities Act of 2009**	*Senate Committee on Banking, Housing and Urban Affairs 8/6/09*	Support	**Support**	**Would establish the Office of Sustainable Housing and communities; establish the Interagency Council on Sustainable Communities; establish a comprehensive planning grant program for towns and regions, establish a sustainability challenge grant program for towns and regions.** **Intent is to help towns and regions across the country plan and implement development projects that integrate their community's needs for transportation, housing, land use and economic development: to include MPOs, regional councils of governments, rural planning organizations, consortiums of local governments, city, county, and towns.**
***H.R. 3525 Thompson**	**Tax Exempt Private Activity Bond (PAB) Use for Renewable Energy Generation and Energy and Water Efficiency Projects.**	House Ways and Means Committee 7/31/09	Support	**Support**	**To amend the Internal Revenue Code of 1986 to add additional categories of tax-exempt private activity bonds to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies which would include energy efficiency, demand side management, energy storage, electric transmission, smart grid, water conservation, zero-emission vehicle projects and manufacturing facilities.**