

South Bay Cities Council of Governments

July 12, 2010

TO: SBCCOG Legislative Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: New Laws & Dead Bills

NEW LAWS

ELECTIONS/LOCAL GOVERNANCE

AB 1668 (Knight)	Local government: city councils. Existing law requires a city council to, within 30 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified. This bill would require the city council to, within 60 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified.	SUPPORT (5/27/10) (Ltr to author 6/4/10) (Ltr to Governor 6/26/10) LCC supports
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REVENUE

ABX8 6 (Budget Comm)	Transportation Finance. These bills provide the necessary statutory changes in the area of transportation finance in order to address the fiscal emergency declared by Governor Schwarzenegger pursuant to the California Constitution. They make a swap of tax revenues and expenditure of related funds.	OPPOSE (3/25/10)
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DEAD BILLS

ENVIRONMENTAL

AB 19 (Ruskin)	Greenhouse gas emissions: consumer product labeling. This bill would enact the Carbon Labeling Act of 2009. The act would require the State Air Resources Board to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint,	Monitor
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	as defined, of consumer products sold in this state.	
AB 903 (Chesbro)	Solid Waste: Compostable Plastic Bags. The California Integrated Waste Management Act of 1989, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags. This bill would require, beginning July 1, 2010, a manufacturer of a compostable plastic bag meeting those standards to ensure that the compostable plastic bag is readily and easily identifiable from other plastic bags. The bill would define "readily and easily identifiable," to include a compostable plastic bag labeled with a board approved certification logo and that meets other labeling requirements.	Monitor
AB 1594 (Huber)	Sacramento-San Joaquin Delta: Peripheral Canal. Prohibits the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature.	OPPOSE (3/25/10) (Ltr to Asm Water, Parks & Wildlife 4/1910)
AB 1805 (Calderon) & SB 1010 (Correa)	Environment: California Environmental Quality Act (CEQA). These bills would enact the California Environmental Quality Act Litigation Protection Pilot Program of 2010 and require the Business, Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2010 and 2014. 10 projects would be chosen from LA County. Furthermore, they would exempt each project from judicial review of an agency's decision to certify the EIR or to adopt a mitigated negative declaration based on an initial study for, the selected projects.	Monitor LCC opposes AB 1805 & SB 1010 (SBACC recommending support)
AB 1998 (Brownley)	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</i>	SUPPORT with Concerns (7/24/10) (Ltr to Sen Approps 7/26/10; calls to 3 legislators made 8/31/10)

	<i>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,</i> 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 specified bags <i>by certain stores</i> from the above prohibition and <i>requirements</i> .	
AB 2138 (Chesbro)	Product management: single-use recyclable packaging containers. Prohibits food providers from distributing food service packaging or a single-use carryout bag unless those items meet the criteria for either compostable or recyclable packaging. Imposes fines of up to \$1,000 per year with the revenue being appropriated to assist local governments in the effort to reduce plastic waste and marine debris.	Monitor LCC – supports in concept

PLANNING

SB 1112 (Oropeza)	Redevelopment: plan amendment. This bill only applies to the Carson Redevelopment Agency and would authorize the agency to extend the time limitation on the effectiveness of a redevelopment plan and on the payment of indebtedness and receipt of property taxes for not more than 10 years if the agency determines, based on substantial evidence that, among other conditions, at least 25% of the project area is property where the agency is authorized to take action to remedy or remove a release of hazardous substances pursuant to existing law .	SUPPORT (5/27/10)
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PUBLIC SAFETY

AB 1678 (Lieu & Huber)	Prisoners: parole. This bill would provide that a person shall not be granted nonrevocable parole if he or she is required to register pursuant to the California Street Terrorism Enforcement and Prevention Act, is listed on the CalGang System, or has identified himself or herself as a gang member to a staff member of the Department of Corrections and Rehabilitation or was committed to prison for solicitation of murder, stalking, or domestic violence or has a previous conviction for one of these crimes and various other instances. This bill would require the department to inform a local law enforcement agency within 48 hours of determining that a prisoner is eligible to be released on nonrevocable parole in	Monitor
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	the local agency's jurisdiction, and to provide local law enforcement 10 business days to object to the person's release and other provisions as specified.	
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> .	OPPOSE (5/27/10) (Ltr to author 6/4/10; Ltr to Asm Trans 6/16/10) LCC opposes

OTHER

AB 1957 (Silva)	Administrative Procedure Act: notice of proposed actions: local government agencies. This bill would require an agency to mail a notice of proposed action to adopt, amend, or repeal a regulation to local government agencies or local government agency representatives that the agency believes may be interested in, or impacted by, the proposed action, as prescribed. This bill would require the office, for purposes of this notice, to create, maintain, and make available to a requesting agency, a notification list of local government agency representatives, as prescribed.	MONITOR LCC supports
AB 1955 (de la Torre)	Public Officers. Incompatible Offices. This bill adds two examples of situations in which public offices are incompatible: 1) When an office has eminent domain power over property that is under the other office's jurisdiction. 2) When an office has the power to set a fee or a rate or impose a tax or a levy that may directly or indirectly affect the other office. AB 1955 deletes the current declaration that a member of a multimember body holds an office that may audit, overrule, remove members of, dismiss employees of, or supervise another office when the multimember body has any of these powers over the other office or over a multimember body that includes that other office. Instead, the bill says that a member of a multimember body holds an office that may exercise powers over another office when the multimember	OPPOSE (6/24/10) (Ltr to Sen Local Gov Comm 6/26/10)

	body has powers over the other office or over a multimember body that includes the other office.	
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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; ltr to Governor 8/31/10)
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)
SCA 18 (Liu)	Local Government: property related fees. Includes fees for stormwater management programs to those exemptions 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.	SUPPORT (6/25/09) (Ltr to author 8/3/09) LCC supports
SB 1445 (DeSaulnier)	Planning. This bill would increase the fee imposed by the state on the registration of each vehicle by \$1, and require the Department of Motor Vehicles to distribute 1% of the net revenues from the fee increase to the Planning Advisory and Assistance Council. The remaining net revenues would be distributed to designated transportation planning agencies based on the number of vehicles registered within	Monitor

	<p>the jurisdiction of each agency. The bill would require the transportation planning agencies to use the funds solely to develop and implement a sustainable communities strategy or regional blueprint plan in order to identify land use strategies to reduce the use of motor vehicles and to carry out transportation-related activities in the strategy or plan, and in the case of an agency preparing a regional blueprint plan, to provide grants to cities, counties, and congestion management agencies for planning and projects related to implementation of the plan. The bill would also provide for sharing of available revenues between various agencies.</p>	
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