

# South Bay Cities Council of Governments

August 7, 2010

TO: SBCCOG Legislative Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Bills with Position

## ENVIRONMENTAL

<p>AB 1998 (Brownley)</p>	<p>Solid waste: single-use carryout bags. Repeals those at-store recycling program requirements on January 1, 2012, and would instead, on and after January 1, 2012, prohibit certain types of stores, as defined, from providing a single-use carryout bag to a customer. 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. <i>The bill would require both types of stores, as of January 1, 2011, to make reusable bags available for purchase and would allow certain stores to provide reusable bags to customers at no cost.</i> The bill would require a store, on and after July 1, 2013, to only provide reusable bags, as defined, <i>and would require a store, as of January 1, 2011, to make available for sale recycled paper bags at a reasonable cost, but not less than \$0.05.</i> The bill would exempt the sale of specified bags <i>by certain stores</i> from the above prohibition and <i>requirements</i>. 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 <i>that</i> 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</p>	<p>Support with Concerns (7/24/10) (Ltr to Sen Approps 7/26/10)</p>	<p>8/2/10 Senate Appropriations Committee Suspense file  LCC concerns - monitoring</p>
-------------------------------	--	---	--

	subaccount be expended by the department, upon appropriation by the Legislature, to implement the above requirements. This bill would, <i>as of January 1, 2011</i> , 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.		
AB 2317 (Saldana)	Local government: nuisance abatement. Existing law authorizes the legislative body of a city or county to establish a procedure to use a nuisance abatement lien or a special assessment to collect abatement costs & related administrative costs. This bill would authorize the legislative body to also collect fines related to the nuisance abatement using a nuisance abatement lien or a special assessment.	SUPPORT (6/24/10) Letter to author 7/07/10  LCC supports	8/9/10 Senate 3rd Reading

PUBLIC SAFETY

SB 1362 (Simitian)	Vehicles: automated traffic enforcement systems. Existing law authorizes a governmental agency to establish guidelines and sets other requirements for selection of location for automated traffic enforcement. This bill would require that, <i>no later than January 1, 2012</i> , those requirements include identifying the system by signs posted <i>within 200 feet of an</i> intersection where a system is operating. The bill would require the governmental agency to adopt a finding of fact establishing the need for the system at a specific location for reasons related to safety <i>for those systems installed after January 1, 2011</i> . The bill would <i>require, if</i> an employee, agent, or representative of the governmental agency or of a law enforcement agency <i>contacts</i> the registered owner of a vehicle prior to issuing a notice to appear in an effort to determine the identity of <i>the driver</i> , the registered owner <i>to be made aware</i> , in a clear and prominent fashion, that the registered owner is not required to provide that information and that failure to provide that <i>will not result in additional</i> responsibility or liability associated with the alleged violation. The bill would prohibit a governmental agency that <i>proposes to install or</i> an automated traffic enforcement system from considering revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to <i>install or operate</i> a system within its local	OPPOSE (5/27/10) (Ltr to author 6/4/10; Ltr to Asm Trans 6/16/10)  LCC opposes  <b>AUTHOR REQUESTED REVIEW BASED ON LATEST AMENDMENTS – SBCCOG STAFF CHECKING WITH LCC.</b>	Assembly Appropriations Comm. Hearing Date: 8/12/10
-----------------------	---	---	--

	jurisdiction. The bill would require the manufacturer or supplier that operates an automated traffic enforcement system, in cooperation with the governmental agency, to submit an annual report to the Judicial Council that includes specified information. Also sets procedures & requirements for notice to appear.		
AB 2290 (Bradford)	CDCR: inmates: summary parole. This bill would require the Department of Corrections and Rehabilitation, not less than 45 days prior to the release of such an inmate, <i>or as soon as practicable</i> , to notify, <i>via the Law Enforcement Automated Data System (LEADS)</i> , the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.	SUPPORT (3/25/10) (Ltr to Asm Pub Safety 4/9/10; Ltr to Sen Pub Safety 6/16/10; Ltr to Sen. Approps. Comm 7/9/10)	8/9/10 Senate 3 <sup>rd</sup> Reading

#### REVENUE

AB 155 (Mendoza)	Local government: bankruptcy proceedings. Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. This bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the Calif. Debt & Investment Advisory Commission, as specified.	OPPOSE (3/26/09)  (Ltr faxed to Asm Local Gov Comm. 3/30/09 & to Asm Approp. Comm 4/29/09 & Sen Local Gov Comm 6/22/09 & Sen Approp Comm 4/22/10)	8/9/10 Senate Inactive File  LCC - oppose
ACA 9 (Huffman)	Local government bonds: special taxes: voter approval. This measure would change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax. It would also lower to 55% the voter approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements.	SUPPORT (5/28/09) (Ltr to Asm Approps 6/30/09)	8/9/10 Assembly Inactive File
SCA 18 (Liu)	Local Government: property related fees. Includes fees for stormwater management programs to those exemptions	SUPPORT (6/25/09)	8/9/10 Senate 3rd Reading

	already included in Proposition 218. It would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements adopted by the regional water quality control board.	(Ltr to author 8/3/09)  LCC supports	
--	---	---	--

TRANSPORTATION

SB 1192 (Oropeza)	Airport Rental Facility Charge. Would expand the definition of customer facility charge to include a fee that is required by an airport to be collected for the purpose of financing, designing, constructing, <i>acquiring vehicles &amp; operating any common-use transportation system. This bill would also authorize an alternative fee following a hearing and finding by the airport, as provided, that the customer facility charge will not generate sufficient revenue to finance and operate the consolidated rental car facility and common-use transportation system. The bill would provide for the collection of the alternative fee on a per-day basis, as specified.</i>	SUPPORT (6/24/10) (Letter to Assembly Approp.7/07/10)	8/9/10 Assembly 2 <sup>nd</sup> Reading  Emphasize in our support that funding should be included not only for the rental car facility but also for the peplemover  <b>AMENDED 8/2/10 TO INCLUDE COMMON USE TRANSPORTATION FACILITY</b>
----------------------	---	--	--

OTHER

SB 972 (Wolk)	Indemnity Design professionals. Restricts a city's ability to contract with a design professional by prohibiting the city from asking the design professional to defend that city if they are sued because of something the design professional did or failed to do.	OPPOSE (5/27/10) LCC opposes (Ltr to author 6/4/10; Ltr to Asm Jud 6/16/10)	8/9/10 Assembly 3 <sup>RD</sup> Reading
------------------	--	--	--

FEDERAL

HR 1191 (Inslee)  S.1336 (Murray)	To amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes.	SUPPORT (3/25/10) (Ltr sent to authors 4/9/10)	HR 1191 3/16/2009 Referred to House Subcommittee on Crime, Terrorism, and Homeland Security.  S. 1336 6/24/2009 Referred to Senate Judiciary Committee.
HR 1521 (Lofgren)	Cell Tax Fairness Act of 2009 - Prohibits states or local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service	OPPOSE (7/23/09) (Ltrs sent to	HR 1521 6/9/09 House Subcommittee Hearings Held

S 1192 (Wyden)	property for five years after the enactment of this Act. Defines "new discriminatory tax" as a tax imposed on mobile services, providers, or property that is not generally imposed on other types of services or property, or that is generally imposed at a lower rate.	authors 7/30/09)  LEAGUE OPPOSES	S. 1192 6/4/09 Referred to Senate Committee on Finance
HR 1618 (McGovern) S. 779 (Lautenberg)	Safe Highways and Infrastructure Preservation Act - Safe Highways and Infrastructure Preservation Act – concerning limits on length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.	SUPPORT (previous position on issue of truck weights) (Letters sent to several congressmen & 2 Senators 5/20/09)	HR 1618 3/20/09 House Subcommittee on Highways and Transit  S. 779 4/28/2010 Senate Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine. Hearings held.
HR 3734 (Sires)	Urban Revitalization and Livable Communities Act. Requires the Secretary of Housing and Urban Development (HUD) to establish an urban revitalization and livable communities program to provide federal grants to eligible general purpose local governments for various park and recreation purposes, including grants for rehabilitation and construction, innovation, at-risk youth recreation, and recovery action programs.	SUPPORT (5/27/10) (Ltr to House subcomm 6/8/10)  LCC supports	11/16/2009 Referred to House subcommittee on Healthy Families and Communities
HR 4812 (Miller) S. 3500 (Brown)	Local Jobs for America Act – From the amount appropriated under section 111, the Secretary, acting through the Employment and Training Administration of the Department of Labor and in consultation with the Secretary of Housing and Urban Development, shall provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities.	SUPPORT (5/27/10) (Ltr to House subcomm 6/16/10)	HR 4812 3/22/10 Referred to House Subcommittee on Workforce Protections 161 House co-sponsors (including Richardson & Waters)  S. 3500 6/16/2010 Referred to Senate Committee on Health, Education, Labor, and Pensions.

**Aug. 13** - Last day for **fiscal committees** to hear and report bills to the Floor (J.R. 61(b)(14)).

**Aug. 16 - 31 - Floor session only.** No committee may meet for any purpose (J.R. 61(b)(15)).

**Aug. 20** - Last day to **amend** on the Floor (J.R. 61(b)(16)).

**Aug. 31** - Last day for **any bill** to be passed (Art. IV, Sec 10(c), J.R. 61(b)(17)). **Final Recess** begins on adjournment

**Sept. 30** — Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

**Dec. 6** — 2011-12 Regular Session convenes for Organizational Session at 12 noon