

**SOLANO COUNTY BOARD OF SUPERVISORS
Legislative Committee Meeting**

Committee
Supervisor Linda J. Seifert (Chair)
Supervisor Michael J. Reagan

Staff
Michelle Heppner

**May 22, 2012
3:00 p.m. – 5:00 p.m.**

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- I. Public Comment** (Items not on the agenda)
- II. Discussion of Federal Bills and consider making a recommendation (Ron Waterman)**
 1. Status Update and Report on Fiscal Year 2013 Appropriations Bills
 2. Highway and Transportation Reauthorization Update
 - Solano County Correspondence to Conference Committee – **Attachment 1 (page 2)**
 3. Delta Counties Coalition Letter to Senators/Representatives re: BDCP Delay - **Attachment 2 (page 5)**
 4. Rep. Matsui's Levee Vegetation Draft Legislation - **Attachment 3 (page 7)**
 5. National Flood Insurance Program (NFIP) Reauthorization Update
 6. Status Update and Report on the Farm Bill
- III. Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)**
 7. ADA Issues Relevant to Realignment (AB 109) – **Attachment 4 (page 13)**
 8. SB 1149 (DeSaulnier) – Bay Area Regional Commission. [PDF](#)(5/15/12) and [Analysis](#) (5/7/12)
 9. SB 1145 (Emmerson) – Animal fighting. [PDF](#) (3/29/12) and [Analysis](#) (4/11/12)
 10. RN 12 07175 – Charter School Dry Period Financing – [PDF](#) (May Revise Budget Trailer Bill)
 11. Overview of the Governor's May Revise - **Attachment 5 (page 16)**
- IV. Schedule of Legislative Committee Meetings**
 12. Staff suggestion - Second Monday of each month at 1:30 p.m. In the event the second Monday is a County holiday, meeting will default to third Monday of the month.
- V. Items from the Public**

ADJOURNMENT

BOARD OF SUPERVISORS

Linda J. Seifert (Dist. 2), Chair
(707) 784-3031
James P. Spering (Dist. 3), Vice-Chair
(707) 784-6136
Barbara R. Kondylis (Dist. 1)
(707) 553-5363
John M. Vasquez (Dist. 4)
(707) 784-6129
Michael J. Reagan (Dist. 5)
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County Administrator
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675 Texas Street, Suite 6500
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<http://www.co.solano.ca.us>

May 3, 2012

The Honorable Barbara Boxer
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
Ranking Member
Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Mica
Chairman
House Committee on Transportation
and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Nick Rahall
Ranking Member
House Committee on Transportation
and Infrastructure
2163 Rayburn House Office Building
Washington, DC 20515

Re: Moving Ahead for Progress in the 21st Century Act – Highway and Transportation Reauthorization

Dear Chairmen Boxer and Mica and Ranking Members Inhofe and Rahall:

On behalf of the Solano County Board of Supervisors, I am writing to urge your consideration of the following critically important issues as you and your fellow conferees prepare to negotiate a final transportation reauthorization bill.

I also would like to take this opportunity to express Solano County’s appreciation for your dedication and hard work aimed at advancing a multi-year reauthorization package. We believe that it is in the best interest of all levels of government and our shared constituencies to ensure that federal transportation policy provides the framework for State and local agencies to plan and implement long-range infrastructure improvement and maintenance projects.

In consideration of the various policies included in the House and Senate transportation bills, HR 4348 and S 1813, respectively, Solano County first and foremost urges you to retain language in the Senate bill that would maintain a dedicated federal funding stream for off-system (local) bridges. Consistent with current law, S 1813 would require a State to obligate for local bridge projects not less than 15 percent of the funds that were apportioned to the State under the Highway Bridge Program in fiscal year 2009. Should State and local officials determine that the State has inadequate needs to justify the expenditure, the Transportation Secretary could rescind this requirement.

**Moving Ahead for Progress in the 21st Century Act – Highway and Transportation Reauthorization.
May 3, 2012 Page 2**

California has 4,428 bridges on the Eligible Bridge List, 2,776 of which are locally owned and operated. Solano County relies on this dedicated funding stream to help fund our off-system bridges, a number of which are in need of reconstruction or rehabilitation. Without dedicated federal funding for bridges, including an off-system set-aside, we are extremely concerned that bridge maintenance, repair, and capital projects will be unable to effectively compete against other capacity enhancement projects.

With regard to environmental streamlining, Solano County supports provisions of both the House and Senate legislation that would streamline the transportation project delivery process, including provisions that would expand Categorical Exclusions and allow for early acquisition of rights-of-way. We also support language of both measures that would make permanent and expand the Surface Transportation Project Delivery Pilot Program. California, which is the only state to fully implement this initiative, has utilized the program to yield very positive results, including reducing the median timeframe for completing the environmental process for routine documents (environmental assessments/findings of no significant impact) on highway projects by almost seventeen months. Additionally, the time to deliver an Environmental Impact Statement, as required by the National Environmental Policy Act (NEPA), has been reduced by at least that much time.

We also strongly support Section 615 of HR 4348, which would establish a program to eliminate duplicative State and Federal environmental reviews and approvals. Under Section 615, a State could use State laws and procedures to conduct reviews and make project approvals in lieu of Federal environmental laws and regulations. Such a program, which would build upon California's successful implementation of the aforementioned pilot program, would help to substantially accelerate the delivery of transportation projects by eliminating redundant documentation, while at the same time improving the effectiveness of federal expenditures and reducing overall project costs.

It should be noted that in order to participate in the Section 615 program, the House bill would require the Secretary of the Department of Transportation to determine that the alternative environmental review procedures of the State are substantially equivalent to applicable Federal requirements. In our state, the California Environmental Quality Act (CEQA) provides equal, or in some instances greater, environmental protections than NEPA. Accordingly, we believe that California would be the ideal candidate to demonstrate the effectiveness and benefits of such a streamlining program.

Additionally, we strongly urge you to adopt the Report language from the original House bill (HR 7) that would ensure that local governments are eligible to participate in this program. In California, counties and cities serve as lead agencies under CEQA and have existing authority to prepare and certify CEQA documents for their local federal-aid transportation projects. Providing for local participation in this program would ensure that the benefits of the initiative are fully realized.

Thank you for your consideration of these important issues. We look forward to working with you as Congress finalizes a new transportation reauthorization bill.

Sincerely,

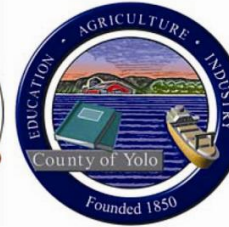


Linda J. Selfert
Chair, Solano County Board of Supervisors

S. 1813 Moving Ahead for Progress in the 21st Century Act – Highway and Transportation Reauthorization.

May 3, 2012 Page 3

cc: Senator Richard Durbin
Senator Charles Schumer
Senator Orrin Hatch
Senator Max Baucus
Senator Richard Shelby
Senator John Rockefeller
Senator Kay Bailey Hutchison
Senator Tim Johnson
Senator Bill Nelson
Senator David Vitter
Senator Robert Menendez
Senator John Hoeven
Representative Don Young
Representative Dave Camp
Representative Ralph Hall
Representative Doc Hastings
Representative Edward Markey
Representative Fred Upton
Representative Henry Waxman
Representative John Duncan
Representative Peter DeFazio
Representative Edward Whitfield
Representative Earl Blumenauer
Representative Pat Tiberi
Representative Bill Shuster
Representative Eddie Bernice Johnson
Representative Corrine Brown
Representative Richard Hanna
Representative Leonard Boswell
Representative Jerrold Nadler
Representative Shelley Moore Capito
Representative Eleanor Holmes Norton
Representative Jaime Herrera Beutler
Representative Timothy Bishop
Representative Larry Bucshon
Representative Rick Crawford
Representative Jerry Costello
Representative Elijah Cummings
Representative Steve Southerland
Representative James Lankford
Representative Reid Ribble
Representative Rob Bishop
Representative Chip Cravaack



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

May 15, 2012

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Re: State of California BDCP EIS/EIR Timeline Delay

Dear Senator Feinstein:

The Sacramento-San Joaquin Delta Counties Coalition (DCC), a consortium of Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties formed to speak with one voice on our collective concerns regarding the protection, restoration and enhancement of the Sacramento-San Joaquin Delta (Delta), thanks you for your continued involvement in promoting the use of peer-reviewed science, transparency and inclusiveness in the Bay Delta Conservation Plan (BDCP) process.

As you are aware, the State of California, which originally set a very aggressive schedule for the BDCP effort, recently announced in a letter from California Natural Resources Agency Secretary John Laird to U.S. Department of the Interior Deputy Secretary David Hayes that it is delaying that schedule and "...will soon be able to announce some significant adjustments in the overall program that will reflect our commitment to using the best science." The DCC is very supportive of using the best science available, and we look forward to the "adjustments" to the BDCP as a result of this commitment by the State.

While the State of California appears to be addressing Delta issues in a more fair, balanced and scientifically supported manner, the DCC will continue our vigilance over this effort as we work with you to ensure such an approach is used as the foundation to resolving Delta issues. While there are now rumors of a smaller conveyance facility, or "BDCP lite", being considered for the Delta, we remain committed to ensuring that any BDCP process truly protects the Delta, and fully considers the total impacts and the benefit/cost analysis of all options under consideration, including a through-Delta conveyance-only option, through the use of the best peer-reviewed science, broader stakeholder involvement and a transparent, fair process.

The DCC will continue to work to ensure that all interests in the Delta and the State of California are identified and protected as the BDCP moves forward, and we thank you for your continued involvement as it will be critical to accomplishing these shared goals.

Sincerely,



Mary Nejedly Piepho
Supervisor, Contra Costa County



Michael J. Reagan
Supervisor, Solano County



Don Nottoli
Supervisor, Sacramento County



Mike McGowan
Supervisor, Yolo County



Larry Ruhstaller
Supervisor, San Joaquin County

Heppner, Michelle

From: Joe Krahn [jk@wafed.com]
Sent: Wednesday, May 16, 2012 10:16 AM
To: Alison Olsen (CCC); AlyssaManprin-Assistant to Yolo County CAO; Emlen, Bill F.; Corsello, Birgitta E.; Bob Ryan-SacCountyCounsel; Brandon Nakagawa; CathyChristian (CCC); Covey, Clifford K.; Cecilia Jensen; CindyTuttle; cullather@alcalde-fay.com; David Wooten (SJC); Desiree Reno; Dirk.Brazil@yolocounty.org; Wolk, Daniel M.; Don Nottoli; Don Thomas(Sac); Doug Brown; ElenaReyes (SJC); Bauer, Emily A.; Fritz Buchman (sjc); gina.daleiden@yolocounty.org; Hasan Sarsour; Jacqueline Zaragoza; Jim Provenza; Joe Krahn; Nolan, Jodene F.; John Greitzer (CCC); Vasquez, John M.; John Maguire sjc; KarenLange (SJC); Karen Mitchoff; Kerry Sullivan-sjc; DeltaWater; kvogel@sjgov.org; Lara Delaney (CCC); Larry Ruhstaller; LeaCastleberry (MNP/CCC); Leslie McFadden (Sac); Mark Limbaugh (TFG); MaryPiepho; mhardesty@cal.net; Heppner, Michelle; MikeMcGowan; Reagan, Michael J.; Mitch Avalon (CCC); Nancy Yee-ccc; Nav Gill; nestoll@sjgov.org; niederbergerh@saccounty.net; Paul Yoder; Peterson Consulting (SJC); petersonmi@saccounty.net; petrea.marchand@yolocounty.org; PhilipPogledich; Rob Leonard; Goulart, Roberta L.; Roberta Goulart; robyn.drivon@yolocounty.org; Roger Gwinn (TFG); RonWaterman; Sandra Rodriguez (Yolo County); schlesinger@alcalde-fay.com; Sharon Andrews (Sac); Stephen Siptroth-ccc; Steve Goetz (CCC); Steve Winkler (SJC); Terry Dermody; Tom Gau (SJC)
Cc: Hasan Sarsour; Roger Gwinn; 'MarkLimbaugh'; Paul Schlesinger; Petrea Marchand
Subject: Levee Vegetation Legislation Slated to be Introduced on Friday
Attachments: Vegetation Legislation (final).pdf

Dear DCC –

Please see the attached legislation that is slated to be introduced this Friday by Representatives Matsui and Garamendi. The bill would require the Secretary of the Army to undertake a comprehensive review of the Corps' policy guidelines on vegetation management for levees. In conducting the review, the Secretary would be required to examine the Corps' guidelines in view of several key factors, such as the varied interests and responsibilities in managing flood risks, including the need to provide the greatest safety benefit with limited resources.

The legislation also specifies that the Secretary would need to consider factors that promote and allow for consideration of potential variances from the national guidelines *on a regional or watershed basis*.

Additionally, the measure would require the policy review to be done in cooperation with interested Federal agencies and in consultation with representatives of State and local governments, Native American tribes, appropriate nongovernmental organizations, and the public. The bill also would require the Secretary to solicit and consider the views of the National Academy of Engineering as part of the comprehensive review process.

Representatives Matsui and Garamendi are in the process of soliciting original cosponsors for their bill, which they are hoping to add before this Friday, May 18.

Please let us know if you have any questions.

Sincerely,

The DCC Federal Lobbyists

*Joe Krahn
 Waterman & Associates
 900 Second Street, NE Suite 109
 Washington, DC 20002*

.....
(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of the Army to undertake a comprehensive review of the Corps of Engineers policy guidelines on vegetation management for levees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MATSUI introduced the following bill; which was referred to the
Committee on _____

A BILL

To direct the Secretary of the Army to undertake a comprehensive review of the Corps of Engineers policy guidelines on vegetation management for levees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FLOOD CONTROL POLICY.**

4 (a) REVIEW.—In order to determine whether current
5 Federal policy relating to levee vegetation is appropriate
6 for all regions of the United States, the Secretary of the
7 Army shall undertake a comprehensive review of the Corps

1 of Engineers policy guidelines on vegetation management
2 for levees (in this section referred to as the “guidelines”).
3 The Secretary shall commence the review not later than
4 6 months after the date of enactment of this Act.

5 (b) FACTORS.—

6 (1) IN GENERAL.—In conducting the review,
7 the Secretary shall examine the guidelines in view
8 of—

9 (A) the varied interests and responsibilities
10 in managing flood risks, including the need to
11 provide the greatest levee safety benefit with
12 limited resources;

13 (B) preserving, protecting, and enhancing
14 natural resources, including the potential ben-
15 efit that vegetation on levees can have in pro-
16 viding habitat for species of concern;

17 (C) protecting the rights of Native Ameri-
18 cans pursuant to treaties and statutes; and

19 (D) such other factors as the Secretary
20 considers appropriate.

21 (2) REGIONAL AND WATERSHED CONSIDER-
22 ATIONS.—In conducting the review, the Secretary
23 shall specifically consider factors that promote and
24 allow for consideration of potential variances from
25 national guidelines on a regional or watershed basis.

1 Such factors may include regional or watershed soil
2 conditions, hydrologic factors, vegetation patterns
3 and characteristics, environmental resources, levee
4 performance history, institutional considerations,
5 and other relevant factors. The scope of a variance
6 approved by the Secretary may include an exemption
7 to national guidelines where appropriate.

8 (c) COOPERATION AND CONSULTATION; REC-
9 OMMENDATIONS.—

10 (1) IN GENERAL.—The review shall be under-
11 taken in cooperation with interested Federal agen-
12 cies and in consultation with interested representa-
13 tives of State and local governments, Native Amer-
14 ican Indian tribes, appropriate nongovernmental or-
15 ganizations, and the public.

16 (2) RECOMMENDATIONS.—Corps of Engineers
17 Regional Integration Teams, representing districts,
18 divisions, and headquarters, in consultation with
19 State and Federal resources agencies, and with par-
20 ticipation by local agencies, shall recommend to the
21 Chief of Engineers vegetation management policies
22 for levees that conform with State and Federal laws
23 and other applicable requirements.

24 (d) PEER REVIEW.—

1 (1) VIEWS OF NATIONAL ACADEMY OF ENGI-
2 NEERING.—As part of the review, the Secretary
3 shall solicit and consider the views of the National
4 Academy of Engineering on the engineering, envi-
5 ronmental, and institutional considerations under-
6 lying the guidelines.

7 (2) AVAILABILITY OF VIEWS.—The views of the
8 National Academy of Engineering obtained under
9 paragraph (1) shall be—

10 (A) made available to the public; and

11 (B) included in supporting materials issued
12 in connection with the revised guidelines re-
13 quired under subsection (e).

14 (e) REVISION OF GUIDELINES.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, the Secretary
17 shall—

18 (A) revise the guidelines based on the re-
19 sults of the review, including the results of the
20 peer review conducted under subsection (d); and

21 (B) submit to Congress a report that con-
22 tains a summary of the activities of the Sec-
23 retary and a description of the findings of the
24 Secretary under this section.

1 (2) CONTENT; INCORPORATION INTO MAN-
2 UAL.—The revised guidelines shall—

3 (A) provide a practical process for approv-
4 ing regional or watershed variances from the
5 national guidelines, reflecting due consideration
6 of measures to maximize public safety benefits
7 with limited resources, regional climatic vari-
8 ations, environmental quality, implementation
9 challenges, and allocation of responsibilities;
10 and

11 (B) be incorporated into the manual pro-
12 posed under section 5(c) of the Act entitled “An
13 Act authorizing the construction of certain pub-
14 lic works on rivers and harbors for flood con-
15 trol, and for other purposes”, approved August
16 18, 1941 (33 U.S.C. 701n(c)).

17 (f) CONTINUATION OF WORK.—Concurrent with
18 completion of the requirements of this section, the Sec-
19 retary shall proceed without interruption or delay with
20 those ongoing or programmed projects and studies, or ele-
21 ments of projects or studies, that are not directly related
22 to vegetation variance policy.

Heppner, Michelle

From: Bunting, Dennis W.
Sent: Friday, April 27, 2012 11:38 AM
To: Corsello, Birgitta E.; Huston, Nancy L.; Heppner, Michelle
Cc: Stanton, Gary R.; Hansen, Christopher
Subject: FW: Armstrong fix: "New and Improved" Proposed Revisions to Penal Code 3056

Follow Up Flag: Follow up
Flag Status: Flagged

Ladies:

As part of our legislative platform, we may want to include seeking supplemental funding to AB 109 for ADA accommodations. This could be an expensive item.

Perhaps the Sheriffs' and CPOs' associations could also lobby for additional funding.

Denny

From: Thomas Parker [<mailto:trparker@countyofcolusa.org>]
Sent: Friday, April 27, 2012 11:27 AM
To: Anne Keck; Adam Pressman; Brett Holt; Woolley, Carrie; Alison A. Barratt-Green; Angil P. Morris-Jones; Anita L. Grant; Ann Duggan; Anthony La Bouff; Arthur J. Wylene; Barbara Thompson; Bruce Goldstein; Bruce S. Alpert; Charles J. McKee; Carlson, Colleen; Dana M. McRae; David E. Wooten; David Holm; David Huff; Dennis A. Marshall; Bunting, Dennis W.; Dennis J. Herrera; Derek P. Cole; Donna R. Ziegler; Douglas W. Nelson; Earl Barnes; Gregory G. Gillott; Gregory J. Oliver; Gretchen M. Stuhr; Carlyle, Huston@Glenn; James A. Curtis; James N. Fincher; Janis J. Elliott; Jeanine B. Nadel; Jean-Rene Basle; Jefferson Billingsley; John C. Beiers; John P. Doering; John S. Kenny; Karen Frey; Kathleen Bales-lange; Kelly D. Scott; Kevin B. Briggs; Leroy Smith; Louis B. Green; Marchall Rudolph; Marina Porche; Martin F. Fine; Matthew Dacey; Matthew W. Granger; Michael L. Rood; Miguel Marquez; Nathan Northup; Nicholas S. Chrisos; Pamela J. Walls; Patrick K. Faulkner; R. Craig Settlemire; Rachel Sommovilla; Randy H. Keller; Rhetta Vander Ploeg; Rita Neal; Robert A. Ryan, Jr.; Robert Faigin; Robery Westmeyer; Robyn Truitt Drivon; Roger S. Matzkind; Ronald S. Erickson; Rubin Cruse; Stephanie Alford; Steven Singley; Steven W. Dahlem; Theresa A. Goldner; Thomas E. Montgomery; Thomas P. Guarino; Warren R. Jensen; William L. Pettingill; KirkbrideTA@co.monterey.ca.us; PIYoshin@lasd.org; nicole.sims@coco.ocgov.com; Teresa Saucedo; Cheryl.Stevens@cco.sccgov.org; raymond.lara@acgov.org; dean.wright@stancounty.com; Darbinian, Azniv; Marcos.Kropf@co.nevada.ca.us; Margherio, Ramona M.; ivalencia@cosb.us; rbrewer@co.marin.ca.us; Mansell, Steve; Tmorgan@co.kern.ca.us; sduran@tehamacountyadmin.org; Wood, James; Daniel Cederborg; david.livingston@edcgov.us; jgovi@marincounty.org; Linden, Michael; granti@co.monterey.ca.us; sallie.gibson@sfgov.org; Miller, Elizabeth D.; David Silberman
Cc: Jennifer Henning
Subject: RE: Armstrong fix: "New and Improved" Proposed Revisions to Penal Code 3056

Your point is correct, Anne, re the calculation of AB 109 funding not taking into account the costs incurred by counties under the bill. Diane Cummings of State DOF candidly admitted this at a meeting held in Colusa County regarding how AB 109 is and is not working with small counties.

Thomas R. Parker
 Colusa County Counsel
 1213 Market Street
 Colusa, CA 93259
 Phone: (530) 458-8229
 Fax: (530) 458-2701

From: Anne Keck [<mailto:Anne.Keck@sonoma-county.org>]
Sent: Thursday, April 26, 2012 5:57 PM
To: 'Adam Pressman'; Thomas Parker; 'Brett Holt'; 'Woolley, Carrie'; 'Alison A. Barratt-Green'; 'Angil P. Morris-Jones';

'Anita L. Grant'; 'Ann Duggan'; 'Anthony La Bouff'; 'Arthur J. Wylene'; 'Barbara Thompson'; Bruce G. Alpert'; 'Charles J. McKee'; 'Carlson, Colleen'; 'Dana M. McRae'; 'David E. Wooten'; 'David Holm'; 'David Huff'; 'Dennis A. Marshall'; 'Dennis Bunting'; 'Dennis J. Herrera'; 'Derek P. Cole'; 'Donna R. Ziegler'; 'Douglas W. Nelson'; 'Earl Barnes'; 'Gregory G. Gillott'; 'Gregory J. Oliver'; 'Gretchen M. Stuhr'; 'Carlyle, Huston@Glenn'; 'James A. Curtis'; 'James N. Fincher'; 'Janis J. Elliott'; 'Jeanine B. Nadel'; 'Jean-Rene Basie'; 'Jefferson Billingsley'; 'John C. Beiers'; 'John P. Doering'; 'John S. Kenny'; 'Karen Frey'; 'Kathleen Bales-lange'; 'Kelly D. Scott'; 'Kevin B. Briggs'; 'Leroy Smith'; 'Louis B. Green'; 'Marchall Rudolph'; 'Marina Porche'; 'Martin F. Fine'; 'Matthew Dacey'; 'Matthew W. Granger'; 'Michael L. Rood'; 'Miguel Marquez'; 'Nathan Northup'; 'Nicholas S. Chrisos'; 'Pamela J. Walls'; 'Patrick K. Faulkner'; 'R. Craig Settlemire'; 'Rachel Sommovilla'; 'Randy H. Keller'; 'Rhetta Vander Ploeg'; 'Rita Neal'; 'Robert A. Ryan, Jr.'; 'Robert Faigin'; 'Robery Westmeyer'; 'Robyn Truitt Drivon'; 'Roger S. Matzkind'; 'Ronald S. Erickson'; 'Rubin Cruse'; 'Stephanie Alford'; 'Steven Singley'; 'Steven W. Dahlem'; 'Theresa A. Goldner'; 'Thomas E. Montgomery'; 'Thomas P. Guarino'; 'Warren R. Jensen'; 'William L. Pettingill'; 'KirkbrideTA@co.monterey.ca.us'; 'PIYoshin@lasd.org'; 'nicole.sims@coco.ocgov.com'; 'Teresa Saucedo'; 'Cheryl.Stevens@cco.sccgov.org'; 'raymond.lara@acgov.org'; 'dean.wright@stancounty.com'; 'Darbinian, Azniv'; 'Marcos.Kropf@co.nevada.ca.us'; 'rmmargherio@solanocounty.com'; 'ivalencia@cosb.us'; 'rbrewer@co.marin.ca.us'; 'Mansell, Steve'; 'Tmorgan@co.kern.ca.us'; 'sduran@tehamacountyadmin.org'; 'Wood, James'; 'Daniel Cederborg'; 'david.livingston@edcgov.us'; 'jgovi@marincounty.org'; 'Linden, Michael'; 'granti@co.monterey.ca.us'; 'sallie.gibson@sfgov.org'; 'Miller, Elizabeth D.'; 'David Silberman'

Cc: 'Jennifer Henning'

Subject: RE: Armstrong fix: "New and Improved" Proposed Revisions to Penal Code 3056

Daniel:

Thank you for your e-mail, and I am forwarding it to the group with this response.

At present, the state will tell us that it has no obligation to pay us any special costs for housing any parolees with special needs based on the scheme established by realignment. The Legislature did away with all per diem and other payments in exchange for the realignment funding scheme. In other words, the concern you raise, while it should not be ignored, is the current state of affairs. The only issue that the proposed revisions will address is that CDCR will not have the obligation to oversee how we run the county jails while housing parolees (including how we provide ADA accommodations). It is also my firm belief that this was the Legislature's intent in enacting PC 3056 in the first place.

In addition, the issue Tom Parker raised during our conference call was that the State may not not have included a calculation of ADA costs when determining the funding dollars needed under realignment. It is my understanding that the implication of that statement was that it had not considered such an issue before, and that perhaps funding should be increased to address the ADA needs of parolees. But Tom can correct me if I am wrong. -- Anne

From: Daniel Cederborg [<mailto:Daniel.Cederborg@yolocounty.org>]

Sent: Thursday, April 26, 2012 5:25 PM

To: Anne Keck

Subject: RE: Armstrong fix: "New and Improved" Proposed Revisions to Penal Code 3056

Anne:

I can't reply to all 'cause my e-mail doesn't let me respond to that many people at once. My overall concern with this language is the risk that the State uses it to later come back and say that they have no financial obligation to help with the costs of their parolees who have special (expensive) accommodation needs. I don't know how to address this concern and I know that overall, the change to 3056 is probably in the counties' best interest. But I remember from the conference call of all the counties that someone mentioned that the state finance people had said they hadn't considered the cost of accommodations for Armstrong class members when calculating the AB109 funds for the counties.

Daniel C. Cederborg
 Assistant County Counsel
 County of Yolo
 625 Court Street, Room 201
 Woodland, CA 95695
 (530) 666-8172 (phone); (530) 666-8279 (fax)

From: Anne Keck [mailto:Anne.Keck@sonoma-county.org]

Sent: Thursday, April 26, 2012 3:01 PM

To: 'Adam Pressman'; 'Thomas Parker'; 'Brett Holt'; 'Woolley, Carrie'; 'Alison A. Barratt-Green'; 'Angil P. Morris-Jones'; 'Anita L. Grant'; 'Ann Duggan'; 'Anthony La Bouff'; 'Arthur J. Wylene'; 'Barbara Thompson'; 'Bruce Goldstein'; 'Bruce S. Alpert'; 'Charles J. McKee'; 'Carlson, Colleen'; 'Dana M. McRae'; 'David E. Wooten'; 'David Holm'; 'David Huff'; 'Dennis A. Marshall'; 'Dennis Bunting'; 'Dennis J. Herrera'; 'Derek P. Cole'; 'Donna R. Ziegler'; 'Douglas W. Nelson'; 'Earl Barnes'; 'Gregory G. Gillott'; 'Gregory J. Oliver'; 'Gretchen M. Stuhr'; 'Carlyle, Huston@Glenn'; 'James A. Curtis'; 'James N. Fincher'; 'Janis J. Elliott'; 'Jeanine B. Nadel'; 'Jean-Rene Basle'; 'Jefferson Billingsley'; 'John C. Beiers'; 'John P. Doering'; 'John S. Kenny'; 'Karen Frey'; 'Kathleen Bales-lange'; 'Kelly D. Scott'; 'Kevin B. Briggs'; 'Leroy Smith'; 'Louis B. Green'; 'Marchall Rudolph'; 'Marina Porche'; 'Martin F. Fine'; 'Matthew Dacey'; 'Matthew W. Granger'; 'Michael L. Rood'; 'Miguel Marquez'; 'Nathan Northup'; 'Nicholas S. Chrisos'; 'Pamela J. Walls'; 'Patrick K. Faulkner'; 'R. Craig Settlemire'; 'Rachel Sommovilla'; 'Randy H. Keller'; 'Rhetta Vander Ploeg'; 'Rita Neal'; 'Robert A. Ryan, Jr.'; 'Robert Faigin'; 'Robery Westmeyer'; 'Robyn Drivon'; 'Roger S. Matzkind'; 'Ronald S. Erickson'; 'Rubin Cruse'; 'Stephanie Alford'; 'Steven Singley'; 'Steven W. Dahlem'; 'Theresa A. Goldner'; 'Thomas E. Montgomery'; 'Thomas P. Guarino'; 'Warren R. Jensen'; 'William L. Pettingill'; 'KirkbrideTA@co.monterey.ca.us'; 'PIYoshin@lasd.org'; 'nicole.sims@coco.ocgov.com'; 'Teresa Saucedo'; 'Cheryl.Stevens@cco.sccgov.org'; 'raymond.lara@acgov.org'; 'dean.wright@stancounty.com'; 'Darbinian, Azniv'; 'Marcos.Kropf@co.nevada.ca.us'; 'rmmargherio@solanocounty.com'; 'ivalencia@cosb.us'; 'rbrewer@co.marin.ca.us'; 'Mansell, Steve'; 'Tmorgan@co.kern.ca.us'; 'sduran@tehamacountyadmin.org'; 'Wood, James'; 'Daniel Cederborg'; 'david.livingston@edcgov.us'; 'jgovi@marincounty.org'; 'Linden, Michael'; 'grant@co.monterey.ca.us'; 'sallie.gibson@sfgov.org'; 'Miller, Elizabeth D.'

Cc: 'Jennifer Henning'

Subject: Armstrong fix: "New and Improved" Proposed Revisions to Penal Code 3056

Earlier today, I circulated my proposed revisions to PC 3056, along with explanations for the proposal. I have since received some great suggested revisions (thank you, Denny Bunting), and caught a major typo.

Accordingly, please disregard the previous version of PC 3056 I sent out this morning, and consider this oh-so-improved revised version of PC 3056. Thanks again, Anne

Anne L. Keck
Deputy County Counsel
Sonoma County
(707) 565-2421

Links to the May Revise Trailer Bills

The Governor has released language for many of the potential budget trailer bills. The links are below, separated by subject-area.

Budget Operations Support

- [\[100\] Cash Management--Borrowables](#) (.pdf, <1 MB)
- [\[101\] Delete Requirement for SCO to Perform Review of Airport Fee Audits](#) (.pdf, <1 MB)
- [\[103\] Cash Deferrals](#) (.pdf, <1 MB)
- [\[104\] Update General Administrative Costs](#) (.pdf, <1 MB)
- [\[105\] Cap on Credit Enhancement Expenses](#) (.pdf, <1 MB)
- [\[106\] Cleanup Statute to Remove California Fiscal Advisory Board](#) (.pdf, <1 MB)

Business Transportation and Housing

- [\[002, 205\] Eliminate the 911 Advisory Committee](#) (.pdf, <1 MB)
- [\[003, 208\] Eliminate Tech Services Board](#) (.pdf, <1 MB)
- [\[004, 206\] Eliminate Electronic Funds Task Force](#) (.pdf, <1 MB)
- [\[018, 207\] Eliminate PSRSPC](#) (.pdf, <1 MB)
- [\[200\] Caltrans Weight Fee Loans and Special Funds Transfers](#) (.pdf, <1 MB)
- [\[201\] FIRM Expansion to BOE and EDD](#) (.pdf, <1 MB)
- [\[202\] DMV Registration Discount \(Draft\)](#) (.pdf, <1 MB)
- [\[203\] Elimination of Tier III Requirement](#) (.pdf, <1 MB)
- [\[204\] Adjust Payment Dates for Sales Tax and Insurance Tax](#) (.pdf, <1 MB)
- [\[210\] ABx1 26 Redevelopment Clean-Up and RDA Asset Disposition](#) (.pdf, <1 MB)

Corrections and General Government

- [\[005\] Eliminate the Office of Privacy Protection](#) (.pdf, <1 MB)
- [\[020\] Eliminate FEHC and Transfer Functions to DFEH](#) (.pdf, <1 MB)
- [\[049\] Eliminate UI Appeals Board](#) (.pdf, <1 MB)
- [\[052\] Eliminate DLSR and Transfer Functions to DOSH](#) (.pdf, <1 MB)
- [\[053\] Eliminate the OSHSB and Transfer Functions to DIR](#) (.pdf, <1 MB)
- [\[055\] Eliminate the Commission on the Status of Women](#) (.pdf, <1 MB)
- [\[057\] Consolidate the Commission on Uniform State Laws within the Legislative Counsel Bureau](#) (.pdf, <1 MB)
- [\[1001\] Local Law Enforcement Subventions-Realignment](#) (.pdf, <1 MB)
- [\[1002\] Public Safety Realignment](#) (.pdf, <5 MB)
- [\[1003\] AB 109 Sentencing Clean Up](#) (.pdf, <1 MB)
- [\[1009\] 2011 Realignment Superstructure](#) (.pdf, <1 MB)
- [\[300\] Seismic Safety Commission Continued Funding](#) (.pdf, <1 MB)
- [\[301\] Repeal Make Permissive Specified Mandates](#) (.pdf, <1 MB)
- [\[303\] Establishment of the BSCC](#) (.pdf, <1 MB)
- [\[304\] Alternative Custody Amendments](#) (.pdf, <1 MB)

- [\[306\] Civil Court Fees \(.pdf, <1 MB\)](#)
- [\[309\] UI Employer Surcharge and Eligibility Criteria Amendments \(.pdf, <1 MB\)](#)
- [\[313\] Milk and Dairy Food Safety Fees \(.pdf, <1 MB\)](#)
- [\[317\] Medical Parole Amendments \(.pdf, <1 MB\)](#)
- [\[318\] Future of Corrections Plan Accountability \(.pdf, <1 MB\)](#)
- [\[319\] CDCR Reporting Requirements \(.pdf, <1 MB\)](#)
- [\[320\] Lawsuit Settlement Expenditure Authority \(.pdf, <1 MB\)](#)
- [\[321\] Sunset of Civil Addicts Program \(.pdf, <1 MB\)](#)
- [\[322\] AB 900 Lease Revenue Bond Authority Elimination and Clean-Up \(.pdf, <1 MB\)](#)
- [\[328\] Court Security \(.pdf, <1 MB\)](#)
- [\[329\] CalEMA Transit and Waterborne Programs \(.pdf, <1 MB\)](#)
- [\[330\] DNA Penalty Assessment - fifth dollar \(.pdf, <1 MB\)](#)

Education

- [\[401-409, 413-416, 423, 427-429, 432, 443\] Omnibus Education Trailer Bill \(.pdf, <1 MB\)](#)
- [\[410-412, 417-419, 444\] Charter School Reform \(.pdf, <1 MB\)](#)
- [\[420, 421\] Child Care Restructuring \(.pdf, <1 MB\)](#)
- [\[422, 424\] Weighted Pupil Funding Formula \(.pdf, <1 MB\)](#)
- [\[425\] K-14 Mandates Reform \(.pdf, <1 MB\)](#)
- [\[432\] Transfer Overcrowding Relief Grant Bond Authority and Regulate New Construction and Modernization Approvals \(.pdf, <1 MB\)](#)
- [\[434-439, 441\] Student Aid Commission \(.pdf, <1 MB\)](#)
- [\[445\] Trigger Reductions \(.pdf, <1 MB\)](#)

Financial Research and Local Government

- [\[500\] Changes to FTB Wage Garnishment Authority \(.pdf, <1 MB\)](#)
- [\[501\] Penalty for Filing a Fraudulent Income Tax Claim for Refund \(.pdf, <1 MB\)](#)

Health and Human Services

- [\[041\] Eliminate the Dept of Alcohol and Drug Program \(.pdf, <1 MB\)](#)
- [\[045\] Eliminate the Rehabilitation Appeals Board \(.pdf, <1 MB\)](#)
- [\[1000\] Health and Human Services Realignment Cleanup \(.pdf, <1 MB\)](#)
- [\[1004\] DSS Programmatic Realignment TBL \(DraftV1\) \(.pdf, <1 MB\)](#)
- [\[1005\] ADP Programmatic Realignment TBL \(DraftV1\) \(.pdf, <1 MB\)](#)
- [\[1006\] Realignment 2011 Programmatic Trailer Bill Medi-Cal Specialty Mental Health DraftV1 \(.pdf, <1 MB\)](#)
- [\[1008\] 2011 Realignment--AB 12 \(Draft V1L\) \(.pdf, <1 MB\)](#)
- [\[600\] Incompetent to Stand Trial Treatment in County Jails \(RN1207359\) \(.pdf, <1 MB\)](#)
- [\[601\] Transfer Non-Medi-Cal Mental Health Programs to Other Departments \(RN1206823\) \(.pdf, <1 MB\)](#)
- [\[603\] Establish Department of State Hospitals \(.pdf, <1 MB\)](#)
- [\[604\] Eliminate Remaining Department of Mental Health Statutes \(RN1207360\) \(.pdf, <1 MB\)](#)
- [\[605\] Eliminate Sunset Date for Local Education Agency Medi-Cal Billing Program \(.pdf, <1 MB\)](#)

- [\[606\] Hospital Stabilization Funding \(.pdf, <1 MB\)](#)
- [\[607\] Interest Rate Assessed on Collection of Medi-Cal Provider Overpayments and Underpayments \(RN 12 01098\) \(.pdf, <1 MB\)](#)
- [\[608\] Eliminate Nursing Home Fee Program Sunset Date - AB 1629 \(.pdf, <1 MB\)](#)
- [\[609\] Extend Sunset Date for Rogers Amendment \(.pdf, <1 MB\)](#)
- [\[610\] Abolish Four Funds that Are No Longer Used \(.pdf, <1 MB\)](#)
- [\[611\] Medi-Cal Operational Flexibilities \(.pdf, <1 MB\)](#)
- [\[612\] Transfer Drug Medi-Cal Functions to DHCS \(.pdf, <5 MB\)](#)
- [\[614\] Transfer Medi-Cal Mental Health Functions to DHCS \(RN 1206293\) \(.pdf, <5 MB\)](#)
- [\[616\] - HFP Rate Reduction and Transition to Medi-Cal \(.pdf, <1 MB\)](#)
- [\[617\] Coordinated Care Initiative \(.pdf, <1 MB\)](#)
- [\[618\] Annual Open Enrollment \(.pdf, <1 MB\)](#)
- [\[619\] Gross Premiums Insurance Tax Extension \(.pdf, <1 MB\)](#)
- [\[620\] Federally Qualified Health Center Payment Reform \(.pdf, <1 MB\)](#)
- [\[621\] Medical Therapy Program Eligibility \(.pdf, <1 MB\)](#)
- [\[622\] CMAC Staff Transition \(.pdf, <1 MB\)](#)
- [\[624\] ADAP Share Of Cost \(RN 12 01573\) \(.pdf, <1 MB\)](#)
- [\[625\] Transition DPH Direct Health Care Services Programs to DHCS \(.pdf, <1 MB\)](#)
- [\[626\] Establish the Office of Health Equity \(.pdf, <1 MB\)](#)
- [\[628\] IHSS Provider Tax Implementation Date Revision \(DraftV1\) \(.pdf, <1 MB\)](#)
- [\[632\] CalWORKs Redesign \(.pdf, <5 MB\)](#)
- [\[633\] Preapproval for IHSS Supplemental Care App \(DraftV1\) \(.pdf, <1 MB\)](#)
- [\[634\] Eliminate IHSS Domestic and Related Svcs in Shared Living DraftV1L \(.pdf, <1 MB\)](#)
- [\[635\] Transition Non Drug Medi-Cal Programs to Various Departments \(RN 12 07230\) \(.pdf, <1 MB\)](#)
- [\[637\] Eliminate Previously Suspended Health Insurance Incentives for Local Child Support Agencies \(.pdf, <1 MB\)](#)
- [\[638\] Provide Explicit Investment Authority for Non-negotiated Child Support Payments \(.pdf, <1 MB\)](#)
- [\[639\] Eliminate Previously Suspended Child Support Performance Incentives for Local Child Support Agencies \(.pdf, <1 MB\)](#)
- [\[640\] Suspension of County Share of Recoupment for FY 2012-13 \(.pdf, <1 MB\)](#)
- [\[642\] Distribution of Child Health and Safety Fund \(RN 12 06174\) \(.pdf, <1 MB\)](#)
- [\[642\] Distribution of Child Health and Safety Fund \(.pdf, <1 MB\)](#)
- [\[644\] Continue Fingerprint Fee Exemption \(RN 12 06173\) \(.pdf, <1 MB\)](#)
- [\[645\] Extend Group Home Application Moratorium \(RN 12 06172\) \(.pdf, <1 MB\)](#)
- [\[645\] Extend Group Home Application Moratorium \(.pdf, <1 MB\)](#)
- [\[647\] Apply CNI Increase to Dual Agency Foster Care Rates \(RN 12 06177\) \(.pdf, <1 MB\)](#)
- [\[647\] Apply CNI Increase to Dual Agency Foster Care Rates \(.pdf, <1 MB\)](#)
- [\[648\] Eliminate Caregiver Resource Centers \(.pdf, <1 MB\)](#)
- [\[649\] DPH Special Fund Efficiencies Reductions \(.pdf, <1 MB\)](#)
- [\[652\] Consumers with Challenging Service Needs DraftV1 \(.pdf, <1 MB\)](#)
- [\[653\] Supported Living Assessment DraftV1 \(.pdf, <1 MB\)](#)
- [\[654\] Early Start DraftV1 \(.pdf, <1 MB\)](#)

[\[655\] Regional Center Operations and Provider Payment Reductions DraftV1](#) (.pdf, <1 MB)

[\[657\] OSI CalHEERS](#) (.pdf, <1 MB)*

[\[658\] Eliminate MRMIB and Transfer Programs to DHCS](#) (.pdf, <5 MB)

[\[659\] CalOHII Sunset Extension](#) (.pdf, <1 MB)

Natural Resources and Capital Outlay

[\[029\] Eliminate Colorado River Board](#) (.pdf, <1 MB)

[\[030\] Eliminate State Geology and Mining Board](#) (.pdf, <1 MB)

[\[032-033\] Eliminate Fish and Game Advisory Bodies](#) (.pdf, <1 MB)

[\[034\] Eliminate Salton Sea Restoration Council](#) (.pdf, <1 MB)

[\[038\] Reduce the Number of Regional Water Boards](#) (.pdf, <1 MB)

[\[040\] Eliminate Underutilized Programs Within the Department of Toxics](#) (.pdf, <1 MB)

[\[700\] Bond Extinguishment](#) (.pdf, <1 MB)

[\[702\] Public Works Board - Technical Amendment to Clarify The Board's Ability to Reimburse UC for Interim Financing Costs on Bond Funded Projects RN 12 01303](#) (.pdf, <1 MB)

[\[703\] Pesticide Residue Monitoring Program](#) (.pdf, <1 MB)

[\[704\] Structural Pest Control Cleanup](#) (.pdf, <1 MB)

[\[705\] Children's Environmental Health Center Authority](#) (.pdf, <1 MB)

[\[722\] Updating Vapor Recovery Equipment Defects List](#) (.pdf, <1 MB)

[\[735\] E-waste Enforcement Authority](#) (.pdf, <1 MB)

[\[760\] Eliminate Registered Environmental Assessor Program](#) (.pdf, <1 MB)

[\[762\] Federal Conformity--Lead in Children's Jewelry](#) (.pdf, <1 MB)

[\[763\] Federal Conformity--Site Cleanup and Corrective Action Program Requirements](#) (.pdf, <1 MB)

[\[764\] Restriction of Hazardous Substances](#) (.pdf, <1 MB)

[\[770\] Revenue Incentive Opportunities](#) (.pdf, <1 MB)

[\[772\] Conservation Orphan Well](#) (.pdf, <1 MB)

[\[773\] Use of State Responsibility Area Fees](#) (.pdf, <1 MB)

[\[798\] Cap and Trade Program Expenditure Parameters](#) (.pdf, <1 MB)

[\[799\] Cap and Trade Subaccount Establishment](#) (.pdf, <1 MB)

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1145

Introduced by Senator Emmerson

*(Coauthors: Senators Alquist, Cannella, Hancock, Liu, Strickland,
Walters, Wolk, and Yee)*

(Coauthors: Assembly Members Jeffries and Miller)

February 21, 2012

An act to amend Sections 597b and, 597c, 597i, and 597j of the Penal Code, relating to animal fighting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as amended, Emmerson. Animal fighting.

Existing law prohibits a person, for amusement or gain, from causing, permitting on his or her premises, or aiding and abetting in the fighting of specified animals, *including bears and dogs*. A violation of this prohibition is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not to exceed \$5,000, or by both.

This bill would raise the fine to \$10,000.

Existing law makes it a misdemeanor to knowingly be present as a spectator at any place, building, or tenement for an exhibition of animal fighting or for preparations for that act. A violation of this prohibition is punishable by imprisonment in a county *jail* for a period not to exceed 6 months, or by a fine not to exceed \$1,000, or by both.

This bill would raise the fine to \$5,000.

Existing law makes it a misdemeanor to manufacture, buy, sell, barter, exchange, or for a person to have in his or her possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a

gamecock or other fighting bird. A violation of this prohibition is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$5,000, or by both, and upon conviction, in addition to any judgment or sentence imposed by the court, forfeiture of possession or ownership of those implements.

This bill would raise the fine to \$10,000.

Existing law prohibits a person from owning, possessing, keeping, or training any bird or other animal with the intent that it be used or engaged by himself or herself, by his or her vendee, or by any other person in an exhibition of fighting. A person who violates this prohibition is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$5,000, or by both.

This bill would raise the fine to \$10,000.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597b of the Penal Code is amended to
 2 read:
 3 597b. (a) Except as provided in subdivisions (b) and (c), any
 4 person who, for amusement or gain, causes any bull, bear, or other
 5 animal, not including any dog, to fight with like kind of animal or
 6 creature, or causes any animal, including any dog, to fight with a
 7 different kind of animal or creature, or with any human being, or
 8 who, for amusement or gain, worries or injures any bull, bear, dog,
 9 or other animal, or causes any bull, bear, or other animal, not
 10 including any dog, to worry or injure each other, or any person
 11 who permits the same to be done on any premises under his or her
 12 charge or control, or any person who aids or abets the fighting or
 13 worrying of an animal or creature, is guilty of a misdemeanor
 14 punishable by imprisonment in a county jail for a period not to
 15 exceed one year, by a fine not to exceed ten thousand dollars
 16 (\$10,000), or by both that imprisonment and fine.
 17 (b) Any person who, for amusement or gain, causes any cock
 18 to fight with another cock or with a different kind of animal or
 19 creature or with any human being; or who, for amusement or gain,
 20 worries or injures any cock, or causes any cock to worry or injure
 21 another animal; and any person who permits the same to be done

1 on any premises under his or her charge or control, and any person
2 who aids or abets the fighting or worrying of any cock is guilty of
3 a misdemeanor punishable by imprisonment in a county jail for a
4 period not to exceed one year, or by a fine not to exceed ten
5 thousand dollars (\$10,000), or by both that imprisonment and fine.

6 (c) A second or subsequent conviction of this section is a
7 misdemeanor or a felony punishable by imprisonment in a county
8 jail for a period not to exceed one year or the state prison for 16
9 months, two, or three years, by a fine not to exceed twenty-five
10 thousand dollars (\$25,000), or by both that imprisonment and fine,
11 except in unusual circumstances in which the interests of justice
12 would be better served by the imposition of a lesser sentence.

13 (d) For the purposes of this section, aiding and abetting a
14 violation of this section shall consist of something more than
15 merely being present or a spectator at a place where a violation is
16 occurring.

17 SEC. 2. Section 597c of the Penal Code is amended to read:

18 597c. Any person who is knowingly present as a spectator at
19 any place, building, or tenement for an exhibition of animal
20 fighting, or who is knowingly present at that exhibition or is
21 knowingly present where preparations are being made for the acts
22 described in subdivision (a) or (b) of Section 597b, is guilty of a
23 misdemeanor punishable by imprisonment in a county jail for a
24 period not to exceed six months, or by a fine of five thousand
25 dollars (\$5,000), or by both that imprisonment and fine.

26 SEC. 3. Section 597i of the Penal Code is amended to read:

27 597i. (a) It shall be unlawful for anyone to manufacture, buy,
28 sell, barter, exchange, or have in his or her possession any of the
29 implements commonly known as gaffs or slashers, or any other
30 sharp implement designed to be attached in place of the natural
31 spur of a gamecock or other fighting bird.

32 (b) Any person who violates any of the provisions of this section
33 is guilty of a misdemeanor punishable by imprisonment in a county
34 jail for a period not to exceed one year, by a fine not to exceed
35 ~~five thousand dollars (\$5,000)~~ *ten thousand dollars (\$10,000)*, or
36 by both that imprisonment and fine and upon conviction thereof
37 shall, in addition to any judgment or sentence imposed by the court,
38 forfeit possession or ownership of those implements.

39 SEC. 4. Section 597j of the Penal Code is amended to read:

1 597j. (a) Any person who owns, possesses, keeps, or trains
2 any bird or other animal with the intent that it be used or engaged
3 by himself or herself, by his or her vendee, or by any other person
4 in an exhibition of fighting as described in Section 597b is guilty
5 of a misdemeanor punishable by imprisonment in a county jail for
6 a period not to exceed one year, by a fine not to exceed ~~five~~
7 ~~thousand dollars (\$5,000)~~ *ten thousand dollars (\$10,000)*, or by
8 both that imprisonment and fine.

9 (b) This section shall not apply to an exhibition of fighting of
10 a dog with another dog.

11 (c) A second or subsequent conviction of this section is a
12 misdemeanor punishable by imprisonment in a county jail for a
13 period not to exceed one year or by a fine not to exceed twenty-five
14 thousand dollars (\$25,000), or by both that imprisonment and fine,
15 except in unusual circumstances in which the interests of justice
16 would be better served by the imposition of a lesser sentence.

O

SENATE RULES COMMITTEE

SB 1145

Office of Senate Floor Analyses
1020 N Street, Suite 524
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 1145
Author: Emmerson (R), et al.
Amended: 03/29/12
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 7-0, 04/10/12
AYES: Hancock, Anderson, Calderon, Harman, Liu, Price, Steinberg

SUBJECT: Animal fighting

SOURCE: San Bernardino District Attorney
The Human Society of the United States

DIGEST: This bill increases the fines for various misdemeanors relating to animal fighting.

ANALYSIS: Existing law provides that any person who does any of the following is guilty of a felony and is punishable by imprisonment in the state prison for 16 months, 2 or 3 years or by a fine not exceeding \$50,000:

- Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.
- For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.
- Permits either of the above to be done on any premises under his or her charge or control, or aids, or abets that act. (Penal Code Section 597.5 (a).)

CONTINUED

Existing law provides that any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at those preparations, or is knowingly present at the exhibitions or at any other fighting or injuring with the intent to be present at that exhibition, fighting or injuring, is guilty of a misdemeanor punishable by up to one year in county jail and/or a fine not to exceed \$5,000. (Penal Code Section 597.5 (b).)

Existing law provides that any person, who for amusement or gain, causes any bull, bear, or other animal, not including any dog, to fight with the like kind of animal or creature, or causes any animal, including any dog, to fight with a different kind of animal or creature, or with any human being; or who, for amusement or gain, worries or injures any bull, bear, dog, or other animal, or causes any bull, bear or other animal, not including any dog, to worry or injure each other; and any person who permits the same to be done on any premises under his or her charge or control; and any person who aids, abets, is guilty of a misdemeanor punishable by up to one year in jail and/or a fine of \$5,000. (Penal Code Section 597b(a).)

This bill makes the fine for the above violation \$10,000.

Existing law makes it a misdemeanor to cause, for amusement or gain, an animal to fight a like or different animal. The penalty for a first offense is up to one year in county jail and/or a fine of \$5,000. (Penal Code Section 597b(b).)

This bill makes the fine for the above violation \$10,000.

Existing law provides that any person who is knowingly present as a spectator at any place, building, or tenement for an exhibition of animal fighting, or who is knowingly present where preparations are being made for animal fighting is guilty of a misdemeanor punishable by up to 6 months in jail and a fine up to \$1,000. (Penal Code Section 597c.)

This bill makes the fine for the above violation \$5,000.

Existing law provides that it is a misdemeanor punishable by up to 6 months in jail and/or a fine up to \$2,500 for any person to tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose

of causing such animal to be pursued by a dog or dogs. (Penal Code Section 597h)

Existing law provides that it is a misdemeanor punishable by up to one year in county jail and/or a fine up to \$5,000 for any person to manufacture, buy, sell, barter, exchange or to have in his or her possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

This bill makes the fine for the above violation \$10,000.

Existing law makes it a misdemeanor for any person to own, possess, keep or train any bird or animal with the intent that it be used in an exhibition of fighting. The penalty for a first offense is up to one year in county jail and/or a fine of \$5,000. (Penal Code Section 597j(a).)

This bill makes the fine for the above violation \$10,000.

Existing law provides that a second or subsequent violation of Penal Code Section 597j is a misdemeanor with a penalty of up to one year in county jail and/or a fine up to \$25,000. (Penal Code Section 597j.)

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/11/12)

San Bernardino District Attorney (co-source)
The Human Society of the United States (co-source)
California District Attorneys Association
California Police Chiefs Association
California Narcotic Officers Association

OPPOSITION: (Verified 4/11/12)

California Attorneys for Criminal Justice

ARGUMENTS IN SUPPORT: According to the author:

SB 1145 seeks to increase fines on individuals who are involved in animal fighting. The fine under current law for being a participant in

CONTINUED

an animal fight, excluding dogs, or holding an animal fighting event is \$5,000. Likewise, for the owner/trainer of a bird or other animal intended to be used in a fight the fine is also \$5,000. SB 1145 would double these fines to \$10,000. Additionally, for individuals who possess the implements known as gaffs or slashers that are attached to a bird in a cockfight, this bill seeks to increase the fine from \$5,000 to \$10,000. Furthermore, cockfighting occurs and continues to be a problem because people are willing to pay money to attend these events. Therefore, SB 1145 would also increase the fine on spectators from \$1,000 to \$5,000.

In California, cockfighting is a misdemeanor for the first offense, rising to a felony the second time around; however, it is an automatic felony in our neighboring states of Oregon, Arizona and New Mexico. Furthermore, cockfighting is not limited to any one area in California, taking place throughout the state. With that being said, the top five counties with the highest number of cockfighting incidents involving law enforcement are Los Angeles, Riverside, San Bernardino, San Diego and Fresno. Since January 2008, there have been more than 100 major cockfighting busts in 35 counties involving more than 20,000 live or dead birds. In addition, as of January 2012 there have been at least six cockfighting busts around the state.

Illegal animal fighting results in animal cruelty and is often times associated with a number of other illegal activities including the infiltration of gangs, illegal drug activity, gambling and other serious crimes. SB 1145 is a necessary measure that increases the fines for cockfighting, eliminating the financial benefit for engaging in this brutal enterprise.

ARGUMENTS IN OPPOSITION: California Attorneys for Criminal Justice (CACJ) opposes increases in fines for “mere presences or participation in animal fighting events” stating:

CACJ believes that existing fines and criminal sanctions for such matters amply reflects society’s disapproval for such things and serves as a real deterrent. Such fines as the author seeks to authorize are disproportionate to any harms occasioned by these crimes, and are subject to discriminatory misuse and abuse.

CONTINUED

RJG:nl 4/11/12 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

****** END ******

SENATE GOVERNANCE & FINANCE COMMITTEE
Senator Lois Wolk, Chair

BILL NO: SB 1149
AUTHOR: DeSaulnier
VERSION: 5/1/12
CONSULTANT: Weinberger

HEARING: 5/9/12
FISCAL: Yes
TAX LEVY: No

BAY AREA REGIONAL PLANNING

Creates the Bay Area Regional Commission.

Background and Existing Law

With nine counties and 101 cities, the San Francisco Bay Area is home to several single-purpose regional agencies, including the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC), the San Francisco Bay Conservation and Development Commission (BCDC), and the San Francisco Bay Region Regional Water Quality Control Board.

ABAG is a voluntary “council of governments” (COG) created by cities and counties with a joint powers agreement. Like other COGs, ABAG prepares long-term regional plans and creates the regional housing needs analysis that local officials use in preparing their general plans’ housing elements. ABAG also has other statutory planning duties.

The federal government designates a metropolitan planning organization (MPO) to coordinate transportation planning in each urban region. Most of California’s MPOs are COGs, organized by the cities and counties in their own regions. The Bay Area is an exception. The Legislature created MTC to coordinate the Bay Area’s transportation planning. ABAG is the COG, but MTC is the MPO.

The MTC also functions as the Bay Area Toll Authority (BATA). In 1997, the Legislature created the BATA, which is responsible for managing and investing toll revenues from the Bay Area’s seven state-owned toll bridges, funding the day-to-day bridge operations, facilities maintenance, administration, and long-term capital improvement and rehabilitation of the bridges (SB 226, Kopp, 1997).

Created by the Legislature in 1955 as the first regional air pollution control agency in the country, the BAAQMD is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay.

Created by the Legislature in 1965, the San Francisco Bay Conservation and Development Commission (BCDC) is a state commission which plans and regulates land uses under and around San Francisco Bay and the Suisun Marsh.

In 2003, ABAG and MTC formed a regional Joint Policy Committee (JPC) to coordinate their regional planning efforts. At the direction of the Legislature, the JPC subsequently added the BAAQMD and the BCDC as represented agencies (SB 849, Torlakson, 2004 and AB 2094, DeSaulnier, 2008). State law requires the JPC to coordinate the development and drafting of major planning documents prepared by ABAG, MTC, BAAQMD, and BCDC, including:

- The regional transportation plan prepared by MTC.
- The ABAG housing element planning process for regional housing needs.
- The BAAQMD's Ozone Attainment Plan and Clean Air Plan.
- The BCDC's San Francisco Bay Plan and related documents.

To reduce greenhouse gas emissions by reducing vehicle miles travelled, the Legislature linked transportation planning and land use planning by state, regional, and local agencies (SB 375, Steinberg, 2008). Metropolitan planning organizations and their constituent counties and cities are preparing sustainable communities strategies or alternative planning strategies.

Despite the JPC's efforts to integrate Bay Area regional planning activities, it lacks the authority to make binding policy decisions or override its member agencies' decisions. As a result, some Bay Area elected officials worry that the JPC will be unable to achieve the close integration of transportation planning, land use planning, and air quality regulation that is necessary to achieve SB 375's goals. They want the Legislature to restructure regional governance in the Bay Area by creating a regionally-elected planning commission to improve coordination among regional agencies, increase the agencies' public transparency and accountability, and make the regional planning process more efficient.

Proposed Law

Senate Bill 1149 establishes the Bay Area Regional Commission (BARC), which succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the JPC, as well as any additional duties, powers, purposes, responsibilities and jurisdiction specified in the bill.

SB 1149 declares that its provisions prevail over any conflicting statute governing any of the regional entities. The bill defines "region" as the area encompassed by the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. SB 1149 defines "regional entities" as the MTC, including any joint exercise of powers agencies that include the MTC as a member agency, the BATA, the BAAQMD, the BCDC, and ABAG.

SB 1149 contains provisions governing:

- Elections.
- Administration and reorganization of regional entities.
- Budget and fiscal authority.
- Outreach and transparency.
- Regional planning functions.
- Economic planning functions.
- Use of toll revenues.

I. Elections. SB 1149 requires the BARC to draw the boundaries for 15 districts from which candidates for commissioners must be elected. The BARC must ensure compliance with all applicable state and federal laws regarding the apportionment of population among the districts.

SB 1149 requires that initial BARC elections, including primary and general elections, must take place in 2014. Commissioners elected in 2014 take office on Monday, January 5, 2015. The bill requires the commissioners to draw lots, no later than January 15, 2015, to determine initial terms of office by district. Seven commissioners must serve an initial term of two years and eight commissioners must serve an initial term of four years. Commissioners elected in subsequent elections will each serve a four year term of office.

SB 1149 requires the BARC to undertake a study to determine the feasibility of publicly financing the elections of commissioners.

II. Administration and reorganization. SB 1149 requires the JPC to employ an interim executive director for the BARC to serve until June 30, 2015, or until elected commissioners appoint his or her successor, whichever occurs first. The interim executive director may act on behalf of the BARC until commissioners are elected and take office.

SB 1149 requires the BARC to appoint, by June 30, 2015, an executive director, a chief legal counsel, and a chief financial officer. These officers serve at the pleasure of the BARC. The executive director may appoint additional staff.

SB 1149 requires the BARC to authorize its executive director to prepare a regional reorganization plan. The BARC must adopt goals and policies to govern the preparation of the plan, which must include a statement as to the expected reduction in the cost of overhead and in the operation and management of the regional entities. The bill requires all cost saving to be directed to the BARC's general fund. In addition, the BARC must adopt goals for integrating the regional planning requirements for the regional plans of each regional entity into a comprehensive regional plan.

SB 1149 requires the executive director, when preparing the regional reorganization plan, to include a plan for consolidating specified functions that are common

to the regional entities. The bill requires the executive director to give consideration to ensuring that there are common personnel classifications where appropriate among the regional entities, and to the consolidation of other functions or activities, as deemed feasible, that will further the mission of the BARC and reduce redundancy.

SB 1149 requires the executive director to submit a draft regional reorganization plan to the BARC on or before December 31, 2015. The BARC must hold at least one public hearing in each county of the region to receive public comment and adopt a final plan for implementation on or before June 30, 2016. The plan must be updated as determined by the BARC.

SB 1149 requires the BARC's executive director to integrate the management of the BARC with that of the regional entities by:

- Organizing the regional entities as divisions of the BARC, with each regional entity to continue to be governed by any applicable statute pertaining to that entity, except for resource allocation and as otherwise provided by the bill.
- Recommending a candidate for the executive director of each regional entity as positions become vacant.

III. Budget and fiscal authority. SB 1149 requires the BARC to be the fiscal agent for the regional entities, responsible for preparing the annual budget and managing the financial resources for each entity. The bill requires the BARC's executive director, in consultation with the regional entities, to prepare and submit to the governing board of each regional entity a recommended integrated budget for the BARC and the regional entities for the subsequent fiscal year. In 2015, and in each following year, the recommended budget must be submitted by April 1 and the BARC must adopt the integrated budget by June 30.

SB 1149 requires the executive director, before developing the integrated budget, to submit to the BARC, for adoption, proposed performance criteria to govern budgetary priorities. After the BARC adopts the initial integrated budget, the executive director must report in subsequent annual budgets the extent to which the performance criteria for the previous fiscal year were met. A new set of performance criteria may be proposed and adopted for subsequent fiscal years.

SB 1149 requires the regional entities that fund the JPC to provide the same level of funding to the BARC. Each regional entity must provide at least the amount of funding provided to the JPC in 2012-13, adjusted annually for inflation. The BARC may seek, and the regional entities may provide, additional funding.

SB 1149 requires the BATA to contribute to the BARC in furtherance of the exercise of the authority's powers under state law including contributions in the form of personnel services, office space, and funding. BATA must also make contributions to the BARC on a reimbursement-for-cost basis. Reimbursement is not re-

quired to the extent that the BARC determines that the contributions provided are in furtherance of the exercise of the authority's powers under state law.

SB 1149 requires that federal and state funds made available to the MTC for purposes of transportation planning must be budgeted to the BARC.

IV. Outreach and transparency. SB 1149 requires the BARC to develop and adopt, on or before October 31, 2015, public and community outreach policies to govern the scheduling of BARC meetings, the meetings of regional entities, the meetings of standing committees, and meetings of ad hoc or other temporary committees. The BARC must:

- Ensure that outreach programs will utilize all available communication technologies, including webcasting and social media, print, radio, and television.
- Establish policies for the holding workshops of the BARC and the regional entities in the cities and counties of the region.
- Provide an opportunity for the public to comment on the draft and the final recommended policies.
- Maintain an Internet web site containing relevant information pertaining to its activities.
- Comply with state laws governing open meetings.

V. Regional Planning. SB 1149 requires the BARC, during a transition period, until January 1, 2017, to review and comment on draft plans and proposed final plans for the regional transportation system, the sustainable communities strategy, and other plans and regulations.

Beginning on January 1, 2017, the BARC must review each regional entity's policies and plans, and associated regulations. The review must include an assessment of the consistency of the policies, plans, and regulations with the requirements of SB 375 (Steinberg, 2008). The BARC must issue a consistency report describing the findings of this review. The BARC must hold public and community hearings in accordance with its public outreach policies regarding the draft consistency findings. The consistency review's findings must be used in fulfilling the BARC's regional planning responsibilities.

SB 1149 requires the BARC to establish a process to develop and implement its own policies, goals, and regulations. The BARC must develop a schedule for implementing this process.

SB 1149 requires each regional entity's governing board, consistent with policies adopted by the BARC, to submit its functional regional plan to the BARC for adoption. If the BARC determines not to adopt a recommended functional regional plan, it must submit findings underlying its decision to the applicable regional entity. The findings may include references to BARC policies, goals, and performance measures, the goals of the BARC's economic development strategy,

and any inconsistency with SB 375 (Steinberg, 2008). The regional entity must redraft its functional regional plan in response to the BARC's findings and re-submit the plan.

SB 1149 requires the BARC to ensure that the sustainable communities strategy for the region integrates transportation, land use, and air quality management consistent with the requirements of Senate Bill 375 (Steinberg, 2008).

VI. Economic Development Planning. SB 1149 requires the BARC to prepare a 20-year regional economic development strategy for the region. The economic development strategy's goal must be to ensure that the regional economy is capable of adapting to changes in technology, market demand, and direction of the national and international economy. The strategy must include specified elements, including a discussion of socioeconomic data, firm clusters, economic sectors, employment, public and private investment, social equity issues, and environmental, social, and cultural amenities.

SB 1149 requires the BARC to appoint an advisory committee with members from the business community, including representatives of small businesses, technology and manufacturing sectors, community colleges, public and private universities, labor, local governments, and other organizations involved with the private economy. The BARC must coordinate the preparation of the strategy with the advisory committee and with the regional entities. The bill requires the BARC, consistent with its public outreach plan, to hold public and community outreach as it deems appropriate for both draft and final economic development strategies. The BARC may hold other public outreach sessions as appropriate during the course of preparing the economic development strategy. The BARC must adopt the first economic development strategy plan by December 31, 2015, and an updated strategy every four years thereafter.

SB 1149 requires the BARC, in consultation with the regional entities, to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities and in its own plans. The goals and policies also shall promote amenities that are special to the region and contribute to the region's quality of life.

VII. Toll revenues. SB 1149 requires that changes proposed by the BARC in policies related to tolls and the management of the seven state-owned toll bridges within the jurisdiction of the BATA must be consistent with and conform with the terms and conditions of any covenants and agreements related to the use of toll revenues and the financing and refinancing of any associated debt.

SB 1149 requires toll revenues managed by the BATA to be used only to acquire, construct, manage, maintain, lease, operate, or construct facilities required for the management of the state-owned toll bridges within its jurisdiction, for improvements to the toll bridges, to provide access to the toll bridges within its jurisdic-

tion, or for associated transportation projects specifically authorized to be undertaken with bridge toll revenues pursuant to the relevant provisions of state law.

SB 1149 prohibits revenues in any reserve funds established pursuant to bond covenants or other related agreements from being invested in real property.

SB 1149 requires that no more than five percent of the toll revenues be used for administration and planning of the transportation system that serves the travel corridors that are served by the toll bridges.

State Revenue Impact

No estimate.

Comments

1. Purpose of the bill. Since 1970, when the MTC was created, the Bay Area's population has grown by 63%, the state has regionalized transportation funding and project prioritization, climate change has created a need to adapt to a changing shoreline, and the Legislature has required the integration of land use and transportation planning to address greenhouse gas emissions. Despite these dramatic transformations, the Bay Area's regional governance structure has not changed much during the last four decades. At recent informational hearings held by the Senate Committee on Transportation and Housing to evaluate regional governance in the Bay Area, several witnesses argued that important planning decisions should be made more transparent, that transportation and land use planning need to be better integrated, and that economic development should be incorporated into the regional planning process. In particular, some observers argue that dividing regional governance among four regional entities with different functional specialties and separate part-time governing boards prevents the region from addressing cross-jurisdictional issues, like greenhouse gas emissions and climate change. To address this deficiency, SB 1149 creates a new, powerful, directly elected regional body that is responsible for ensuring that regional policies are developed within a consistent framework. The 15-member BARC will reduce regional planning costs, increase the planning process' transparency, and ensure the integration of regional entities' planning activities.

2. Doing the regional two-step. The history of Bay Area regional governance shows that legislators typically use a two-step political process. First they commission studies, then they create new agencies based on the results. The San Francisco Bay Conservation and Development Commission (BCDC) is an early example of converting a study's results into a new regional agency. Legislators followed the same two-step model when they created the Delta Protection

Commission. MTC grew out of a seven-year effort called the Bay Area Transportation Study Commission (BATS). SB 1149 skips the first step, creating a new regional entity without basing the new entity's structure and powers on the results of any study. In January, the Senate passed SB 878 (DeSaulnier), which requires the JPC to submit a report to the Legislature that includes:

- Methods and strategies for developing a regional sustainable communities strategy, including public participation and transparency.
- Strategies for improving regional coordination among member agencies.
- Recommendations on organizational reform that effectuates regional coordination.
- A work plan for a nine-county economic development strategy.

The Committee may wish to consider whether decisions about restructuring Bay Area governance should continue to follow the pattern of requiring a study first and creating a new agency later.

3. Drawing the lines. ABAG, MTC, BAAQMD, and BCDC all have governing boards that include at least one member from each of the nine Bay Area counties. Each of the BARC's 15 commissioners would represent a district with more than 476,000 residents, a population that is slightly larger than the population of a State Assembly district. It is likely that only two BARC districts will lie entirely within the boundaries of Marin, Sonoma, Napa, and Solano counties, which have a combined population of 1,286,115. Parts of Marin and Solano counties may be included in districts that are centered on larger population centers in San Francisco and the East Bay. The Committee may wish to consider whether the BARC's electoral districts will dilute the four less-populated North Bay counties' influence over Bay Area regional planning efforts.

4. Mismatched jurisdictions? Unlike ABAG and MTC, BAAQMD and BCDC do not exercise authority in every part of the Bay Area's nine counties. BAAQMD's jurisdiction excludes northern Sonoma County and northeastern Solano County. BCDC's jurisdiction covers the water, marshes and mudflats of greater San Francisco Bay, the first 100 feet inland from the shoreline around San Francisco Bay, specified portion of the Suisun Marsh, and portions of creeks, rivers, sloughs and other tributaries that flow into San Francisco Bay. SB 1149 lets voters in every part of the nine Bay Area counties elect commissioners who would govern BAAQMD and BCDC. Should a voter in Gilroy have as much say as a voter in Foster City regarding policies governing development along the shore of San Francisco Bay? Should a voter in Cloverdale have as much say as a voter in Clayton over the enforcement of the Bay Area's air quality regulations? The Committee may wish to consider whether voters who live in areas that are not subject to a regulatory body's authority should elect officials who determine that regulatory body's policies.

5. Mixing governmental roles and structures. The four regional entities that SB 1149 integrates as subsidiary divisions of the BARC have different roles and structures that may complicate their integration. Unlike ABAG and MTC, which

are planning entities, BAAQMD and BCDC exercise regulatory powers. While MTC and BAAQMD are local entities governed by special act statutes, BCDC is a state commission, and ABAG is a joint powers authority. Can BCDC function both as a state commission and as a division of regional government under the direction of locally elected officials? Should directly-elected regional officials control BAAQMD's regulatory activities in addition to its role in the regional planning process? The Committee may wish to consider what unintended consequences may result from merging regional governments with such diverse forms and functions.

6. Functional regional plans. SB 1149 requires each regional entity's governing body to submit a "functional regional plan" to the BARC for adoption. If the BARC does not adopt an entity's functional regional plan, the entity must redraft the plan and resubmit it. The bill does not define the phrase "functional regional plan," which appears nowhere else in statute. The Committee may wish to consider amending SB 1149 to clarify what a functional regional plan is, what form it should take, and what information it should contain.

7. Bonds. State law authorizes BATA to issue revenue bonds to finance regional bridge and transportation projects. BATA has \$7 billion of bonds outstanding. Some stakeholders worry that placing BATA under a new regional governance structure could generate legal claims that the bill impairs both an obligation of contract and statutory covenants with bondholders. They suggest that changes to BATA's governance structure may lower BATA's credit rating and imperil the tax-exempt status of BATA's bonds. To avoid potential legal claims and increased borrowing costs, the Committee may wish to consider amending SB 1149 to limit the changes the bill makes to BATA's current governance structure.

8. Technical amendment. To clarify SB 1149's provisions, the committee may wish to consider making the following technical amendment:

- On page 10, line 11, strike out "function" and insert: "functional"

9. Not the first time. Legislative debates over how to organize Bay Area regional governance stretch deep into the last century. The debate over regional transportation planning emerged from the Bay Area Transportation Study (BATS) Commission (SB 371, McAteer, 1963). A 1968 bill required BATS to finish its report (AB 911, Knox, 1968). One result was the statutory creation of MTC (AB 363, Foran, 1970). A citizens' group called Action for Regional Environmental Agency (AREA) pushed to consolidate regional governments in the early 1970s. BayVision 2020 advocated improved regional governance in the 1990s. In 2002, legislation to merge ABAG and the MTC passed the Senate, but died in the Assembly (SB 1243, Torlakson, 2002). For the last 40 years the region's institutions have been stable while the Bay Area's population and economy have changed. SB 1149 presents legislators with an opportunity take another look at this perennial problem.

10. Related legislation. SB 878 (DeSaulnier) requires the JPC to submit a report to the Legislature January 31, 2013 describing, among other things, policies and strategies for a regional sustainable communities program, for the development of a regional economic development strategy, and for public participation in regional programs. AB 57 (Beall) increases the membership of MTC from 19 to 21 members.

11. Double referral? The Senate Transportation & Housing Committee will consider SB 1149 at its May 8th hearing. If the Committee passes SB 1149, the bill will go to the Senate Rules Committee, which will decide whether to refer it to the Senate Governance & Finance Committee, which would consider the bill at its hearing on May 9.

Support and Opposition (5/7/12)

Support: Unknown.

Opposition: Unknown.

AMENDED IN SENATE MAY 15, 2012

AMENDED IN SENATE MAY 1, 2012

SENATE BILL

No. 1149

**Introduced by Senator DeSaulnier
(Principal coauthor: Senator Steinberg)**

February 21, 2012

An act to add Title 7.1.5 (commencing with Section 66538) to the Government Code, relating to the Bay Area Regional Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1149, as amended, DeSaulnier. Bay Area Regional Commission.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional agencies to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would create the Bay Area Regional Commission, ~~to be governed by 15 commissioners elected beginning in 2014 from districts in the Bay Area region,~~ with specified powers and duties, including the

powers and duties previously exercised by the joint policy committee. The bill would require the regional entities that are funding the joint policy committee to continue to provide the same amount of funding as provided in the 2012–13 fiscal year, as adjusted for inflation, but to provide those funds to the commission rather than to the committee. The bill would provide for the Bay Area Toll Authority to make contributions to the commission, as specified, in furtherance of the exercise of the authority’s toll bridge powers. The bill would require federal and state funds made available to the Metropolitan Transportation Commission for purposes of transportation planning to be budgeted to the Bay Area Regional Commission. The bill would specify the powers and duties of the commission relative to the other regional entities referenced above, including the power to approve the budgets of those regional entities and to develop an integrated budget for the commission and the regional entities. The bill would provide for the commission’s executive director to develop a regional reorganization plan, with consolidation of certain administrative functions of the regional entities under the commission, with a final plan to be adopted by the commission by June 30, 2016. The bill would require organization of the regional entities as divisions of the commission, and would require the executive director to recommend candidates for vacant executive director positions at the regional entities as these positions become vacant. The bill would require the commission to adopt public and community outreach policies by October 31, 2015. The bill would require the commission to review and comment on policies and plans relative to the transportation planning sustainable communities strategy of the regional entities under Senate Bill 375 of the 2007–08 Regular Session, and beginning on January 1, 2017, the bill would provide for the commission to adopt or seek modifications to the functional regional plan adopted by each regional entity in that regard and would provide that the commission is responsible for ensuring that the regional sustainable communities strategy for the region is consistent with Senate Bill 375 of the 2007–08 Regular Session. The bill would require the commission to prepare a 20-year regional economic development strategy for the region, to be adopted by December 31, 2015, and updated every 4 years thereafter. The bill would require any changes proposed by the commission with respect to bridge toll revenues managed by the Bay Area Toll Authority to be consistent with bond covenants, and would prohibit investment in real property of toll revenues in any reserve fund.

This bill would enact other related provisions.

Because the bill would impose various requirements on local entities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Title 7.1.5 (commencing with Section 66538) is
2 added to the Government Code, to read:

3

4 TITLE 7.1.5. BAY AREA REGIONAL COMMISSION

5

6 66538. The Legislature finds and declares all of the following:

7 (a) Various institutional reforms were initiated in the nine-county
8 San Francisco Bay region during the mid-20th century to address
9 the needs for regional intergovernmental cooperation, including
10 the formation of the Bay Area Air Quality Management District
11 in 1955; the formation of a voluntary council of governments, the
12 Association of Bay Area Governments in 1961 to enhance the
13 coordination of land use policy decisions across municipal and
14 county boundaries; the formation of the Bay Conservation and
15 Development Commission in 1965 with the mission of preserving
16 and protecting San Francisco Bay and its estuary system from
17 destructive and ill-planned encroachment; and the establishment
18 of the Metropolitan Transportation Commission in 1970,
19 California's first statutorily created regional transportation planning
20 agency, to plan the region's transportation infrastructure, to
21 prioritize transportation investments, and to organize and manage
22 the allocation of financial resources necessary to implement the
23 regional transportation plan.

24 (b) Regional planning requirements have increased significantly
25 during the last 40 years. Among the most important changes in

1 state law governing the terms and conditions of regional planning
2 are those mandated by Senate Bill 375 of the 2007–08 Regular
3 Session (Chapter 728 of the Statutes of 2008). Among the
4 provisions of this statute is a requirement that a regional
5 transportation plan in urban areas include a sustainable
6 communities strategy designed to achieve greenhouse gas emission
7 reduction targets established by the State Air Resources Board.
8 The successful implementation of the sustainable communities
9 strategy requires close cooperation between regional and local
10 agencies in preparing land use, transportation, and regional air
11 quality management plans. Existing law requires collaboration
12 between the Metropolitan Transportation Commission and the
13 Association of Bay Area Governments when preparing the
14 sustainable communities strategy; however, there is no independent
15 policy body governing the collaboration. In addition to regional
16 collaboration, there is a need, when preparing the sustainable
17 communities strategy, for collaboration with the cities and counties
18 responsible for land use planning, but where that responsibility
19 resides is unspecified. This title is intended to address and remedy
20 these deficiencies.

21 (c) There is a need to integrate regional policymaking among
22 the Metropolitan Transportation Commission and its associated
23 agency, the Bay Area Toll Authority; the Bay Area Air Quality
24 Management District; the Bay Conservation and Development
25 Commission; and the Association of Bay Area Governments. These
26 regional entities have important responsibilities associated with
27 establishing and maintaining the region’s sustainable communities
28 strategy. Recognizing the need to integrate regional planning, this
29 title establishes a regional policymaking process, in collaboration
30 with the governing boards of the regional entities, to ensure that
31 regional policies are developed within a common framework and
32 establishes a single point of contact for the general public and
33 public agencies having an interest in regional policies and
34 programs. Further, in an effort to achieve efficiencies, it
35 consolidates common administrative functions and establishes
36 processes for coordinating professional functions among the
37 regional entities. It also provides for direct public accountability
38 on regional issues by establishing a ~~regionally elected~~ governing
39 board, to be known as the Bay Area Regional Commission.

1 (d) An important objective of Senate Bill 375 of the 2007–08
2 Regular Session was to reduce the migration of workers and jobs
3 outside of the region because of the need for affordable housing.
4 In light of these circumstances, there is a need to create an
5 economic development strategy for the region that will attract and
6 retain businesses. To this end, the creation of an economic strategy
7 is necessary that builds on the education resources of the region,
8 including high schools, community colleges, and public and private
9 universities, and recognizes the need for a diversified regional
10 economy with employment opportunities for a wide spectrum of
11 skills. In developing this strategy, it is important to sustain the
12 environment and the social and cultural amenities that historically
13 have made the bay area an unquestionably desirable place to live
14 and work.

15 66538.1. For purposes of this title, the following definitions
16 shall apply:

17 (a) “Commission” means the Bay Area Regional Commission.

18 (b) “Commissioners” means the governing board of the Bay
19 Area Regional Commission.

20 (c) “Region” means the area encompassed by the Counties of
21 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,
22 Santa Clara, Solano, and Sonoma.

23 (d) “Regional entities” means the Metropolitan Transportation
24 Commission, including any joint exercise of powers agencies that
25 include the commission as a member agency; the Bay Area Toll
26 Authority; the Bay Area Air Quality Management District; the San
27 Francisco Bay Conservation and Development Commission; and
28 the Association of Bay Area Governments.

29 66538.2. (a) The Bay Area Regional Commission is hereby
30 established, and the commission shall succeed to and is vested
31 with all the duties, powers, purposes, responsibilities, and
32 jurisdiction of the joint policy committee described in Sections
33 66536, 66536.1, and 66536.2, as well as any additional duties,
34 powers, purposes, responsibilities, and jurisdiction provided in
35 this title.

36 (b) The regional entities that are funding the joint policy
37 committee shall continue to provide that level of funding, with the
38 funding to be provided to the commission rather than to the
39 committee. The amount to be provided by each regional entity
40 shall be, at a minimum, the amount provided in the 2012–13 fiscal

1 year, adjusted annually for inflation, but may be a greater amount.
2 The commission may seek additional funding for purposes of
3 implementing this title from the regional entities.

4 (c) The Bay Area Toll Authority shall make contributions to
5 the Bay Area Regional Commission in furtherance of the exercise
6 of the authority's powers under Division 17 (commencing with
7 Section 30000) of the Streets and Highways Code, including,
8 without limitation, contributions in the form of personnel services,
9 office space, and funding. The authority shall also make
10 contributions to the commission on a reimbursement-for-cost basis;
11 provided, however, that reimbursement shall not be required to
12 the extent that the contributions provided are determined by the
13 commission to be in furtherance of the exercise of the authority's
14 powers under that division.

15 (d) Federal and state funds made available to the Metropolitan
16 Transportation Commission for purposes of transportation planning
17 shall be budgeted to the Bay Area Regional Commission.

18 (e) The joint policy committee shall employ an interim executive
19 director for the commission to serve until June 30, 2015, or until
20 his or her successor has been appointed pursuant to Section
21 66538.3, whichever first occurs. The interim executive director
22 may act on behalf of the commission until commissioners ~~are~~
23 ~~elected and~~ take office.

24 (f) During a transition period, until January 1, 2017, the
25 commission shall review and comment on draft plans and proposed
26 final plans for the regional transportation system, the sustainable
27 communities strategy as described in Section 65088 of this code
28 and Chapter 4.2 (commencing with Section 21155) of Division 13
29 of the Public Resources Code, and other plans and regulations.
30 Thereafter, review of these plans and regulations shall be subject
31 to Section 66538.11.

32 ~~(g) (1) The commission shall draw the boundaries for 15~~
33 ~~districts from which candidates for the commissioners shall be~~
34 ~~elected. The commission shall ensure compliance with all~~
35 ~~applicable state and federal laws regarding the apportionment of~~
36 ~~population among the districts.~~

37 ~~(2) Initial commission elections, including primary and general~~
38 ~~elections, shall take place in 2014.~~

39 ~~(3) The term of office for each commissioner shall be four years,~~
40 ~~except as otherwise provided by Section 66538.3.~~

1 ~~(h) The commission shall undertake a study to determine the~~
2 ~~feasibility of publicly financing the elections of commissioners~~
3 ~~for subsequent elections.~~

4 66538.3. (a) The commissioners ~~elected in 2014~~ shall take
5 office on the first Monday after January 1, 2015.

6 ~~(b) No later than January 15, 2015, the commissioners shall~~
7 ~~draw lots to determine the initial terms of office by district. Seven~~
8 ~~commissioners shall serve an initial term of two years and eight~~
9 ~~commissioners shall serve an initial term of four years.~~

10 (e)

11 (b) The commission shall appoint an executive director, a chief
12 legal counsel, and a chief financial officer by June 30, 2015. These
13 officers shall serve at the pleasure of the commission. The
14 executive director may appoint additional staff of the commission.

15 66538.4. (a) The commission shall authorize its executive
16 director to prepare a regional reorganization plan. The commission
17 shall adopt goals and policies to govern the preparation of the plan.
18 Among the goals shall be a statement as to the expected reduction
19 in the cost of overhead and in the operation and management of
20 the regional entities. All cost saving shall be directed to the
21 commission's general fund. In addition, goals shall be adopted for
22 integrating the regional planning requirements for the regional
23 plans of each regional entity into a comprehensive regional plan.

24 (b) When preparing the regional reorganization plan, the
25 executive director shall include a plan for consolidating the
26 functions that are common to the regional entities, including, but
27 not limited to, personnel and human resources, budget and financial
28 services, electronic data and communications systems, legal
29 services, contracting and procurement of goods and services, public
30 information and outreach services, intergovernmental relations,
31 transportation, land use, economic, and related forecasting models,
32 and other related activities. Consideration shall be given to ensuring
33 that there are common personnel classifications where appropriate
34 among the regional entities, and the consolidation of other functions
35 or activities, as deemed feasible, that will further the mission of
36 the commission and will reduce redundancy. The plan shall be
37 updated as determined by the commission.

38 (c) On or before December 31, 2015, the executive director
39 shall submit to the commission a draft regional reorganization
40 plan. The commission shall hold at least one public hearing in each

1 county of the region to receive public comment. A final plan shall
2 thereafter be adopted for implementation on or before June 30,
3 2016.

4 66538.5. The commission shall be the fiscal agent for the
5 regional entities, responsible for preparing the annual budget and
6 managing the financial resources for each entity.

7 66538.6. (a) In consultation with the regional entities, the
8 executive director shall, on or before April 1, 2015, and on or
9 before April 1 of each year thereafter, prepare and submit to the
10 governing board of each regional entity a recommended integrated
11 budget for the commission and for the regional entities for the
12 subsequent fiscal year. The commission shall adopt the integrated
13 budget for the 2015–16 fiscal year by June 30, 2015, and by June
14 30 of each fiscal year thereafter.

15 (b) Prior to developing the integrated budget, the executive
16 director shall submit to the commission, for adoption, proposed
17 performance criteria to govern budgetary priorities. After the
18 adoption of the initial integrated budget, the executive director
19 shall report in subsequent annual budgets the extent to which the
20 performance criteria for the previous fiscal year were met. A new
21 set of performance criteria may be proposed and adopted for
22 subsequent fiscal years.

23 66538.7. To integrate the management of the commission with
24 that of the regional entities, the commission's executive director
25 shall do both of the following:

26 (a) Organize the regional entities as divisions of the
27 commission, with each regional entity to continue to be governed
28 by any applicable statute pertaining to that entity, except for
29 resource allocation, which shall be governed by Section 66538.5,
30 and except as otherwise provided in this title.

31 (b) Recommend a candidate for the executive director of each
32 regional entity as positions become vacant.

33 66538.8. The commission shall develop and adopt public and
34 community outreach policies to govern the scheduling of
35 commission meetings, the meetings of regional entities, the
36 meetings of standing committees, and meetings of ad hoc or other
37 temporary committees. In developing the policies, the commission
38 shall ensure that outreach programs will utilize all available
39 communication technologies, including webcasting and social
40 media, print, radio, and television. The commission shall also

1 establish policies for the holding *of* workshops of the commission
2 and the regional entities in the cities and counties of the region.
3 The commission shall provide an opportunity for the public to
4 comment on the draft and the final recommended policies. The
5 policies shall be adopted on or before October 31, 2015.

6 66538.9. The commission shall maintain an Internet Web site
7 containing relevant information pertaining to the commission’s
8 activities.

9 66538.10. The commission shall be subject to the Ralph M.
10 Brown Act (Chapter 9 (commencing with Section 54950) of Part
11 1 of Division 2 of Title 5).

12 66538.11. (a) Beginning on January 1, 2017, the commission
13 shall review the policies and plans, and associated regulations, of
14 each regional entity as provided in this section. The review shall
15 include an assessment of the consistency of the policies, plans,
16 and regulations among the regional entities with the requirements
17 of Senate Bill 375 of the 2007–08 Regular Session. The
18 commission shall issue a consistency report describing the findings
19 of this review. The commission shall hold public and community
20 hearings in accordance with its public outreach policies regarding
21 the draft consistency findings. The findings of the consistency
22 review shall be used in fulfilling the commission’s regional
23 planning responsibilities.

24 (b) The commission shall establish a process to develop and
25 implement its own policies, goals, and regulations, including
26 performance measures, governing the preparation and adoption of
27 the plans prepared by the regional entities, provided they are
28 consistent with the relevant state and federal laws governing
29 transportation planning and programming, the management of
30 regional air resources, bay shoreline planning, toll bridges, and
31 regional land use and housing policies. The commission shall
32 develop a schedule for implementing this subdivision.

33 (c) Consistent with the policies adopted pursuant to subdivision
34 (b), the governing board of each regional entity shall submit its
35 functional regional plan to the commission for adoption. The
36 commission shall adopt the functional regional plans, except as
37 provided in this subdivision. Should the commission determine
38 not to adopt a recommended ~~function~~ *functional* regional plan, it
39 shall submit to the applicable regional entity its findings underlying
40 its decision, including referencing policies, goals, and performance

1 measures adopted pursuant to subdivision (b), the goals of the
2 economic development strategy, and any inconsistency with Senate
3 Bill 375 of the 2007–08 Regular Session. The regional entity shall
4 redraft its functional regional plan in response to the findings of
5 the commission and resubmit the plan.

6 (d) The commission shall be responsible for ensuring that the
7 sustainable communities strategy for the region integrates
8 transportation, land use, and air quality management consistent
9 with the requirements of Senate Bill 375 of the 2007–08 Regular
10 Session.

11 66538.12. (a) The commission shall prepare a 20-year regional
12 economic development strategy for the region. The goal of the
13 economic development strategy shall be to ensure that the regional
14 economy is capable of adapting to changes in technology, market
15 demand, and direction of the national and international economy.
16 The strategy shall include, but not be limited to, all of the
17 following:

18 (1) A socioeconomic profile of each county shall be developed.

19 (2) Identification of the types and location of major clusters of
20 firms that are both competitive and complementary enterprises for
21 each county.

22 (3) Identification of the sectors of the economy where there is
23 underinvestment and a workforce with high unemployment or
24 underemployment.

25 (4) Identification of sectors where investment in specific sectors
26 of the economy would enhance the probability of increasing the
27 employment opportunities for the unemployed or underemployed.

28 (5) Identification of the public and private investments that are
29 needed to facilitate the development of new or enhancement of
30 existing sectors of the regional economy.

31 (6) Identification of the social equity issues within the region
32 and the extent these issues may be addressed by the economic
33 development strategy. The strategy may identify institutional issues
34 that are barriers to addressing social equity.

35 (7) A profile of the unique regional environmental amenities as
36 well as the social and cultural amenities that are found to contribute
37 to employers being attracted to and remaining in the region.

38 (b) In consultation with the regional entities, the commission
39 shall adopt goals and policies related to the inclusion of economic
40 development opportunities in the plans of the regional entities and

1 in its own plans. The goals and policies shall also promote
2 amenities that are special to the region and contribute to the
3 region’s quality of life.

4 (c) The commission shall appoint an advisory committee with
5 members from the business community, including representatives
6 of small businesses, technology and manufacturing sectors,
7 community colleges, public and private universities, labor, local
8 governments, and other organizations involved with the private
9 economy. The commission shall coordinate the preparation of the
10 strategy with the advisory committee and with the regional entities.

11 (d) Consistent with its public outreach plan, the commission
12 shall hold public and community outreach as it deems appropriate
13 for both draft and final economic development strategies. The
14 commission may hold other public outreach sessions as appropriate
15 during the course of preparing the economic development strategy.

16 (e) The commission shall adopt the first economic development
17 strategy plan by December 31, 2015, and an updated strategy every
18 four years thereafter.

19 66538.13. (a) Changes proposed by the commission in policies
20 related to tolls and the management of the seven state-owned toll
21 bridges within the jurisdiction of the Bay Area Toll Authority shall
22 be consistent with and shall conform with the terms and conditions
23 of any covenants and agreements related to the use of toll revenues
24 and the financing and refinancing of any associated debt.

25 (b) Toll revenues managed by the Bay Area Toll Authority shall
26 be used only to acquire, construct, manage, maintain, lease, operate,
27 or construct facilities required for the management of the
28 state-owned toll bridges within its jurisdiction, for improvements
29 to the toll bridges, to provide access to the toll bridges within its
30 jurisdiction, or for associated transportation projects specifically
31 authorized to be undertaken with bridge toll revenues pursuant to
32 the relevant provisions of the Streets and Highways Code.
33 Revenues in any reserve funds established pursuant to bond
34 covenants or other related agreements shall not be invested in real
35 property.

36 (c) No more than 5 percent of the toll revenues shall be used
37 for administration and planning of the transportation system that
38 serves the travel corridors that are served by the toll bridges.

1 66538.14. To the extent of any conflict between this title and
2 a statute governing any of the regional entities, this title shall
3 prevail.

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

Solano County 2012 Bill List
Wednesday, May 16, 2012

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 46 John A. Pérez D Local government: cities.	6/28/2011-S. THIRD READING 8/29/2011-Read third time. Refused passage. (Ayes 13. Noes 17. Page 2084.).	Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the procedures for incorporations and changes of organizations of cities, including procedures for disincorporation. This bill would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into that city's respective county as of 91 days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within the 90-day period following enactment of these provisions, that continuing such a city within that county's boundaries would serve a public purpose if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another form of local governance. The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified. This bill contains other related provisions. Last Amended on 6/28/2011	Oppose	Watch	
AB 57 Beall D Metropolitan Transportation Commission.	3/5/2012-S. T. & H. 3/5/2012-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H.	The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities. Current law requires the commission to consist of 19 members, including 2 members each from the Counties of Alameda and Santa Clara, and one member appointed by the San Francisco Bay Conservation and Development Commission, and establishes a 4-year term of office for members of the commission. This bill would, instead, require the commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would prohibit more than 3 members of the commission from being residents of the same county, as specified. The bill would require the member from the San Francisco Bay Conservation and Development Commission to be a member of that commission, a resident of San Francisco, and to be approved by the Mayor of San Francisco. By imposing new requirements on a local agency, this bill would impose a state-mandated local program. This bill contains other related provisions and other current laws. Last Amended on 3/5/2012	Support		Watch
AB 710 Skinner D Local planning: infill and transit-oriented development.	9/9/2011-S. THIRD READING 9/9/2011-From inactive file. Senate Rule 29 suspended. (Ayes 24. Noes 12. Page 2453.) Ordered to third reading. Read third time. Refused passage. (Ayes 18. Noes 19. Page 2474.).	The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions. This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development. This bill would also express a legislative finding and declaration that its provisions shall apply to all cities, including charter cities. This bill contains other related provisions. Last Amended on 8/18/2011		Watch	

<p>AB 781 John A. Pérez D</p> <p>Local government: counties: unincorporated areas.</p>	<p>8/29/2011-S. INACTIVE FILE 8/30/2011-Measure version as amended on August 29 corrected.</p>	<p>Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the procedures for incorporations and changes of organizations of cities, including procedures for disincorporation. This bill would authorize the board of supervisors of a county in which a city that will be disincorporated pursuant to statute is located to vote to continue that city if, after receipt of an audit conducted by the State Auditor, the board of supervisors determines that the territory to be disincorporated is not expected to generate revenues sufficient to provide public services and facilities, maintain a reasonable reserve, and pay its obligations during the 5 years following disincorporation. The bill would require a city that is audited pursuant to these provisions to reimburse the State Auditor for the costs incurred to perform the audit, thereby imposing a state-mandated local program. This bill contains other related provisions and other current laws. Last Amended on 8/29/2011</p>	<p>Watch</p>	<p>Watch</p>	
<p>AB 1015 Calderon, Charles D</p> <p>Child welfare services: California Child and Family Service Review System.</p>	<p>8/29/2011-S. APPR. 8/29/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.</p>	<p>Under current law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. Current law requires the department to establish the California Child and Family Service Review System, in order to review all county child welfare systems. Current law requires the department to report to the Assembly and Senate Budget Committees and appropriate legislative policy committees regarding the department's progress relating to federal and state child and family service reviews. This bill would, in relation to these reviews, require each county to consult with specified stakeholders in developing the county self-assessments and county improvement plans, or any subsequent county self-assessments, as specified . This bill would also require the county improvement plans to include a separately titled provision that lists and provides the rationale for proposed operational improvements that may be implemented at a cost savings to the county or within current resources. By increasing duties of county officials, this bill would impose a state-mandated local program. This bill would also make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other current laws. Last Amended on 8/29/2011</p>	<p>Watch</p>		
<p>AB 1178 Ma D</p> <p>Solid waste: place of origin.</p>	<p>9/1/2011-S. E.Q. 8/31/2011-In committee: That the measure be held in committee pursuant to Senate Rule 29.10.</p>	<p>The current California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. This bill would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not otherwise limit or affect the land use authority of a city or county . Last Amended on 8/24/2011</p>	<p>Support</p>	<p>Neutral</p>	
<p>AB 1181 Butler D</p> <p>Weights and measures.</p>	<p>9/8/2011-S. INACTIVE FILE 9/8/2011-Action rescinded whereby the bill was read third time, passed, and to Assembly. Ordered to inactive file at the request of Senator Correa.</p>	<p>Current law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor. This bill would revise the latter</p>	<p>Support</p>		

		<p>provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity or computing the purchase price of the commodity according to a unit price that is less than the highest applicable price per unit, that is advertised, posted, marked, displayed, or quoted for the commodity. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other current laws.</p> <p>Last Amended on 6/21/2011</p>		
<p>AB 1266 Nielsen R</p> <p>Local government: Williamson Act: agricultural preserves: advisory board.</p>	<p>7/14/2011-S. INACTIVE FILE 7/14/2011-From consent calendar. Ordered to third reading. Ordered to inactive file at the request of Senator La Malfa.</p>	<p>Current law, the Williamson Act, authorizes a city or county to enter into contracts to establish agricultural preserves. Current law also authorizes the legislative body of a city or county to appoint an advisory board to advise the legislative body on agricultural preserve matters. This bill would specify matters on which the advisory board may advise the legislative body of a county or city. This bill would also state that the advisory board is not the exclusive mechanism through which the legislative body can receive advice on or address matters regarding agricultural preserves.</p>	Support in Concept	
<p>AB 1506 Jeffries R</p> <p>State responsibility areas: fire prevention fees.</p>	<p>4/25/2012-A. APPR. SUSPENSE FILE 4/25/2012-In committee: Set, second hearing. Referred to APPR. suspense file.</p>	<p>Current law requires the State Board of Forestry and Fire Protection, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. Current law requires the State Board of Equalization to collect the fire prevention fees, as prescribed, commencing with the 2011-12 fiscal year. Current law establishes the State Responsibility Area Fire Prevention Fund and prohibits the collection of fire prevention fees if, commencing with the 2012-13 fiscal year, there are sufficient amounts of moneys in the fund to finance specified fire prevention activities for a fiscal year. Current law requires that the fire prevention fees collected, except as provided, be deposited into the fund and be made available, to the board and the Department of Forestry and Fire Protection for certain specified fire protection activities that benefit the owners of structures in state responsibility areas who are required to pay the fee. Current law further requires the board, on and after January 1, 2013, to submit an annual written report to the Legislature on specified topics. This bill would repeal the above provisions relating to the fire prevention fees.</p> <p>Last Amended on 3/8/2012</p>	Watch	Watch
<p>AB 1532 John A. Pérez D</p> <p>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account.</p>	<p>5/2/2012-A. APPR. 5/2/2012-Re-referred to Com. on APPR.</p> <p>5/16/2012 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, Chair</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee schedule be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for the purposes of carrying out the act. This bill would create the Greenhouse Gas Reduction Account within the Air Pollution Control Fund. The bill would require moneys, as specified, collected pursuant to a market-based compliance mechanism be deposited in this account. The bill also would require those moneys, upon appropriation by the Legislature, be used for specified purposes. The bill would require administering agencies, including the state board and any other state agency identified by the Legislature, to allocate those moneys to measures and programs that meet</p>		Pending Watch

		<p>specified criteria. The bill would require the state board to develop and adopt every 3 years, as specified, an investment plan that identifies the anticipated expenditures of moneys appropriated from the account to the budget committees of each house of the Legislature, as specified. The bill would require the state board to annually submit a report no later than December of each year to the appropriate committees of the Legislature on the status of projects and their outcomes and any changes the state board recommends need to be made to the investment plan.</p> <p>Last Amended on 5/1/2012</p>			
<p>AB 1555 Norby R</p> <p>Redevelopment: debt forgiveness agreements.</p>	<p>5/14/2012-A. THIRD READING 5/14/2012-Read second time. Ordered to third reading.</p> <p>5/17/2012 #100 ASSEMBLY ASSEMBLY THIRD READING FILE</p>	<p>Current law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Current law imposes various requirements on successor agencies and subjects successor agency actions to the review of oversight boards. Current law requires each oversight board to direct the successor agency to, among other things, cease performance in connection with and terminate all current agreements that do not qualify as enforceable obligations, as defined. This bill would, in directing the successor agency to take a specified action, prohibit the oversight board from requiring the successor agency to take any action that results in the forgiveness, wholly or partially, of a loan, advance, or indebtedness that is owed by a private entity to the dissolved redevelopment agency. The bill would authorize the oversight board, consistent with a specified provision of law, to set aside any agreements relating to the forgiveness of indebtedness, loans, or advances owed by a private entity to the dissolved redevelopment agency dating back to January 1, 2011.</p> <p>Last Amended on 5/1/2012</p>		Pending	Watch
<p>AB 1560 Fuentes D</p> <p>CalFresh: categorical eligibility.</p>	<p>4/25/2012-A. APPR. SUSPENSE FILE 4/25/2012-In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Current law provides for the federal Supplemental Nutrition Assistance Program (SNAP), under which each county distributes nutrition assistance benefits provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. In California, federal nutrition assistance benefits are administered through CalFresh. This bill would require the State Department of Social Services, to the extent permitted by federal law, to waive the CalFresh gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program. This bill contains other related provisions and other current laws.</p>	Watch	Support	
<p>AB 1562 Jeffries R</p> <p>Fire prevention and suppression: county inmate fire crews.</p>	<p>4/10/2012-A. APPR. 4/10/2012-Re-referred to Com. on APPR.</p>	<p>Current law declares the existence of the California Conservation Camp program which establishes camps for the purpose of receiving prisoners and wards committed to the Department of Corrections and Rehabilitation and the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to perform fire prevention, fire control, and other work. Current law authorizes the various agencies concerned with conservation projects to enter into contracts as may be necessary for these purposes. This bill would authorize the Department of Forestry and Fire Protection to enter into contracts with those counties in which the Department of Forestry and Fire Protection currently operates inmate fire camps to establish county inmate fire crews that would utilize county jail inmates for the purposes of fire prevention and suppression. The bill would require that county jail inmates remain under the constructive custody and control of their respective county correctional facilities, or an agreed-upon multicounty correctional facility, while participating in the inmate fire crew. This bill contains other related provisions.</p> <p>Last Amended on 4/9/2012</p>	Watch	Pending	Support
<p>AB 1569 Allen D</p>	<p>5/3/2012-S. RLS. 5/3/2012-In Senate. Read first time. To Com. on</p>	<p>Current law, Laura's Law, until January 1, 2013, regulates designated assisted outpatient treatment services, which counties may choose to provide for their residents. In counties</p>	Watch		

Community mental health services: assisted outpatient treatment.	RLS. for assignment.	where assisted outpatient treatment services are available, a court may order a person to obtain assisted outpatient treatment if the court finds the requisite criteria is met, as specified. Current law requires the State Department of Mental Health to submit a report and evaluation of all counties implementing any component of this law to the Governor and the Legislature by July 31, 2011, as specified. This bill would extend authorization for the act to January 1, 2017, and would require the report to be submitted by July 1, 2015 . Last Amended on 4/16/2012			
AB 1585 John A. Pérez D Redevelopment.	4/19/2012-S. G. & F. 4/19/2012-Referred to Coms. on GOV. & F. and T. & H.	Current law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Current law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, repay enforceable obligations, as defined, and to remit unencumbered balances of redevelopment agency funds, including housing funds, to the county auditor-controller for distribution to taxing entities. This bill would modify the scope of the term "enforceable obligation" and modify provisions relating to the transfer of housing funds and responsibilities associated with dissolved redevelopment agencies. The bill would provide that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency be transferred to specified entities. The bill would make conforming changes. This bill contains other related provisions and other current laws. Last Amended on 3/21/2012	Watch	Watch	Support
AB 1589 Huffman D State parks: sustainability and protection.	5/16/2012-A. APPR. 5/16/2012-Action From SECOND READING: Read second time and amended.Re-referred to APPR.. 5/17/2012 #16 ASSEMBLY ASSEMBLY SECOND READING FILE	Current law vests with the Department of Parks and Recreation control of the state park system. Current law requires the department to achieve any required budget reductions, as defined, by closing, partially closing, and reducing services at selected units of the state park system, based on specified factors. This bill would, instead, authorize the department to achieve any required budget reductions by implementing efficiencies, increasing revenue collection, and closing, partially closing, or reducing services at selected units of the state park system, but would limit to 25 state park units the number of units of the state park system subject to full park closure during the 2012 to 2016, inclusive, calendar years, except as provided. The bill would revise the factors the department is required to use as a basis for determining which units of the state park system are to be closed, and would require the department to document and publicly disclose the methodology, rationale, and scoring system used to evaluate and select parks designated for closure. This bill contains other related provisions and other current laws. Last Amended on 4/30/2012		Watch	Watch
AB 1623 Yamada D Weights and measures: inspection fees.	5/7/2012-S. RLS. 5/7/2012-In Senate. Read first time. To Com. on RLS. for assignment.	Current law requires the sealer of a county to inspect and test weighing and measuring devices, as specified, that are used or sold in the county. Current law also requires the sealer of a county to weigh or measure packages to determine whether they contain the amount represented, as provided. Current law, until January 1, 2013, permits the board of supervisors of a county to charge fees, not to exceed the county's total cost of actually inspecting or testing weighing and measuring devices required of the county sealer, to recover the costs of the county sealer to perform these duties. This bill would extend the authority of the board of supervisors of a county to charge fees to recover the costs of the county sealer, as provided, until January 1, 2018. This bill contains other related provisions and other current laws. Last Amended on 5/3/2012	Support		Watch
AB 1626 Yamada D	5/10/2012-S. RLS. 5/10/2012-In Senate. Read first time. To Com. on RLS. for assignment.	Current law requires the elections official administering a county, municipal, district, or school district election to make a copy of certain election materials available for public examination in his or her office for a period of 10 calendar days immediately following the		None	Watch

Election materials: public examination: writ of mandate: elections official.		filing deadline for submission of those documents. It permits any voter of the jurisdiction in which the election is being held, during that 10-calendar-day public examination period, to seek a writ of mandate or an injunction requiring the amendment or deletion of any or all of the materials. In the case of county and municipal elections, current law also permits the elections official, himself or herself, to seek the above-described writ of mandate or injunction, as specified. This bill would also authorize the elections official to seek the above-described writ of mandate or injunction in the context of a district or school district election.			
AB 1627 Dickinson D Energy: vehicle miles traveled.	4/27/2012-A. DEAD 4/27/2012-Failed Deadline pursuant to Rule 61(b) (5). (Last location was A. B.,P. & C.P. on 4/11/2012)	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require the office, not later than January 1, 2014, to prepare and make available a manual containing specified information designed to be used by local governments, local agencies, and project developers to evaluate and incorporate measures and strategies to reduce vehicle miles traveled (VMT) in new residential and commercial building projects. The bill would require the office, not later than January 1, 2014, to make recommendations to the Legislature and local policymakers of measures to improve the reduction of VMT related to residential and commercial building projects. This bill contains other current laws. Last Amended on 4/10/2012		Pending	Oppose
AB 1644 Carter D California Military Base Reuse and Preservation Act of 2012.	5/11/2012-A. DEAD 5/11/2012-Failed Deadline pursuant to Rule 61(b) (6). (Last location was A. L. GOV. on 4/9/2012)	The Military Base Reuse Authority Act authorizes cities and counties to establish an authority with specified powers and duties relating to the transition of a military base to civilian use; the Fort Ord Reuse Authority Act authorizes specified local agencies to establish the Fort Ord Reuse Authority; and current law designates the local redevelopment authority recognized by the Department of Defense as the single local reuse authority for other specified military bases. Current law requires that the board of a military base reuse authority prepare, adopt, review, revise, and maintain a reuse plan that provides for the future use and development of territory of the former military base. This bill would enact the California Military Base Reuse and Preservation Act of 2012. The bill would make several legislative findings and declarations relating to the granting of redevelopment powers to communities affected by federal military base closures . This bill contains other related provisions and other current laws. Last Amended on 3/29/2012		Support	Watch
AB 1813 Buchanan D Sacramento-San Joaquin Delta Reform Act of 2009.	4/27/2012-A. DEAD 4/27/2012-Failed Deadline pursuant to Rule 61(b) (5). (Last location was A. W.,P. & W. on 4/9/2012)	The Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. The act requires the State Water Resources Control Board to establish an effective system of Delta watershed diversion data and public reporting by December 31, 2010. The act requires the board to establish an effective system of Delta watershed diversion data collection and public reporting by December 31, 2010. The act requires the board to develop new flow criteria for the Delta ecosystem, as specified. The act subjects the flow criteria to modification over time based on a science-based adaptive management program that meets specified criteria . This bill would require the system, for certain diversions, in lieu of requiring reporting, to use data from the consumptive use index modeling used by the Department of Water Resources to determine		None	Watch

		<p>the Net Delta Outflow Index. The bill would authorize the system to enhance or replace the consumptive use index modeling with satellite imagery. The bill would require that the system, to the maximum extent practicable, use consumptive use data from consumptive use modeling or satellite imagery in lieu of public reporting . This bill contains other related provisions.</p> <p>Last Amended on 3/29/2012</p>			
<p>AB 1884 Buchanan D</p> <p>Sacramento-San Joaquin Delta Reform Act of 2009: covered actions.</p>	<p>4/27/2012-A. DEAD 4/27/2012-Failed Deadline pursuant to Rule 61(b) (5). (Last location was A. W.,P. & W. on 4/9/2012)</p>	<p>Current law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Current law requires a state or local public agency that proposes to undertake a covered action that will occur within the boundaries of the Delta or the Suisun Marsh to prepare, and submit to the council, a specified written certification of consistency with the Delta Plan prior to taking those actions. Current law defines the term "covered action" to mean a plan, program, or project, as specified. This bill would exclude from the definition of "covered action" any anticipated upgrades to current drinking water, stormwater, or wastewater treatment facilities to meet state water quality requirements . This bill contains other related provisions and other current laws.</p> <p>Last Amended on 3/29/2012</p>		None	Watch
<p>AB 1901 Jones R</p> <p>Counties: construction projects: design-build.</p>	<p>4/27/2012-A. DEAD 4/27/2012-Failed Deadline pursuant to Rule 61(b) (5). (Last location was A. L. GOV. on 4/25/2012)</p>	<p>Current law, until July 1, 2014, authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of \$2,500,000, in accordance with specified procedures. These procedures include a requirement for contracts awarded after a certain date that a county board of supervisors pay a fee into the State Public Works Enforcement Fund, which funds are continuously appropriated for the Department of Industrial Relations' enforcement of prevailing wage requirements on public works projects. These procedures also require specified information to be verified under oath. This bill would revise the dollar limitation on this authorization so that it instead applies to projects in excess of \$1,000,000 . Because the additionally authorized projects would require payment of fees into the State Public Works Enforcement Fund, a continuously appropriated fund, it would make an appropriation. Also, because the bill would authorize additional contracts to be awarded under these provisions, which would be subject to the requirement that certain information be verified under oath, it would impose a state-mandated local program by expanding the scope of an current crime. This bill contains other related provisions and other current laws.</p> <p>Last Amended on 4/17/2012</p>			Watch
<p>AB 2000 Huber D</p> <p>Sacramento-San Joaquin Delta.</p>	<p>4/27/2012-A. DEAD 4/27/2012-Failed Deadline pursuant to Rule 61(b) (5). (Last location was A. W.,P. & W. on 4/24/2012)</p>	<p>Current law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 (Delta Protection Act) creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta (Delta). Current law, the Sacramento-San Joaquin Delta Reform Act of 2009, established the Delta Stewardship Council as an independent agency of the state and required the council to consist of 7 members appointed in a specified manner. This bill would reduce the Governor's appointments to the council to 2 members, and instead provide that the Vice-Chairperson of the commission and a member of the commission chosen by a majority vote of the commission will serve on the council, as prescribed. This bill contains other related provisions and other current laws.</p> <p>Last Amended on 4/16/2012</p>		None	Watch
<p>AB 2031 Fuentes D</p>	<p>4/26/2012-S. PUB. S. 4/26/2012-Referred to Com. on PUB. S.</p>	<p>Current law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program</p>		Oppose	Watch

<p>Probation: community corrections program.</p>	<p>6/12/2012 9:30 a.m. - Room 3191 SENATE PUBLIC SAFETY, HANCOCK, Chair</p>	<p>consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Current law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and the heads of various county social services programs. Current law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment. This bill would add a rank-and-file deputy sheriff and a rank-and-file probation officer or deputy probation officer, to be appointed by a local labor organization, to the membership of a Community Corrections Partnership and would require their votes on the local plan. This bill contains other related provisions and other current laws. Last Amended on 3/20/2012</p>			
<p>AB 2062 Davis D</p> <p>Political Reform Act of 1974: statements of economic interests: electronic filing.</p>	<p>5/2/2012-A. APPR. SUSPENSE FILE 5/2/2012-In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Current law establishes, until December 31, 2012, a pilot program authorizing specified local government agencies to develop and implement a system for the electronic filing of statements of economic interests by certain public officials, as specified. This bill would authorize all agencies to permit the electronic filing of a statement of economic interests, in accordance with regulations adopted by the Fair Political Practices Commission. The bill would require the Commission to approve and certify an electronic filing system proposed by an agency if the system meets prescribed requirements. The bill would also authorize the Commission to conduct discretionary audits of an agency's electronic filing system to evaluate its performance and compliance with the requirements of this bill. The bill would require the Commission to accept electronic copies of statements of economic interests forwarded to it by an agency that has received an electronically filed statement from filer s. This bill contains other related provisions and other current laws. Last Amended on 4/24/2012</p>		<p>None</p>	<p>Watch</p>
<p>AB 2231 Fuentes D</p> <p>Sidewalks: repairs.</p>	<p>5/9/2012-A. APPR. SUSPENSE FILE 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Current law requires the owners of lots or portions of lots fronting on any portion of a public street or place to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner. This bill would require a city, county, or city and county to repair any sidewalk out of repair or pending reconstruction if that sidewalk is owned by the local entity, or if the repairs are required as a result of damage caused by plants or trees. The bill would prohibit a city, county, or city and county from imposing an assessment for these sidewalk repairs against the owner of private property fronting on any portion of a sidewalk. The bill would make these provisions applicable to charter cities and counties. This bill contains other related provisions and other current laws. Last Amended on 4/23/2012</p>		<p>Oppose</p>	<p>Oppose</p>
<p>AB 2257 Achadjian R</p> <p>Nuisance: landfill activities.</p>	<p>5/11/2012-A. DEAD 5/11/2012-Failed Deadline pursuant to Rule 61(b) (6). (Last location was A. L. GOV. on 5/1/2012)</p>	<p>Current law defines a nuisance, in part, as anything that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Current law authorizes various remedies for nuisances, including remedies to effect abatement and damages. Current law provides, among other things, that no agricultural activity, operation, or facility, or appurtenances thereof, as defined, in operation for more than 3 years, and conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards, shall become a nuisance due to any changed condition in the locality if it was not a nuisance at the time it began, except as specified. This bill would provide that no waste management activity, operation, or facility, or appurtenances thereof, as defined,</p>			<p>Watch</p>

		in operation for more than 3 years, and conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards, shall become a nuisance due to any changed condition in the locality if it was not a nuisance at the time it began, except as specified. Under the bill, in an act ion or proceeding to abate the use of waste management activities, proof that the waste management activities have been in existence for 3 years will constitute a rebuttable presumption that the activities do not constitute a nuisance. Last Amended on 4/30/2012			
AB 2421 Berryhill, Bill R Bay Delta Conservation Plan: Delta Plan project: costs and benefits.	5/9/2012-A. APPR. SUSPENSE FILE 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.	Current law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The act authorizes the incorporation of the Bay Delta Conservation Plan into the Delta Plan if certain requirements are met. The bill would require an independent 3rd party, chosen as prescribed, to conduct an analysis of the costs and benefits, as specified, for any project being submitted by the Ba y Delta Conservation Plan to the Delta Plan and to submit this to the Legislature, as prescribed. This bill would prohibit the funding for these provisions from exceeding \$1,000,000 . Last Amended on 4/12/2012		None	Watch
AB 2422 Berryhill, Bill R Sacramento-San Joaquin Delta: Western Delta Intakes Concept: feasibility study.	5/9/2012-A. APPR. SUSPENSE FILE 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.	Under current law, the Department of Water Resources operates the State Water Resources Development System that includes dams, reservoirs, and other infrastructure. This bill would require the department to undertake an expedited evaluation and feasibility study of the Western Delta Intakes Concept, as defined, and to consult with the Department of Fish and Game, as specified. This bill would require the department to prepare and submit to the Legislature, on or before January 1, 2014, a prescribed report about the feasibility study. This bill contains other related provisions and other current laws. Last Amended on 3/29/2012		None	Watch
AB 2423 Berryhill, Bill R Comprehensive Sacramento-San Joaquin Delta planning.	5/11/2012-A. DEAD 5/11/2012-Failed Deadline pursuant to Rule 61(b) (6). (Last location was A. PRINT on 2/24/2012)	Current law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Current law requires the council, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan), as specified. This bill would make a technical, nonsubstantive change to those provisions.		None	Watch
ACA 10 Gatto D Initiative constitutional amendments: qualification and approval.	4/9/2012-A. E. & R. 4/9/2012-From committee chair, with author's amendments: Amend, and re-refer to Com. on E. & R. Read second time and amended. Re-referred to Com. on E. & R.	The California Constitution allows the proposal of an initiative measure by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5% in the case of a statute, and 8% in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election. This measure would require, in the case of a petition that proposes an amendment to the Constitution, that the petition include signatures from each of 27 of the Senatorial districts in the State equal in number to 8% of the votes for all candidates for Governor cast in that district at the last gubernatorial election. This bill contains other related provisions and other current laws. Last Amended on 4/9/2012	Watch	Pending	
ACA 18 Swanson D Taxation: parcel tax.	5/10/2012-A. REV. & TAX 5/10/2012-From committee: Be adopted, and re-refer to Com. on REV. & TAX. Re-referred. (Ayes 6. Noes 2.) (May 9). Re-referred to Com.	The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property. This measure would		None	Watch

	on REV. & TAX.	alternatively condition the imposition, extension, or increase of a parcel tax by a city , county , or special district for the purpose of funding the maintenance or improvement of fire protection services or police protection services, or both, upon the approval of a majority of its voters voting on the proposition, and would also make conforming changes to related provisions. Last Amended on 4/30/2012			
SB 52 Steinberg D	2/1/2012-A. DESK 2/1/2012-In Assembly. Read first time. Held at Desk.	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require instead that a project result in a minimum investment of \$100,000,000 spent on planning, design, and construction of the project. The bill, in order to maximize public health, environmental, and employment benefits, would require a lead agency to place the highest priority on feasible measures that will reduce greenhouse gas emissions on the project site and in the neighboring communities of the project site. This bill contains other related provisions and other current laws. Last Amended on 1/31/2012			Watch
SB 214 Wolk D	9/9/2011-A. INACTIVE FILE 9/9/2011-Ordered to inactive file on request of Assembly Member Ma.	Current law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. This bill would revise the provisions governing the public facilities that may be financed. The bill would eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions. The bill would authorize a district to finance specified actions and projects and prohibit the district from providing financial assistance to a vehicle dealer or big box retailer, as defined. This bill contains other related provisions and other current laws. Last Amended on 6/21/2011	Watch		Watch
SB 250 Rubio D	5/10/2012-A. W.,P. & W. 5/10/2012-From committee: Be re-referred to Com. on W., P. & W. (Ayes 11. Noes 0.) (May 10). Re-referred to Com. on W., P. & W.	Current law imposes requirements on the Department of Water Resources in connection with the preparation of a Bay Delta Conservation Plan (BDCP). This bill would require that the department's development of certain Delta conveyance facilities be completed on or before February 15, 2013, and would require that the construction of those facilities be completed by December 31, 2025. This bill contains other current laws. Last Amended on 8/29/2011			Watch
SB 654 Steinberg D	4/16/2012-A. H. & C.D. 4/16/2012-Referred to Coms. on H. & C.D. and L. GOV.	Current law suspends various activities of redevelopment agencies and prohibits the agencies from incurring indebtedness for a specified period. Current law also dissolves redevelopment agencies and community development agencies, as of October 1, 2011, and designates successor agencies, as defined. Current law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, repay enforceable obligations, as defined, and to remit unencumbered balances of redevelopment agency funds, including housing funds, to the county auditor-controller for distribution to taxing entities. This bill would revise the definition of the term "enforceable obligation" and modify provisions relating to the transfer of housing funds and responsibilities associated with dissolved redevelopment agencies. The bill would provide that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency be		Watch	Watch

		transferred to specified entities. The bill would make conforming changes. This bill contains other related provisions and other current laws. Last Amended on 1/31/2012			
SB 744 Wyland R Water submeters: testing.	9/6/2011-A. INACTIVE FILE 9/6/2011-Ordered to inactive file on request of Assembly Member Charles Calderon.	Current law requires that a person who uses, or intends to use, any weight or measure, or weighing or measuring instrument for commercial purposes, cause them to be sealed by a sealer before using the same, unless they have been sealed before sale, in which case current law allows the purchaser to use them for the remainder of the period authorized by regulations adopted by the Secretary of Food and Agriculture. There is within the Department of Food and Agriculture the Division of Measurement Standards, whose activities are designed to ensure, among other things, the accuracy of commercial weighing and measuring devices. This bill would provide that any water submeter tested by equipment that is regularly calibrated by tests that are directly traceable to standards promulgated by the National Institute of Standards and Technology shall be deemed to be sealed and approved for commercial use, as specified, provided that the submeter satisfies certain criteria, including that the submeter is otherwise a type approved by the Division of Measurement Standards. This bill contains other related provisions and other current laws. Last Amended on 7/13/2011	Oppose	Oppose	Watch
SB 974 Evans D State parks: proposed closures.	5/15/2012-S. APPR. SUSPENSE FILE 5/14/2012-Placed on APPR. suspense file.	Current law authorizes the Department of Parks and Recreation to enter into agreements between the department and the federal and local governments and other public agencies for the care, maintenance, administration, and control of lands under the jurisdiction of any party to this agreement for the purpose of the state park system, as prescribed. This bill would require the department, by July 1, 2013, to conduct a review of the parks that are closed on July 1, 2012, or that are proposed, as of that date, for future closure. The bill would also require the review process required to be conducted pursuant to those provisions to include specified elements. The bill would require the department, by July 1, 2013, and by July 1 of each year thereafter, to make a determination on the status of any state park that may be scheduled for future closure, based on the above-described park closure review process. The bill would require the department, no later than July 1, 2013, with respect to any park that is closed on or after July 1, 2012, to prepare a plan for the reopening of that unit of the state park system , including specified information. This bill contains other related provisions. Last Amended on 5/1/2012		Watch	
SB 986 Dutton R Redevelopment: bond proceeds.	5/7/2012-S. APPR. SUSPENSE FILE 5/7/2012-Placed on APPR. suspense file.	Current law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Current law requires that successor entities perform certain duties, including, among others, remitting unencumbered funds of that agency to the county auditor-controller, and overseeing the use of bond proceeds. Current law requires each successor agency to have an oversight board that is composed of 7 members who meet certain qualifications. Current law requires the oversight board to approve certain actions of the successor agency. This bill would require that unencumbered balances of funds that are derived from tax exempt bond proceeds be used in accordance with the requirements of this bill. This bill would also require that the proceeds of bonds issued by a former redevelopment agency on or before December 31, 2010, be used by the successor agency for the purposes for which the bonds were sold pursuant to an enforceable obligation, as defined, that was entered into either by the former redevelopment agency prior to its dissolution, or is entered into by the successor agency by December 31, 2014. This bill would also provide that if the bond proceeds are not subject to an enforceable obligation, or if the purpose for which the bonds were sold can no longer be achieved, then the bond proceeds shall be used to defease the bonds or to	Support	Pending	Support

		purchase outstanding bonds on the open market for cancellation. This bill contains other related provisions. Last Amended on 4/24/2012			
SB 1145 Emmerson R Animal fighting.	4/23/2012-A. DESK 4/23/2012-In Assembly. Read first time. Held at Desk.	Current law prohibits a person, for amusement or gain, from causing, permitting on his or her premises, or aiding and abetting in the fighting of specified animals , including bears and dogs . A violation of this prohibition is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not to exceed \$5,000, or by both. This bill would raise the fine to \$10,000. This bill contains other related provisions and other current laws. Last Amended on 3/29/2012		None	Watch
SB 1149 DeSaulnier D Bay Area Regional Commission.	5/15/2012-S. APPR. 5/15/2012-Read second time and amended. Re-referred to Com. on APPR.	Current law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under current law with regional planning responsibilities. Current law provides for a joint policy committee of certain regional agencies to collaborate on regional coordination. Current law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy coordinating transportation, land use, and air quality planning, with specified objectives. This bill would create the Bay Area Regional Commission with specified powers and duties, including the powers and duties previously exercised by the joint policy committee. The bill would require the regional entities that are funding the joint policy committee to continue to provide the same amount of funding as provided in the 2012-13 fiscal year, as adjusted for inflation, but to provide those funds to the commission rather than to the committee. The bill would provide for the Bay Area Toll Authority to make contributions to the commission, as specified, in furtherance of the exercise of the authority's toll bridge powers. The bill would require federal and state funds made available to the Metropolitan Transportation Commission for purposes of transportation planning to be budgeted to the Bay Area Regional Commission. The bill would specify the powers and duties of the commission relative to the other regional entities referenced above, including the power to approve the budgets of those regional entities and to develop an integrated budget for the commission and the regional entities. The bill would provide for the commission's executive director to develop a regional reorganization plan, with consolidation of certain administrative functions of the regional entities under the commission, with a final plan to be adopted by the commission by June 30, 2016. The bill would require organization of the regional entities as divisions of the commission, and would require the executive director to recommend candidates for vacant executive director positions at the regional entities as these positions become vacant. The bill would require the commission to adopt public and community outreach policies by October 31, 2015. The bill would require the commission to review and comment on policies and plans relative to the transportation planning sustainable communities strategy of the regional entities under Senate Bill 375 of the 2007-08 Regular Session, and beginning on January 1, 2017, the bill would provide for the commission to adopt or seek modifications to the functional regional plan adopted by each regional entity in that regard and would provide that the commission is responsible for ensuring that the regional sustainable communities strategy for the region is consistent with Senate Bill 375 of the 2007-08 Regular Session. The bill would require the commission to	Watch	Pending	Watch

		prepare a 20-year regional economic development strategy for the region, to be adopted by December 31, 2015, and updated every 4 years thereafter. The bill would require any changes proposed by the commission with respect to bridge toll revenues managed by the Bay Area Toll Authority to be consistent with bond covenants, and would prohibit investment in real property of toll revenues in any reserve fund. This bill contains other related provisions and other current laws. Last Amended on 5/15/2012			
SB 1151 Steinberg D	5/15/2012-S. APPR. SUSPENSE FILE 5/14/2012-Placed on APPR. suspense file.	Current law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Current law imposes various requirements on successor agencies and subjects successor agency actions to the review of oversight boards. Current law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, dispose of assets and properties of the former redevelopment agencies, as directed by the oversight board. Proceeds from the sale of assets are transferred to the county auditor-controller for distribution as property tax proceeds to taxing entities, as prescribed. This bill would provide that the asset disposition and transfer provisions do not apply to a jurisdiction in which a Community Development and Housing Authority (authority) has been formed by August 1, 2012. The bill would establish a Sustainable Economic Development and Housing Trust Fund, to be administered by an authority, to serve as a repository of the unencumbered balances and assets of the former redevelopment agency. The bill would authorize moneys from the fund to be expended for specified purposes relating to economic development and affordable housing. The bill would require an authority to prepare a long-range asset management plan that governs the disposition and ongoing use of the fund . The bill would require an authority to submit the plan to the Department of Finance by December 1, 2012, and would require the department to approve or return the plan for revision to the authority prior to final approval by December 31, 2012 . Last Amended on 3/29/2012		Support in Concept	Watch
SB 1156 Steinberg D	5/15/2012-S. APPR. SUSPENSE FILE 5/14/2012-Placed on APPR. suspense file.	The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Current law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies. Current law requires that the successor agency, among other things, wind down the affairs of the former redevelopment agency and dispose of assets and properties of the former redevelopment agency, as directed by an oversight board. This bill would authorize the legislative body of the city and county representing the geographic territory covering the area served by a former redevelopment agency to elect to form a Community Development and Housing Joint Powers Authority (authority) after July 1, 2012, and to carry out the provisions of the Community Redevelopment Law. The bill would authorize the authority to adopt a redevelopment plan for a project area covering specified areas and sites and to include a provision in the plan to provide for tax increment financing, provided that certain mitigation and land use plans have been adopted. The bill would retain the Low and Moderate Income Housing Fund of a former redevelopment agency in another fund and authorize the authority to enter into agreements to facilitate articulated career technical education pathways. This bill contains other current laws. Last Amended on 4/30/2012		Support in Concept	Watch
SB 1278 Wolk D	5/15/2012-S. APPR. SUSPENSE FILE 5/14/2012-Placed on APPR. suspense file.	Current law requires each city and county within the Sacramento-San Joaquin Valley to amend its general plan, as specified, within 24 months of the adoption of the Central Valley		Support if	Support if

<p>Planning and zoning: flood protection: Sacramento-San Joaquin Valley.</p>		<p>Flood Protection Plan by the Central Valley Flood Protection Board. Current law requires the Central Valley Flood Protection Board, the Department of Water Resources, and local flood agencies to collaborate with cities or counties by providing the cities and counties with information and other technical assistance to assist with complying with these requirements. This bill would instead require each city and county to amend its general plan, as specified, within 24 months of July 2, 2013 . The bill would additionally require the Department of Water Resources to provide financial assistance to cities and counties, to the extent funding is available for that purpose. This bill contains other related provisions and other current laws.</p> <p>Last Amended on 5/1/2012</p>	<p>Amended</p>	<p>Amended</p>
<p>SB 1495 Wolk D</p> <p>Sacramento-San Joaquin Delta Reform Act of 2009.</p>	<p>5/10/2012-A. W.,P. & W. 5/10/2012-Referred to Com. on W., P. & W.</p>	<p>The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta by January 1, 2012. The act requires a state or local public agency that proposes to undertake a covered action to prepare a written certification, as prescribed, as to whether the covered action is consistent with the Delta Plan. The act defines "covered action" to mean a plan, program, or project that meets specified conditions. This bill would exclude from the definition of "covered action" specified leases approved by specified special districts, and routine dredging activities necessary for maintenance of certain facilities operated by special districts .</p> <p>Last Amended on 4/16/2012</p>	<p>None</p>	<p>Watch</p>

Total Measures: 46
Total Tracking Forms: 46