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
September 1, 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 13-14

	Bills Enrolled				
AB 234 Huffman	**Oil Spill Prevention and Response: Transfer of Oil**	**Enrollment**	Support	**Support**	**Senate Amendments concurred in Assembly:** **Require the OSPR administrator to adopt regulations requiring a marine oil transfer unit, at the point of transfer, to provide and deploy equipment for the containment of oil spills if they occur including:** **a) Prior to oil transferring, a vessel would be required to "pre-boom," or install a marine surface flotation barrier prior to, and during any, oil transfer operation, including bunkering or lightering, unless it is not safe to do so;** **b) Check the boom during oil transferring, especially during changes in weather conditions; and,** **c) Determine alternative protocols when pre-booming is not determined to be safe.** **--Requires the administrator to determine case-by-case thresholds for pre-booming during oil transfers including personnel safety, sea and wave states, current velocity, wind speed, vessel traffic, and fishing activity, among others.** **--Requires the oil transfer vessel operator to communicate with OSPR when an oil transfer was not pre-boomed at a time when thresholds indicated that it was safe to do so.** **--Increases the maximum fee per-barrel of oil or petroleum product to $0.06 and authorizes the administrator to adjust the maximum per barrel fee annually for inflation according to the Consumer Price Index.** **--Establishes the non-tank vessel owner or operator fee paid to the administrator to be $3,000 per vessel for an application to obtain a certificate of financial responsibility.**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
					--Requires, on or before March 1, 2011, the SLC to report to the Legislature regarding regulatory actions taken to ensure maximum offshore oil drilling including: **a) Offshore drilling rig requirements for state water operations shall have fully redundant and functioning safety systems to prevent blowout preventer failure;** **b) A blowout response control plan description to accompany a discharge of hydrocarbons including:** **i) The technology and timeline for regaining well control; and,** **ii) The strategy, organization, and resources necessary to avoid harm to the environment and human health as a result of a spill.** **c) Demonstration of the best available and safest technologies and practices were applicable; and,** **d) Sunsets the report on January 1, 2015.**	
AB 987 Ma	**Transit Village Development Districts: Infrastructure Financing**	**Enrollment**	Support	**Support**	**Amended 5/20/10:** 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 development districts**. Would recast the area included in a **transit village development districts** to include all land within not more than ½ mile of the main entrance of a transit station. **Amended 8/18/2010** ***Added to characteristics of development:*** ***--A mix of housing types, including apartments, within not more than one-half mile of the main entrance of the transit station.*** ***--It Promotes economic development and job creation.*** ***--Has Other land uses, including educational facilities, that provide direct linkages for people traveling to and from primary and secondary education schools, community colleges, and universities.***	
AB 1343 Huffman	**Architectural Paint Recycling**	**Enrollment**	Support CSAC Support (2009)	**Support**	**Amended 8/31/2010** **1) Updated the administrative agency responsible for the architectural paint recovery program from the California Integrated Waste Management Board (CIWMB) to the recently created Department of Resources Recycling and Recovery (Cal-Recycle)** **2) Extended the date for manufactures to submit stewardship plans to Cal-Recycle from January 1, 2010, to April 1, 2012 .**	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					3) Extended the dates for Cal-Recycle to post the list of manufacturers in compliance with the Chapter to conform with the extended plan due-date. **4) Requires the stewardship organization to pay Cal-Recycle administrative fees in an amount determined by Cal-Recycle to be sufficient to cover its costs.** **5) Limits the anti-trust exemption for stewardship activities related to the product stewardship assessment or the output or production for paint or any agreement restricting the geographic area or customers to which paint will be sold.** **6) Removed the program sunset of July 2013.** *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.*
AB 1755 Swanson	**Seismic Safety Finance Act**	**Enrollment**	Support	**Support**	**Amended 8/19/2010** **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.** **1) Prohibits a public agency from permitting a property owner to participate in a contractual assessment program if the total amount of annual property tax and assessments exceeds 5% of the property's market value.** **2) Specifies that nothing in this measure shall be construed to void or otherwise release a property owner from the contractual obligations incurred by a contractual assessment on a property. Particularly in the event that the total amount of annual property taxes exceeds 5% of a property's market value after the property owner has entered into a contractual assessment.** **3) Clarifies that a public agency report shall include a description of its criteria for underwriting requirements of a property owner.** **4) Restructures the bill to prevent chaptering out with other contractual assessment measures.** **Sponsor of this bill: City of Oakland** **Amended 6/1/10:** ***The bill would define "public agency," for purposes of financing the installation of seismic strengthening improvements, to mean a city, county, or city and county.***
AB 2103	**San Francisco Bay Restoration**	**Enrollment**	Support	**Support**	***Amended 6/2/10: This bill would require the board of supervisors***

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Hill	**Authority**				***of each affected county, when the authority proposes a measure to levy a benefit assessment, special tax, or property-related fee for submission to the voters, to call a special election on the measure and place the regional measure on the ballot of the next regularly scheduled election, and would require the county clerk of each county to report the results of the special election to the authority.*** Prescribes the method of how the San Francisco Bay 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. *Previously Amended to say: would require the Authority to adopt and implement the regional measure if cumulatively, throughout the authority's jurisdictional boundaries, the regional measure receives the constitutionally required affirmative votes.* **This is a clean-up bill for prior legislation on the Authority.** **Sponsored by ABAG**
AB 2398 Perez	**Product Stewardship Carpet: Public Procurement** *(amended title)*	**Enrollment** **AB 2398 Perez**	Support	**Support**	**Amended 8/27/2010** **Prohibits producers and retailers of carpet from selling carpet in California unless the producer or a carpet stewardship organization (organization) has submitted a stewardship plan to the Department of Resources Recycling and Recovery (DRRR),** **1)Specifies that until January 1, 2013, the only organization authorized is the Carpet America Recovery Effort (CARE).** **2)Revises the requirements of the carpet stewardship plan to:** **a) Achieve the requirements of the bill;** **b) Include goals that, to the extent feasible, increase the recycling of postconsumer carpet, as specified;** **c) Describe measures that will be taken to manage postconsumer carpet in a manner consistent with the state's solid waste hierarchy;** **d) Include a funding mechanism to carry out the plan; and,** **e) Include education and outreach efforts.** **3) Specifies that the plan be designed to accept and manage all suitable postconsumer carpet, regardless of polymer type or primary materials of construction.**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					4) Clarifies the funding requirements, including auditing. Requires DRRR to identify its costs associated with the bill and establish a fee adequate to cover those costs for manufacturers or organizations that submit a plan. 5) Between July 1, 2011, and January 1, 2013, set the "assessment" at $0.05 per square yard of carpet sold. After January 1, 2013, specifies that the assessment per unit of carpet sold shall be in an amount that cumulatively will adequately fund the plan and be consistent with the purposes of the bill. 6) Requires DRRR to enforce the provisions of the bill, as specified. 7) Beginning July 1, 2012, and not later than January 1 and July 1 annually thereafter, require DRRR to post a notice on its Internet Web site listing manufacturers that are in compliance with the bill. Require retailers or wholesalers to monitor the Web site to determine if the sale of a manufacturer's carpet is in compliance. 8) Requires, on or before January 1, 2014, DRRR and the Department of General Services (DGS) to complete a study that examines the standard for carpet purchases by the state and recommend to the Governor and the Legislature any appropriate changes to that standard. To the extent feasible and within existing resources, require DGS to ensure that postconsumer carpet removed from state buildings be managed in accordance with the bill.
SB 228 DeSaulnier	**Plastic Bags: Compostable Plastic Bags**	**Enrollment**	Watch	**Watch**	This bill would require, beginning July 1, 2011, a manufacturer of a compostable plastic bag meeting ASTM (American Society for Testing and Materials) standards to ensure that the compostable plastic bag is "readily and easily identifiable," as the bill would define that term, from other plastic bags. The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. Amended 8/18/2010 *A manufacturer would be required to comply with these requirements only to the extent that those labeling requirements do not conflict with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims.*
SB 346 Kehoe	**Hazardous Materials: Motor Vehicle Brake Friction Materials**	**Enrollment** SB 346 Kehoe	Support CSAC Support (2009)	**Support 3/18/10** *Was Watch: (questions about*	Amended 8/25/2010 1. Limits the use of copper in motor vehicle brake pads to no more than five percent by weight on or after January 1, 2021, and no more than .5 percent by weight on or after January 2025.

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 6
				brake performance)	**2. Exempts specific vehicles from the copper limitation in brake pads including (a) military vehicles, (b) vehicles with internal closed oil immersed brakes that do not emit copper or other debris under normal operating conditions, (c) parking brakes, (d) vehicles manufactured by small volume manufactures, and (e) motorcycles.** **3. Exempts from the five percent copper brake pad restrictions all vehicles, or brake pads manufactured for use on those vehicles, manufactured prior to January 1, 2021.** **4. Exempts from the .5 percent copper brake pad restrictions all vehicles, or brake pads manufactured for use on those vehicles, manufactured prior to December 31, 2024.** **5. Restricts the use of the following toxic materials in motor vehicle brake pads by January 1, 2014: Cadmium and its compounds: 0.01 percent by weight Chromium (VI)-salts: 0.1 percent by weight Lead and its compounds: 0.1 percent by weight Mercury and its compounds: 0.1 percent by weight** **6. Requires manufacturers of brake pads to review safety data on alternatives to copper in brake pads. Allows manufactures to conduct an additional alternatives analysis based on an open source alternative analysis carried out by the brake pad manufacturer.** **7. Requires brake pad manufacturers, beginning in 2014, to obtain certification to demonstrate compliance with the bill's limits and to include that certification of the content of the brake pads.** **8. Requires vehicle manufacturers and retailers of brake pads to ensure that only compliant brake pads are sold in this state.** **9. Establishes a civil fine of up to $10,000 per violation of the brake pad limitations and certification requirements.** **10. Allows a brake pad manufacturer, effective January 1,2021, to apply to DTSC for a one, two or three-year extension of the 2025 ban and for additional two-year extensions until January 1, 2030. Heavy-duty brake pad manufacturers only will be able to apply for two-year extensions until January 1, 2032.** **11.Requires an application for an exemption to be forwarded by DTSC to the Copper Brake Advisory Committee (CBAC), which will be a nine-member committee appointed by the Secretary of the California Environmental Protection Agency (Cal-EPA). The CBAC will be composed of:** **--Three members representing the manufactures of brake friction materials and motor vehicles.** **--Three members representing municipal storm water quality agencies and nongovernmental environmental organizations.** **--Three members who are experts in vehicle and braking safety,**	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					economics and or relevant technical areas. **12. Provides that members of the CBAC shall disclose financial interest related to vehicle or vehicle parts prior to being appointed.** **13. Allows the CBAC to request additional information from DTSC with 75 days of receipt of a request for an extension.** **14.Provides that the Secretary of Cal-EPA shall rely on the recommendations of the CBAC when making a determination on an extension request.** **15. Establishes DTSC as the enforcing agency for the requirements of this bill and permits them to remove non-compliant brake pads from sale, but specifically does not authorize the recall of vehicles to remove the illegal brake pads.** **16. Requires DTSC and SWRCB to submit a report to the Governor and Legislature not later than January 1, 2023, on recommended actions necessary to address any deficiencies in meeting the copper reduction targets established by this bill.** **Amended 6/21/10: Restricts the use of copper and other toxic chemicals in automobile brake pads.** *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.*
SB 1006 Pavley	**Natural Resources: Climate Change—Strategic Growth Council**	**Enrollment** **SB 1006 Pavley**	Support	**Support**	**Amended 8/20/2010** **This bill expands the list of eligible applicants for urban greening project and planning monies available from the Strategic Growth Council.** **Assembly Amendments revised the qualifications of the urban greening program administered by the Strategic Growth Council (SGC) to redefine "financial assistance" to include a grant or a planning grant in accordance with specified existing law, delete provisions of the bill that require additional duties of the SGC with respect to providing information regarding climate change adaptation strategies, projects, or activities, delete provisions of the bill that require the SGC to identify and review activities and funding programs of member state agencies that may be coordinated to address climate change, and provide that grants shall be awarded for the purpose of planning grants for urban greening programs** ***Amended 6/21/10:*** *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.*

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					*2) **Provide, fund, and distribute information to local and regional agencies regarding 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 **(amended to take out council of governments and metropolitan planning organization,)** city-county, special district, non profit organization, or an entity formed under a joint powers agreement if at least one of the parties to the joint powers authority qualifies as an eligible applicant.*
SB 1205 Corbett	**Bay Area Disaster Recovery Planning Council Act**	**Enrollment** **SB 1205 Corbett**	Support	**Support** (was Support with amendments—amendments made)	**Sponsored by ABAG** **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.** **Amended 8/16/2010 to read: The council shall be funded through federal funds, gifts, donations, grants, local bonds, other appropriate funding sources, and other types of financial assistance from public and private sources. Nothing in this title shall be construed to authorize the council to incur debt or raise revenue by levying taxes, assessments, or fees, or to obligate the state to provide funding for the council.**
SB 1211 Romero-Dutton	**Unemployment Insurance: Benefits—Eligibility—Overpayments—Elected Officials**	**Enrollment** **SB 1211 Romero**	Watch	**Watch**	**This bill requires the Employment Development Department (EDD) to determine an individual has been overpaid unemployment insurance (UI) benefits if those benefits are based on employment income from serving as an elected official. This bill authorizes EDD to file a related civil action for recovery of UI benefit overpayments and requires EDD to**

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					adopt related regulations by July 1, 2011. This is an unemployment insurance benefits measure to prevent elected officials from collecting unemployment **insurance** benefits after they lose or leave their public seats.
	Bills Considered- Did Not Move/Pass				
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.
AB 153 Hernandez & Eng *(was Ma)*	**Changed to: Safe, Clean, and Reliable Drinking Water Supply** **(was** *Land Use and Planning: Environmental Planning)*	**Gutted and Amended: new bill enrolled**	Support	**Support**	**Gutted and Amended 8/12 and 8/30/2010. Would amend the proposed the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (Water Bond), to expand the eligible uses of the $100 for groundwater cleanup projects (Water Code Section 79770 (d)) so that funds would be available for "costs associated with projects, programs, or activities" rather than being limited to project costs.** *Was: Would authorize regions by a vote of the people to impose a mitigation fee of up to $4 on vehicle registrations to pay for regional land use planning activities. This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council. Sponsor ABAG*
AB 155 Mendoza (principal co-author Torrico, with SEN DeSaulnier, Liu, Wiggins, and other ASM co-authors)	**Local Government: Bankruptcy Proceedings**	**Com on Senate Rules**	Oppose CSAC Oppose LCC Oppose	**Oppose**	**Amended 8/31/2010** 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	**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

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
			by CSAC and LCC (2009)		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 1805 Calderon	**Environment: California Environmental Quality Act**	**ASM Natural Resources Committee** **<u>AB 1805 Calderon</u>**	Watch **LCC Oppose**	**Oppose**	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.
AB 1810 Feuer	**Crime Gun Tracing Improvement Act**	**To Inactive File**	Support	**Support**	**Amended 8/20/2010***Existing law prohibits DOJ from retaining or compiling any info from Record of Sale forms or other transfer forms related to long guns. This law would stop the differential treatment relating reporting and recordkeeping requirements between handguns and long guns.* **This bill would stop destruction of long gun transfer records and require addition of long gun records to the state's Automated Firearm System (AFS) database; require uniformity/same identifying info for the transfer of handguns and long guns; establish uniform reporting and remove exemptions to reporting requirements; and require daily dealer reporting of receipt of long guns, as is currently required for handguns.** **Sponsors: California Chapters of Brady Campaign to prevent Gun Violence and Legal Community Against Violence**
AB 1934 Saldana & Ammiano	**Firearms (Open Carrying of Unloaded Handguns)**	**Concurrence in Senate Amendments Pending**	Support	**Support** **Request follow-up with author about state exemption**	**Amended 8/19/2010** **This bill would delete the exception pertaining to firearms carried openly in belt holsters. The bill would also establish an exemption to the offense for transportation of a firearm by members of specified organizations going directly to or from official parade duty or ceremonial occasions, as specified. This bill would make it a misdemeanor, punishable by up to six months in jail, a fine of up to $1000, or both, for a person to**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					carry an exposed and unloaded handgun outside a vehicle on his or her person while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of an unincorporated territory. Lists circumstances that would exempt this prohibition to include: peace officers, those in business of gun manufacturing, importing, wholesaling, repairing, licensed dealing; military/civil orgs parades/rehearsals; practicing shooting/target practice; lawful hunting, and other specified activities and circumstances. Sponsors: Brady Campaign to Prevent Gun Violence, California Chapters, and Coalition Against Gun Violence
AB 1998 Brownley	**Solid Waste: Single-Use Carryout Bags**	**Passage refused**	Watch	**Support**	**Amended 8/27/2010. The bill would, on and after July 1, 2013, prohibit convenience food stores, foodmarts, and certain specified stores from providing a single-use carryout bag to a customer. The bill would require a store, on and after July 1, 2013, to only provide reusable bags, as defined, or to make available for sale recycled paper bags at a reasonable cost, but not less than $0.05. The bill would exempt the sale of certain specified bags from the above prohibition and restriction.** **--The bill would, beginning January 1, 2013, require a reusable bag manufacturer to obtain a biennial certification from the Department of Resources Recycling and Recovery by submitting a certification fee and a certification that its reusable bag meets specified requirements. The bill would specify administrative civil penalties for a person who violates the above requirements.** **--The bill would require the department to deposit the certification fees into the Reusable Bag Account, which would be established by the bill in the Integrated Waste Management Fund, and to deposit the penalties and fines collected into the Penalty Subaccount, which would be established by the bill in the account. The bill would provide that moneys in the account and the subaccount would be expended by the department, upon appropriation by the Legislature, to implement the above requirements.** ***--This bill would preempt local regulations on the use and sales of reusable bags, single-use carryout bags, recycled paper bags, or other specified bags at stores, as defined.*** ***Bill Source: Heal the Bay***
AB 2064 Perez and Bass	**Emergency Shelter Operations Account**	**Re-referred to Com on G.O.**	Support	**Support**	**Amended 8/31/2010 Amended 7/1/10:** Requires the Department of Housing and Community Development (HCD) to issue a Notice of Funding Availability for the balance of funds currently available

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
		AB 2064 Perez & Bass			***within the Emergency Housing Assistance Fund.*** This must be done no later than 30 days from enactment of this measure and ***to grant awards pursuant to the notice within 180 days of receipt.*** 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 2138 Chesbro	**Recycling: Food Service Packaging—Carryout Bags**	**ASM Appropria-tions Committee Held in Submission** **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 Read Third Time, passage refused** **AB 2139 Chesbro**	Support	**Support**	Amended 6/1/10: Enacts the California Product Stewardship Act (Act) to require the Department of Resources Recycling and Recovery (DRRR) to administer a program to develop product stewardship protocols to foster "cradle-to-cradle" producer responsibility for products. 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.

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 2176 Blumenfield	**Hazardous Waste: Lighting Products**	**ASM Appropria-tions Held Under Submission AB 2176 Blumenfield**	Watch, pending further information	**Support** **(was Watch 3/18)**	**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.**
AB 2313 Buchanan	**Greenhouse Gas: Emissions—Significant Effects—Regional Transportation Plan**	**SEN Environmen-tal Quality Com.** **AB 2313 Buchanan**	Watch LCC supports as amended	**Watch**	**Amended 6/21/10: This bill would authorize a lead agency, in adopting a regional transportation plan for a region in which a residential or mixed-use residential project is located, to use a threshold of significance for greenhouse gas emissions adopted for the residential or mixed-use residential project by the air pollution control district or air quality management district within which the project is located to determine whether the project may have a significant effect on the environment due to the emission of greenhouse gases.** *Gutted and Amended to read:* This bill requires the Governor's Office of Planning and Research (OPR), to provide to the Secretary for Natural Resources recommended changes for guidelines for the mitigation of greenhouse gas (GHG) emissions as required by the California Environmental Quality Act (CEQA). The bill also requires the secretary to certify and adopt the recommended changes. Was: 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 2472 Huffman	**Building Standards: Pilot Program for Green Innovation Building Permits**	**ASM Business, Professions**	Support	**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

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
		and consumer Protection Committee Held under Submission AB 2472 Huffman			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.
AB 2679 Eng	**Public Building: Energy and Water—Consumption Reductions**	**ASM Appropria-tions** **Held under Submission** **AB 2679 Eng**	**Watch**	**Watch**	Amended: Would require that any state building* funded with money from the State General Fund, 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 (to mean state) 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. *(Deleted provision that included city, county, and city and county facilities)
***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,

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					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 1048 Hancock	**Local Government: Community Facilities Districts**	**SEN Local Government Committee 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 1061 Hancock	**San Francisco-Oakland Bay Bridge: Capital Projects**	**ASM Re-referred to Appropria-tions Com** **SB 1061 Hancock**	Support	**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.
SB 1100 Corbett	**Product Stewardship: Household Batteries**	**Com on Rules** **SB 1100 Corbett**	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 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 1174 Wolk	**Land Use: General Plan—Future Sustainable Communities Pilot Project**	**ASM Appropria-tions Com.**	Watch LCC Oppose CSAC Oppose APA Oppose	**Watch**	This bill would create the Future Sustainable Communities Pilot Project under the Strategic Growth Council (SGC) to provide financial assistance to five cities and five counties, as chosen by the SGC, to update their general plans in order to facilitate the transformation of disadvantaged unincorporated communities into sustainable communities, to be funded by a pot of planning money contained in Proposition 84. Once funding is received by the local government, the city or county would then review and prepare amendments to their General Plan to address the presence of these types of disadvantaged unincorporated communities, including the extent to which the households in the communities lack access to sanitary sewer service, municipal water service, paved roads, storm

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					drainage, sidewalks, and street lighting, and how improvements in these areas would encourage sustainable land use.
SB 1189 Correa	**Housing Element Law: Regional Housing Need Allocation (RHNA)**	**SEN Transportation and Housing** **SB 1189 Correa**	Watch	**Oppose**	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 1445 DeSaulnier	**Planning**	**ASM Re-referred to Appropriations Com.** **SB 1445 DeSaulnier**	Support/ Watch, pending further information	**Support**	**Amended 8/20/2010 Amended 5/13:** **Sponsored by ABAG.** Would increase the registration fee imposed by the state on the registration of each vehicle by $1 until January 1, 2016 to fund the Planning Advisory and Assistance Council (PAAC and to fund regional planning related to SB 375 (Steinberg, Chapter 728, Statutes of 2008), for Metropolitan Planning Organizations (MPOs), Councils of Governments (COGs), and county transportation planning agencies; and revises the membership and duties of the PAAC. **Would** 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 Committee on Rules, in addition to representative from California Indian Tribes and Bands. Seven of the council's members shall be from the governing body of each of the following: (1) The Southern California Association of Governments. (2) The Metropolitan Transportation Commission or the Association of Bay Area Governments. The person appointed to the council pursuant to this paragraph shall be a member of the

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					governing body for both the Metropolitan Transportation Commission and the Association of Bay Area Governments. (3) The San Diego Association of Governments. (4) The Sacramento Area Council of Governments. (5) The San Joaquin Valley Regional Policy Council. (6) A metropolitan planning organization or council of governments that is not identified in paragraphs (1) to (5), inclusive. (7) A regional transportation planning agency, as defined in Section 65080, that is neither a metropolitan planning organization nor a council of governments.
SB 1454	**Recycling Plastic Products**	**Passage refused**	Support	**Support**	Amended 8/16/2010 This bill, sponsored by Californians Against Waste, would expand the scope of current labeling restrictions for plastic bags and food packaging to all plastic products. More specifically, this bill would prohibit manufacturers from claiming their plastic products are "biodegradable" and would allow a labeling claim that a plastic product was "compostable" or "marine degradable" only if it met the relevant technical standard, known as ASTM D6400. Bill intent is to address potential consumer and waste management problems that arise from the practice of some manufacturers of plastic goods in California who market their products as "compostable" or "biodegradable" when those products do not conform to the precise scientific standard the Legislature has reserved for those distinctions. *According to supporters, the expansion of current labeling restrictions under this bill is justified because (1) unwarranted claims of "compostability" may jeopardize the use of compost end-product, and (2) "biodegradability" claims cannot be verified and may promote littering. This bill is opposed by Green Genius, a company that produces a plastic bag product that it claims is "biodegradable in a landfill environment."*
	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.

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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.
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	**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.