



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

LEGISLATION
2011 State Legislative Session
Legislation & Governmental Organization Committee
March 1, 2011

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

	New Bills				
*AB 56 Hill	Public Utilities: Fines and Penalties: Intrastate Pipeline Safety	ASM Utilities and Commerce Committee	Watch, pending further information		This bill would designate the Public Utilities Commission as the state authority responsible for development, submission, and administration of a state pipeline safety program certification for natural gas pipelines. The bill would require the commission to adopt and enforce compatible safety standards, as defined, for commission-regulated gas pipeline facilities, as defined, to accomplish specified results. The bill would require the commission to track proposed repairs for which a gas corporation requested compensation in any rate request that was granted by the commission in order to determine if the repairs are made and to require any gas corporation that fails to make repairs for which the commission granted recovery in rates to promptly make a public filing as to the justification for failing to make the approved repairs. The bill would prohibit a gas corporation from recovering in rates any uninsured expense resulting from a fire, explosion, or other catastrophic event involving a commission-regulated gas pipeline facility that resulted from negligence by the utility.
*AB 57 Beall	Metropolitan Transportation Commission	ASM Transportation Com.	Watch		This bill would, instead, require the Metropolitan Transportation Commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would, effective with the commission term commencing February 2015, prohibit

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary Page 2
					<p>more than 3 members of the commission from being residents of the same county, as specified. By imposing new requirements on a local agency, this bill would impose a state-mandated local program.</p>
*AB 184 Swanson	Contractual Assessment Programs: Seismic Safety Improvements	ASM From printer; may be heard in Committee February 25	Support		<p>This bill would enact the Seismic Safety Finance Act, which would expand these provisions to also authorize contractual assessments to finance the installation of seismic strengthening improvements that are permanently fixed to real property, as specified. 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.</p>
*AB 913	Environment: Certified Green Business Program	ASM From printer; may be heard in Committee March 20	Support		<p>This bill would establish a California certified green business program that would provide for the voluntary certification of businesses that adopt environmentally preferable business practices including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, and reduced waste generation. The bill is not a state-mandated local program.</p>
*SB 186 Kehoe & DeSaulnier	The Controller	SEN From printer; may be acted upon March 10	Watch, pending further information		<p>This bill would authorize the Controller to exercise discretionary authority to perform an audit or investigation of <i>any county, city, special district, or redevelopment agency</i>, if necessary, to ensure compliance with state law, grant agreements, local ordinances, and to determine fiscal viability. This bill would require the Controller to prepare a report of the results of the audit or investigation and to file a copy with the local legislative body. This bill would also provide that specified costs incurred by the Controller shall be borne by the county, city, or redevelopment agency and state that reimbursements collected, upon appropriation to the Controller, be available to offset costs of enforcing this provision.</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary Page 3
*SB 200 Wolk	State Water Facilities: Sacramento-San Joaquin Delta— Delta Conveyance Facility	SEN From printer; may be acted upon or after March 11	Watch		<p>This bill would prohibit the construction of a new Delta conveyance facility, as defined, unless specified conditions are met, including (A) the adoption of an agreement by the Department of Water Resources and the Department of Fish and Game that specifies the stages of construction of the new Delta conveyance facility and (B) the establishment plans and agreements for the construction of specified water facilities and implementation of specified water programs meeting prescribed conditions as part of the state Central Valley Project. The bill would prohibit the transportation of water for the federal Central Valley Project through state project facilities, with specified exceptions, unless certain conditions are met.</p> <p>The bill would require the Department of Water Resources to enter into contracts with specified Delta agencies for purposes of recognizing the right of users to make use of the waters of the Delta and establishing criteria for minimum water quality in the Delta. The bill would require differences between the state and the Delta agencies to be resolved by arbitration if contracts have not been executed by January 1, 2012.</p>
*SB 201 DeSaulnier	Flexible purpose corporations: Corporate Mergers	SEN From printer; may be acted upon March 11	Watch		<p>This bill would enact the Corporate Flexibility Act of 2011 and would authorize and regulate the formation and operation of a new form of corporate entity known as a flexible purpose corporation. The bill would authorize existing corporations and other forms of business entities to merge into or convert into a flexible purpose corporation upon completion of specified requirements, including approval of the transaction by a supermajority 2/3 vote of shareholders, or a greater vote if required in the articles, as specified. The bill would also authorize a flexible purpose corporation to convert into a nonprofit corporation, a corporation, or a domestic other business entity, upon satisfaction of equivalent conditions.</p> <p><i>Under current law, companies can be sued by shareholders or investors for taking environmental or social measures that negatively affect shareholders' financial returns. This legislation would enable a new form of for-profit corporation, expressly allowing companies to pursue other things besides simply making money. Maryland and Vermont recently enacted measures to allow "for-benefit" companies to exist.</i></p>
*SB 209 Corbett	Common Interest Developments: Electric Vehicle Charging Stations	SEN From printer; may be acted upon March 11	Watch, pending further information		<p>This bill would provide that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, or any provision of the governing documents of a common interest development, that effectively prohibits or</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary Page 4
					restricts the installation or use of an electrical vehicle charging station is void and unenforceable. The bill would authorize an association, as defined, to impose reasonable restrictions on those stations, as specified, and would impose requirements with respect to an association's approval process for those stations. An association that violates the bill's provisions would be liable for damages and a civil penalty, as specified.
*SB 214 Wolk	Infrastructure Financing Districts: Voter Approval— Repeal	SEN From printer; may be acted upon on or after March 11	Watch		<i>Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. This bill would eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions.</i> <i>(2) Existing law also requires that an infrastructure financing plan created by a legislative body to include a date on which the district will cease to exist, which shall not be more than 30 years from the date on which the ordinance forming the district is adopted. This bill instead would specify that the date on which the district would cease to exist would not be more than <u>40</u> years from the date on which the legislative body adopted the resolution adopting the infrastructure financing plan.</i>
*SB 301 DeSaulnier	Housing and Community Development: Redevelopment— Seismic Retrofits	SEN From printer; may be acted upon on or after March 17	Watch, pending further information		Would revise building code references regarding seismic retrofits relating to unreinforced masonry building, buildings that qualify as “historical property,” and others in relation to a redevelopment agency projects’ building rehabilitation or alteration in construction.
*SCA 4 DeSaulnier and Wolk	Initiative Measures: Funding Source	SEN Elections & Constitutional Amendment Committee	Support		This measure would prohibit an initiative measure that would result in a net increase in state or local government costs, (other than costs attributable to the issuance, sale, or repayment of bonds), from being submitted to the electors or having any effect unless and until the Legislative Analyst and the Director of Finance jointly determine that the initiative measure provides for additional revenues in an amount that meets or exceeds the net increase in costs.
	Federal Legislation				