

LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Supervisor Mark Luce—Napa County

Committee Vice Chair: Councilmember Carole Dillon-Knutson—City of Novato

Staff: Patricia Jones – Assistant Executive Director 510/ 464-7933; FAX 510/464-7970; PatJ@abag.ca.gov
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Thursday, November 17, 2011 – 3:30 p.m. to 5:00 p.m.

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

AGENDA*

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| 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 September 15, 2011, L&GO meeting. | Information/ Action |
| 3. | A. 2011 LEGISLATIVE PRIORITIES: FINAL OUTCOME OF BILLS CONSIDERED DURING 2011 LEGISLATIVE SESSION B. ESTABLISH LEGISLATIVE PRIORTIES FOR 2012 | Information/ Action |
| 4. | DISCUSSION OF A PROPOSED PILOT FUNDING BILL TO IMPLEMENT SB 375 | Information/ Action |
| 5. | UPDATE ON RESEARCH OF “GUT AND AMEND” PRACTICES IN OTHER STATES | Information/ Action |
| 6. | UPDATE ON RECOMMENDATIONS FOR 2012 LEGISLATIVE RECEPTIONS | Information/ Action |
| | ADJOURNMENT Next meeting is scheduled for January 19, 2012. | Action |
| | Agenda and other written materials are available at ABAG/Front Desk, 101 8th Street, Oakland, or at http://www.abag.ca.gov/meetings -- | |

* 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.



Legislative Priorities for 2011 Legislative Session

| Legislation Priorities | Specific Objectives | Legend for Status of Bills Considered: * Bill Chaptered-Law (Bold Face) (V) Bill Vetoed Remaining bills—Did not Pass/Inactive |
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| Subject | Outcome | |
| <p>State and Federal Legislation addressing focused integrated planning and environmentally healthy communities</p> | <p>-- Aggressively pursue legislation addressing Extended Producer Responsibility and waste disposal, and hazardous waste issues.</p> <p>-- Track legislation addressing Bay issues, oil spill, and statewide policies on sea level rise.</p> <p>-- Achieve environmentally healthy communities:</p> <p style="margin-left: 20px;">a. Continue to pursue legislation "Improving Crime Gun Tracing" and against "Open Carrying of Unloaded Handguns".</p> | <p>*AB 913 (Feuer) Green Business Program</p> <p>*AB 255 (Wieckowski) HazWaste-Latex Paint</p> <p>SB 419 (Simitian) Waste: Sharps</p> <p>SB 515 (Corbett) Recycling: Batteries</p> <p>*AB 1112 (Huffman) Oil Spill Prevention</p> <p>*AB 56 (Hill) Intrastrate Pipeline Safety</p> <p>SB 200 (Wolk) Bay Delta Conservation Plan</p> <p>SB 846 (Berryhill) The California Water Plan: Water Data</p> <p>*AB 144 (Portantino & Ammiano) Open Carrying Unloaded Handguns</p> <p>*AB 809 (Feuer) Long Guns</p> |
| <p>Resources and incentives for planning, infrastructure and services to assist local governments and related climate change and land use solutions.</p> | <p>- Continue legislative partnership with MTC, Air District, and BCDC on these issues.</p> <p>- Pursue legislation addressing RHNA/Housing element review</p> | <p>SB 582 (Yee) Commute Benefit Policies (V)</p> <p>AB 57 (Beall) MTC (composition)</p> <p>AB 470 (Halderman) Air Pollution Districts-School Bus Retrofits</p> <p>AB 567 (Valadao) Transportation funds-Capital Improvement Projects</p> <p>AB 676 (Torres) Transportation Funds</p> <p>SB 791 (Simitian) Regional Congestion Reduction Charge</p> <p>*AB 1103 (Huffman) Housing Element</p> <p>*AB 1430 (Local Govt Com) Defines terms</p> |

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| | <p>regarding how affordable housing conversions and assisted living facilities are counted and credited; and how urban and rural areas are categorized.</p> | <p>AB 1220 (Alejo) Land Use/Planning/Time Limits (V) AB 880 (V.M. Perez) CEQA-Expedited Review SB 184 (Leno) Zoning-Inclusionary Housing SB 286 (Wright) Redevelopment</p> |
| <p>Long Term Financial Disaster Recovery Planning Initiative</p> | <ul style="list-style-type: none"> - Continue work with CAL-EMA and other agencies to identify and fund regional/ local hazard mitigation and Post Disaster Recovery Planning - Work with CARD (Collaborating Agencies Responding to Disasters) as a region-wide best practice agency. | <p>Bay Area Regional Disaster Resilience Initiative</p> <p>“Building on a Disaster Resilient Bay Area-Focus on Recovery and Restoration” Workshop, NASA Research Park, Moffett Field, 11/1/11</p> |
| <p>Finance legislation that includes balanced revenue streams and fiscal reform</p> | <ul style="list-style-type: none"> - Continue work with the League of California Cities and the California State Association of Counties on structural budget reform. - Track legislation addressing pension reform and Internet privacy and sales tax issues. - Stay abreast of proposals on constitution revisions and Constitutional Convention. | <p>* AB 184 (Swanson) Seismic Safety Finance Act * ABX114 (Skinner) Energy Upgrade Financing * SB 555 (Hancock) Communities Facilities District * SB 310 (Hancock) Local Government-Financing * SB 790 (Leno) Community Choice Aggregation * SB 201 (DeSaulnier) Flexible Purpose Corporations</p> <p>AB 485 (Ma) Infrastructure Financing AB 723 (Bradford) Energy-Public Goods Charge AB 1086 (Wieckowski) Transactions and Use Taxes-County of Alameda AB 1198 (Norby) Land Use-Regional Housing Need Assessment SB 214 (Wolk) Infrastructure Financing Districts SB 301 (DeSaulnier) Redevelopment-Seismic Retrofits SB 653 (Steinberg) Local Taxation-School District SCA 4 (DeSaulnier & Wolk) Initiative Measures-Funding Source</p> |

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State and federal legislation establishing innovative financing and project delivery mechanisms.

- Continue to work on legislation that would ensure that COGs, MPOs, and other affected regional planning agencies receive sufficient funds to fulfill obligations under SB 375.
- Seek funding to reimburse COGs for Regional Housing Needs Allocation (RHNA) compliance costs.
- Seek permanent funding for COG, MPO, and local governments for SB 375 obligations.
- Work to ensure that, where a Regional Blueprint has been adopted, consistency with regional blueprints is a consideration in allocation of funds from State agencies and provides incentives for local government
- In the development of legislation and agency and state policies on climate change, uphold local flexibility and authority.

***SB 209 (Corbett) Electric Vehicle Charging Stations**
***AB 506 (Wieckowski) Bankruptcy-Mediation**
***SB 226 (Simitian) Environmental Quality**

SB 878 (DeSaulnier) Regional Planning
 AB 710 (Skinner) Infill and TOD-Parking
 AB 343 (Atkins) Redevelopment and SCS
 AB 392 (Alejo) Brown Act-Posting Agendas
 AB 441 (Monning) State Planning
 SB 186 (Kehoe & DeSaulnier) Controller

HR 1825 (Blumenauer) Commuter Relief Act

Report to Legislative and Governmental Organization Committee

2011 Bill Status – Score Card

Summary: Of 34 bills considered by Committee:

- 16 passed the Legislature, with 14 becoming law, and two vetoed by the Governor (one the committee supported and the one was a bill the committee opposed).
- Six of the 34 bills considered by the committee had oppose positions by ABAG: one was vetoed by the Governor, one was signed into law, and the four remaining either failed passage, stalled in committee or became inactive.

Bills Supported by Committee that became Law

- AB 144 (Portantino & Ammiano) Firearms: Open Carrying of Unloaded Handguns
- AB 184 (Swanson) Contractual Assessment Programs: Seismic Safety Improvements
- AB 255 (Wieckowski) Hazardous Waste: Latex Paint—Collection Facility
- SB 226 (Simitian) Environmental Quality
- AB 809 (Feuer) Firearms: Long Gun Transfer Records
- AB 913 (Feuer) Environment: Certified Green Business Program
- AB 1103 (Huffman) Land Use: Housing Element
- AB 1112 (Huffman) Oil Spill Prevention and Administration Fee: State Lands Commission (Oil Spill Preparedness Act)
- AB 1430 (Com. on Local Government) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Omnibus Bill
- SB 209 (Corbett) Common Interest Developments: Electric Vehicle Charging Stations
- SB 310 (Hancock) Local Development
- SB 555 (Hancock) Local Government: Community Facilities District
- SB 790 (Leno) Electricity: Community Choice Aggregation

Supported, passed legislature, but vetoed by Governor

- SB 582 (Yee) Commute Benefit Policies

Bills Opposed by Committee:

- AB 1220 (Alejo) Land Use and Planning: Cause of Actions—Time Limitations—
Vetoed by Governor
- AB 506 (Wieckowski) Local Government: Bankruptcy-Neutral Evaluation—
Chaptered/Signed into Law
- Failed passage/stalled/became inactive:**
 - AB 392 (Alejo) Ralph M. Brown Act—Posting Agendas
 - AB 710 (Skinner) Local Planning-Infill and Transit Oriented Development
 - SB 186 (Kehoe & DeSaulnier) The Controller

SB 286 (Wright) Redevelopment

Bills Supported: failed passage/stalled/became inactive

AB 57 (Beall) Metropolitan Transportation Commission
AB 343 (Atkins) Redevelopment Plans-Environmental Goals
AB 485 (Ma) Infrastructure Financing
AB 723 (Bradford) Energy: Public Goods Charge
SB 184 (Leno) Land Use Zoning Regulations
SB 419 (Simitian) Solid Waste: Home Generated Sharps
SB 515 (Corbett) Recycling: Product Stewardship—Batteries
SCA (De Saulnier & Wolk) Initiative Measures—Funding Source

Bills Watched: failed passage/stalled/became inactive

AB 880 (Perez) Environmental Quality: CEQA
SB 200 (Wolk) Sacramento-San Joachin Delta—Bay Delta Conservation Plan
SB 214 (Wolk) Infrastructure Financing-Voter Approval-Repeal
SB 301 (DeSaulnier) Enterprize Zones
SB 653 (Steinberg) Local Taxation: Counties—School Districts—Community College Districts
SB 878 (DeSaulnier) Regional Planning: Bay Area

Federal Legislation:

HR 1825 (Blumenauer) Commuter Relief Act—Currently in House and Ways and Means Committee

Research on State Legislature Policies Regarding Amending Bills at the End of a Session

Discussion of state legislative policies that impact the practice of “gut and amend/strip and amend/gut and stuff”

Discussion Background: Taking into consideration that the California Legislature has rules supposed to prevent last minute changes, about 30% of bills rewrote in last three weeks of the 2011 session were amended after the Legislature’s deadline for making amendments.

- At end of 2011 CA session, legislature wrote 48 bills in last three weeks of session, long after deadlines for most law-making procedures had passed. 22 were sent to Governor; 19 were signed.

What policies affect how bills are amended and reconsidered?

Amending and reconsidering bills in state legislatures depend on:

- **State Constitutional language/restrictions**
 - Show Examples of constitutional language –California and other states
- **Chamber rules:** The policies and protocol for amending or changing a bill vary by state and within the legislative chambers—House and Senate
- **Specific policies on Germaneness--Single source/topic rules**
 - Germaneness Requirements: Germaneness is usually defined as “in close relationship, appropriate, relative or pertinent to”. The principle of germaneness “lies in the need for orderly legislation, according to *Parliamentary Law and Procedure*.
 - 80 legislative bodies report they have chamber rules on germaneness of amendments or motions; most legislative assemblies enforce germaneness provisions in committee as well as on the floor (this includes California)
 - 40 state constitutions contain a provision that requires a bill to address or contain a single subject
 - **States that bar amendments that change purpose of bill:**
Michigan, Mississippi, North Dakota, Texas, Arizona, Louisiana, Washington
Oregon: “Relating to Clause” is another element—“In Oregon, a bill may only address one subject, and for this reason the relating-to clause becomes an important element of the bill—relating to clauses may be broad or narrow
- **Amendment policies for amending on the floor or in committee, and/or after second or third reading**
 - Policies for reconsideration of bill, which vary from committee to floor, with specific requirements for who and when one can propose reconsidering a bill action.
- **Deadlines established for amending at the beginning of session or bill introduction, and policies for amending at the end of session**

(Source: National Conference on State Legislatures, “Inside the Legislative Process” (electronic document-research tool on state legislative processes)

One Response to California's last minute gut and amend practices:

The think tank California Forward is rolling out a ballot proposal for the November 2011 election to reform California's fiscal and governance issues that includes provisions for shifting to a two-year budget and curbing last-minute legislative amendments by requiring that all bills are made available to the public and in print for three days before Legislature could act on it to "give transparency and sunshine to process."