



LEGISLATIVE WATCH JUNE 2011

Federal

Watch List

H.R. 658 – FAA Reauthorization and Reform Act of 2011

Mica

Among other things, terminates the Essential Air Service (EAS) Program on October 2013 in all states except Alaska and Hawaii. EAS provides federal subsidies to approximately 140 rural communities across the country that otherwise would not receive any scheduled air service. This includes the City of Merced. Passed the House April 1st. Senate's version increases spending for EAS.

H.R. 662 – Surface Transportation Extension Act of 2011 (SAFETEA-LU)

This bill passed favorably in Congress and signed by the President on March 4, 2011. Extended programs through September 30, 2011.

H.R. 760- San Joaquin Valley USDA Rural Definition Inclusion Act

Nunes

Authorizes the Secretary of Agriculture to designate certain parts of the San Joaquin Valley as rural area for purposes of programs under the Consolidated Farm and Rural Development Act. Includes the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare. Currently in House Committee.

H.R. 761- San Joaquin Valley Transportation Enhancement Act of 2011

Nunes, McCarthy, Denham

Allow federal funding provided to the State of California as a result of the American Recovery and Reinvestment Act of 2009 for the purpose of developing the high-speed rail service be used for a project or activity to improve or maintain California State Route 99, and for other purposes. Bill is now in House Sub-Committee.

H.R. 861-NSP Termination Act

Rescinds and cancels permanently all unobligated balances remaining available for assistance to states and local governments for the redevelopment of abandoned and foreclosed homes and residential properties. Passed the House March 16th. Bill is now in Senate Committee.

H.R. 869 – Clarifies the definition of flood control operations.....

ONE VOICE PRIORITY

MID New Exchequer Dam Spillway Project (One Voice priority) would increase water supply to meet the needs of 160,000 households. Bipartisan bill - Cardoza, Denham, Costa, Nunes and McCarthy. Currently in House Sub-Committee.

H.R. 870 – Work Opportunities and Revitalizing Our Communities Act

This bill is designed to ensure full employment (i.e. 4% unemployment) after 10 years. It sets a series of unemployment targets that, if not met, would trigger the disbursement of funds from a "National Full Employment Trust Fund," which would be made up of revenue from a new financial transactions tax on financial corporations. The funds would be used for a direct jobs program that would immediately place unemployed people in public, non-profit and small business jobs in areas hardest hit by unemployment. Currently in House Committee.

NewH.R. 1189 – Clean Water Affordability Act**

ONE VOICE PRIORITY

Latta, LaTourette, McKinley

Would amend the Federal Water Pollution Control Act to assist municipalities that would experience a significant hardship raising the revenue necessary to finance projects and activities for the construction of wastewater treatment works. Currently in House Committee.

H.R. 1255 – Government Shutdown Prevention Act of 2011

If the Senate fails to pass a measure supplying appropriations to the federal government for the remainder of the fiscal year 2011 before April 6, 2011—the deadline to avoid a government shutdown—H.R. 1, which passed the House on February 19, 2011 will become law of the land. It also provides that, in the event of a government shutdown in excess of 24 hours or the limitation on the debt of the United States being reached, no salary payments will be disbursed to Members of Congress or the President for days on which that condition persists. Passed the House 04/01/11. In Senate Committee.

NewH.R. 1473 – HUD-VASH Vouchers**

Rogers

Department of Defense & Full Year Continuing Appropriations Act of 2011. As part of this package, funding will be increased by \$50 million in FY2011 for Housing and Urban Development-Veterans Affairs Supportive Housing (HUD-VASH) Program. Merced County has not received these vouchers in the past. This bill passed favorably in Congress and was signed by the President on April 15, 2011.

NewH.R. 1565 – Regional Transportation Planning Organizations**

Rogers

Companion legislation S 625. Specifically, the bills would:

- Elevate the participation of rural local officials from “consultation” to “cooperation” in the statewide transportation planning process (these words have very specific meaning under the SAFETEA-LU law)
- Establish a federal definition and basic work program for RTPOs
- Require state DOTs to designate and fund RTPOs to help address the transportation needs of non-metropolitan areas outside the boundaries of MPOs
- Allow U.S. DOT to review and comment on state DOT processes for consultation with rural local officials

Currently in House Committee.

NewH.R. 1582 – Commonsense Ozone Regulations Act**

McCarthy, Denham, Issa, Nunes

Gives the Valley and the Los Angeles area a five-year pass from stricter limits on ground-level ozone – the main ingredient in smog. Would eliminate a \$29 million fine by eliminating EPA’s one hour ozone standard, which was put in place in 1979 and vacated when a tougher eight-hour standard was issued. Currently in House Committee.

NewH.R. 1604 – Alleviate Extra Regulatory Burdens and Reduce Costs**

Denham, Cardoza, Herger, McCarthy, Nunes

Would streamline processes for federally funded construction projects in the Central Valley. Streamlining would eliminate the duplication of efforts in satisfying environmental review processes, allowing the federal requirements of the National Environmental Protection Act (NEPA) to be satisfied with the completion of the California Environmental Quality Act (CEQA). Currently in House Committee.

S. 198 & 199 – Redistribution of Unspent Earmarks Act of 2011 & Use it or Lose it Act of 2011

Casey

Return and redistribute funds made available from the Highway Trust Fund through an earmark for fiscal year 2008 or preceding fiscal year that remain unobligated as of the date of enactment to the State in which earmarked funds were directed to be used. NOTE: **S. 199** would set a timeframe for all future Highway Trust Fund earmarks to be obligated within 3 years. If not obligated within the time frame, funds would be returned to the State with jurisdiction over the original earmark. Currently in Senate Committee.

Revised DefinitionS. 625 – Regional Transportation Planning Organizations Bill**

Klobuchar, Alexander

Companion legislation H.R. 1565. Specifically, the bills would:

- Elevate the participation of rural local officials from “consultation” to “cooperation” in the statewide transportation planning process (these words have very specific meaning under the SAFETEA-LU law)
- Establish a federal definition and basic work program for RTPOs
- Require state DOTs to designate and fund RTPOs to help address the transportation needs of non-metropolitan areas outside the boundaries of MPOs
- Allow U.S. DOT to review and comment on state DOT processes for consultation with rural local officials

Currently in Senate Committee.

NewS.782 Economic Revitalization Act of 2011**

Boxer

Would authorize funding for the Economic Development Administration (EDA) from 2011 through 2015 at \$500 million per a year. Would ensure funding reaches those communities with the most severe needs in a timely manner. The current multi-year authorization for EDA expired on September 30, 2009.

Approved at Senate Committee level on April 14th with one amendment, which would require a report on duplicative Federal programs within 90 days of its enactment.

State

Budget

Governor Brown unveiled a revised budget May 16th. The legislature has passed \$13.4 billion in budget solutions to date. Additionally, a \$6.6 billion “windfall” was realized from unexpected tax revenues. The Governor is proposing a \$1.2 billion reserve at the end of FY11-12, resulting in a call for \$10.8 billion of additional actions.

Watch List

NEWAB 31 – High Speed Rail (HSR)-Local Master Plan**

Beall

Amends the HSR Act by establishing the HSR Local Master Plan Pilot Program. Authorizes specified cities and counties to adopt, by ordinance, a master plan for development surrounding the high-speed rail system. Authorizes the plan to include specified incentives while reducing greenhouse gas emissions. Relates to sustainable communities. Authorizes infrastructure financing districts. Relates to transit village development districts. Requires a plan environmental impact report. Currently in Assembly Committee.

NEWAB 76 – High Speed Rail**

Harkey

Reduces the amount of general obligation debt authorized to the amount contracted as of January 1, 2012. Currently law authorizes the issuance of \$9.95 billion. Failed at Assembly Committee on 4/11/11.

AB 105 – Gas Tax Swap

Ensures that \$1.5 billion a year will flow to state and local transportation projects for highways, local streets/roads and transit. Originally passed in March of 2010. Signed by the Governor.

AB 109 – Criminal Justice Alignment

Committee on Budget - Blumenfield, Chair

Proposes having county jails take over supervision of low-level, non-violent offenders and parolees from state prisons. Governor signed 04/4/11 with no funding identified.

AB 341 – Solid Waste Diversion

Chesbro

Would require the Department of Resources Recycling and Recovery (Cal Recycle) to ensure that state diverts 75 percent of its solid waste by January 1, 2020. This bill would also require a jurisdiction to implement a commercial recycling program and authorize a local agency to charge and collect a fee from a commercial waste generator to recover the cost of the program requirements. The bill also includes intent language stating that it is not the intent of the Legislature to require cities and counties to revise their source reduction and recycling elements to comply with the requirements of the bill. Bill has passed Assembly and has been ordered to the Senate.

AB 441 – State Planning

Monning

Would require that the California Transportation Commission (Commission) include health issues in the guidelines promulgated by the Commission for the preparation of regional transportation plans. This bill would also require that the Governor's Office of Planning and Research develop guidelines that contain advice on how local and regional agencies can incorporate health issues into local or regional general plans. Held under submission in Assembly Committee.

AB 459 – Electoral College: Interstate Compact

Proposes California participate in the interstate compact to elect presidents by popular vote. Would only become in effect if states cumulatively possessing a majority of the total electoral votes have ratified the interstate compact. Bill has passes Assembly and is not in Senate Committee.

AB 508 – Displaced public transit, solid waste handling, and recycling services employees.

Swanson

Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees

must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. Bill has passed Assembly and is not in Senate Committee.

NEWAB 542 – Land Use: Housing Element: Regional Housing Need**

Allen

Requires a city or county to determine whether each site in the inventory of land suitable for residential development can accommodate some portion of the city's or county's share of the regional housing need by income level. Requires specified densities to be deemed appropriate to accommodate housing for lower income households. Currently in Assembly Committee.

AB 676- Transportation Funding

Torres

Expands use of transportation funds currently available for capital improvement projects programed in the State Transportation Improvement Program (STIP) to the "study of, development and implementation of" such projects. Bill is now in Assembly Committee – second hearing was cancelled at the request of author.

AB 789 – Solid Waste Tire Recycling

Chesbro

Would authorize Cal Recycle under its current Tire Recycling program, to include a new grant category for local agencies for the funding of public works projects. Eligible public works projects include those projects that use at least 1250 tons of rubberized asphalt concrete during the life of the project and 20 pounds or more of crumb rubber per ton of rubberized asphalt concrete. Grants would not exceed \$250,000. The bill would carve out at least 16 percent of the amount of funds appropriated for market development and new technology activities for used tires and waste tires and include a sunset date of June 30, 2015. Finally, AB 789 repeals the 2010 sunset date for the Tire Recycling program and resets it at June 30, 2015. Bill is now in Assembly Committee – first hearing was cancelled at the request of author.

AB 845- Transportation Bond Funds

Ma

Requires the California Transportation Commission to determine funding shares for eligible recipients of the \$950 million in the High Speed Rail Train Bond Act for intercity-urban rail and rail transit systems. Recipients could develop a priority list up to their target amount and would be required to match with non-state funds. Bill is on Assembly floor.

AB 892- Dept. of Transportation: Environmental Review Process Federal Pilot Program

Carter

Extends pilot program through January 2019 for the federal environmental review program that allows Caltrans to assume responsibility for environmental review of certain projects and to allow for the jurisdiction of federal courts over its assumption of such duties. Bill passed Assembly Committee and is being reviewed at Senate Committee.

NEWAB 1134 – Department of Transportation: Project Study Reports**

Bonilla

Authorizes the Department of Transportation to prepare project study reports for any project on the state highway system. Requires those reports to include specified project-related factors including, cost factors, schedule, and other information deemed necessary to form a sound basis for commitment of future funding and project delivery. Requires an entity performing a study report to reimbursement the department for report review and approval and a voter-approved county sales tax measure expenditure plan. Currently in Assembly Committee being held under submission.

AB 1308 – Highway Users Tax Account: Appropriation of Funds

Miller

In any year in which the Budget Act has not been passed by July 1, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund are continually appropriated and may be encumbered for certain purposes until the Budget Act is passed. Currently in Assembly Committee being held under submission.

SB 77 – Elimination of Redevelopment Agencies

Committee on Budget & Fiscal Review

Would dissolve all redevelopment agencies and community development agencies. Currently on the Assembly Floor.

SB 325 – Enact the Central California Railroad Authority

Rubio

Would create the Central California Railroad Authority as an alternative for ensuring railroad service in the Counties of Kern, Kings, Tulare, and Fresno. The MCAG Governing Board has requested Merced County be included in the language. Passed Senate, currently in Assembly Committee.

NEWSB 450 – Redevelopment Housing Reform**

Lowenthal

Passed Senate Committees, currently on Senate Floor.

SB 582- Commute Benefit Policies

Emmerson

Sponsored by the Metropolitan Transportation Commission, allows Metropolitan Planning Agencies to act jointly with air quality management district(s) to adopt a commute benefit ordinance that requires defined employers to offer their employees certain commute benefits. Passed Senate, ordered to Assembly.

NEWSB 653 – Local Taxation**

Steinberg

This bill would authorize the governing board of any county or city and county, any community college district, and any county office of education subject to specified constitutional and voter approval requirements, to levy, increase, or extend a local personal income tax, transactions and use tax, vehicle license fee, and excise tax, including, but not limited to, an alcoholic beverages tax, a cigarette and tobacco products tax, a sweetened beverage tax, and an oil severance tax, as provided. Passed Senate Committee, on Senate Floor.

NEWSB 683 – Environment: California Environmental Quality Act**

Correa

Amends the California Environmental Quality Act which requires a lead agency to prepare an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Prohibits certain actions or proceedings unless an objection occurs during a public comment period provided under the Act or prior to the close of the public hearing on a project. Currently in Senate Committee.

To add legislation, contact Lori Flanders at lori.flanders@mcagov.org or 209.723.3153 x308.