



# Memorandum

**TO:** RULES COMMITTEE

**FROM:** Roxanne Miller

**SUBJECT: 2005 STATE LEGISLATIVE  
SUMMARY**

**DATE:** December 8, 2005

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Approved

Date

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## **RECOMMENDATION**

Acceptance of San Jose's Legislative Representative's Report on the 2005 State Legislative Session.

## **BACKGROUND**

The State Legislature adjourned the first-half of the 2005-06 Legislative Session on September 8, 2005. During the 2005 Legislative Session, a total of 2,966 bills were introduced, including bills and constitutional amendments introduced during the First Extraordinary Session. The Governor took action on 1,061 bills, signing 729 bills into law while vetoing 232 measures. Legislation signed into law on or before October 9 will take effect January 1, 2005 unless otherwise indicated in the statute. If a bill was adopted as an urgency measure, it will go into effect immediately upon signature.

The Office of Intergovernmental Relations (IGR) and the Legislative Office in Sacramento reviewed all bills and amendments that were introduced. City departments and the City Attorney's Office provided their analyses of bills to determine their potential impact on the City's existing authority, policies and programs. Bill analyses and recommendations were prepared with the highest priority given to those bills addressing the City's Legislative Priorities. Positions taken on legislation by the Rules Committee and the City Council established the City's Legislative Program during the 2005 Legislative session.

Once issues and legislation were identified as the City's legislative priorities, bills were actively monitored and city positions were represented before the Legislature and to the Governor's Office and state administration. The City's Legislative Program includes legislation sponsored by the City, supported, opposed or amendments suggested. Legislative initiatives and implementation strategies were developed to achieve the desired outcomes. The City's positions were communicated to San Jose's legislative delegation, other legislators, policy committee staff, and to the Governor. Direct communications also included testimony before key committees and participation of City elected and department officials with particular expertise on issues of priority. Support for the City's priorities were also

established by building coalitions of interests with the League of California Cities, Big Ten Mayors, other public agencies, and the public and private sectors in San Jose, Silicon Valley and on a statewide basis.

The Final Legislative Bill Matrix for the first-half of the 2005-06 Legislative Session identifies legislation of particular interest to the City including the First Extraordinary Session (See Attachment A). The Matrix is divided into subject areas based on the City's defined City Service Areas (CSAs) with each bill listed with author, subject, final status and City position. The Matrix includes legislation the City has taken specific positions on and those bills identified as having potential impact on the City's legislative priorities. In the first-half of the two-year session, those bills that did not pass both houses in 2005 and reach the Governor's desk may become two-year bills if they pass their house of origin went the Legislature reconvenes in January 2006.

The Final Status of Legislation has also been prepared listing all legislation passed by the Legislature during the 2005 Legislative Session and indicates the final action taken by the Governor. (See Attachment B) City officials are encouraged to review chaptered bills to determine potential impacts on the City's current authority, changes in existing programs, and service delivery before bills become effective January 1, 2006.

## **OVERVIEW**

On January 5, 2005, Governor Schwarzenegger called for the passage of his ambitious "reform" agenda and quickly issued a proclamation convening the Legislature into special session. The First Extraordinary Legislative Session was convened on January 6 for the purposes of and to legislate upon the following subjects: To consider and act upon Constitutional amendments to be placed before the voters and related legislation: To reform the State's budget process; to reform public pension systems; To reform education by changing the basis for employment decisions and school funding; and To reform the process for reapportionment of state elective district boundaries.

By mid-June it was evident that the Legislature would not pass the state budget to meet the constitutional deadline and the Governor and Legislature had failed to reach agreement on any of his "reform" measures during the regular legislative session or in the First Extraordinary Session. So the Governor decided to call for a Special Election on November 8 to put before the voters three of the four reform proposals he had outlined in his State of the State message in January. Three of his initiative statutes or constitutional amendments qualified by petition signatures for the November 8 Special Election.

The Governor had also decided to not move forward with his effort to reform public employee pension systems and focused his campaigning in support of Proposition 74 - Public School Teachers Tenure, Proposition 75 - Employee Union Dues, Proposition 76 - State Budget Reform and School Funding Limits, and Proposition 77 - Reapportionment: Redistricting.

During the Legislative Session and leading up to the Special Election, record setting campaign fundraising fueled to historic proportions the political battles between the Governor and organized labor who lead the opposition to his “reform” initiatives. The resulting high stakes constant confrontation all but eliminated forward progress on significant legislation in 2005. It remains unclear, with the voters’ rejection of the Governor’s reform initiatives and the upcoming 2006 election cycle, whether the Republican Governor running for re-election and democratic leadership in 2006 will be able to set aside their differences and hammer out solutions to major unresolved issues facing the state.

### **STATE BUDGET**

Governor Schwarzenegger signed the \$117.7 billion FY 2005-06 State Budget on July 11. When originally proposed in January the State Budget had utilized a combination of borrowing, cuts and fund transfers to overcome an estimated \$9.1 billion budget shortfall. The budget had included a \$1.7 billion loan from a remaining portion of the \$15 billion economic recovery bond authorized by voters in 2004 as Prop. 57. The Governor’s budget also initially proposed to suspend Proposition 42 to allow transportation revenues to be expended for General Fund purposes and proposed under funding K-14 education by \$3 billion. The education community declared that the Governor had broken his earlier agreement with them to provide more revenue for education as soon as the state’s revenue picture improved.

The May Revision to the Budget announced a gain of \$2.2 billion in the current year and an increase of another \$4.4 billion in 05-06 for a gain of \$6.6 billion. The new revenue allowed the Governor to include in the May Revision a shift of \$1.3 billion back into the Proposition 42 Transportation Fund. The improvement in state revenues and the prospect of the Special Election did impact the budget negotiations. Democrats didn’t push for new taxes and legislative leadership was able to agree on a compromise budget early in July that avoided severe cuts in health, human services and welfare programs.

**Proposition 1A worked!** Under the second year of the Proposition 1A agreement, local governments will contribute \$1.3 billion towards balancing the state budget with, \$350 million each from cities, counties and special districts and \$250 million from redevelopment agencies. San Jose’s share is \$11.1 million and San Jose Redevelopment Agency’s Additional ERAF payment is estimated at \$16.1 million. But this amount is anticipated to see a reduction once the State Controller’s Office determines the ERAF amount from each agency using the most recent published Community Redevelopment Agency’s Annual Report. This annual adjustment is the result of an amendment San Jose secured as part of last year’s Prop. 1A Budget negotiations.

**Proposition 42 for the first time is fully funded** - \$1.3 billion for State Transportation Improvement Plan and Traffic Congestion Relief Program projects including BART to Silicon Valley. Cities and counties will receive \$254 million for local streets and road maintenance, including \$4.1 million for San Jose.

**Vehicle License Fee (VLF) “gap” loan paid back early** – All of the \$1.186 billion VLF “gap” loan owed to cities and counties will be paid back one year early in 05-06. San Jose’ share of the VLF “gap” loan repayment was estimated to be \$16 million and has already been advanced per City Council action this year.

**COPS - Citizen’s Option for Public Safety** - Funding of \$100 million is continued in the budget including \$1.6 million for San Jose.

**Booking Fee Reimbursement** – No reimbursement for cities included in 05-06 Budget. In prior years, there was \$38.5 million statewide to reimbursement cities. San Jose’s previous share was \$2.53 million. However, under the adopted 04-05 State Budget, the state’s obligation to reimburse cities was eliminated as of July 1, 2005. Counties, also as of July 1, 2005 are required to roll back their booking fees to no more than 50 percent of the booking fee charged as of January 1, 2004. In future years, counties do have authority (with limitations) to increase booking fees. Estimated cost to San Jose for booking fees is \$1.27 million in 05-06.

**Public Library Foundation (PLF)** – Statute funding for public libraries provides \$14.1 million statewide, the same level of funding as in 04-05.

**State Mandates Reimbursements** - Adopted budget extends the State’s obligation to repay past deferred mandate reimbursements from five years to a fifteen year pay back. Would also exempt the state from reimbursing mandate claims for specific Brown Act and Police Officer’s Bill of Rights (POBAR) mandate items.

**In summary, the adoption of the 05-06 State Budget reflects a continuation of the Proposition 1A agreement with local governments by maintaining the partnership initiated in 04-05 which led to the voters’ approval by 84% of Proposition 1A. The adopted 05-06 State Budget does not raise taxes or increase borrowing. It advances the repayment of VLF “gap” loan to cities and counties in 05-06 instead of 06-07 and has the double benefit of providing a major step towards reducing the state’s deficit in the future years. And for the first time since the voters approved Prop 42, the program is fully funded providing \$1.3 billion for critical transportation projects and continues funding for local streets and road maintenance.**

### **STATE BUDGET FORECAST**

When the FY 2005-06 State Budget was signed the Department of Finance had estimated that the State would face a \$7.5 billion shortfall in 2006-07. The Legislative Analyst Office (LAO) has just released its latest projections on the state’s general fund revenues and expenditure for 2005-06 through 2010-11. The projections indicate an overall improvement in the state budget, with the current year ending with a reserve of \$5.2 billion, which is up approximately \$4 billion from prior estimates.

The revenue increases, according to the LAO were due to higher-than anticipated personal income tax returns, significantly higher corporate taxes and somewhat higher sales and use tax receipts. The early repayment of the VLF “gap” loan debt owed to cities and counties is a factor in reducing the state’s long-term deficit and is one reason for the state’s improving fiscal situation. The largest changes are the lower spending level for Proposition 98 - education which is partially offset by increases in state retirement costs relating to an assumed one-year delay in the sale of pension obligation bonds.

The LAO stated the budget reserve should be sufficient to keep the 2006-07 budget balanced, without the need for significant program reductions or additional revenues. However, LAO has “cautioned that multi-billion dollar operating deficits would be present through FY 2010-11...and encouraged the Legislature to take further steps to minimize operation costs and to continue building the budgetary reserve.” The state has not eliminated its structural problem. The LAO also indicated that the State still owes public education \$3 billion and Proposition 49, the after school initiative, will probably be fully triggered, costing about \$500 million annually.

The State Department of Finance will release its own revenue estimate this month in preparation for the release of the Governor’s proposed FY 2006-07 budget due by January 10, 2006.

### **EMINENT DOMAIN – Kelo Decision**

The 2005 legislative session was adjourned without taking final action on any measures proposing to limit the use eminent domain. The recent U.S. Supreme Court’s decision in *Kelo v. New London* and review of the use of eminent domain authority under California’s Community Redevelopment Law did result in suggestions for redevelopment reform.

Under the Kelo case, a public agency may use eminent domain to take a privately owned residential, non-blighted property for the purpose of economic development. Since the decision, reaction by some legislators and the misinterpretation by some in the media have resulted in a misunderstanding that the decision was an expansion of the authority to use eminent domain in California. In fact, the Kelo decision did not change state law and the existing rights and protections of property owners in California. Prevailing opinion is that the Kelo case could not have happened under state law since California redevelopment law was cited in the Kelo case as an example of a state that provides stronger protections for property owners and goes far beyond the protections in Connecticut.

By the end of the session, legislation introduced in reaction to the Kelo case and still active included: AB 1162 (Mullin), which proposes a two-year moratorium on the use of eminent domain to acquire owner-occupied residential property for private use. The bill defines private use as any use other than use as a public facility or public works and is owned and operated by a public entity. The moratorium would be effective until January 1, 2008. The bill would require the California Research Bureau to prepare a report on the use of eminent domain in

California between 1996 to 2005. The study would include owner-occupied, tenant-occupied and commercial properties. The bill would clarify that the moratorium applies to properties for which a resolution of necessity had not been adopted and that no offers may be made during the moratorium under threat of eminent domain. Status: The bill was passed by Senate Judiciary Committee but was referred to Senate Rules Committee.

Also, introduced in reaction the Kelo decision was SCA 15 (McClintock) a Constitutional amendment that, if passed and approved by voters, would severely restrict the use of eminent domain when it involves taking private property and making it available for future private uses. SCA 15 would amend the current authorization for governmental entities to take private property for public use provided that the property will be owned and occupied by the condemnor. If the property ceases to be used for the stated public use, the former owner has the right to reacquire the property. Amendments deleted provision that allowed the owner of property taken through eminent domain to reacquired by paying "fair market value." Status: SCA 15 failed passage in Senate Judiciary Committee. The author has declared that he will be back with an initiative next year.

This fall, two legislative hearings were held focusing on "redevelopment and blight" and proposals to "reform redevelopment." The hearings reviewed the *Kelo* decision and its impact or lack of affect on the authority of redevelopment agencies to use eminent domain in California; an examination of the frequency and manner in which eminent domain has been used; whether statutory changes are warranted to further restrict its' use; identification of successful redevelopment projects; examples of "abuse" under the current definition of blight; and identification and consideration of proposals to "reform" or restrict existing uses of community redevelopment law. It is anticipated that redevelopment reform legislation will be introduced when the legislature reconvenes in January 2006.

### **2005 LEGISLATIVE INITIATIVES AND PRIORITY LEGISLATION**

In addition to state budget related legislation, each legislative session the City sponsors, supports, opposes and seeks amendments to legislation consistent with the City's adopted legislative priorities and based on the recommendations from City elected officials, departments and the City Attorney's Office. The City also participates in the processes to implement legislative intent after legislation becomes law; development of state regulations, establishment or revision to regulations/programs, reimbursement for state mandates; and competition for state funding and program authorizations.

The following 2005 legislation is illustrative of the significant impact state legislation has towards achieving the City's State Legislative Priorities. (See Attachment A – 2005 Final Legislative Matrix).

**AB 451 (Yee) Relating to local sales tax: jet fuel: place of sale.**

Provides that, for purposes of applying a local sales tax to sales of jet fuel, the point of sale of jet fuel is the point of delivery of that jet fuel to the aircraft. Known as “wingtip” methodology. Provisions of bill become effective January 1, 2008.

**STATUS:** Signed by Governor. Chapter 391, 2005 Statutes.

**CITY POSITION:** Support

**AB 609 (Lieber) relating to Agnews Development Center: closure.**

Would have required the Department of Development Services to establish the Agnews Developmental Center Campus Advisory Group to make recommendations to the department regarding disposition of the Agnews campus. Required the recommendations to include options for retaining the land or its value for the use of people with developmental disabilities.

**STATUS:** Vetoed by Governor.

**CITY POSITION:** Support

**AB 772 (Chan) relating to Healthy Kids Insurance Program.**

Would have created the Healthy Kids Insurance Program, which would consist of the portion of the Medi-Cal Program for health care coverage to children and the Healthy Families Program. Accelerated the process for determining eligibility for the program by authorizing administering agencies to rely on eligibility determinations made by other public assistance programs, including reduced price school lunch programs, WIC and Food Stamps Program. Enacts Healthy Families Program privacy provisions.

**STATUS:** Vetoed by Governor

**CITY POSITION:** Support

**AB 1162 (Mullin) relating to eminent domain.**

Would place a two-year moratorium on the authority of a community redevelopment agency, community development commission or joint powers agency to exercise the power of eminent domain to acquire owner-occupied residential real property if ownership of the property will be transferred to a private party or private entity. Requires the Legislative Research Bureau of the State Library during the moratorium to study related issues and submit reports to the Legislature regarding use of eminent domain during a specified period of years, including use of eminent domain for owner-occupied, tenant-occupied and commercial properties.

**STATUS:** Passed Senate Judiciary Committee; Referred to Senate Rules Committee

**CITY POSITION:** Watch

**AB 1248 (Umberg) relating to booking fees.**

Specifies that a county shall be authorized to only impose a booking fee with respect to specified non-felony offenses and municipal code violations.

**STATUS:** Heard in Assembly Local Government Committee; Remains in Committee.

**CITY POSITION:** Support

**AB 1378 (Lieber) relating to developmental services facilities.**

Authorizes the Department of Developmental Services (DDS) to provide state employees to operate any facility if DDS determines that this will assist in the goal of closing Agnews. Expresses the Legislature's intent to ensure continuity of care and to seek and implement recommendations to retain Agnews' staff as employees for crisis management, specialized services, support in community homes to assist persons with behavioral and psychiatric needs.

**STATUS:** Signed by Governor, Chapter 538, 2005 Statutes.

**CITY POSITION:** Support

**AB 1472 (Coto) relating to redevelopment.**

Authorizes an agency to extend the time limit on the effectiveness of a redevelopment plan for a maximum of 10 additional years if significant physical or economic blight remaining in the project area may not be reasonably eliminated without the extension of the time limit and the amended redevelopment plan meets certain specified requirements.

**STATUS:** In Assembly Housing and Community Development Committee.

**CITY POSITION:** Sponsor/Support

**AB 1766 (DYMALLY) relating to economic development: economic incentive areas.**

Revises the definition of eligible area and targeted employment area under the act. Extends the timeline for designation of an enterprise zone for up to 25 years. Revises the definition of qualified employee under the Personal Income and Corporations Income Tax Laws for credits for hiring employees. Increases the expense tax deduction under those tax laws for businesses outside such zones for apportioned losses to the zone and allows the carryover of the deduction for a specified period. (Also AB 1361-Dymally)

**STATUS:** Passed Senate Transportation and Housing Committee; Pending on Senate Floor.

**CITY POSITION:** Support

**SB 527 (Alquist) relating to redevelopment: senior housing.**

Amends the Community Redevelopment Law which requires not less than 20% of all tax increment funds that are allocated to a redevelopment agency to be used by the agency for purposes of increasing, improving, and preserving, the community's supply of low- and moderate-income housing. Specifies that the housing assistance be available in at least the same proportion as the number of low-income senior households bears to the total number of low-income households in the community.

**STATUS:** Signed by Governor, Chapter 262, 2005 Statutes.

**CITY POSITION:** Support/Sponsor

**SB 680 (Simitian) relating to congestion management and transportation improvements.**

Authorized the Santa Clara Valley Transportation Authority to impose annual fee of up to \$5 on each motor vehicle registered within Santa Clara County for a program for the management of traffic congestion and for specified street, road expressway, and transit purposes. Required 2/3 vote of the board for adoption as part of resolution imposing the fee.

**STATUS:** Vetoed by Governor

**City Position:** Support

**SB 861 (Speier) relating to animals: dogs: spay, neuter and breeding programs.**

Sets forth provisions relating to veterinary public health and safety. Authorizes local governments to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed or mixed dog breed shall be declared potentially dangerous or vicious under those ordinances. Amends provisions regarding quarterly statistical reports related to dog bites to the State Public Health Veterinarian.

**STATUS:** Signed by Governor. Chapter 668, 2005 Statutes

**CITY POSITION:** Support

**SB 962 (Chesbro) relating to adult residential facility: pilot project.**

Authorizes the Departments of Social Services and Developmental Services to jointly establish and administer a pilot project for licensing and regulating adult residential facilities for persons with special health care needs. Authorizes entering into a contract for independent evaluation of the program and report to the Legislature.

**STATUS:** Signed by Governor. Chapter 558, 2005 Statutes.

**CITY POSITION:** Support

**SCA 15 (McClintock) relating to eminent domain: condemnation proceedings.**

Amends provisions of the Constitution authorizing governmental entities take private property for public use. Provides that private property may be taken only for a stated public use. Also requires the property to be owned and used only for the stated purpose. Provides that if the property ceases to be used for the stated public use, the former owner has the right to acquire the property as specified. (Also ACA 22, LaMalfa).

**STATUS:** In Senate Committee on Judiciary; Failed passage; Reconsideration granted.

**CITY POSITION:** Oppose

**PRIORITY ISSUES FOR 2006**

There is a long and growing list of unresolved issues that await the attention of the Governor and Legislature when the 2006 Legislative Session re-convenes on January 4, 2006. The State's Infrastructure, Transportation, Housing and Redevelopment are among the top priorities expected to be the focus of next year's legislative and budget process.

Key issues will include:

**Infrastructure, Transportation and Housing –**

Governor Schwarzenegger has reiterated the need to plan for California's future growth and build the infrastructure to meet our future needs. He has stated that "...whether it's more money in the state budget or a bond supported by the people" he is working on a plan to ensure that local government, have the tools they need to continue providing services the people depend on most."

Representatives of the Administration and Senator Perata, President pro Tempore of the Senate are developing legislation to address the state's inadequate housing support, the lack of affordability, and to provide additional fiscal resources to address these issues. The discussions have broadened to include resource protection, promoting infill and efficient land use patterns, and smart growth strategies. While these efforts did not succeed this year in identifying a legislative approach discussions are continuing under the Business, Transportation and Housing Agency and the Resources Agency with stakeholders to develop proposals to address resources and orderly development, housing supply and infrastructure, and state agency coordination. Senator Perata has stated his intent to pursue a legislative package, including SB 832 relating to CEQA and infill and SB 1024 relating to public works: improvement bond.

SB 1024 would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005. The \$10.3 billion bond, if approved by the voters, would provide funding for much needed and long overdue investments in the state's infrastructure including funding identified for transportation programs and projects including ports and high speed rail; flood protection; incentives for Infill, housing and transit-oriented development; and grants for habitat, open space, and mitigation of adopted regional growth plans and funding for local agencies that meet their housing requirements. Working with the Administration and legislative leadership, Senator Perata is proposing that the "Back to Basics" Transportation Infrastructure Bond be on the June 2006 Primary Ballot.

This year's full funding of Proposition 42 in the FY 05-06 State Budget as focused discussions on the need for a permanent fix for Proposition 42. Proposition 76, "Living Within Our Means" which was defeated on the November Special Election, contained a permanent fix for Proposition 42 to prevent future state general fund diversions of the funds and would have required repayment of previously diverted amounts. The Proposition 42 Coalition, along with the League of California Cities and the California State Association of Counties, is exploring the possible co-sponsorship of a Proposition 42 reform initiative on the 2006 General statewide ballot to secure permanent funding protection for transportation projects under Proposition 42.

**Eminent Domain and Redevelopment** – Although no eminent domain legislation was enacted in 2005, legislation (i.e. AB 1162) is pending and Senator McClintock has said he will be back pushing SCA 15 or sponsoring an initiative next year. Senator McClintock wants to prohibit the use of eminent domain to take private property for private use. There also continues to be concern over the potential for passage of federal legislation, which could restrict local governments' use of eminent domain and preempt states' authority. Also regarding suggestions to "reform" of community redevelopment law in California, a few legislators have indicated they are considering authoring redevelopment reform bills in January when the Legislature reconvenes. Some have suggested that the last major reform of community redevelopment law occurred in 1993 with the passage of AB 1290 (Isenberg).

**Flood Protection** – Katrina was a wake up on the status of California’s aging flood control system. Action has included requests for federal funds to make repairs to northern California levees. Proposed bond measures have been amended to include funding for the state’s Flood Control Subvention Program and funding is also expected in the state budget. Legislative hearings are being scheduled to review flood liabilities while discussions continue on the issue of development in flood planes.

**Pension Reform** – Although there was considerable discussion last year on pension reform no significant measures were enacted last session. Once Governor Schwarzenegger decided to not move forward on his proposal as part of his “reform” package, there was not consensus in the legislature to proceed. However, public pension system reform is expected to be actively debated again during 2006 session. Assembly Member Keith Richman has drafted a revised measure, as an alternative proposal to his original constitutional amendment to eliminate defined benefit plans for public employees. The new constitutional amendment will provide a blended approach with defined benefit and defined contribution components for all public employees systems in the state. He has stated his intent to sponsor a ballot initiative if the legislature fails to pass his measure. Governor Schwarzenegger has also indicated he intends to continue to promote pension reform again next session.

**Telecommunication Reform** – The telecommunications debate over a new regulatory scheme for the convergence of communications technologies and its’ impacts, including impacts on local taxation authority, continue to percolate at both the state and federal level. A number of bills were introduced this year relating to cable franchise fees and telecommunications reform.

Three bills are of particular interest – AB 1547 (Levine) and AB 1735 (De LaTorre) which sought to reform the cable franchise fee system. Senator Escutia, the chair of Senate Energy, Utilities, and Communications Committee, has authored SB 909, another telecommunications reform bill. Her concern is the digital divide and how to ensure that all Californians have access to all forms of telecommunications. Assembly members had agreed to amended their bills to intent language only and conduct a series of joint conference committee hearing on the issue. However, a joint conference committee has not been formed. Assembly Member Levine supports the creation of a statewide franchise fee and has continued to hold meetings with the stakeholders to identify and narrow the issues. In light of recent legislation reforming cable franchise fee systems in Florida and Texas, discussions will continue concerning setting up a new regulatory scheme for telecommunications in California.

## **IN SUMMARY**

For cities and San Jose specifically, the most notable aspect of the 2005 Legislative Session was the formulation of the state budget and the Proposition 1A agreement providing greater stability in local governments’ funding relationship with the State --- one more year of local contribution to reach balance but this year could to be the last year!

RULES COMMITTEE

12-8-05

**Subject: 2005 State Legislative Summary**

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The City has realized progress towards implementing the City's Legislative Priorities with the introduction of city sponsored/supported legislation and favorable results on legislative positions taken.

Our success has been achieved with the ongoing commitment and collective efforts of City elected officials and city departments. Of particular note is the continuing support and leadership of our State legislative delegation who have favorably influenced outcomes on state legislation, state regulatory process and state budgetary decisions.

Thank you for your participation and support of the City's initiatives.

ROXANNE L. MILLER  
Legislative Representative  
Sacramento Office

Attachment A – 2005 Final Legislative Matrix  
Attachment B - 2005 State Legislative Status Report

**Office of Intergovernmental Relations  
Sacramento Legislative Office  
2005 Legislative Matrix  
2005-2006 (First-half) State Legislative Session  
November 22, 2005**



**Attachment A**

For additional information, contact Office of Intergovernmental Relations, Betsy Shotwell at (408) 535-8270 or Roxanne Miller (916) 443-3946.

**I. COMMUNITY AND ECONOMIC DEVELOPMENT**

Bill Number (Author)	Subject	Description	Fiscal	Status/ City Position
1. Housing And Community Development, (Includes property, code enforcement, building standards, permits, redevelopment, economic development, rent control, homelessness and mobile homes.)				
AB 549 (Salinas)	Affordable Housing	Establishes a pilot program as an alternative means of determining whether a housing element substantially complies with affordable housing provisions by establishing an affordable housing requirement if specified conditions are met by a city or county. Requires a city and county that adopts an alternative production-based certification of its housing element to submit a certification of compliance within 10 days of the final draft.	Yes	Referred to Assembly Local Government and Housing and Community Development Committees, hearing postponed.  SUPPORT/AMEND
AB 773 (Mullin)	Housing Development: Project: Local Agencies	Makes technical and conforming changes to provisions of the Planning and Zoning Law. A spot bill for League of California Cities Housing and General Plan Task Force legislative proposals.	No	In Assembly Public Employees Retirement and Social Security Committee, hearing pending.  WATCH
AB 782 (Mullin)	Housing	Makes Legislative findings and declarations regarding the need to make more housing available.	No	In Assembly; Pending assignment to policy committee.
AB 890 (Cogdill)	Housing	Makes state legislative findings and declarations regarding the lack, supply, and cost of housing. A spot bill for State Business, Transportation and Housing Agency proposals.	No	In Assembly; Pending assignment to policy committee. WATCH/AMEND
AB 901 (Ridley-Thomas)	Covered Loans	Changes the loan limit from \$250,000 to the current limit for conforming loans established by Fannie Mae. (The limit for 2005 is \$359,650. Fannie Mae's conforming loan limit is adjusted annually based on home prices around the country.) Bill also expands the reporting requirement for counties that have a Real Estate Fraud Protection Trust Fund by requiring counties to report to the Legislative Analyst Office rather than the Legislature. The LAO will comply the results from all participating counties and report to the Legislature.	Yes	Signed by Governor. Chapter 531, 2005 Statutes.  SUPPORT
AB 921 (Daucher)	Redevelopment	Authorizes a redevelopment agency to amend its redevelopment plan to extend the time limit on the plan's effectiveness for an additional 25 years without making new findings of blight. During the extension period, the agency would receive only 50% of the prior amount of the increment and would be required to use a minimum of 60% to increase or improve affordable housing.	Yes	In Assembly Housing and Community Development Committee, hearing postponed.  WATCH

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 1162 (Mullin) Eminent Domain	Would prohibit, until January 1, 2008, a community redevelopment agency, or community development commission or joint owners agency, as specified, from exercising the power of eminent domain to acquire owner-occupied residential real property if ownership of the property will be transferred to a private party or private entity. The prohibition shall remain in effect only until January 1, 2008, unless a later statute is enacted before January 1, 2008, deleting or extending that date. Requires the Research Bureau of the State Library to submit two reports to the Legislature, on or before January 1, 2008, regarding the exercise of the power of eminent domain by public entities to acquire residential property for private use completed between January 1, 1998 and January 1, 2003, as specified. The bill would also require the California Law Revision Commission to conduct a related study and submit a report to the Legislature on or before January 1, 2008. SB 1026 (Kehoe) similar to AB 1162, was amended at the end of session to strike the eminent domain provisions and address an unrelated subject.	Yes	In Senate, amendments added re eminent domain. Referred to Senate Judiciary Committee; Passed Senate Judiciary to Senate Floor and re-referred to Senate Rules Committee.  WATCH
AB 1203 (Mullin) Housing: Regional Job Growth	Authorizes local governments to create Greyfield housing and investments zones in areas where additional job growth and high density housing is desired to match transportation, air quality, and other regional priorities. Provides that the created zones shall have tax increment authority, access to transportation funds, future infrastructure improvement funds, and affordable housing funds.	No	In Assembly; Pending assignment to policy committee,
AB 1259 (Daucher) Property Tax Revenue Allocations	Declares the Legislature's intent to enact legislation that would reward cities and counties that exceed 80% of their Regional Housing Need Assessment (RHNA) goals over a 5-year period with an increased share of the annual tax increment that is allocated among local agencies in a county.	Yes	Referred to Assembly Local Government and Housing and Community Development Committees, hearing postponed.
AB 1361 (Dymally) Enterprise Zones: Designation Period	Provides that the designation period for specified enterprise zones in the County of Los Angeles may total 25 years, 15 years plus two 5-year expansions. Amendments authorize any existing zone to seek up to two 5 year extensions, for up to 25 years, if working at an exceptional level and conditions still exist within the zone to be addressed. See AB 1766.	Yes	Passed Assembly Floor; Passed Senate Transportation and Housing Committee; In Senate Revenue and Taxation Committee. AMEND/SUPPORT
AB 1390 (Jones) Housing	Requires that an action to compel compliance by a redevelopment agency regarding the production of low- and moderate-income housing to be commenced within 10 years of the alleged violation. An action for such violation accrues on the last day of the fiscal year in which the funds were required to be deposited or on the date of actual expenditure of the funds. Repeals sunset on "substantially rehabilitated dwelling units" and "substantial rehabilitation."	No	Signed by Governor. Chapter 409, 2005 Statutes.  SUPPORT
AB 1472 (Coto) Redevelopment	Under existing law a redevelopment agency may extend the time limits on the effectiveness of the plan for a maximum of 10 additional years if the agency finds that significant blight remains within the projects areas and the blight cannot be eliminated without extending the effectiveness of the plan and receipt of property taxes. This bill would authorize a redevelopment agency to also extend the time limit on effectiveness of the plan for a maximum of 10 additional years if significant physical or economic blight remaining in the project area may not be reasonably eliminated without the extension of the time limit, as provided, and the amended redevelopment plan meets certain specified requirements including affordable housing obligations.	Yes	In Assembly Housing and Community Development Committee; Amended, hearing pending.  SPONSOR/SUPPORT
AB 1766 (Assembly Revenue and Taxation Committee) Enterprise Zones: Economic Incentive Areas.	Relates to the Enterprise Zone Act. Revises the definition of eligible area and targeted employment areas. Extends timeline of zones for up to 25 years. Revises definition of qualified employee for tax credits for hiring employees. Increases expense tax deduction for business outside zones for apportioned losses to the zone and allows carryover deduction for specified period. Includes "reforms" to the Enterprise Zone Program. See AB 1361 (Dymally).	Yes	Passed Senate Transportation and Housing Committee; To Senate Floor, On Third Reading.  SUPPORT

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
ACA 15 (Mullin) Eminent domain: redevelopment	Proposes a constitutional amendment prohibiting a redevelopment agency from acquiring property through the exercise of the power of eminent domain unless it first makes a written finding that the property contains conditions of both physical and economic blight.	No	In the Assembly Governmental Organization Committee; Amendments and re-refer to Committee. WATCH
ACA 22 (La Malfa) Eminent domain: condemnation proceedings	Proposes provisions of the constitution adding a condition that private property may be taken or damaged by eminent domain proceedings only for a stated public use and only upon an independent judicial determination on the evidence that the condemnor has proven that no reasonable alternative exists. Would require that the property be owned and occupied by the condemnor, except as specified, and used only for the stated public use. Would also provide that if the property ceases to be used for the stated public use, the former owner or a beneficiary or an heir who has been designated for this purpose, would have the right to reacquire the property for the compensated amount or its fair market value, whichever is less, before the property may be sold or transferred..	Yes	In Assembly Rules Committee; Pending assignment to Committee.  OPPOSE
SB 4 (Murray) Public Performance Facilities Act	Enacts the Public Performance Facilities Act. Requires the Board of Directors of the California Infrastructure and Economic Development Bank to administer the Act. Authorizes the board to acquire, construct, manage, maintain, or operate a facility, including a coliseum, stadium, sports arena, theater, performance hall, or sports pavilion and to sell premium seat licenses and to issue revenue bonds and other forms of indebtedness, and to enter into agreements to operate a facility and to charge a fee.	Yes	In Assembly, to Third Reading and Re-referred to Assembly Jobs, Economic Development and the Economy Committee. Hearing pending.
SB 6 (Ducheny) Enterprise Zones: Designation Period	Relates to the Enterprise Zone Act designations by the Department of Housing and Community Development. Specifies that the designation period of any enterprise zone may total 20 years, subject to certain conditions.	Yes	Passed Senate Transportation and Housing Committee; Heard in Senate Revenue and Taxation Committee, WATCH
SB 223 (Torlakson) Infill Housing	Establishes the Job Center Housing Planning Program to provide loans to cities and counties to adopt specific plans that provide for additional infill housing opportunities. Requires, as a condition of loan eligibility, that a specific plan meet specified criteria, including that it cover an area that is predominantly urbanized and served by public transportation and that it allow for the development of at least 200 new housing units in a non-metropolitan area and 500 new units in a metropolitan area.	Yes	Passed Senate Floor; Passed Assembly Local Government and Housing and Community Development Committees; To Appropriations Committee, Hearing pending.
SB 253 (Torlakson) Housing Code: Cleanup	Makes a number of changes to the Housing Code including: conforming timelines for the Special Occupancy Parks Act which authorizes state and local enforcement agencies to cite violations of health and safety standards in parks; clarifies that a council of governments may charge fees to recoup costs of the regional housing needs assessment (RHNA) but may not exceed the actual costs; and more flexible affordability restrictions for tax-delinquent properties converted to affordable housing.	Yes	Signed by Governor. Chapter 595, 2005 Statutes.
SB 326 (Dunn) Land Use: Housing Elements	Existing law requires a multifamily residential housing project to be a permitted use, not subject to a condition use permit, on any parcel zoned for multifamily housing if certain percentage of units are available as affordable to very low, lower and moderate income households. Bill revises these conditions and makes provisions applicable to all cities, counties, including charter cities.	No	Signed by Governor. Chapter 598, 2005 Statutes.
SB 435 (Hollingsworth) Housing: Density Bonuses	Includes within local density bonus eligibility requirements the construction of a mobilehome park that limits residency based on age requirements for housing for older persons and the construction, for the persons and families of moderate income, of a community apartment project and stock cooperative. Amendments deleted requirement for a city, county and city and county to permit an additional incentive or concession for projects in which the developer is entitled to a density bonus, but can use less than 50% of the density bonus.	No	Sighted by Governor. Chapter 496, 2005 Statutes.  OPPOSE/AMENDMENTS TO NEUTRAL

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 521 (Torlakson) Local Planning: Transit Village Plans	Requires a transit village plan to include a transit station and a parcel, at 1/2 of which is within no more than 1/4 mile of the exterior boundary of the parcel on which the transit station is located or parcels located in an area equal to the area encompassed by a 1/4 mile radius from the exterior boundary of the parcel on which the station is located. Defines blight under the Community Redevelopment Law to include the lack of high density development within a transit village development district.	No	Passed Senate Floor; To Assembly Housing and Community Development Committee; Hearing pending.
SB 527 (Alquist) Redevelopment: Senior Housing	Amends the Community Redevelopment Law which requires not less than 20% of all property tax increment funds that are allocated to the redevelopment agency to be used by the agency for purposes of increasing, improving, and preserving, the community's supply of low-and moderate-income housing. Specifies that senior low-income housing assistance be available in at least the same proportion as the senior low-income population is to the total low-income households in a community.	No	Signed by the Governor. Chapter 262, 2005 Statutes.  SPONSOR/SUPPORT
SB 575 (Torlakson) Housing Development Projects	Amends Planning and Zoning Law provisions relating to approval or disapproval of projects for farm worker housing, very low, low- or moderate-income households. Revises conditions regarding disapproval or conditional approval of a housing development project. Authorizes an applicant for a project or a person who would be eligible to apply for residency to bring an action in court. Authorizes the court to vacate the decision, deem the application complete, and impose fines upon determination of bad faith.	No	Signed by Governor. Chapter 601, 2005 Statutes.
SB 1087 (Florez) Housing Elements: Services	Requires that the adopted housing element and any amendments be delivered immediately to all public agencies or private entities that provide water or sewer services. Applies these provisions to proposed developments that include housing units affordable to lower income households. States a provider of such services may not deny the approval of an application for service or reduce the amount of services if the development includes such housing. Relates to the Urban Water Management Planning Act projections.	No	Signed by Governor. Chapter 727, 2005 Statutes.
SCA 12 (Torlakson) Eminent Domain	Proposes constitutional amendment would specify that eminent domain cannot be used to take owner-occupied residential property for private use.	No	In Senate Judiciary Committee, Heard and Retained in Committee; Subject referred to Committee on Rules for assignment to proper committee for study. WATCH
SCA 15 (McClintock) Eminent Domain	Proposes constitutional amendment to restrict use of eminent domain by governmental entities. If approved by the voters, would prohibit private property from being taken for private use. Property taken under eminent domain must be owned and occupied by the public agency who condemned and must be used for the stated public purpose. If the property ceases to be used for that purpose, it must be offered to the original owner or the owner's heirs for the amount of compensation originally received, or the property's new fair market value, whichever is less.	No	In Senate Judiciary Committee; Failed passage. Reconsideration granted.  OPPOSE  (ACA 22 - In Assembly Rules Committee.)
<b>2. Land Use, Planning (including general plans, annexation, subdivisions, zoning, LAFCO, school facilities).</b>			
AB 712 (Camciamilla) Land Use: Density	Requires each city or county to ensure that its housing element inventory or its housing element program to make sites available can accommodate its share of the regional housing need throughout the planning period. Defines a lower residential density below which a city or county would be required to make specified written findings. Extend provisions regarding attorney's fees and costs for any related suits.	No	Vetoed by Governor.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 1020 (Hancock) Planning: Smart Growth Models	Requires certain federally-designated metropolitan planning organizations and certain state-designated regional transportation planning agencies to develop and implement improved regional travel models incorporating smart growth concepts and to undertake other related planning activities. Requires all transportation models used by state or regional agencies to be usable on personal computers and to be made available to the public.	Yes	Referred to Assembly Transportation and Local Government Committees, hearing postponed.
AB 1387 (Jones) CEQA: Residential Infill Projects	Provides that, if a residential project, not exceeding 200 units, on an infill site, in an urbanized area, is in compliance with the traffic, circulation and transportation policies of the general plan and applicable ordinances of the local government, and that a previous environmental impact report is incorporated into the project, the local government is not required to comply with certain requirements and findings regarding environmental effect of the project. See SB 832.	Yes	In Assembly Natural Resources Committee, hearing postponed.
AB 1461 (Salinas) Community Development Block Grant Program Funds	Requires the Department of Housing and Community Development to determine, and announce in the applicable Notice of Funding Availability, the maximum amounts of community development block grants. Deletes the requirement that 10% of the total amount of funds be awarded to small cities and counties. Requires the department to determine the percentage and maximum amount that would be allocated to small cities and counties.	Yes	Signed by Governor. Chapter 197, 2005 Statutes.
SB 44 (Kehoe) General Plans: Air Quality Element	Requires the legislative body of each city and county located in specified areas to either adopt an air quality element as part of its general plan or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing elements that occurs after a specified date. Requires cities and counties to comply by a certain date.	Yes	Passed Senate. In Assembly; Passed Assembly Local Government Committee and Assembly Appropriations Committee, On Assembly Floor, Failed passage. Motion to reconsider.
SB 472 (Alquist) <del>Disposition of State Property: Bay Area Research</del> Political Reform Act of 1974: Disclosure of Income	<del>Authorizes the Director of General Services to sell, lease, or exchange the remaining approximate 6 acres in the City of Santa Clara known as the Bay Area Research Extension Center, subject to the specified conditions.</del> Amendments deleted original bill and set requirements for economic interest statements of public officials and designated employees of public agencies. Imposes criminal penalties on persons who violate provisions of the bill.	Yes	In Assembly, amended and referred to Assembly Elections and Redistricting Committee.
SB 968 (Torlakson) Land Use Planning: General Plans	Requires a city, county or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a circulation element consisting of general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, airport and port and other public utilities and facilities. Renames the circulation element the transportation element.	No	Passed Senate Floor; Referred to Assembly Local Government and Transportation Committees, hearing postponed.

## II. ENVIRONMENTAL AND UTILITY SERVICES

1. Environmental Quality, (Includes CEQA, energy and conservation, air quality, solid waste, waste-to-energy, water quality, water reclamation, recycling, E-waste, hazardous waste and brownfields.)			
AB 338 (Levine) Recycling: crumb Rubber	Requires the Department of Transportation to gradually phase in the use of crumb rubber, which is used to make rubberized-asphalt concrete, on state highway construction and repair projects, to the extent feasible.	Yes	Signed by Governor. Chapter 709, 2005 Statutes
AB 399 (Montanez) Recycling	Established the Multifamily Dwelling Recycling Program Law to increase recycling in multifamily dwellings. Requires the California Integrated Waste Management Board, local governments and owners and managers of multifamily dwelling to provide information and assistance to achieve higher levels of recycling in multifamily dwellings.	Yes	Vetoed by Governor.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 575 (Wolk) Electronic Waste Recycling	Makes technical changes to the California Electronic Waste Recycling Act of 2003 including allowing a retailer to elect to pay the covered electronic waste recycling fee on behalf of the consumer by paying the covered electronic waste recycling fee to the retailer's vendor. If retailer makes this election, the covered electronic waste recycling fee is a debt owed by the vendor to the state and the retailer is not liable for the fee.	No	Signed by Governor. Chapter 59, 2005 Statutes.
AB 1125 (Pavley) Rechargeable Battery Recycling Act	Enacts the Rechargeable Battery Recycling Act of 2006. Requests, as of July 1, 2006, a retailer who sells a rechargeable battery to a consumer to have in place a system for the property disposal or recycling, including take-back at no close to the consumer, of a used rechargeable battery. Allows a retailer who is participating in an existing battery recycling system that includes rechargeable batteries, to continue to participate in that existing system, if the system otherwise complies with the Act.	Yes	Signed by Governor, Chapter 572, 2005 Statutes.
AB 1415 (Pavley) hazardous Waste: Mercury Relays and Switches	Prohibits a person from selling, offering to sell, or distributing for promotional purposes on or after July 1, 2006, certain new or refurbished mercury-added products, unless the use of the product is required under a federal law or a federal contract specification or if the only mercury-added component in the product is a button cell battery. Also prohibits the sale or distribution of a mercury switch or mercury relay or gas range with a diostat.	No	Signed by Governor. Chapter 578, 2005 Statutes.
AB 1421 (Laird) Water: discharge permits.	Would define "affected" and "background water quality condition" for purposes of the Porter-Cologne Water Quality Control act. Would also authorize the state Water Resources Control Board or a regional board to require replacement water for groundwater or surface water, where water quality has been degraded or otherwise impacted above background water quality conditions. Would also provide that nothing in those provisions shall limit the authority of the state board or a regional board to require complete cleanup of all waste discharged and restoration of affected water to background water quality. Original bill related to water supply projects: Monterey Peninsula Water Management District..	Yes	Passed Assembly; In Senate, referred to Senate Natural Resources and Water Committee. Amendments deleted original bill relating to water supply. Re-referred to Senate Environmental Quality Committee.
AB 1612 (Pavley) Cigarettes: Pollution: Litter	Would enact the Cigarette Pollution and Litter Prevention Act. Would place a surcharge of \$0.10 cents per pack on cigarettes with the funds collected to be used for prevention and cigarette litter cleanup and for pollution prevention and public information programs. See SB 942 (Chesbro)..	Yes	In Assembly, passed Assembly Revenue and Taxation. Referred to Assembly Appropriations to Suspense File; Held under submission. SUPPORT
SB 1 (Murray) Energy: Renewable Energy Resources: Solar Roofs	Establishes the Million Solar Roofs Initiative and Fund, with the goal of establishing a million solar energy systems on new and existing residential and commercial customer sites and establishing a self-sufficient solar industry in 10 years. Requires all local publicly owned electric utilities to establish a solar roofs initiative. Requires the Public Utilities Commission to order electrical corporations to expand the availability of net energy metering as specified. Requires certain licensure of installing contractors.	Yes	Passed Senate Floor; Passed Assembly Utilities and Commerce and Assembly Housing and Community Development Committees and Assembly Appropriations Committee, On Assembly Floor, re-referred to Utilities and Commerce Committee.
SB 227 (Lowenthal) Solid Waste Handling	Declares intent of Legislature to enact legislation to address the application of local franchise agreements and related fees, for solid waste handling services provided to state agencies and schools. Amendments to bill last week of session.	No	Withdrawn from Senate Judiciary Committee and re-referred to Senate Rules Committee. OPPOSE
SB 423 (Simitian) Electronic Waste: Recycling	Amends the Electronic Waste Recycling Act of 2003. Requires the Integrated Waste Management Board to establish and update statewide electronic waste recycling goals in consultation with the Department of Toxic Substances Control.	Yes	Passed Senate; Referred to Assembly Natural Resources and Environmental Safety and Toxic Materials Committees, amended, hearing pending.
SB 655 (Ortiz) Asbestos	Requires the Environmental Protection Agency to convene the Naturally Occurring Asbestos Task Force to recommend best management practices. Requires a city or county issuing an activity permit which may result in soil disturbance to provide the applicant with a summary of measures that me be taken to mitigate exposure. Requires disclosure of real property located in an asbestos hazard zone. Provides for real estate sales disclosure. Conditions the limitation on liability for disclosure.	Yes	In Assembly, Failed passage on Assembly Floor. Motion for reconsideration granted.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 743 (Chesbro) Rigid Plastic Container Recycling	Revises the recycling rate definitions, establishes additional compliance option and makes clarifying changes to the existing rigid plastic packaging container law.	Yes	Signed by Governor. Chapter 666, 2005 Statutes
SB 820 (Kuehl) Water	Requires the Department of Water Resources to prepare and deliver to State Water Project contractors, city and county planning department, and regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.	Yes	Vetoed by Governor.
SB 832 (Perata) CEQA: Infill Development	Relates to infill development under the California Environmental Quality Act. Provides an alternative to infill criteria if the site is located in a city with a population of more than 200,000 persons, the sites is not more than 10 acres, and the project does not have less than 200 or more than 300 residential units, as adopted by a resolution of the city council.	Yes	Passed Senate Floor; Passed Assembly Natural Resources Committee and Assembly Appropriations Committee; On Assembly Floor, Moved to Inactive File.
SB 926 (Florez) Sewage Sludge Management	Specifies that certain provisions of the Porter-Cologne Water Quality Control Act do not prohibit the Kern County Board of Supervisors from adopting an ordinance that regulates or prohibits the land application of sewage sludge in the unincorporated areas of the county. Provides an exemption for land application permitted by a state or local entity before the effective date of the prohibition and would not apply to any renewal of a pre-existing permit that directly regulates the land application of bio-solids	No	Passed Senate; In Assembly, Passed Environmental Safety and Toxic Materials Committee; Referred to Assembly Local Government, hearing pending.  OPPOSE/AMEND
SB 942 (Chesbro) Cigarettes: Pollution: litter	Enacts the Cigarette Pollution and Litter Prevention Act of 2005. Requires a manufacturer to pay a specified fee to the Board of Equalization for each package of cigarettes sold in the state during certain periods. Requires the board to deposit the fees into the Cigarette Pollution and Litter Prevention Fund to be used to prevent and cleanup cigarette litter and related pollution, and public information and access to smoking cessation services. See AB 1602 (Pavley).	Yes	Passed Senate Environmental Quality and Health Committees; To Senate Appropriations Committee; Held under submission. SUPPORT
SB 1059 (Escutia) Electric Transmission Corridors	Authorizes the Energy Resources Conservation and Development Commission to designate a transmission corridor zone on its own motion or by application of a person who plans to construct a high-voltage electric transmission line within the state. Provides that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the plan adopted by the commission.	Yes	Passed Senate Floor; To Assembly pending policy committee assignment.

### III. NEIGHBORHOOD SERVICES

1. Neighborhood Services, (including parks and recreation, open space, libraries, child care, senior programs, etc.)			
AB 1269 (Pavley) Clean Air, Clean Water, and Coastal Protection	Enacts the Clean Air, Clean Water, Coastal Protection, and Parks Bond Act, which would authorize issuance of bonds financing an air and water quality, coastal protection, and parks program. Requires statewide voter approval.	Yes	Passed Assembly Natural Resources and Environmental Safety and Toxic Materials Committees; In Assembly Appropriations Committee; To Suspense File, hearing postponed. SUPPORT/AMEND

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 153 (Chesbro) Clean Water, Clean Air Safe Neighborhood Parks, and Coastal Protection Act	Enacts the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006. Authorizes the issuance of bonds for the purpose of financing a program for the acquisition, development, improvement, preservation, rehabilitation and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, water resources in the state, pursuant to the General Obligation Bond Law, of bonds in a specified amount.	Yes	Passed Senate; Passed Assembly Natural Resources Committee; To Assembly Appropriations Committee, hearing pending.  SUPPORT/AMEND
SCR 17 (Ducheny) Flag of the Former Republic of Vietnam: Display	Urges the state to formally recognize the flag of the former Republic of Vietnam as a symbol of the Vietnamese-American Community in the state. Permits the flag to be displayed on any state-owned property, in conjunction with any state-controlled or sponsored Vietnamese-American event or any public function organized by the Vietnamese-American community in the state, subject to the permit requirements of the event's locality.	No	Adopted by Senate. To Assembly pending policy committee assignment.  SUPPORT

#### IV. PUBLIC SAFETY

1. Law Enforcement And The Courts			
AB 102 (Cohn) Parole: High-Risk Offenders	Eliminates the repeal date of the provisions of existing law that require the Department of Corrections to ensure that all parolees deemed to pose a high risk to the public of committing a violent sex crime are placed on an intensive and specialized parole supervision caseload.	Yes	Signed by Governor. Chapter 55, 2005 Statutes.
AB 113 (Cohn) Parole Placement	Prohibits an inmate who is released on parole for certain sex offenses involving a child whom the Department of Corrections and Rehabilitation determines to pose a high risk to the public from residing within one-half mile of a public or private school.	Yes	Signed by Governor. Chapter 463, 2005 Statutes.
AB 211 (Cohn) Remote Stun Guns	Revises the crimes of assault with a taser upon a person or a peace officer or firefighter by changing the penalty. Prohibits persons with certain criminal histories from possessing remote stun guns. Provides enhanced sentence for committing certain crimes while armed with such guns. Requires background checks, registration and training of purchasers of such guns. Requires the Attorney General to include the use of such guns in crimes in the annual report to the Legislature.	Yes	Passed Assembly. In Senate, amended and referred to Senate Rules Committee.
AB 231 (Runner, S) Sexual Predator: Punishment	The Sexual Predator Punishment and Control Act is to be known as Jessica's Law. Amends existing law providing that the punishment for kidnapping with intent to commit any of several specified sexual acts is imprisonment for life without the possibility of parole. Adds rape committed in concert and committing lewd and lascivious acts to the specified sexual acts. Provides that a person who commits any of several sexual acts upon a child under 14 years of age and 7 or more years younger, that person is guilty of aggravated sexual assault of a child.	No	In Assembly Public Safety Committee with author's amendments. Re-referred to Committee on Public Safety.
AB 437 (Parra) Sex Offenders: Megan's Law: Convictions	Requires that the dates of conviction of crimes for which a person is required to register and the dates of release from incarceration for those crimes be included on the Department of Justice's sex offender Web site, unless specified conditions regarding funding and access to that information as not met.	Yes	Signed by Governor. Chapter 721, 2005 Statutes.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 438 (Parra) Sex Offenders	Provides based upon the information made available to the public via the Department of Justice's Web site, a lessor of residential real property may refuse to provide housing to, or evict, a sex offender whose residence address is made available on the Web site and may inform other residents of that residential real property that the person required to register reside in the real property. Requires local law enforcement to update the Web site and to verify whether an offender resides at the address.	Yes	In Assembly, Referred to Assembly Public Safety Committee.  WATCH
AB 439 (Parra) Registered Sex Offenders: Dismissal of Convictions	Makes changes to existing provisions relating to the duty of persons to register as sex offenders after the dismissal of an accusation or information. Applies the requirement for a person who is required to register and who changes his or her resident address to inform the law enforcement agency only to a person who was last registered at a resident address and requires the notice be provided in person. Requires such persons to use certified or registered mail for certain notifications.	No	Signed by Governor. Chapter 704, 2005 Statutes.
AB 547 (Berg) Clean needle and Syringe Exchange Projects	Authorizes a city, county or city and county to have a clean needle and syringe exchange project with the consultation of the Department of Health Services and the U.S> Department of Health. Requires that local officials be given the opportunity to comment on the program on a yearly basis. Members of the public are also given the opportunity to address any concerns of local officials.	Yes	Signed by Governor. Chapter 692, 2005 Statutes.
AB 571 (Levine) Vehicles: DUI: Blood-Alcohol Concentration	Reduces the blood-alcohol concentration from .20% to .15% when determining enhancement of penalties in sentencing for those found to be driving under the influence.	No	Signed by Governor. Chapter 89, 2005 Statutes.
AB 635 (Bermudez) Local Gambling	Provides that an amendment of an ordinance permitting an increase of 24.99% or more in the number of gambling tables that may be operated in a gambling establishment in a city, county or city and county or 2 tables, which ever is greater may occur without voter approval.	Yes	Signed by Governor. Chapter 694, 2005 Statutes.
AB 979 (Runner, S) Vehicles: DUI: Restricted Driver's License	Permits a person convicted of specified Driver Under the Influence (DUI) provisions to apply sooner for a restricted driver's license that requires an Ignition Interlocking Device.	Yes	Signed by Governor. Chapter 646, 2005 Statutes.
AB 998 (Chu) Reporting: Sexual Assaults: Medical Exams	Requires health practitioners to make a report to a local law enforcement agency upon providing medical services to persons in the custody of law enforcement from whom evidence is sought in connection with the investigation of a sexual assault crime.	No	Signed by Governor. Chapter 133, 2005 Statutes.
AB 1179 (Yee) Violent Video Games: Sales to Minors	Requires violent video games to be labeled as specified. Prohibits the sale or rental of those violent video games to minors. Provides penalties for violations.	Yes	Signed by Governor. Chapter 638, 2005 Statutes.
AB 1248 (Umberg) Criminal Law: Booking Fees	Specifies that a county shall be authorized to impose a booking fee only with respect to specified nonfelonious offenses and municipal code violations.	No	In Assembly Local Government Committee; Heard, held without recommendation. SUPPORT
AB 1323 (Vargas) Registered Sex Offenders	Provides that information will be made available regarding registered sex offenders to the public via the Department of Justice Internet Web site. Provides that any designated law enforcement entity may provide information to the public about a registered sex offender by whatever means the entity deems appropriate when necessary to ensure the public safety, however, it may not authorize disclosure of this information by another on an Internet Web site. Relates to such offenders having Web sites.	No	Signed by Governor. Chapter 722  SUPPORT

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 1325 (Vargas) Motor Vehicle Speed Contest	Makes it a misdemeanor punishable by imprisonment in a county jail, a fine or both, if a person is convicted of engaging in a motor vehicle speed contest and that violation proximately causes bodily injury to a person other than the driver. Makes it a misdemeanor or felony if a person is convicted of engaging in the above offense within a certain period and the most recent violation causes bodily injury to a person other than the driver.	No	Signed by Governor, Chapter 475, 2005 Statutes.
SB 148 (Scott) Alcoholic Beverages: Licensing Restrictions	Relates to the Alcoholic Beverage Control Act, which provides that premises, which had been selling alcoholic beverages at a time prior to the effective date of a contrary zoning ordinance, may continue operation. Authorizes a city or county or city and county to provide a reasonable amortization period and termination or imposition of conditions on legal nonconforming uses pursuant to a validly enacted zoning ordinance.	Yes	Passed Senate; To Assembly Governmental Organization Committee, Heard, remains in Committee.  SUPPORT
SB 207 (Scott) Vehicles: DUI: Impoundment	Authorizes pre-conviction vehicle impoundment by a peace officer for any individual suspected of driving under the influence (DUI) with a blood alcohol content of 0.10% or more and has one or more prior DUI convictions.	Yes	Signed by Governor. Chapter 656, 2005 Statutes.
SB 383 (Maldonado) Department of Mental Health: Sexually Violent Predators	Authorizes the State Department of Mental Health to enter into an interagency agreement with the Department of Corrections or with local law enforcement agencies for services related to supervision or monitoring of sexually violent predators who have been conditionally released into the community under the forensic conditional release program	Yes	Signed by Governor, Chapter 137. 2005 Statutes.
SB 444 (Ackerman) Crime	Adds various crimes relating to identity theft, manufacture and sale of false identification and access cards to those offenses which if committed by members of a criminal street gang establish a pattern of criminal gang activity for the purposes of existing law, however, such a pattern would not be established by commission of one or more of these offenses alone, but in addition to an offense already listed in existing law would also have to have been committed.	No	Signed by Governor. Chapter 482, 2005 Statutes.
SB 588 (Runner, G) Sexual Predator: Punishment	The Sexual Predator Punishment and Control Act to be known as Jessica's Law. Adds rape committed in concert and lewd and lascivious acts to the Sexual Predator Punishment and Control Act. Amends provisions regarding sexual assault while in the commission of a first degree burglary. Amends age elements regarding sexual assault upon a child under 14 years. Increase fines to defray costs of global positioning systems for monitoring. Relates to child pornography, great bodily injury, tolling of parole and controlled substances. Declares an emergency statute.	Yes	In Senate Rules Committee, Amended with author's amendments. Re-referred to Committee on Rules.
SB 719 (Romero) Police Pursuits	Includes as qualifying as a crime victim for purposes of the Restitution Fund, injury or death caused by any party were a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer. Expresses the intent of the Legislature that each law enforcement agency promulgate and require regular and periodic training in high speed pursuits. Requires information in driver's handbook on eluding peace officers.	No	Signed by Governor. Chapter 485, 2005 Statutes.
SB 723 (Denham) Sexually Violent Predators: Conditional Release	Prohibits sexually violent predators released under the conditional release program from being placed within 1/4 mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has been convicted of certain offenses or the court finds that the person has a history of improper sexual conduct with children.	Yes	Signed by Governor. Chapter 486, 2005 Statutes.
SB 861 (Speier) Animals: Dogs: Spay, Neuter and Breeding Programs	Authorizes local governments to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances. Amends provisions regarding quarterly statistical reports related to dog bites to the State Public Health Veterinarian.	No	Signed by Governor. Chapter 668, 2005 Statutes.  SUPPORT

2. Public Health And Safety (Including fire protection, flood control, emergency services, healthcare, drug and alcohol programs.)

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 260 (Bermudez) State Fire Marshal: Fire Response Time: Reports	Requires the State Fire Marshall to adopt revised regulations to require the statistical information for chief fire officials on and after January 1, 2007, to include response time and staffing level information that is compatible with the National Fire Incident Reporting System and to include other specified information.	Yes	In Assembly Appropriations Committee; Hearing held, remains in Committee.  OPPOSE
AB 566 (Bernudez) State Fire Marshal: Fire Reponse Reports	Requires the State Fire Marshal to adopt revised regulations to require that statistical information relating to each fire that is submitted by chief fire officials to include response time and staffing level information that is compatible with the National Fire Incident Reporting System and to include other specified information. Requires the Fire Marshal's report of the date compilation to chief fire officials to include a comparison of response times for each reporting department. References to the NFPA 1710 standard was removed.	No	Vetoed by Governor.
AB 609 (Lieber) Agnews Development Center: Closure	Requires the Department of Developmental Services to establish the Agnews Development Center Campus Advisory Group to make recommendations to the department regarding disposition of the Agnews campus. Requires the recommendations to include options for retaining the land or its value for the use of people with developmental disabilities.	Yes	Vetoed by Governor.  SUPPORT
AB 722 (Chan) Healthy Kids Insurance Program	Creates the Healthy Kids Insurance Program, which would consist of the portion of the Medi-Cal program for healthcare coverage to children and the Healthy Families Program. Accelerates the process for determining eligibility for the program by authorizing administering agencies to rely on eligibility determinations made by other public assistance programs, including reduced price school lunch programs, the WIC and the Food Stamps Program. Enacts Healthy Families Program privacy provisions.	Yes	Vetoed by Governor.  SUPPORT
AB 1295 (Bermudez) Fireworks: Sale: Disposal	Authorizes the sale of certified safe and sane fireworks from 9 a.m. December 26 through January 1 pursuant to a license issued by the State Fire Marshal, if authorized by a city or county ordinance or resolution that may also restrict the hours of use of such fireworks.	Yes	In Assembly Appropriations Committee; Heard, remains in Committee.  OPPOSE
AB 1374 (Liu) Seismic Safety Commission	Extends the July 1, 2007 sunset date to July 1, 2013 for the operation of the Seismic Safety Account as a source of funding for the Seismic Safety Commission. Provisions establish the Seismic Safety Commission for purposes related to earthquake hazard reduction, establish the Seismic Safety Account within the Insurance Fund, provide that money in the account may be appropriated as a specific funding source for the Seismic Safety Commission's purposes and provide for assessments levied against certain insurers.	Yes	Vetoed by Governor.  SUPPORT
AB 1378 (Lieber) Developmental Services Facilities	Authorizes the Department of Developmental Services to operate any facility, provide employees in the operation of any facility, provide other necessary services and supports, or contract with any entity for the use of the department's employees to provide services in furtherance of an orderly closure of Agnews Developmental Center. Makes certain employment restrictions on former state employees inapplicable to any person who, in connection to the closure of the center, provides development services.	Yes	Signed by Governor. Chapter 538, 2005 Statutes  SUPPORT
AB 1379 (Lieber) Agnews Developmental Center: Closure	Prohibits the property at Agnews Developmental Center from being classified as surplus property absent legislative authorization. Requires the Department of Developmental Services to establish the Agnews Development Center Campus Advisory Group, to make recommendations to the legislature regarding disposition of the Agnews campus. Requires the recommendations to preserve the land or its value for the use of people with development disabilities.	Yes	Passed Assembly Human Services Committee; To Assembly Appropriations Committee; Heard, remains in Committee.
AB 1665 (Laird) Flood Control	Renames the Reclamation Board. Requires the Department of Water Resources to prepare a schedule for mapping areas at risk of flooding in the Sacramento and San Joaquin Rivers drainage and to update the schedule annually. Requires that a local agency responsible for the operation of a project levee prepare and submit a specified report for inclusion in periodic flood management reports prepared by the board.	Yes	In Senate, Amended and re-referred to Senate Natural Resources and Water Committee.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 116 (Dutton) Child Abandonment: Newborns	Deletes the 2006 expiration date, thereby extending indefinitely existing law which provides that no parent or other person having lawful custody of a minor child 72 hours or younger may be prosecuted for child abandonment if he or she voluntarily surrenders physical custody of the child to an employee on duty at a public or private hospital emergency room, or any additional location designated by the board of supervisors.	Yes	Signed by Governor. Chapter 625, 2005 Statutes.  SUPPORT
SB 209 (Alquist) Stroke Education	Requires the State Department of Health Services and the California Department of Aging to implement a stroke education campaign.	Yes	Passed Senate Health Committee; To Senate Appropriations Committee, to Suspense File, remains in Committee.  SPONSOR/SUPPORT
SB 911 (Dunn) Telecommunications: 911 System	Existing law provides that a 911 call from a commercial mobile radio telecommunications device be routed to a public safety answering point other than the California Highway Patrol only if alternative routing meets specified requirements. Bill provides that one of the requirements is that 911 calls originate from a location other than from a defined freeway under the jurisdiction of the California Highway Patrol.	No	Signed by Governor. Chapter 21, 2005 Statutes.
SB 962 (Chesbro) Adult Residential Facility: Pilot Project	Authorizes the Departments of Social Services and Developmental Services, to jointly establish and administer a pilot project for licensing and regulating Adult Residential Facilities for Persons with Special Health Care Needs. Authorizes entering into a contract for independent evaluation of the program. Requires a report to the Legislature.	Yes	Signed by Governor. Chapter 558, 2005 Statutes.

## V. STRATEGIC SUPPORT

1. Elections, Political Reform, Officers, Conflict of Interest, Public Records			
AB 138 (Budget Committee) Brown Act: State Mandates	Relates to reimbursable mandates under the Open Meetings Act (Brown Act). Provisions change the "payback" period for previously deferred mandates repayment from five years as agreed to as part of the FY 2004-05 State Budget to a period of not more than 15 years beginning in 06-07. Amends the Government Code to provide that if any mandate is "necessary to implement or reasonably within the scope of a voter-approved ballot measure," then the mandate is not reimbursable. Prior law provided that reimbursement was not required if a statute imposed duties were "expressly included in a ballot measure approved by the voters." Bill also provides that previously reimbursable requirements were "necessary to implement and reasonable within the scope of Prop. 59," approved by the voters on November 2004 Ballot. Proposition 59 granted a constitutional right of access to public information and public meetings. The enactment of these changes result in Brown Act requirements no longer reimbursable to local governments.	Yes	Signed by Governor. Chapter 72, 2005 Statutes.
2. Employer-Employee Relations, (Includes, unemployment insurance, personnel, retirement and workers' compensation)			
AB 849 (Leno) Gender-Neutral Marriage	Enacts the Religious Freedom and Civil Marriage Protection Act. Provides that marriage is a personal relation arising out of a civil contract between two persons. Makes conforming changes with regard to the consent to, and solemnization of, marriage. Makes related findings and declarations.	No	Vetoed by Governor.  SUPPORT

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 985 (Torrico) Labor: Military Duty	Requires an employer, in the case of an employee whose job is outsourced while the employee is taking time off to perform active military duty as a member of the militia of the state, that is not reinstated by the employer upon return from active duty, to pay the employee an amount equal to 6-months of salary. Provides that this payment would be deemed to be wages for the purposes of unemployment insurance payments.	Yes	Vetoed by Governor.  SUPPORT
ACA 5 (Richman) Public Retirement Systems	Proposes a Constitutional amendment to establish the California Public Employee Defined Contribution Plan. Provides that on and after July 1, 2007, any person hired as a new employee by a public agency may enroll only in a defined contribution plan of a public pension or retirement system, and is prohibited from enrolling in a defined benefit plan. Limits employer contributions to a defined contribution plan to an unspecified percentage of employer payroll.	Yes	In Assembly Public Employees, Retirement and Social Security Committee,
ACA 23 (Richman) Public Employee Defined Contribution and Hybrid Plan	Proposes a Constitutional amendment to establish the California Public Employee Defined Contribution and Hybrid Plans. Provides, on and after July 1, 2007, any person hired by a public agency shall enroll only in a hybrid plan or in a defined contribution plan of a public pension or retirement system and is prohibited from enrolling in a defined benefit plan. Would permit an active member of a defined benefit plan, during a specified period, to transfer a sum equal to the member's interest in the defined benefit plan to a defined contribution plan or hybrid plan.	Yes	In Assembly Public Employees, Retirement and Social Security Committee.
ACA 1X (Richman) Public Employee Defined Contribution Plan	Proposes a Constitutional amendment to establish the California Public Employee Defined Contribution Plan. Provides, on and after July 1, 2007, any person hired by a public agency may enroll only in a defined contribution plan of a public pension or retirement system, and is prohibited from enrolling in a defined benefit plan. Permits an active member of a benefit plan, during a specified period, to transfer a sum equal to the member's interest in the benefit plan to a contribution plan.	Yes	In Assembly, Referred to Assembly Committees on Public Sector, Constitutional Amendments and Ways and Means.
ACA 8X (Richman) Public Employee Defined Contribution and Hybrid Plan	Proposes a Constitutional amendment that would establish the California Public Employee Defined Contribution and Hybrid Plans. Provides that any person hired by a public agency shall enroll only in a hybrid plan or in a defined contribution plan of a public pension or retirement system, and is prohibited from enrolling in a defined benefit plan.	Yes	In Assembly referred to Committees on Public Sector, Constitutional Amendments And Ways and Means. Failed passage in Assembly Public Sector Committee.

3. Fiscal Issues And Taxation			
AB 131 (Assembly Budget) Omnibus Health Trailer Bill	2005-06 State Budget: Funding of or for various state health care related services and functions.	Yes	Signed by Governor, Chapter 80, 2005 Statutes.
AB 138 (Assembly Budget) State Mandates	2005-06 State Budget: Revisions of various provisions of existing law that related to state mandates, including Peace Officers Bill of Rights (POBAR) and the Brown Act.	Yes	Signed by Governor, Chapter 72, 2005 Statutes.
AB 139 (Assembly Budget) General Government	2005-06 State Budget: Includes requirement for the Director of the State Department of Finance to suspend the counties' Property Tax Administration Grant Program in 05-06. (\$60 million savings to State).	Yes	Signed by Governor, Chapter 74, 2005 Statutes
AB 145 (Assembly Budget) Court Fees	2005-06 State Budget: Enacts the Uniform Civil Fees and Standard Fee Schedule Act of 2005, which establishes a uniform schedule of filing fees and other civil fees for the superior courts; requires the establishment of a Task Force on civil fees to make recommendations on the effectiveness of the fee structure and other related issues.	Yes	Signed by Governor, Chapter 75, 2005 Statutes.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 156 (Assembly Budget) Budget Act of 2004: Contingencies and Emergencies	Appropriates a specified amount of funds, as scheduled, in augmentation of the Budget Act of 2004-05.	Yes	Signed by Governor, Chapter 7, 2005 Statutes.
AB 236 (Bermudez) Sales and Use Taxes: Exemptions: Fuel and Petroleum	Exempts from state taxes the gross receipts in excess of \$0.632 per gallon derived from the sale in the state of, and the storage, use, or other consumption in the state of, fuel and petroleum products sold to or purchased by an air common carrier on a domestic flight.	Yes	In Assembly Revenue and Taxation Committee; Heard, remains in Committee.  OPPOSE
AB 343 (Huff) Utility User Taxes: Exemption	Exempts from any utility user tax imposed by any jurisdiction the consumption of natural gas by a local agency or school district for transportation purposes if that natural gas is dispensed by a gas compressor that is separately metered and is dedicated to serve the local agency or the school district.	No	Passed Assembly; In Senate Revenue and Taxation; Failed passage, reconsideration granted WATCH
AB 382 (Chan) Industrial Development Authorities: Bonds	The Industrial Development Financing Act provides for the creation of industrial development authorities in a city, county, city and county, or redevelopment agency. The bill would repeal the termination of a provision of the act that terminates an authority's power to undertake projects through the issuance of bonds.	Yes	Signed by Governor, Chapter 387, 2005 Statutes.
AB 451 (Yee) Local Sales Tax: Jet Fuel: Place of Sale	Provides that, for purposes of applying a local sales tax to sales of jet fuel, the point of sale of jet fuel is the point of delivery of that jet fuel to the aircraft if the principal negotiations for the sale are conducted in this state, and deletes the requirement that the retailer of the jet fuel also have more than one place of business in this state. The bill's provisions become effective on January 1, 2008.	Yes	Signed by Governor. Chapter 391, 2005 Statutes.  SUPPORT
AB 1335 (Vargas) Business Improvement Districts and Residential Areas	Expands the scope of and changes the procedures to form Property and Business Improvement Districts including: activities eligible for funding; expands the definition of business; limits the maximum number of years for levying assessments for renewal of a district,	No	In Senate Local Government Committee; Amendments and re-referred to Local Government Committee.
AB 1467 (Larid) State Mandates	Provides that no local agency or school district shall be required to implement or give effect to any statues or executive order, or portion thereof that imposes a mandate during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year to provide that the mandate also could be identified by the Legislature in the Budget Act by reference to the Commission's test claim number.	No	Passed Assembly Floor; Passed Senate Local Government Committee; To Senate Floor, to Inactive File.
AB 1547 (Levine) Telecommunications: Communications Companies: Policies	States legislative intent to establish rules for the provisions of communications services that encourage fair competition.	Yes	Passed Assembly; In Senate Energy, Utilities and Commerce Committee, amended to Third Reading. To Inactive File.
AB 1590 (Lieber) Property Tax Revenue Allocations: Special Districts	Limits the amount of the property tax revenue reduction for a special district that performs both enterprise and nonenterprise functions to an amount equal to the sum of 10% of the property tax revenues allocated to the district's nonenterprise functions for the 2001-02 fiscal year and 100% of the property tax revenues allocated to the district's enterprise functions for the 2001-02 fiscal year. Relates to reduction calculations for the 2005-06 fiscal year of all special districts.	Yes	Passed Assembly Local Government Committee; To Assembly Appropriations Committee; Heard, remains in Committee.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 1602 (Laird) Local Government Finance	Relates to distribution of Vehicle License Fee revenues. Requires that cities incorporated from unincorporated territory be allocated VLF revenues according to a specified formula after a specified date. Requires cities incorporated before a specified date to be allocated additional VLF revenues pursuant to a specified formula. Establishes a formula to determine, for allocation purposes, the population of a city incorporated after a specified date. Includes a urgency clause.	Yes	Passed Assembly Floor; To Senate Local Government Committee, hearing postponed.
ACA 7 (Nation) Local Governmental Taxation	Proposes a Constitutional Amendment to change the 2/3 voter-approval requirements 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. Makes technical nonsubstantive changes to these provisions.	No	Passed Assembly Local Government Committee; To Assembly Appropriations Committee; Heard, remains in Committee.
ACA 16 (Gordon) Taxation to Supplement Public Safety Funding	Proposes a Constitutional amendment that allows a local government to impose, extend, or increase any special tax for the purpose of providing supplemental funding for sheriff, police, or fire protection services, if that tax is submitted to the electorate and approved by a 55% vote of the voters on the measure. Prohibits the revenue derived from such a tax from being expended to supplant any other funding source for the provision of these services.	No	Passed Assembly Local Government and Assembly Appropriations Committees; On Assembly Floor; Third Reading File.
ACA 4 (1X) (Keene) State Finances	Requires, rather than authorizes, the Governor to issue a proclamation declaring a fiscal emergency, and specifies that the proclamation would be issued when the Governor determines either that General Fund revenues will decline below the estimate of General Fund revenues upon which the Budget Bill for that fiscal year was based, or that General Fund expenditures will increase above that estimate of General Fund revenues, or both, by at least \$ 250 million.	Yes	In Assembly Budget Process Committee,  Initiative: "Live Within Our Means" qualified as Prop. 76 on Nov. 8, 2005 Special Election Ballot; Defeated by voters.
SB 62 (Senate Budget) Transportation	2005-06 State Budget; implements budget relating to transportation programs including full funding for Prop. 42 and revises code sections and appropriations therefore.	Yes	Signed by Governor, Chapter 76, 2005 Statutes.
SB 71 Senate Budget) Resources	2005-06 State Budget: implements budget relating to resources including: various statutory changes.	Yes	Signed by Governor, Chapter 81, 2005 Statutes.
SB 77 (Chesbro) 2005-06 State Budget	Enacts 2005-06 State Budget Act including: -\$1.3 billion ERAF shift (year 2) from local governments per Prop. 1A agreement including: -\$350 million each from cities, counties and special districts and -\$250 million from redevelopment agencies. For San Jose -\$11.1 million and SJRA -\$18.7 million estimated. Amendments provided \$1.2 billion to advance by one year full repayment of VLF "gap" loans to cities and counties with payment on July 26, 2005. Amendments also eliminated need for proposed \$25 million for Hardship Fund for cities and counties since early repayment of VLF "gap" loan was approved. Transportation: Provides \$1.3 billion to fully fund Prop. 42 for 05-06 including funding for TCRP and STIP projects, funds Public Transportation Account and \$254 million for local streets and roads statewide with \$3 million for San José. Public Safety: Provides \$200 million for COPS with \$1.6 million for San José. Booking Fees: Does not provide reimbursement to cities for booking fees. If reimbursed, San José would be reimbursed by the State \$1.6 million. As of July 1, counties' booking fees charged to cities may not exceed 50% of a county's booking fee charged as of January 1, 2004. Libraries: Provides funding for public library foundation at 04-05 funding level. Mandates: Fully funds many reimbursable mandates for 04-05 claims and for 05-06 funds some mandates claims less 25% for admin and audits.	Yes	Signed by Governor, with Line Item Vetoes, Chapter 38, 2005 Statutes.  SUPPORT/AMEND
SB 80 (Senate Budget) Budget Act of 2005	Amends the Budget Act of 2005 by revising the State Budget bill (SB 77). includes \$1.86 billion appropriation to advance full repayment of the VLF "gap" loan to cities and counties. Also eliminated 05-06 funding for the counties' Property Tax Administration Grant Program. (State saving of \$60 million).	Yes	Signed by Governor. Line Item Veto, Chapter 39, 2005 Statutes.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 91 (Senate Budget) Budget Act of 2004; Contingencies and Emergencies	Appropriates additional funds as scheduled, in augmentation of 2004 Budget Act appropriations.	Yes	Signed by Governor, Chapter 79, 2005 Statutes.
SB 552 (Alquist) Sales and Use Taxes: Exemption: Telecommunication	Exempts from sales and use taxes the gross receipts from the sale, storage, uses or other consumption of tangible personal property purchased for use by a qualified person in manufacturing, processing or fabricating of property, or for use in telecommunications research and development activities and introduced into the process.	Yes	In Senate Revenue and Taxation Committee; Held Hearing, To Suspense File.
SB 909 (Escutia) Telecommunications: Video Services: Fair Competition.	Declares establishing fair competition in the areas of telecommunications and video services as a policy for telecommunications in the state.	No	Passed Senate; In Assembly, Passed Assembly Utilities and Commerce Committee; Pending on Assembly Floor.
SB 1060 (Campbell) Property Tax/Sales Tax Exchange	Authorizes cities and counties to voluntarily exchange property tax and sales tax revenues, as authorized under Prop. 1A.	No	Passed Senate; In Assembly referred to Local Government Committee and Assembly Revenue and Taxation Committee.

4. Public Liability And Insurance			

5. Public Works And Infrastructure (Includes contracts)			
AB 581 (Klehs) Public Works: Wages	Provides for the initiation of formal disciplinary proceedings upon the Labor Commissioner's finding of a violation of the Labor Code related to payment the prevailing wage by public worker's contractors. Makes technical changes to the provisions of law regarding public disclosure of payroll records of a contractor or subcontractor on a public works project. Provides for the reporting of specified information relating to the contractors and subcontractors performing public works by the awarding body.	Yes	Passed Assembly Floor; In Senate Appropriations Committee, Hearing pending.

## VI. TRANSPORTATION AND AVIATION SERVICES

1. Transportation And Vehicles			
AB 56 (Wolk) Transportation: Bicycles	Extends indefinitely existing law that applies color-lighted bicycles symbols shown by official traffic control signals to operators of bicycles and authorizes those signals to be used only at locations that meet specified standards adopted by the Department of Transportation.	No	Signed by Governor, Chapter 126, 2005 Statutes.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 144 (Hancock) Bay Area State-Owned Toll Bridges: Financing	Appropriates a specified amount of funds from the Motor Vehicle Account and other specified funds to fund the seismic retrofit and replacement of the state-owned toll bridges. Authorizes the Bay Area Toll Authority to increase tolls on bay area state-owned toll bridges for this purpose and to refinance bridge toll bonds. Requires the existing seismic surcharge to be deposited into the Bay Area Toll Account. Requires the Department of Transportation and the authority to amend their cooperative agreement.	No	Signed by Governor, Chapter 71, 2005 Statutes.
AB 267 (Daucher) Transportation Projects	Amends existing law which authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Limits these provisions to projects advanced for expenditure that are programmed in the current fiscal year.	Yes	Passed Assembly Floor; Passed Senate Transportation and Housing and Senate Appropriations Committees; To Senate Floor on Consent Calendar.  SUPPORT
AB 697 (Oropeza) Highway Users Tax Account: Appropriation of Funds	Provides that all moneys in the Highway Users Tax Account in the Transportation Tax Fund from the prior fiscal year are on continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted.	Yes	Passed Assembly Transportation Committee; To Assembly Appropriations Committee; To Suspense File, remains in Committee.
AB 713 (Torrico) High-Speed Passenger Train Bond Act	Provides for submission of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century to the voters for approval at the November 4, 2008, General Election. If approved by the voters, would authorize the issuance of \$ 9.95 billion of General Obligation Bonds, \$ 9 billion along with available federal funds, for planning and construction of high-speed rail system between San Francisco-San Jose-Los Angeles and \$ 950 million for capital projects to connect other passenger rail lines to the high- speed train system and for capacity and safety improvements to those lines.	Yes	Passed Assembly Floor; To Senate Transportation and Housing Committee, hearing pending.
AB 748 (Wolk) Toll bridges and roads	Would, until January 1,2009, prohibit the imposition of a toll for passage of a pedestrian or bicycle over any bridge or highway facility that is part of the state highway system on which the travel of pedestrians and bicycles is otherwise authorized and on which tolls are imposed on the passage of motor vehicles. The prohibition on imposition of a toll for passage would apply to facilities that are under the jurisdiction of the Department of Transportation or the Golden Gate Bridge, Highway and Transportation District or by private entities that have entered into a franchise agreement with the department.	Yes	Vetoed by Governor.
AB 1132 (Torrico) Impounding: Vehicles	Relates to the seizure and impound of a motor vehicle ordered by a peace officer. Requires the impounding agency to release the described impounded vehicle upon the request of the registered owner, or the legal owner or his or her agent, without subjecting the vehicle to the 30-day impoundment period and related restrictions.	No	Vetoed by Governor.
ACA 4 (Plescia) Transportation Investment Fund	Proposes an amendment to the Constitution relating to existing law which requires that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund. Deletes the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency.	No	In Assembly Transportation Committee,
ACA 9 (Bogh) Motor Vehicle Fuel Sales Tax Revenue	Changes the vote requirement to 4/5 of the membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of motor vehicle fuel sales tax revenue from the General Fund to the Transportation Investment Fund.	No	Referred to Assembly Transportation and Appropriations Committees,
ACA 11 (Oropeza) Transportation Funds: Loans	Proposes a constitutional amendment that requires interest to be paid on a loan of revenues subject to either Article XIX or XIX A if the loan is not repaid during the same fiscal year in which it was made. Deletes the provisions authorizing the transfer of revenues from the General Fund to the Transportation Investment to be suspended. Authorizes the Legislature to local funds in the Transportation Investment Fund to the General Fund or any other state fund or account.	Yes	In Assembly Transportation Committee,

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SB 172 (Torlakson) Bay Area State- Owned Toll Bridge: Financing	Requires the seismic retrofit surcharge on bay area toll bridges to be paid into the Bay Area Toll Account. Requires the Bay Area Toll Authority to amend its agreement with the Department of Transportation to specify the respective duties of each agency with respect to the seismic retrofit and other bridge construction projects. Requires the authority and department to form a Toll Bridge Program Board of Control to review those projects.	Yes	Passed Senate Floor; To Assembly Transportation Committee.
SB 275 (Torlakson) Transportation needs assessment.	Would require the California Transportation Commission, working with the Department of Transportation and regional transportation planning agencies in cooperation with the League of California Cities and the California State Association of Counties, to submit on or before October 1, 2006, a 10 year needs assessment to the Legislature on the state's transportation system and to submit a need assessment on a decennial basis thereafter.	Yes	Vetoed by Governor.
SB 523 (Torlakson) Bicycle Funding	Would maintain the monthly transfer of \$600,000 to the Bicycle Transportation Account in the State Transportation Fund by deleting the provision that reduces the amount to be transferred after June 30, 2006 to \$416,667 monthly.	Yes	Vetoed by Governor.
SB 466 (Kuehl) Mobile Photo Radar Enforcement System	Authorizes a mobile photo radar enforcement system to be used by a county or city in cooperation with a local law enforcement agency if its operation includes specific activities and the system is used only for purposes of enforcing certain speed laws in a residence district or a school zone.	No	In Senate Transportation and Housing Committee, hearing postponed.  WATCH
SB 680 (Simitian) Congestion Management and Transportation Improvements	Authorizes the Santa Clara Valley Transportation Authority to impose an annual fee of up to \$5 on each motor vehicle registered within Santa Clara County for a program for the management of traffic congestion and for specified street, road, expressway, and transit purposes. Requires a 2/3 vote of the board for adoption as part of the resolution imposing the fee.	Yes	Vetoed by Governor.  SUPPORT
SB 1024 (Perata) Public Works and Improvements: Bond Measure	Enacts the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005, which if approved by the voters on the November 7, 2006 statewide ballot, would authorize the state to issue \$10.275 billion in general obligation bonds for specified purposes, including funding for the state transportation improvement program, levee improvements, passenger rail improvements, restoration of Proposition 42 transportation funds, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, and transportation needs in cities and counties, and cities and counties that meet certain requirements relative to provisions of housing needs in their communities, and housing, regional growth and infill development purposes. Creates the Transit-Oriented Development Implementation Program and would repeal provisions of existing law relating to the High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century, if the voters approve this bond act..	Yes	Passed Senate Transportation and Housing and Senate Appropriations Committees; To Senate Floor; Third Reading File.  AMEND