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*

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 PRIORITIES 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**.

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Association of Bay Area Governments

LEGISLATIVE HIGHLIGHTS
2011 LEGISLATIVE YEAR

October 25, 2011
Sacramento

Prepared by:
Michael J. Arnold, Legislative Advocate
Kristian E. Foy, Legal Counsel

These "Legislative Highlights" consist of both a general overview highlighting some of the key issues addressed during this legislative year and a more comprehensive "Legislative Status Report" generated by our bill tracking system. The status report is attached at the end of the highlights and shows the final status of all the legislation we followed during the year. As you will note, the status report includes the following information on all of the bills we followed:

Bill Number, Author, and Title
Our Final Position on the Measure
Final Location or Chapter Number
Brief Summary

Importantly, the status report reflects the final position taken on the bill. The final position may be different from the position taken on the bill as originally introduced. Amendments to a bill frequently lead to a new position. This is especially true when the amendments are made at our request. For example, we frequently adopt a position of "Oppose Unless Amended" and move to a "Watch" position after our amendments are adopted.

Two-Year Bills

Since this was the first year of the biennial session, bills not passed to the Governor's desk remain alive for consideration during next year. The rules provide that these measures must pass the house of origin by the end of January to remain alive for additional consideration. Thus, January will be a busy month. Proponents of two-year bills will be attempting to move them through the house of origin prior to the January deadline.

Effective Dates of New Legislation

The bills that were passed by the Legislature and signed by the Governor will take effect on January 1, unless they include an urgency clause or contain a provision calling for some other effective date. Urgency measures take effect immediately upon chaptering by the Secretary of State. Bills are normally chaptered on the day following their signature by the Governor.

2011-2012 Biennial Session

The 2011 legislative year was the first year of the 2011-2012 biennial legislative session. The State Legislature will return to Sacramento on Wednesday, January 4, 2012. During the interim between the 2011 and 2012 legislative years, the Legislature will be holding interim hearings on two-year bill topics for consideration in 2012. We will monitor these hearings and participate as appropriate.

We must immediately begin planning for the 2012 legislative year. The proposed State Budget for the 2011-2012 fiscal year will be released in January. Next year's budget is predicted to be in even worse shape than this past year. Mix into that the fact that it is an election year and it is impossible to predict how things will unfold. The Legislature will be very distracted with the Presidential primary election in addition to the California state Legislative races. In addition, the new district lines and open primary will be used for the first time. The primary and general elections, together with the budget, will dominate and influence every issue next year. We will carefully monitor the session as it unfolds. We wish to thank you for the support and assistance provided.

Key Issues of Interest During 2011

2011-2012 State Budget

Last year, the voters passed Proposition 25 to reduce the budget vote requirement from two-thirds to a simple majority. The measure's drafters included a provision to punish lawmakers for late budgets by taking away their salaries and per diem payments if a budget is not passed by the Constitutional deadline of June 15th. Thus, this year's budget was the first under the new majority vote requirement.

In March, the Legislature attempted to pass an early budget. There were discussions between the Governor and a group of moderate Republicans: "the GOP Five" in the Senate. The GOP Five demanded public employee pension reform, a spending cap, and other items in exchange for their vote to put the tax increase extension question on a June special election ballot. At the same time, a number of trailer bills were being considered in both houses to implement budget cuts. Ultimately, no deal was reached between the Governor and the GOP Five, but the Legislature approved 8 of 20 budget trailer bills. The Legislature did not pass the actual budget bill itself or the trailer bill calling for the special election on taxes. Both houses would have needed 2 Republican votes to pass the urgency special election trailer bill or any other tax increases.

In early June, Democrats tested Proposition 25 by passing a gimmick-ridden budget just before the June 15th deadline. Governor Jerry Brown promptly vetoed it as being unbalanced. Controller John Chiang, supported the Governor's position and invoked the intertwined provisions of two measures, 2004's Proposition 58 and last year's Proposition 25, to cut off salaries and per diem payments to state legislators because they failed to pass a "balanced budget" by the June 15th constitutional deadline. Chiang decreed

that legislators would not be paid because they failed to comply with Proposition 58, which requires that spending not exceed estimated revenues.

The Legislature then passed a revised version of the 2011-2012 state budget which closed a $26.6 billion budget gap on June 29. With very little debate on the Floors, both Houses of the State Legislature adopted the budget bill and seven additional budget trailer bills. These proposals were passed by majority vote with only Democrats supporting. The "budget deal" was cobbled together by the Governor and the Democratic leadership in the Legislature. The deal came together after the Governor acknowledged he was not going to obtain the two Republican votes he needed in each House to extend tax rates scheduled to expire, and the announcement that an extra $4 billion in revenues was anticipated to come in during the final months of the fiscal year. Automatic cuts in the form of a "trigger" were put into place in case the anticipated new revenues do not materialize. At this point, revenues have been less than anticipated and many are predicting that the triggers will be implemented.

The "Democratic Budget" relies on a series of three tiers of possible new spending cuts that may be triggered. The "trigger" component depends on Department of Finance Director verifying how much of the $4 billion in higher than anticipated revenues has been received. The Director could have as long as December 15 to determine how much of the funds have been received. The state will need at least $2 billion in additional revenue to prevent further "trigger cuts," which would affect education (including school year reductions), public safety, corrections, library grants, social services, and other programs.

The budget includes a major realignment of public safety programs from the state to local governments. The realignment moves program and fiscal responsibility to the locals. The budget funds the $5.6 billion realignment using two fund sources: (1) dedication of 1.0625 cents of the existing sales tax rate ($5.1 billion) and (2) redirection of vehicle license fee revenue ($453.4 million).

The budget also includes two trailer bills which severely impact local redevelopment agencies. The two-bill scheme eliminates redevelopment agencies and allows them to come back to life in exchange for so-called "voluntary" payments to the state. Shortly after the bills were signed by the Governor, the League of California Cites, along with others, filed a lawsuit. The court ordered a stay on the dissolution of the redevelopment agencies pending the resolution of the lawsuit.

AB 57 (Beall) Metropolitan Transportation Commission

AB 57 increases the membership of the Metropolitan Transportation Commission (MTC) from 19 to 21 members. This bill enlarges the membership of MTC to twenty-one by adding two new voting members, the mayor of Oakland and the mayor of San Jose. The mayors may appoint a member of their respective city councils as alternates. AB 57 prohibits more than three members of MTC from being residents of the same county after February 2015 (Currently ABAG's representative to MTC is from Alameda County, but his term expires in 2015). The bill also requires that the initial terms of the appointed commissioners, including self-appointments, by the mayors of the cities of Oakland and San Jose terminate in February 2015. We supported AB 57. The bill was held in the Senate Transportation and Housing committee as a two-year bill. The Chairman of the committee, Senator DeSaulnier asked the author to make this a two-year bill. Senator DeSaulnier thinks there is opportunity for larger discussion about regional government in the Bay Area. He pledged to have informational hearings in San Jose and Oakland during the interim recess.

AB 144 (Portantino) Firearms

This bill makes it a misdemeanor for any person to carry an exposed and unloaded handgun outside a vehicle upon his or her person while in any public place or on any public street in an incorporated city, or in any public place or public street in a prohibited area of an unincorporated county. We supported this bill. AB 144 was passed by the Legislature and sent to the Governor's desk. The Governor signed the measure as Chapter 725, Statutes of 2011.

AB 184 (Swanson) Contractual Assessment Programs: Seismic Safety Improvements

AB 184 adds seismic strengthening improvements to the types of improvements to private property that can be financed with voluntary contractual assessments. A benefit assessment is an involuntary charge that property owners pay for a public improvement or service that provides a special benefit to their property. The amount of the assessment must be directly related to the amount of the benefit that the property receives. Benefit assessments can finance public projects like flood control, street improvement, streetlights, and public landscaping. As an alternative to benefit assessments, and only with the free and willing consent of affected property owners, public agencies can use "voluntary contractual assessments." The bill was passed by both houses of the Legislature and sent to the Governor. The Governor signed the measure as Chapter 28, Statutes of 2011.

AB 255 (Wieckowski) Hazardous Waste: Latex Paint

This bill removes quantity and source restrictions on household hazardous waste facilities. Specifically, this bill adds permissive language to Health and Safety Code (HSC) Section 25217.2, stating that if the household hazardous waste facility has been authorized to accept hazardous waste from a conditionally exempt small quantity generator, then that facility may accept recyclable latex paint not only from a conditionally exempt small quantity generator, but from any generator, and AB 255 removes the 100 kilogram per-month cap on a household hazardous waste facility operating under HSC Section 25217.2. AB 255 is aimed both at making it easier and less expensive for businesses to manage their latex paint waste and at encouraging proper disposal. We supported AB 255. The bill was passed by the Legislature and sent to the Governor. The Governor signed the bill as Chapter 213, Statutes of 2011.

AB 809 (Feuer) Firearms

This bill applies the same regulations relating to the reporting and retention of records for handguns to long guns. Law enforcement efforts to investigate and prosecute gun crimes are aided by the Automated Firearm System (AFS)AFS database, which contains records of all handgun transfers. However, state law requires that records of long gun sales be destroyed by DOJ. AB 809 would stop the needless destruction of long gun records, which prevents law enforcement from using this information to quickly identify the owners of crime guns and expose channels of illegal gun trafficking. We supported AB 809. AB 809 was passed by both houses of the Legislature and sent to the Governor. The Governor signed the measure as Chapter 745, Statutes of 2011.

AB 913 (Feuer) Hazardous Waste: Source Reduction; Certified Green Business Program

AB 913 requires the Department of Toxic Substances Control (DTSC) to develop a California Green Business Program (Program) and specifies requirements for the Program. Green business certification programs give businesses a consolidated process to adopt environmentally preferable business practices. In addition to helping small businesses adopt environmentally-preferable practices, green business programs reduce government enforcement costs by requiring compliance with all federal, state and local environmental regulations and encourage a coordinated and cohesive approach to environmental regulation. This bill is intended to build upon the current Green Business Program by promoting standardization; helping local governments build new programs; and, providing Program coordinators with technical guidance for updating and designing standards. For all of these reasons we supported AB 913. The bill was passed by the Legislature to the Governor's desk. The Governor signed the measure as Chapter 578, Statutes of 2011.

AB 1103 (Huffman) Land Use: Housing Elements

This bill adds units on foreclosed property to the types of existing units a local government can count towards meeting housing element obligations if it provides funding to make the units affordable to low- and very low-income households for at least 40 years. The bill also specifies that for the units on foreclosed property to count, at least an equal number of new-construction multifamily rental units affordable to lower income households must have been constructed in the city or county within the same planning period. We supported this bill as it moved through the legislative process. AB 1103 was signed by the Governor as Chapter 210, Statues of 2011.

SB 186 (Kehoe) The Controller

SB 186 sought to expand, until January 1, 2017, the State Controller's authority to perform audits or investigations of counties, cities, special districts, joint powers authorities, and redevelopment agencies, if the State Controller has reason to believe, supported by documentation, that a local government is violating specified financial requirements. This bill, sponsored by State Controller John Chiang, builds upon existing law by expanding the Controller's authority to audit the finances and internal controls of counties, cities, special districts, JPAs, and RDAs, if the Controller has reason to believe that a local agency is not complying with specified financial requirements and if the Controller decides to conduct an audit or investigation and has credible documentation to justify the decision. We strongly opposed this bill. We were successful, working with other groups, in stopping SB 186 in the Assembly Local Government Committee. SB 186 is now a two-year bill.

SB 310 (Hancock) Local Redevelopment

This bill allows cities and counties to create incentives for transit priority projects. SB 310 states that it is the intent of the Legislature to provide a process for cities and counties to create development patterns in the form of transit priority projects that comply with the implementation of a sustainable communities strategy (SCS). SCS create jobs, reduce vehicle miles traveled, expand the availability of accessible open-space, build the density needed for transit viability, and meet regional housing targets. SB 375 (Steinberg, 2008) pointed the way to this future by linking transportation and land use planning programs. SB 375 contained incentives for developers who want to build projects that fit state, regional, and local growth policies. This bill encourages builders with projects that meet these goals by allowing local officials to use funds from infrastructure financing districts to pay for the developer's processing fees and the costs of

affordable housing. We supported this bill. SB 310 was passed by the Legislature and sent to the Governor's desk. The Governor signed the measure as Chapter 446, Statutes of 2011.

SB 555 (Hancock) Local Government: Community Facilities Districts

This bill adds the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements that are affixed to the types of facilities that a community facilities district (CFD) may finance, or refinance, regardless of whether the buildings or property are privately or publicly owned. SB 555 enables cities and counties to establish a voluntary community facility district to help finance energy efficiencies, renewable energy, and water conservation. Property owners who opt in to pay Mello-Roos taxes will be able to leverage utility bill savings against their financing costs over time on their property tax bills. This bill will help accelerate conservation savings throughout the state. We supported this bill as it moved through the legislative process. The bill was signed by the Governor as Chapter 493, Statues of 2011.

SB 790 (Leno) Electricity

This bill revises and expands the definition of Community Choice Aggregation (CCA), require the California Public Utilities Commission (PUC) to initiate a Code of Conduct rulemaking, and allow CCAs to receive Public Purpose funds to administer energy efficiency programs. Cities and counties have become increasingly involved in implementing energy efficiency programs, advocating for their communities in power plant and transmission line siting cases, and developing distributed generation and renewable resource energy supplies. The CCA program takes these efforts one step further by enabling communities to purchase power on behalf of the community. SB 790 strengthens existing law by clarifying, amending and adding key provisions that enable CCA to function as originally intended, foster fair market competition, and allow jurisdictions to pursue CCA without undue barriers and excessive burdens. SB 790 seeks to level the playing field for local governments seeking to establish a CCA program. We supported this measure as it moved thought the legislative process to the Governor's desk. The Governor signed the bill as Chapter 599, Statues of 2011.

November 3, 2011

MEMO

TO: Legislation and Government Organization Committee

FROM: Ezra Rapport
Executive Director

SUBJECT: Proposed Legislation Authorizing Pilot Project Providing Funding for Regional EIR and Local Specific Plans

The attached draft fact sheet describes proposed legislation that we are working with our legislative advocate to market in Sacramento during the next legislative session. We have received a preliminary indication of willingness to carry this legislation by Senator Joe Simitian (San Mateo County). We will be scheduling a meeting with him and members of the ABAG leadership early in the next legislative session. Sup. Jacobs Gibson has laid the initial ground work for this meeting to take place.

You will note from the fact sheet this measure authorizes funding for the Association of Bay Area Governments (ABAG) as a pilot program to support regional environmental review and allocate grants to local governments for the purpose of implementing growth in Priority Development Areas that have been adopted by ABAG. It is the intent of this measure to encourage new infill development in those areas identified as appropriate for increased density in the regional Sustainable Communities Strategies as a pilot program to support the implementation of Senate Bill 375 (Steinberg, 2008). Local governments will retain full control over the environmental review process for both Priority Development Areas and projects within them.

One of the purposes of Priority Development Areas is to resolve planning conflicts within, among, and between local and regional agencies which require the preparation of environmental impact reports for specific projects and developments, including infill projects. Infill projects in Priority Development Areas are necessary to meet objectives for sustainable growth defined in SB 375. The current lack of comprehensive planning requires inefficient and duplicative analysis to be produced on a project-by-project basis, making infill development impractical by shifting these costs and risks to project sponsors. Examples of such analyses include: GHG emissions; vehicular and stationary air emissions; regional and local street congestion; storm water management; flooding and sea level rise; environmental justice; other resource management or resiliency measures.

While state resources are limited, we know that the Governor is a proponent of streamlined environmental reviews and supports the sustainable communities strategy process. If we are successful in getting this legislation on the floor, passed by the

legislature, and signed by the Governor in the next session, it will provide much needed funding for ABAG and local governments and assist us in advancing the planning goals of the Sustainable Communities Strategy and could serve as a model to be implemented statewide.

I look forward to discussing this proposed legislation and strategy with you at the L&GO Committee Meeting on November 17th.

DRAFT -- PROPOSED LEGISLATION

AUTHORIZATION OF FUNDS FOR REGIONAL EIR AND LOCAL SPECIFIC PLANS

Section 1. It is the intent of the Legislature to enact a measure which will test strategies which promote infill development in urban areas identified as appropriate for increased density in the regional Sustainable Communities Strategies. This measure is a pilot program to facilitate the implementation of Senate Bill 375 (Steinberg, 2008), by allocating existing funds to Association of Bay Area Governments (ABAG) to support local governments for the purpose of implementing growth in Priority Development Areas that have been adopted by ABAG.

Section 2. Section XXX is added to the XXX code to read:

XXX. (a) In recognition of the mandate contained in SB 375 to prepare and adopt a Sustainable Communities Strategy (SCS), the Association of Bay Area Governments (ABAG) has focused the SCS on those areas adopted by ABAG as Priority Development Areas.

(b) "Priority Development Areas" means areas adopted by the ABAG Executive Board that meet ABAG's definition of sustainable development consistent with the Sustainable Communities Strategy.

(c) The Legislature finds that one goal of the Priority Development Areas is to reduce entitlement risks for entities seeking to develop infill projects consistent with the SCS.

(d) As a pilot measure to support the objectives of this section, the resources which would otherwise be expended in the San Francisco Bay region by the Environmental Justice and Community-Based Transportation Planning Grants awarded by the California Department of Transportation's Office of Community Planning pursuant to Section XX of the XX Code shall be allocated directly to ABAG for implementation of Sustainable Communities Strategies through granting of funds to local governments for the development and adoption of comprehensive specific plans and entitlement streamlining within Priority Development Areas, as identified in the SCS. Such grants may include an allocation to ABAG to support local governments in such endeavors through analysis of regional impacts, consistency with the SCS or the EIR for the SCS/RTP and related activities.

(e) The San Francisco Bay Area's 2010 total population of 7.15 million people is approximately 19% of the State of California's total population of 37.25 million. Thus, approximately 19% of the total annual State Highway Account funds granted through the Office of Community Planning grant program should be allocated directly to the Association of Bay Area Governments to be used exclusively for the purposes outlined in this section.

(f) In implementing this Section of law, the Association of Bay Area Governments shall keep the Strategic Growth Council created pursuant to Section 75121 of the Public Resources Code apprised so that the Strategic Growth Council may ultimately make recommendations to the Legislature as to whether this program should be extended to other regional agencies mandated to accomplish the regional planning required by Government Code Section 65080.

SB XXX Fact Sheet

Rationale: SB XXX Provides Funding to Implement SB 375

1. SB XXX is a pilot funding bill related to implementing the policies adopted by the Bay Area in accordance with SB 375 (Steinberg, 2008). SB 375 mandated that regions plan for "Sustainable Community Strategies (SCS)" without providing funds to address obstacles to the implementation of regional sustainability plans.

2. A number of obstacles at the local level make impractical the type and scale of development required to implement sustainability plans. Funding under SB XXX facilitates SCS implementation through the following methods:

    - grants funds to local jurisdictions to assist them with entitlement streamlining in Priority Development Areas identified in the SCS;
    - grants funds to local jurisdictions to prepare and adopt environmental impact reports for specific plans in Priority Development Areas;
    - allocates funds to ABAG for activities supportive of the above, such as analysis regional impacts of projects within PDAs that are consistent with the SCS, or the EIR for the SCS/RTP, and the like

Method of Funding: Re-allocate Caltrans Transportation Planning Grants to SB 375 Implementation

1. Under SB XXX the portion of the California Department of Transportation's Environmental Justice and Community-Based Transportation Planning Grants funded through the State Highway Account that would otherwise be spent in the region covered by the Association of Bay Area Governments (ABAG) – or Caltrans' District 4 – is allocated directly to ABAG for granting of funds to local governments for assistance in developing comprehensive specific plans, program-level environmental review, or work associated with entitlement streamlining.

2. The portion of funding available to ABAG is calculated as a percentage of total funds that matches the region's percentage of the total population of the State of California (for example in 2010 the San Francisco Bay Area's population was about 19% of the total State population, thus in 2010, 19% of the total State Highway Account funds distributed through the Caltrans Environmental Justice and Community Based Transportation Planning Grants would be directed to ABAG).

3. This bill is a pilot measure to support the objectives of SB 375. In implementing SB XXX, ABAG shall keep the Strategic Growth Council apprised so that the Council may ultimately make recommendations to the Legislature as to whether this program should be extended to other regional agencies mandated to accomplish the purposes of SB 375.

Beneficiaries of SB XXX Funding

1. The Association of Bay Area Governments (ABAG) will be the direct beneficiary of the funding allocated to it under SB XXX. The revenues retained by ABAG will be used exclusively for supporting local governments in the endeavors described in 2 by providing analysis of regional impacts of projects within Priority Development Areas that are consistent with the SCS, or the EIR for the SCS/RTP, and the like.

2. Local jurisdictions (cities, cities and counties, and counties) will be beneficiaries of SB XXX funding awarded to them based on a competitive grant process for the purposes of developing entitlement streamlining in Priority Development Areas (PDAs). Entitlement streamlining will attract private investment and jobs to PDAs.

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, contain 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."

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Legislative Priorities for 2011 Legislative Session

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

	regarding how affordable housing conversions and assisted living facilities are counted and credited; and how urban and rural areas are categorized.	**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
Long Term Financial Disaster Recovery Planning Initiative	– 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.	**Bay Area Regional Disaster Resilience Initiative** "Building on a Disaster Resilient Bay Area-Focus on Recovery and Restoration" Workshop, NASA Research Park, Moffett Field, 11/1/11
Finance legislation that includes balanced revenue streams and fiscal reform	– 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.	***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** 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

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