LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

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Thursday, May 20 – 3:30 p.m. to 5:00 p.m.

ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland

AGENDA*

1.	**OPEN AGENDA** Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	**APPROVAL OF MINUTES** Committee will review and approve the minutes of the March 18, 2010, L&GO meeting.	Information/ Action
3.	**STATUS/AMENDMENT UPDATE ON BILLS PREVIOUSLY CONSIDERED:** **SB 1205 (Corbett) The San Francisco Bay Area Disaster Recovery Planning Council** **AB 2103 (Hill) San Francisco Bay Restoration Authority** **SB 1445 (DeSaulnier) Planning** **AB 155 (Mendoza) Local Government Bankruptcy** **AB 2176 (Blumenfield) Hazardous Waste: Lighting Products**	Information/ Action
4.	**2010 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION**** Update on past bills considered, constitutional reform efforts and other legislative activity, and committee review of the following new bills: **AB 987 (Ma) Transit Village Development Districts: Financing** **AB 1755 (Swanson) Seismic Safety Finance Act** **AB 1805 (Calderon) Environment: California Environmental Quality Act** **AB 2064 (Perez & Bass) Emergency Housing Shelter Operations Grant Account: Notice of Funding Availability** **AB 2313 (Buchanan) Greenhouse Gas Emissions: Significant Effects** **AB 2398 (Perez) Product Stewardship for Carpet** **AB 2472 (Huffman) Building Standards: Pilot Program for Green Innovation Building Permits** **AB 2679 (Eng) Public Buildings: Energy and Water—Consumption Reductions** **SB 1006 (Pavley) Natural Resources: Climate Change—Strategic Growth Council** **SB 1061 (Hancock) San Francisco-Oakland Bay Bridge: Capital Projects** **SB 1189 (Correa) Housing Element Law: Regional Housing Need Allocations (RHNA)** **SB 1211 (Romero-Dutton) Unemployment Insurance: Elected Officials** **H.R. (Speier) San Francisco Bay Improvement Act of 2010**	Information/ Action

5.	**DISCUSSION OF PROPOSITION 14—OPEN PRIMARY INITIATIVE—AND OTHER INITIATIVES ON JUNE BALLOT**	Information
6.	**ADJOURNMENT** Next meeting is scheduled for **July 15, 2010.**	Action
	Agenda and other written materials are available at ABAG/Front Desk, 101 8th Street, Oakland, or at *http://www.abag.ca.gov/meetings* -- Legislation and Governmental Organization Committee	

* The Committee may take any action on any item on the agenda

** Full California Bill Texts and actions can be read and printed out from state website: **www.leginfo.ca.gov**.

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
May 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 pages 8-9

	New Bills				
*AB 987 Ma	Transit Village Development Districts: Infrastructure Financing	SEN Local Government Committee AB 987 Ma	Support		**Would allow local government officials to divert property tax increment revenues to pay for public facilities and amenities with transit village development districts. Would eliminate the requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and issuance of bonds for the purpose of implementing a transit village plan. Would recast the area included in a transit village plan to include all land within not more than ½ mile of the main entrance of a transit station.**
*AB 1755 Swanson	Seismic Safety Finance Act	ASM Third Reading AB 1755 Swanson	Support		**Expands the authorization that allows public agencies to enter into contractual assessments to finance the installation of specified improvements to now include seismic strengthening improvements.**
*AB 1805 Calderon	Environment: California Environmental Quality Act	ASM Natural Resources Committee AB 1805 Calderon	Watch		**Would enact the CEQA Litigation Protection Pilot Program of 2010: Prohibits judicial review under CEQA for 125 projects selected by the Business, Transportation and Housing Agency (BT&H). For a project to qualify for the exemption the lead agency must to BT&H that there is expectation that an EIR will be certified for the project within 12 months. BT&H's selection of projects is also exempt from judicial review. Provides that 25 of the 125 project must be selected in the following areas: 10 projects from 6 counties in Southern California; 5 projects from 9 Bay Area Counties; 5 projects from 9 Central CA counties; and 5 projects from rest of state.**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
*AB 2064 Perez and Bass	Emergency Shelter Operations Account	ASM Appropria-tions AB 2064 Perez & Bass	Support		Requires the Department of Housing and Community Development (HCD) to issue a Notice of Funding Availability for the balance of funds currently available in the Emergency Housing Assistance Program Shelter Operations Grant Account. This must be done no later than 30 days from enactment of this measure. These involve grant awards facility operations grants for emergency shelters, transitional housing projects, and supportive services to assist homeless individuals and families. Amended to add urgency clause: 2/3 vote of legislature needed for passage.	
*AB 2313 Buchanan	Greenhouse Gas: Emissions—Significant Effects	ASM Appropria-tions AB 2313 Buchanan	Watch		Provides that a project's GHG emissions shall not be subject to CEQA review, if the project meets one of the following criteria: a) The project complies with applicable provisions of a local, regional, or statewide GHG emissions reduction plan (e.g. SCS) b) The project adopts best performance standards for GHG reductions, if those best performance standards have been adopted by a public agency. For purposes of this section, "best performance standards" are feasible means that are achieved in practice for reducing or limiting GHG emissions. c) The project reduces project-specific GHG emissions by 30% from business-as-usual. 2) Provides that the bill does not limit the application to proposed projects of any other applicable laws, rules, or regulations relating to GHG emissions or emissions reductions or the authority of a local, state, or federal agency to directly regulate GHG emissions under other statutory authority.	
*AB 2398 Perez	Product Stewardship for Carpet	ASM Appropria-tions AB 2398 Perez	Support		Would require by September 30, 2011, a producer of carpet to submit a carpet stewardship plan to the Department of Resources Recycling and Recovery, which would be required to include specified elements including the collection rate. Directs producers to contact local governments either to agree to reimburse them for the cost of collecting carpets or to provide information on convenient carpet collection points.	
*AB 2472 Huffman	Building Standards: Pilot Program for Green Innovation Building Permits	ASM Business, Professions and consumer Protection Committee AB 2472 Huffman	Support		Would authorize the County of Marin and another, unspecified city, county, or city and county to adopt a pilot program for green innovation building permits to promote and facilitate innovation and research regarding environmentally sustainable building materials, methods, and designs not yet considered or addressed in the state's building code. Would impose certain reporting requirements, and impose duties on those adopting pilot program that includes issuing no more than 10 permits a year for a period of five years.	

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*AB 2679 Eng	Public Building: Energy and Water—Consumption Reductions	ASM Appropria-tions AB 2679 Eng	Watch		Would require that any building funded with money from the State General Fund, including city, county, and city and county facilities do the following: --Develop baseline measurements for energy and water consumption by 1/1/2013; --By 1/1/2015, reduce energy usage 15% from baseline and water usage 10% from baseline; --By 1/1/2020, reduce energy 30% and water 20% from baseline; --By 1/1/2025, reduce energy by 60% and water by 30%; --By 1/1/2030, all new and existing buildings shall have zero net energy consumption or be grid neutral. --Public entities also need to develop a plan for how they are going to achieve these reductions, implement commissioning or retro-commissioning, and maximize the use of outside financing mechanisms.
*SB 1006 Pavley	Natural Resources: Climate Change—Strategic Growth Council	SEN Appropria-tions SB 1006 Pavley	Support		This bill, under the Strategic Growth Council (SCC) and Climate Change Reduction Law, requires the SGC to: 1) Identify and review activities of member state agencies that will address climate change impacts. 2) Provide guidelines and information to local and regional agencies that will enable climate change adaptation strategies to protect ecosystem functions, use nonstructural approaches for community protection, and avoid emission of greenhouse gases and environmental degradation. 3) *Expand the list of agencies under the urban greening program that can receive financial assistance to include council of governments, countywide authority, metropolitan planning organization, local government, special district, or joint powers authority if at least one of the parties to the joint powers authority qualifies as an eligible applicant.*
*SB 1061 Hancock	San Francisco-Oakland Bay Bridge: Capital Projects	SEN Appropria-tions Suspense File SB 1061 Hancock	Support		SB 1061 would allow a project to construct a bicycle-pedestrian-maintenance pathway on the west span of the San Francisco-Oakland Bay Bridge (SFOBB) to be funded by toll bridge revenues. The bill would prohibit bridge tolls to be increased to fund this project, but would require project sponsors to seek funding from all other potential sources, including the State Highway Account and federal funds. A project that would directly benefit the Bay Trail on the Bay Bridge.

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 4
*SB 1189 Correa	Housing Element Law: Regional Housing Need Allocation (RHNA)	SEN Transportation and Housing SB 1189 Correa	Watch		This bill prohibits the Southern California Association of Governments (SCAG) and any of its delegated subregions from allocating to a city or county a total RHNA number that, as a percentage of the aggregate RHNA allocation for the respective subregion, is more than 20% greater than the city's or county's population, as a percentage of the aggregate population of the subregion. *The bill also subjects the RHNA process in all regions to judicial review and specifies what shall happen in the event that a court finds a COG in violation of the law.*	
*SB 1211 Romero-Dutton	Unemployment Insurance: Benefits—Eligibility—Overpayments—Elected Officials	SEN Appropriations SB 1211 Romero	Watch		This is an unemployment insurance benefits measure to prevent elected officials from collecting unemployment benefits after they lose or leave their public seats. Would require that EDD update it regulation and California's Employment Guide in order to clearly specify that elected officials are not eligible to receive UI benefits based on income earned from service as an elected official.	
H.R. 5061 Speier	San Francisco Bay Improvement Act of 2010	House Subcommittee on Transportation and Infrastructure; Subcommittee on Water Resources; House Budget Subcommittee	Support		Would amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes. The San Francisco Bay Improvement Act of 2010 would authorize up to $1 billion ($100 million annually for ten years) to the U.S. EPA to fund projects, programs, and studies that implement priority objectives of the San Francisco Estuary Partnership's Comprehensive Conservation and Management Plan (CCMP). The bill also: --establishes a San Francisco Bay Program Office within Region 9 of the U.S. Environmental Protection Agency (EPA) and authorizes the EPA Administrator to appoint a Director of that Program Office to oversee that funding. --establishes a San Francisco Bay Program Advisory Committee to provide advice to the Administrator on implementing the identified goals and objectives of the CCMP, with representation from appropriate Federal and State departments and agencies, including the Director of the SFEP. This legislation would begin to bring San Francisco Bay/ Estuary in line with other large aquatic ecosystems, such as the Great Lakes, Chesapeake Bay, and Puget Sound, which receive substantial federal funding to achieve restoration objectives. Recently introduced by Representative Jackie Speier and co-sponsored by members of the Bay Area delegation.	

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	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 155 Mendoza **(principal co-author Torrico, co-authors SEN DeSaulnier, Liu, Wiggins, and other ASM co-authors)**	**Local Government: Bankruptcy Proceedings**	**SEN Appropria-tions** **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. ***(Similar bill was re-introduced as SB 88 (DeSaulnier) which did not pass and was re-referred to Committee on Rules. AB 155 Last amended 7/9/09 and suspended in SEN Local Government committee until 4/20/10)***
AB 283 Chesbro	**California Product Stewardship Act**	**Died 1/31** **ab 283 ches bro**	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**	Support CSAC	**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.

		huffman **held under submission 8/09**	Support (2009)		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)**
AB 2138 Chesbro	**Recycling: Food Service Packaging—Carryout Bags**	**ASM From printer; may be heard in Committee March 23** **AB 2138 Chesbro**	Watch, pending further information	**Watch**	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 Appropria-tions** **Sent to Suspense File** **AB 2139 Chesbro**	Support	**Support**	**Amended 4/6/10: 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, *pesticides intended for residential use, and non refillable propane cylinders* 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 Recovery an *unspecified fee* and pay an annual *unspecified* administrative fee. 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 Appropria-tions** **AB 2176 Blumenfield**	Watch, pending further information	**Watch**	**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) and fee program for inefficient lamps.**

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***SBX8 26 Pavley, Cedillo, Hancock, Padilla, Steinberg, Wolk – Co-Author Senator Alquist**	**Energy: Property Assessed Clean Energy (PACE) Financing**	**From ASM Without further action** **SBX8 26 Pavley**	Support	**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 346 Kehoe	**Hazardous Materials: Motor Vehicle Brake Friction Materials**	**ASM Environmen-tal Safety & Toxic Materials** **SB 346 Kehoe**	Support CSAC Support (2009)	**Support 3/18/10** *Was 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)**
SB 1048 Hancock	**Local Government: Community Facilities Districts**	**SEN Com. On Local Government SB 1048 Hancock**	Support	**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 Third Reading** **SB 1100**	Support	**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

		Corbett			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	**San Francisco Bay Area Disaster Recovery Authority** *(proposed—San Francisco Bay Area Disaster Recovery Planning Council)*	**SEN Appropria-tions** **Sent to Suspense File** **SB 1205 Corbett**	Support	**Support** (was Support with amendments—amendments made)	**Amended 3/24 and 4/13: Would establish the San Francisco Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan by collaborating with various stakeholders including but not limited to cities, counties, special districts, schools, emergency operators, hospitals, members of the public private businesses, and non governmental organizations. The scope and purpose of the recovery plan shall be for planning for the region's resiliency following a disaster by increasing the speed of rebuilding lifeline infrastructure, planning for temporary transportation and transit programs, planning for reconstruction of housing supply damaged by disaster, creating mechanisms to assist businesses with temporary relocation and financing, and other issues associated with sustainable redevelopment following a major disaster.** **SB 1205 contains extensive legislative declarations regarding the need to create a regional entity for developing long-term disaster recovery plans, protocols, and mitigation priorities for the San Francisco Bay Area. Sponsor of the bill is ABAG.**
SB 1445 DeSaulnier	**Planning**	**SEN Appropria-tions** **SB 1445 DeSaulnier**	Watch, pending further information	**Support**	**Would increase the registration fee imposed by the state on the registration of each vehicle by $1 and require the DMV to distribute *1%* 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**

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					Committee on Rules, in addition to representative from California Indian Tribes and Bands.
SB 2103 Hill	**San Francisco Bay Restoration Authority**	**SEN Read First Time; sent to Com. On Rules for assignment** **SB 2103 Hill**	Support	**Support**	**Prescribes the method of how the San Francisco Ba Restoration Authority (Authority) places a regional funding measure before the voters of the Authority. When the San Francisco Bay Restoration Authority proposes a measure to levy a benefit assessment, special tax, or property 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.**
	[redacted]				
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.**