



Item #13-3-9 Information

Government Relations & Public Affairs Committee

March 4, 2013

State Advocacy Update

Issue: State legislation of interest to SACOG.

Recommendation: None; this item is for information only.

Discussion:

February 22 was the deadline for state legislators to introduce bills. Staff has narrowed down a list of 50 bills to watch that relate to SACOG's State Advocacy Principles. As is typical, many legislators introduce "spot" bills, so this list will change as these bills are amended. Several topics have a large number of competing measures, including CEQA reform and replacement for redevelopment. The legislation that staff is tracking is summarized below. Attachment A includes a list of all 50 bills.

Staff will bring back recommendations for positions on higher priority bills in April. Staff is interested in any feedback from the committee on legislation.

Air Quality: Two significant bills, AB 8 and SB 11, would extend existing air quality fee programs that are sunseting.

CEQA: The primary CEQA reform bill will likely be SB 731, though it is currently a spot bill. Other bills propose creating CEQA-specific courts, and making major and minor changes to EIR requirements and procedures.

Economic

Development: Seven bills propose new entities to replace redevelopment agencies or expand infrastructure financing districts. AB 243, AB 229, SB 1, and SB 33 are all versions of bills from 2012. Separate from the redevelopment-related bills, AB 250 would require the state to allow reuse of state property.

Financing/

Revenue: Five constitutional amendments propose lowering the voter threshold from 2/3 to 55 percent for local taxes (the eligible uses vary by each proposal). Two bills would expand or create new infrastructure banks to help finance infrastructure projects.

Land Use: Several bills deal with the provision of affordable housing, including one that would create a real estate transaction fee. SB 673 would require cities and counties to provide a cost-benefit analysis for each proposed development project, funded by the project applicant.

Local streets: AB 603 would allow the Capital Southeast Connector to be constructed using design-build procurement. SB 7 would prohibit a charter city from using state funds or financing if it does not require prevailing wage for public works contracts.

MPO/RTPA: Three bills relate to Sustainable Communities Strategies. AB 1290 would require regional transportation agencies to report annually on development activity and constructed transportation projects. AB 1179 would require Sustainable Communities Strategies (SCSs) to identify future school sites. AB 1002 would impose a new \$6 vehicle registration fee for SCS implementation.

Transit: AB 863 would allow Caltrans to assume responsibility for federal review and clearance under NEPA for transit projects. AB 206 would allow Sacramento Regional Transit to install larger bike racks on buses.

Water: Four spot bills have been introduced to modify the 2014 state water bond. One bill would repurpose existing bond funds.

Approved by:

Mike McKeever
Chief Executive Officer

Attachment

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SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
Air Quality	AB 416	Gordon (D)	Local Emission Reduction Program	Creates the Local Emission Reduction Program and requires money to be available from the general fund for providing grants to develop and implement greenhouse gas emission reduction projects in the state, giving consideration to the ability of a project to create local job training and job creation benefits and achieve greenhouse gas emission reduction. Requires the awarding of moneys under the program to eligible recipients.
Air Quality	AB 8	Perea (D)	Alternative Fuel: Vehicle Technologies: Funding Program	Extends air quality fee programs that are set to sunset: Carl Moyer (diesel risk reduction) and AB 118 (alternative and renewable fuel and vehicles).
Air Quality	SB 11	Pavley (D)	Alternative Fuel: Vehicle Technologies: Funding Program	Extends air quality fee programs that are set to sunset: Carl Moyer (diesel risk reduction) and AB 118 (alternative and renewable fuel and vehicles).
CEQA	AB 953	Ammiano (D)	CEQA	Amends CEQA. Revises definitions. Requires a lead agency to include in an EIR a detailed statement on any effects that may result in locating a proposed project near natural hazards or adverse environmental conditions.
CEQA	AB 380	Dickinson (D)	CEQA: Notice	Amends CEQA. Requires that notices regarding EIRs filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Provides notice requirements for projects that are determined to be exempted from the Act.
CEQA	SB 617	Evans (D)	CEQA	Amends CEQA. Requires that notices regarding EIRs filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Requires a statement in the report regarding the placement of the project near natural hazards or adverse environment conditions. Repeals specified exemptions.
CEQA	AB 515	Dickinson (D)	CEQA: Judicial Review	Adds at least 2 CEQA compliance court districts within the state. Establishes a CEQA compliance court in every district. Gives the courts the jurisdiction over actions and proceedings involving the CEQA. Provides appeals are to the Supreme Court.
CEQA	AB 823	Eggman (D)	Environment: Agricultural Land: Mitigation	Requires a lead agency, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity.
CEQA	SB 123	Corbett (D)	Environmental and Land-Use Court	Requires a presiding judge of each superior court to establish an environmental and land-use division within the court to process civil proceedings brought pursuant to CEQA or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality.
CEQA	AB 37	Perea (D)	CEQA: Record of Proceedings	Requires the lead agency, at the request of a project applicant, to, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects.
CEQA	SB 731	Steinberg (D)	CEQA	Spot bill. States intent to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development. States the intent of the Legislature to provide funds annually to the Strategic Growth Council for the purposes of providing planning incentive grants to local and regional agencies to update and implement general plans.
Economic development	AB 662	Atkins (D)	Local Government: Infrastructure Financing Districts	Deletes that prohibition on infrastructure financing districts including any portion of a redevelopment project area.
Economic development	AB 1080	Alejo (D)	Community Revitalization & Investment Authorities	Similar governance to SB 1, but blight is defined as various forms of unemployment, crime, or inadequate infrastructure.
Economic development	SB 1	Steinberg (D)	Sustainable Communities Investment Authority	Reintroduction of SB 1156 (2012). Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area.
Economic development	AB 243	Dickinson (D)	Local Government: Infrastructure Financing Districts	Reintroduction of AB 2144 (2012). Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with 55% voter approval. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.

SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
Economic development	AB 229	Perez J (D)	Infrastructure and Revitalization Financing Districts	Reintroduction of AB 2144 (2012), except it does not change voter approval threshold and adds former military bases as eligible entities. Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.
Economic development	AB 250	Holden (D)	California Innovation Hub Program	Creates the state Innovation Hub Program, which requires the Governor's Office of Business and Economic Development to designate Innovation Hubs. Authorizes the office to use vacant or underused state-owned or leased property that is controlled by the Department of General Services. Authorizes specified state property, when authorized by law, to be used as matching funds to meet federal funding requirements.
Economic development	SB 628	Beall (D)	Infrastructure Financing	Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Provides that income level for continued occupancy. Relates to the approval of such district and its ability to issue bonds.
Economic development	AB 690	Campos (D)	Jobs and Infrastructure Financing Districts	Revises and recasts the provisions governing infrastructure financing districts. Lowers voter approval threshold to 55%. Authorizes a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only.
Economic development	SB 33	Wolk (D)	Infrastructure Financing Districts: Voter Approval	Reintroduction of SB 214 (2012). Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of districts and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes a district to finance specified actions and projects. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.
Financing/Revenue	SCA 11	Hancock (D)	Local Government: Special Taxes: Voter Approval	Proposes reducing the voter approval threshold from 2/3 to 55% for the imposition, extension, or increase of a special tax by a local government.
Financing/Revenue	ACA 8	Blumenfield (D)	Local Government Financing: Voter Approval	Proposes reducing the voter approval threshold from 2/3 to 55% for the imposition, extension, or increase of a special tax by a local government. Creates an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities.
Financing/Revenue	AB 749	Gorell (R)	Public-Private Partnerships	Deletes the reference to the Public Infrastructure Advisory Commission established by the Business, Transportation and Housing Agency. Creates a new Public Infrastructure Advisory Commission. Requires the commission to establish best practices for public-private partnerships, and to identify other state departments that would benefit from similar contracting authority.
Financing/Revenue	SB 798	De Leon (D)	California Green Infrastructure Bank Act	Enacts the Green Infrastructure Bank Act. Establishes the Green Infrastructure Bank. Provides for certain loans to a subdivision or local government. Amends an existing law which authorizes the allocation of moneys appropriated from Greenhouse Gas Reduction Fund for the purpose of reducing greenhouse gas emissions through investments in programs implemented by local and regional agencies and collaboratives and by nonprofit organizations.
Financing/Revenue	SCA 9	Corbett (D)	Local Government: Economic Development: Special Taxes	Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.
Financing/Revenue	SCA 4	Liu (D)	Local Government Transportation Project: Voter Approval	Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a specified percentage of voters voting on the proposition.
Financing/Revenue	SCA 8	Corbett (D)	Transportation Projects: Special Taxes: Voter Approval	Provides that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition.

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Issue	Bill	Author	Title	Summary
Financing/ Revenue	AB 1272	Medina (D)	Infrastructure and Economic Development Bank	Revises the definition of economic development facilities to include facilities that are used to provide goods movement and would define goods movement-related infrastructure. Revises the definition of port facilities to specifically reference airports, landports, waterports, and railports. The bill would authorize the bank to join or formally participate in regional, state, national, or international organizations related to infrastructure financing.
Financing/ Revenue	AB 1051	Bocanegra (D)	Housing	Spot bill. States the intent of the legislature to appropriate funds from the Greenhouse Gas Reduction Fund to the Department of Housing and Community Development to be expended for loans for the development and construction of housing development projects within close proximity to transit stations.
Housing	AB 745	Levine (D)	Land Use: Housing Element	Amends the Planning and Zoning Law. Authorizes a city or county to request the appropriate council of governments to adjust a density to be deemed appropriate if it is inconsistent with city's or county's existing density.
Housing	SB 391	DeSaulnier (D)	California Homes and Jobs Act of 2013	Enacts the California Homes and Jobs Act of 2013. Imposes a fee to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. Requires that revenues sent quarterly to the Department of Housing and Community Development for deposit in the California Homes and Jobs Trust Fund, which the bill would create. Provides that moneys expended for supporting affordable housing, administering housing programs and the cost of periodic audits.
Housing	SB 513	Hancock (D)	Local Development	Relates to the Transit Priority Project Program regarding an infrastructure finance district. Relates to a required percentage of affordable units in rental or owner-occupied housing for low- or moderate-income persons and families. Revises the percentage requirement.
Land Use	SB 673	DeSaulnier (D)	Land Use: Development Project Review	Requires a city, county, or city and county, including a charter city or charter city and county, prior to approving or disapproving a proposed development project to cause a cost benefit analysis to be prepared, which would be paid for by the project applicant.
Local streets	AB 574	Lowenthal B (D)	State Highways: Relinquishment	Authorizes the Transportation Commission to relinquish any portion of a state highway or related facility within a county or city to that county or city, subject to an agreement between the Department of Transportation and the local agency, without requiring a legislative enactment deleting the state highway segment from the state highway system.
Local streets	AB 603	Cooley (D)	Public Contracts: Design-Build	Includes in the definition of a local transportation entity, a city, county, city and county, and a joint powers authority. Applies the specified procedural requirements to the state design-build projects. Authorizes the Capital Southeast Connector Joint Powers Authority to use design-build procurement.
Local streets	SB 7	Steinberg (D)	Public Works: Charter Cities	Prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract. Prohibits state funding assistance for such projects for a specified period. Authorizes such assistance for a city with an ordinance requiring prevailing wages. Provides a minimum contract threshold for such requirement.
MPO/RTPA	AB 1081	Medina (D)	Economic Development: Goods- Movement Infrastructure	Amends existing law that requires the Governor to submit to the Legislature a proposed infrastructure plan containing specified information concerning infrastructure needed by specified entities and a proposal for funding the needed infrastructure. Requires the plan to include information related to infrastructure identified by state and federal transportation authorities and a recommendation for public sector financing.
MPO/RTPA	SB 751	Yee (D)	Local Planning: Metropolitan Planning Organizations	Spot bill. Declares the intent of the Legislature to enact legislation to ensure transparency in connection with the functioning of metropolitan planning organizations, including, but not limited to, the individual voting records of their members.
MPO/RTPA	SB 110	Steinberg (D)	California Transportation Commission: Guidelines	Establishes specified procedures that the California Transportation Commission (CTC) would be required to utilize when it adopts guidelines relative to its programming and allocation policies. Exempts the adoption of those guidelines from the requirements of the Administrative Procedure Act.
MPO/RTPA	AB 1002	Bloom (D)	Vehicles: Registration Fee	Imposes a new \$6 vehicle registration to help fund Sustainable Communities Strategies (SCS).

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Issue	Bill	Author	Title	Summary
MPO/RTPA	AB 1290	Perez J (D)	Transportation Planning	Provides for 2 additional voting members of the CTC to be appointed by the Legislature. Adds 3 ex-officio members from state agencies. Adds various reporting and monitoring requirements regarding an SCS.
MPO/RTPA	AB 1179	Bocanegra (D)	Regional Transport Plan: Communities Strategy	Requires the SCS to identify, in consultation with each local educational agency in the region, future school facilities sites, or existing facilities that may be modernized or expanded.
Transit	AB 863	Torres (D)	Transit Projects: Environmental Review Process	Authorizes the Caltrans to assume responsibilities for federal review and clearance under NEPA transit projects; similar to existing authority for highway projects.
Transit	AB 206	Dickinson (D)	Vehicles: Length Limitations: Buses: Bicycle Devices	Authorizes the Sacramento Regional Transit District to install bike racks to accommodate up to three bicycles.
Water	SB 735	Wolk (D)	Sacramento-San Joaquin Delta Reform Act	Amends the Sacramento-San Joaquin Delta Reform Act of 2009 to exclude from the definition of covered action the approval or implementation of a project as part of a larger conservation plan submitted pursuant to the Federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered species.
Water	SB 40	Pavley (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond
Water	SB 36	Rubio (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond
Water	SB 42	Wolk (D)	Clean, Secure Water Supply and Delta Recovery Act	Spot bill for changing the 2014 Water Bond
Water	AB 1301	Bloom (D)	Water Quality and Supply	Spot bill for repurposing state water bond of 2006.
Water	AB 142	Perea (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond