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Bills, bills bills: That's a wrap – sort of

By [Capitol Weekly Staff](#) (published Thursday, September 04, 2008)

As we continue to wait for a state budget, the Legislature is waiting, too. The Senate and Assembly are holding an estimated 850 bills at the Assembly and Senate desks, waiting to send them to Gov. Schwarzenegger.

The governor has threatened to veto any bills that come to his desk until a budget is passed. But the clock is ticking. Any bill passed by the Legislature and sent to the governor must be acted on by Sept. 30 to take effect by January 2009. The governor has until November 15 to act on any bill containing an appropriation or with an urgency clause.

As the hands of time continue to turn, here's a look at some of the bills acted on in the final days of the Legislative session. We've focused much of this list on bills or subjects we've written about over the last legislative session, but feel free to email us and let us know which bills we've missed.

Transportation

SB 375 – Regional planning (Steinberg)

This bill was the product of a major deal negotiated by Steinberg in the final weeks of the legislative session. The bill will create new regional planning councils, and provide incentives for planners to create new "smart-growth" plans that state regulators hope will cut down on commutes to work, and the amount of driving, and polluting, by the average Californian.

The bill will require regional development plans to be approved by the California Air Resources Board, and threaten regions who do not abide by ARB guidelines with losing their share of transportation dollars. In return, developers will receive relief from the California Environmental Quality Act, and ensure their development projects are streamlined.

AB 2321 (Feuer) – Los Angeles Transportation Tax, SB 1422 (Ridley-Thomas) – Toll roads

AB 2321 bill paves the way for the Los Angeles County Metropolitan Transportation Authority (MTA) to impose a new half-cent tax for up to 30 years for new transportation projects. This bill sets out funding for a number of specific projects, including new light rail service to LAX and to the San Gabriel Valley. Ridley-Thomas's bill paves the way for more toll roads in South Los Angeles, in an effort to capture more federal transportation dollars. The two bills became linked in heated negotiations that pitted various Democratic legislators against each other, based on regional interests.

Chemical bans

After passing the so-called toxic toys bill, which banned the use of phthalates in children's toys, other chemical ban bills did not fare as well this year. Among them was SB 1713, by Sen. Carole Migden, D-San Francisco, that would have prohibited the sale, manufacture or distribution of food containers for children that contain Bisphenol, known as BPA. The bill was amended so that it would not be an outright ban on the chemical, but only outlaw its usage in children's food containers. The bill died after a long debate on the Assembly floor.

Another measure, SB 456, by Sen. Joe Simitian, D-San Jose, was shelved in the

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Assembly as well. Simitian's measure would have banned the use of Diacetyl, which is commonly found in the butter flavoring used on popcorn.

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Despite the failure of some of the specific chemical-ban bills, the legislature adopted a pair of measure aimed at implementing the governor's "green chemistry" initiative. The legislature passed AB 1879 (Feuer) and SB 509 (Simitian)

In our "Environmental Preview" almost two years ago, we predicted that Green Chemistry would be this session's AB 32/Global Warming bill—that is, the environmental area that everyone was talking about, and where the state could become a trailblazer. Well,

that happened—after a fashion.

Green Chemistry is a concept centering on the idea of updating industrial and consumer chemicals by creating a database of known carcinogens and other chemicals with negative health affects, as well as known alternatives. The idea was to avoid sloggng through chemical-by-chemical legislation. Environmentalists and their supporters in the legislature complained that the Governor's Green Chemistry Initiative was moving forward at a pace that would embarrass a snail. They put forth some chemical bans anyway, with limited success. In the closing days of session, some of these legislators were able to pass legislation to push the process forward, giving the Department of Toxic Substances Control until 2011 to essentially create a Green Chemistry framework for the state. The governor now faces a decision—sign the bills and have the process largely taken out of his hands, or veto them and risk his "Green Governor" reputation.

Government

SB 1762 – Climate Change Institute (Perata)

After a back and forth with the former President of the Public Utilities Commission, the Legislature passed a bill that would create a new climate change research institute at the University of California. The research will be funded in part through an additional fee on all utility ratepayers.

The institute will hand out grants and support research on ways to reduce or mitigate greenhouse gas emissions. All for the low, low price of \$625 million over the next 10 years.

AB 38 – OES/OHS merger (Nava)

This bill moved through the Legislature last year with near unanimous support, and backing from Gov. Schwarzenegger. But it was held up in Senate Public Safety after some objections from Sens. Gloria Romero and Gil Cedillo over treatment of undocumented residents. Those concerns were waylaid, and now the merger of the Office of Emergency Services and the Office of Homeland Security is set to go ahead.

SB 963 – Boards (Ridley-Thomas)

The once-obscure state Board of Chiropractic Examiners sprang to slightly less obscurity in March of last year via an ongoing dispute between the board and the staff. The staff members in question are mostly gone, while the board—which includes a couple of good friends of Governor Arnold Schwarzenegger from his bodybuilding days—has managed to hold on. His SB 801 would move the board under the control of the Department of Consumer Affairs, something chiropractors have long resisted, but it was vetoed by the Governor.

Senator Ridley-Thomas made it his personal mission this session to reform the Chiropractic Board and several other professional overseers in the state. He did get one bill through--SB 963, which changes the way boards are governed under the DCA. But before passage, Ridley-Thomas stripped out some of the provisions that would have made it easier to dismiss and reconstitute boards. It is headed to the governor, where it faces an uncertain future.

AB 1991 – Half Moon Bay (Mullin)

The city of Half Moon Bay made headlines last November when they lost a \$41

million judgment to a local developer. Rather than appeal federal court decision—which concerned wetlands on a property developer Charles “Chop” Keenan wants to build on—the city signed a settlement allowing Keenan to build. That settlement depended on legislation to smooth the way.

But environmentalists and the California Coastal Commission objected to the bill, which some said would make environmental laws into “Swiss cheese.” The city and Mullin fought gamely, but time ran out on the bill. The last nail was probably the opposition of the bill’s one-time Senate co-author, Senator Leland Yee, D-San Francisco. Yee made a fuss when he found out both the city and Keenan had hired different branches of California Strategies. He then carried his own bill to turn the property into a park. City officials have pledged to bring back the legislation next year—but their hometown representative, Mullin, won’t be there to represent them. He terms out this year.

SB1145 – State Compensation Insurance Fund (Machado)

An attempt to improve public access to the trouble-plagued State Compensation Insurance Fund was approved by the Legislature after months of discussion and hearings, the result in part of an ongoing criminal investigation into the financial dealings of SCIF’s former top executive, among other issues.

Machado’s bill does several things. It makes SCIF subject to the Bagley-Keene Act, the state open-meeting law that governs state agencies. It also allows SCIF to hire several top executives who are exempt from Civil Service rules, thus allowing the Fund to recruit top personnel from the private sector.

SCIF, also known as the State Fund, provides workers compensation insurance to those who are unable to obtain it elsewhere in the market place. Employers are required by law to obtain coverage to protect injured workers – a law that has been in effect for about a century.

But although the State Fund has some 8,000 state employees, the agency has operated essentially as a private enterprise: It offers coverage, charges premiums and handles its money outside the view of the public, and its governing board routinely meets privately. The Fund has about \$23 billion in assets.

Machado also said at the time that his bill is intended to create a more competitive and transparent market place. “It goes beyond what private companies have to do, but at the same time it does provide protection for confidential information,” Machado noted at the time.

Troubles at SCIF became widely known in 2006 with a major internal audit and the firings of two board members amid conflict-of-interest allegations. Four months later, the board dismissed SCIF President James Tudor and Executive Vice President Renee Koren.

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