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
March 4, 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 5

	New Bills				
***AB 2138 Chesbro**	**Recycling: Food Service Packaging—Carryout Bags**	**ASM From printer; may be heard in Committee March 23**	Watch, pending further information		**Would enact the Plastic Ocean Pollution Reduction, Recycling and Composting Act. Would prohibit a food provider (such as restaurants, grocery stores, retail, etc) from distributing disposable food service packaging or a single-use carryout bag to a consumer that does not meet a specific composting rate of 25% or more. Disposable food service packaging is defined as plates, cups bowls, trays, and hinged or lidded containers. The Department of Resources Recycling and Recovery would be required to adopt regulation to implement these requirements, provide for the imposition of a civil penalty with penalties deposited in to the Ocean Pollution Reduction Account. Would expend these moneys, upon appropriation by the Legislature, to provide public education and assist local governmental agencies in efforts to reduce plastic waste and marine debris.**
***AB 2139 Chesbro**	**Solid Waste: Product Stewardship**	**ASM From printer; may be heard in Committee March 21**	Support		**Would create the California Product Stewardship Act that creates an EPR program for Household Hazardous Waste products already banned from disposal and not dealt with in other legislation or programs. This bill would specifically require a producer of medical sharps, pesticide containers for residential use, small personal use propane tanks, personal butane lighters, and single-use food packaging products to develop and implement a product stewardship plan with the goal of sharing in the responsibility of reducing the lifecycle impact of these products. Would require producer/product stewardship organization submitting a plan to pay the state administrating Department of Resources Recycling and**

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					Recovery a fee of $10,000 and pay an annual administrative fee of $1000. Would thus provide for administrative oversight, imposition of civil penalties upon non-compliant producers, and would create a Product Stewardship Account.
***AB 2176** **Blumenfield**	**Hazardous Waste: Lighting Products**	**ASM** **From printer; may be heard in Committee March 21**	Watch, pending further information		**Would create the California Lighting Efficiency and Toxics Reduction Act. Would require producers of mercury containing lamps to develop, fund and manage a product stewardship program approved by the Department of Toxics Substances Control (DTSC).**
***SBX8 26** **Pavley, Cedillo, Hancock, Padilla, Steinberg, Wolk – Co-Author Senator Alquist**	**Energy: Property Assessed Clean Energy (PACE) Financing**	**ASM** **Read First Time; held at Desk**	Support		**This bill creates a state Property Assessed Clean Energy (PACE) reserve program. Under the program, the state will provide financial assistance to local governments in order to facilitate their support for consumer energy efficiency and renewable energy projects. This bill transfers $50 million from the Renewable Resources Trust Fund into a new account and continuously appropriates funds in that account for the program.** **1. Authorizes cities, counties, and other local public agencies and utility districts to provide up-front financing to property owners to install solar or other renewable energy-generating devices or make specified water or energy efficiency improvements to their properties through a system of voluntary contractual assessments which is repaid, with interest, through property tax assessments.** **2. Creates the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) for the purpose of promoting the development and utilization of alternative energy sources and the development and commercialization of advanced transportation technologies. CAEATFA is authorized to issue up to $1 billion in revenue or prepayment bonds to fund projects.** **3. Authorizes the California Energy Commission (CEC) to use federal funds received from the American Recovery and Reinvestment Act of 2009 (ARRA), or subsequent federal acts related to ARRA, to award contracts, grants, and loans for energy efficiency, energy conservation, renewable energy, and other energy-related projects and activities.** *(According to authors, the bill is intended to create a state program in the State Treasurer's Office through which local PACE programs can be aggregated into larger groupings to make the loans more attractive to financial markets and lower costs of financing.)*
***SB 88** **DeSaulnier**	**Local Government: Bankruptcy**	**ASM: Held at Desk**	Oppose		**Bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, or if the local public entity has adopted a resolution to override the findings of the commission. Specifics about the process for being granted approval is defined in the bill.**

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SB 1048 Hancock	Local Government: Community Facilities Districts	SEN Com. On Local Government	Support		Would authorize community facilities district to finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements to or on real property and in buildings.
*SB 1100 Corbett	Product Stewardship: Household Batteries	SEN Com on Environmen-tal Quality	Support		Would require the Department of Resources Recycling and Recovery by January 2012 to establish a baseline collection rate for the amount of household batteries that are discarded and subsequently discarded. Would require household battery manufacturers to submit a product stewardship plan by September 30, 2011, with the Department reviewing (approving/disproving) the plan by January 1, 2012, and would prohibit the producer from selling the household battery without an approved plan. Would also set up an administrative fee plan, would provide for imposition of administrative civil penalties upon non-compliant producers, and would create a Household Battery Stewardship Account. Sponsor is StopWaste.org.
*SB 1205 Corbett	The Bay Area Post-Recovery Authority Act	SEN	Support		Would establish the Bay Area Post-Recovery Authority to create a long-term regional recovery plan to be implemented following an earthquake in the Bay Area, by cooperating with various stakeholders including but limited to cities, counties, special districts, schools, emergency operators, hospitals, members of the public private businesses, and non governmental organizations. Sponsor of the bill is ABAG.
*SB 1445 DeSaulnier	Planning	SEN From print; May be acted upon on or after March 22	Watch, pending further information		Would increase the registration fee imposed by the state on the registration of each vehicle by $1 and require the DMV to distribute 5% of the net revenues from the fee increase to the Planning Advisory and Assistance Council. Remaining net revenues would be distributed to designated transportation planning agencies based on the number of vehicles registered within the jurisdiction of each agency and require that these funds be used solely to develop and implement a sustainable communities strategy or regional blueprint plan. Would change the membership of the Planning Advisory and Assistance Council to include seven representatives of regional planning organizations; one member of the State Air Resources Board, one member of the CA Transportation Commission; one member of the State Energy Resources Conservation and Development Commission; one member appointed by the Speaker of Assembly; one member appointed by the Senate Committee on Rules, in addition to representative from California Indian Tribes and Bands.
SB 2103 Hill	San Francisco Bay Restoration Authority	ASM From printer;	Support		When the San Francisco Bay Restoration Authority proposes a measure to levy a benefit assessment, special tax, or property

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		may be heard in committee March 21			related fee for submission to voters, this bill would require the board of supervisors of each affected county to call a special election on the measure and place the measure on the ballot of the next regularly scheduled election. Would require the county clerk of each county to report the results of the special election to the Authority. This is a clean-up bill for prior legislation on the Authority.
	Update on bills previously considered:				
AB 118 Logue	**California Global Warming Solutions Act of 2006**	Died 1/31 ab_118	Oppose	**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 re-suspension 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**	Died 1/31 ab_283_chesbro	Support Supported by CSAC and LCC (2009)	**Support in Concept**	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 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 ab_1343 huffman	Support CSAC Support (2009)	**Support**	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

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		held in committee 8/09			**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	**Changed to Recycling: Used Lubricating oil—Re-refining Incentive** *(was Home-Generated Pharmaceutical Waste)*	**SEN Appropria-tions**	Support	**No position—bill changed subject matter**	*Original bill: 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. (two year bill)*
SB 346 Kehoe	**Hazardous Materials: Motor Vehicle Brake Friction Materials**	**ASM Environmen-tal Safety & Toxic Materials**	Support CSAC Support (2009)	**Watch:** *(questions about brake performance)*	**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)**
	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**

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					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.**
	Carry-over bills from 2009 State Legislative Session **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-

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					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** **Died 1/31** **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, 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**	**Died 1/31** **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-**	Support	**Support**	Authorizes the Bay Area Toll Authority (BATA) to develop a Bay Area Express Lane Network (network).

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		tions Held under Submission **ab 744 torrico**			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.
AB 782 Jeffries	**Regional Transportation Plans: Sustainable Communities Strategies**	**Died 1/31** **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 asecured 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**	Support CSAC	**Support**	Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both: Contains legislative findings.

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		Com: Hearing cancelled at request of author	Support		
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 Wiggins	**Renewable Energy Sources:—Net Metering** ***(Feed-in Tariff reference in title removed)***	**Placed on ASM inactive file by ASM Torrico** **sb 7 wiggins**	Support concept	**Support (if amended to provide better rates/credits to individual generator)**	Amended 5/5: This bill would require the electricity distribution 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.