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AGENDA **BOARD LEGISLATIVE COMMITTEE**

Friday, July 16, 2010
12:45 p.m., Peralta Oaks Board Room

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
	12:45 p.m.	1. STATE LEGISLATION / ISSUES	
		A. NEW	O'Brien/Pfuehler
		a. Proposed Legislation N/A	
		B. ISSUES	O'Brien/Pfuehler
(I)		a. State Budget Update	
(D)		b. Qualified Ballot Measures	
		2. FEDERAL LEGISLATION / ISSUES	Pfuehler/O'Brien
		A. NEW	
		a. Proposed Legislation	
(R)		S. 3539 San Francisco Bay Restoration Act	
		B. ISSUES	Pfuehler/O'Brien
(I)		a. TIGER Grant Application Update	
(I)		b. Great Outdoors Initiative Update	
(I)		c. Land and Water Conservation Fund Update	
		3. PUBLIC COMMENTS	
		4. STATUS OF RECOMMENDATIONS	
		5. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration
(I) Information
(D) Discussion

Future 2010 Meetings:	August 20, 2010	November 19, 2010
	September 17, 2010	December 17, 2010
	October 15, 2010	

Legislative Committee Members:

Ted Radke, Chair, Doug Siden, Ayn Wieskamp, John Sutter,
Alternate
Erich Pfuehler, Staff Coordinator

Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sutter Ward 2	Whitney Dotson Ward 1	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
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Distribution/Agenda Only

Afton Crooks
Michael Kelley
Stana Hearne
Peter Rauch
Johan Klehs
Judi Bank

Distribution/Agenda Only

Dan Levy
Pete Wilson
Robert Follrath, Sr.
Fred W. Lopez
Yolande Barial
Bruce Beyaert

Distribution/Full Packet

Board of Directors
Pat O'Brien
Rosemary Cameron
Dave Collins
Bob Doyle
John Escobar

Distribution/Full Packet

Allen Pulido
Carol Johnson
Tyrone Davis
Dave Kalahela
Carol Victor
Ted Radosevich

Distribution/Full Packet

Hulet Hornbeck
Dr. George Manross
Norman LaForce
Glenn Kirby
Di Rosario
Jon King

BOARD LEGISLATIVE COMMITTEE
2009/10 Status of Recommendations

The following is a record of bills that the Board has taken action on.

1. AB 83 (Feuer) Torts: personal liability. (2/2009)
STATUS: 08/06/2009-Chaptered by Secretary of State - Chapter 77, Statutes of 2009
CURRENT LOCATION: **8/6/2009 Assembly-CHAPTERED**

 AB 90 (Adams) Torts: personal liability. (1/22/10)
STATUS: 1/22/10 Failed Deadline pursuant to Rule 61(b) (2). (Last location was 2 YEAR on 6/8/2009).
CURRENT LOCATION: 1/22/2010 Assembly-DEAD

 The Board unanimously voted **support** pending state legislative AB 83 and AB 90. (Resolution #2009-4-105)
CURRENT LOCATION: 6/8/2009 Assembly-2 YEAR
NOTIFIED AUTHOR: **April 24, 2009**
2. AB 1496 (Skinner) Contractors: energy efficiency measures.
STATUS: 1/31/2010 Failed Deadline pursuant to Rule 61(b)(3). (Last location was 2 YEAR ON 6/2/2009)
CURRENT LOCATION: 1/31/2010 Assembly-DEAD
 The Board unanimously voted to **support** pending legislation AB 1496. (Resolution #2009-4-106)
NOTIFIED AUTHOR: **April 24, 2009**
3. AB 521 (De La Torre) Utility property: leases for park purposes. (10/11/2009)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2009.
CURRENT LOCATION: **10/11/2009 Assembly-CHAPTERED**
 The Board unanimously voted to **support** pending legislation AB 521. (Resolution #2009-4-107)
NOTIFIED AUTHOR: **April 24, 2009**
4. AB 979 (Berryhill) Hunting or fishing: local regulation (9/4/2009)
STATUS: 6/1/2010 to inactive file on motion of Senator Harman.
CURRENT LOCATION: 6/1/2010 Senate-INACTIVE FILE
 The Board unanimously voted to **oppose unless amended** pending legislation AB 979. (Resolution #2009-4-107)
NOTIFIED AUTHOR: Letter dated April 8, 2009 to Jared Huffman, Chair, Committee on Water, Parks & Wildlife
5. AB 1084 (Adams) Local planning: development projects: fees (10/11/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 507, Statutes of 2009
CURRENT LOCATION: **10/11/2009 Assembly-CHAPTERED**
 The Board unanimously voted to **oppose unless amended** pending legislation AB 1084. (Resolution #2009-4-107)
NOTIFIED AUTHOR: **N/A**

6. AB 135 (Jeffries) State parks: California Citrus State Historic Park: operating agreement. (8/24/09)
STATUS: 9/4/2009 In committee: Set, first hearing. Hearing canceled at the request of author.
CURRENT LOCATION: 8/25/2009 Senate-Natural Resources & Water
The Board unanimously voted to **support** pending legislation AB 135.
(Resolution #2009-6-167)
NOTIFIED AUTHOR: *June 1, 2009*
7. AB 817 (Nestande) Government liability: special districts: indemnification.
STATUS:5/01/2009)
CURRENT LOCATION: 1/15/2010 Assembly -DEAD
The Board unanimously voted to **support** pending legislation AB 817.
(Resolution #2009-6-168)
NOTIFIED AUTHOR: *June 1, 2009*
8. AB 1464 (Symth) Transportation: California Bicycle Routes of State or Regional Significance Act (8/25/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 396, Statutes of 2009
CURRENT LOCATION: 10/11/2009 Assembly-CHAPTERED
The Board unanimously voted to **support** pending legislation AB 1464.
(Resolution #2009-6-169)
NOTIFIED AUTHOR: *June 1, 2009*
9. SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal. (9/15/09)
STATUS: 10/11/2009 Vetoed by the Governor
CURRENT LOCATION: 10/11/2009 Senate-VETOED
The Board unanimously voted to **support** pending legislation SB 372.
(Resolution #2009-6-172)
NOTIFIED AUTHOR: *June 1, 2009*
10. SB 555 (Kehoe) Eminent Domain Law: conservation easement. (9/15/09)
STATUS: 10/11/2009 Vetoed by the Governor.
CURRENT LOCATION: 10/11/2009 Senate-VETOED
The Board unanimously voted to **support** pending legislation SB 555.
(Resolution #2009-6-173)
NOTIFIED AUTHOR: *June 1, 2009*
11. HR 1044 (Miller) Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 (2/12/09)
STATUS: Received in the Senate and Read twice and referred to the Committee on Armed Services.
CURRENT LOCATION: 7/16/2009 Referred to Senate committee. On Oct. 29, 2009 this was included as part of Defense Authorization and signed into law.
The Board unanimously voted to **support** pending legislation HR 1044.
(Resolution #2009-6-170)
NOTIFIED AUTHOR: *July 6, 2009*

12. HR 1443 (Matsui) The Complete Streets Act (5/15/09)
STATUS: Referred to the Subcommittee on Highways and Transit.
CURRENT LOCATION: 3/12/2009 Referred to House subcommittee.
 The Board unanimously voted to **support** pending legislation HR 1443.
 (Resolution #2009-6-171)
NOTIFIED AUTHOR: *July 6, 2009*
13. ACA 9 (Huffman) Local government bonds: special taxes: voter approval.
STATUS: 1/14/2010 To inactive file on motion of Assembly Member Torrico.
CURRENT LOCATION: 1/14/2010 Assembly-INACTIVE FILE
 The Board unanimously voted to **support** pending legislation ACA 9.
 (Resolution #2009-7-188)
NOTIFIED AUTHOR: *September 22, 2009*
14. S. 866 (Reed) A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.
STATUS: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
CURRENT LOCATION: 4/22/2009 Referred to Senate committee.
- HR 2054 (Sarbanes) To amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.
STATUS: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
CURRENT LOCATION: 6/4/2009 Referred to House subcommittee.
 The Board unanimously voted to **support** pending legislation S. 866 and H.R. 2054.
 (Resolution #2009-7-189)
NOTIFIED AUTHORS: *September 22, 2009*
15. SB 448 (Pavley) California State Safe Harbor Agreement Program Act. (9/10/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 184, Statutes of 2009
CURRENT LOCATION: **10/11/2009 Senate-CHAPTERED**
 The Board unanimously voted to **support** pending legislation SB 448.
 (Resolution #2009-10-275)
NOTIFIED AUTHOR: *October 21, 2009*
16. S. 1469 (Boxer) A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.
STATUS: Read twice and referred to the Committee on Armed Services.
CURRENT LOCATION: 7/16/2009 Referred to Senate committee.
 The Board unanimously voted to **support** pending legislation S 1469.
 (Resolution #2009- 10-274)
NOTIFIED AUTHOR: *October 21, 2009*
17. SB 402 (Wolk) Recycling: California redemption value.
STATUS: 10/11/2009 Vetoed by the Governor.
CURRENT LOCATION: **10/11/2009 Senate-VETOED**
 The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.
NOTIFIED AUTHOR: *N/A*

18. SB 406 (DeSaulnier) Land use: environmental quality.
STATUS: 10/11/2009 Vetoed by the Governor.
CURRENT LOCATION: 10/11/2009 Senate-VETOED
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.
NOTIFIED AUTHOR: N/A
19. AB 1594 (Huber) Sacramento-San Joaquin Delta: peripheral canal.
STATUS: 5/7/2010 Failed Deadline pursuant to Rule 61(b)(6). (Last location was Assembly-Water, Parks & Wildlife).
CURRENT LOCATION: 05/12/2010-Assembly DEAD
The Board unanimously voted to **support** pending legislation AB 1594.
(Resolution #2010-3-078)
NOTIFIED AUTHOR: April 8, 2010
20. S 2747 (Bingaman) The Land and Water Conservation Authorization and Funding Act.
STATUS: 11/6/2009 Referred to Senate committee.
CURRENT LOCATION: Status: Read twice and referred to the Committee on Energy and Natural Resources.
The Board unanimously voted to **support** pending legislation S. 2747.
(Resolution #2010-1-004)
NOTIFIED AUTHOR: January 19, 2010
21. AB 419 (Caballero) Local government: change of organization or reorganization: elections.
STATUS: 7/7/2010 Signed by the Governor
CURRENT LOCATION: 7/7/2010 Assembly-CHAPTERED
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.
(Resolution #2010-3-077)
NOTIFIED AUTHOR: April 8, 2010
22. AB 1805 (Calderon) Environment: California Environmental Quality Act (CEQA)
STATUS: 4/19/10 In committee: Hearing for testimony only.
CURRENT LOCATION: 4/20/10 Assembly-Natural Resources
The Board unanimously voted to **oppose** pending legislation AB 1805.
(Resolution #2010-5-111)
NOTIFIED AUTHOR: N/A
23. HR 4722 (Blumenbauer) Active Community Transportation Act of 2010
STATUS: Referred to the Subcommittee on Highways and Transit.
CURRENT LOCATION: 3/3/2010 Referred to House subcommittee.
The Board unanimously voted to **support** pending legislation HR 4722.
NOTIFIED AUTHOR: May 6, 2010
24. AB 1929 (Hall) Invasive aquatic species: mussels.
STATUS: 6/29/2010- To Consent Calendar
CURRENT LOCATION: 6/29/2010 Senate-CONSENT CALENDAR
The Board unanimously voted to **watch** pending legislation AB 1929.
NOTIFIED AUTHOR: N/A

25. SB 1124 (Negrete) Land conservation: California Wildlife, Coastal, and dPark Land Conservation Act.
STATUS: 6/3/10 In Assembly. Read first time. Held at Desk.
CURRENT LOCATION 6/3/10 Assembly- Desk.
The Board unanimously voted to **watch** pending legislation SB 1124.
NOTIFIED AUTHOR: N/A
26. HR 4722 (Blumenauer) Active Community Transportation Act of 2010.
STATUS: 3/3/10 Referred to the Subcommittee on Highways and Transit.
CURRENT LOCATION 3/3/10 Referred to the Subcommittee on Highways and Transit.
The Board unanimously voted to **support** pending legislation HR 4722.
(Resolution #2010-5-112)
NOTIFIED AUTHOR:
27. S. 554 (Brown) Motorcoach Enhanced Safety Act of 2009.
STATUS: 12/17/03 Referred to Senate Committee on Commerce, Science, and Transportation.
CURRENT LOCATION 12/17/10 Referred to the Senate Committee on Commerce, Science, and transportation.
The Board unanimously voted to **support if modified** pending legislation S. 554.
NOTIFIED AUTHOR:

Updated 7/07/2010

Sacramento Bee

Stuart Leavenworth: A quixotic quiz for pupils of persistently late budgets

By Stuart Leavenworth, Editorial page editor

Published: Sunday, Jul. 11, 2010 - 12:00 am | Page 6E

Last Modified: Sunday, Jul. 11, 2010 - 11:26 am

Although many of you might prefer to forget about the Legislature's history of missing budget deadlines, here's a little quiz to test your memory:

1. In 1990, when [George Deukmejian](#) was governor, the budget was 27 days late, and lawmakers scampered to deflect responsibility. Which of the following comments were made by lawmakers in regard to budget proposals that year?

- A. "Comatose upon conception."
- B. "The sacred cows have come home to roost."
- C. "This budget spits on the people of this republic."
- D. "An insane proposal. It's bizarre, callous, cruel, stupid, Alice-in-Wonderland, immature, un-Christian and un-Jewish."
- E. "Left us with a bag of dog doo on our doorstep, lit it on fire, rang the doorbell and ran away."
- F. All of the above.

2. Bonus points for budget nerds: If you picked "F" above – which is correct – match each quote with the lawmaker who uttered it:

- a. Assemblyman John Vasconcellos, D-Santa Clara
- b. Assemblyman William Baker, R-Danville
- c. Assembly Speaker Willie Brown, D-San Francisco
- d. Sen. Bill Greene, D-Los Angeles
- e. Assembly GOP leader Ross Johnson, R-La Habra

3. In 1991, lawmakers again missed the budget deadline, this time under Gov. [Pete Wilson](#). That prompted Controller Gray Davis to say: "The budget is supposed to be enacted by July 1. And guess what? The budget is late again!"

What did Davis say 11 years later when, as governor in 2002, he signed a budget that was 67 days late?

- A. "I really want to apologize to former Governor Wilson."
- B. "Completing this budget was an arduous and difficult task."

C. "This is bad. I should be recalled for this."

4. In 1992, the budget was again late – by 64 days. Democrats caved by agreeing to a school spending plan written largely by Wilson.

The budget plan prompted one Californian to say: "There is a point where you have to give the terrorist what he asks for."

Who made that comment?

A. Patty Hearst

B. Pete Wilson

C. Delaine Eastin

D. Charles Manson

5. Also in 1992, Wilson endorsed an unsuccessful ballot initiative, Proposition 165, that sought to enhance the governor's power and penalize lawmakers when they failed to pass a budget by the deadline. What were those proposed penalties? A. Public flogging

B. Daily Breathalyzer tests.

C. Being forced to actually read the bills they vote on.

D. Forfeiture of salaries for each day the budget is late.

6. In 1995, when the budget was 20 days late, GOP Sen. Jim Brulte made the following comment:

"I met with the education coalition, I met with a number of people in administration and budget staff. When I was finished and had no other scheduled appointments, I took a short road trip."

Where was that short road trip?

A. Honolulu

B. A San Francisco Giants game

C. Napa to taste a little wine

D. Tahoe to play the tables

7. In 2007, the budget was 52 days late, partly because GOP lawmakers demanded measures to:

A. Let them vote on the budget while smoking cigars at Chops.

B. Let them talk dirty on the floor of their chambers about lobbyists with which they purportedly were having sex.

C. Prevent Attorney General Jerry Brown from suing counties over their land-use plans.

D. Name a state office building after Howard Jarvis.

8. Three of the following four salvos were leveled at the budget in 2008, after lawmakers sent the governor a deal following 81 days of impasse. Which statement is completely fictitious?

- A. Treasurer [Bill Lockyer](#): "The most irresponsible budget of the past half-century."
- B. Gov. Arnold Schwarzenegger: "There's nothing to celebrate."
- C. Republican adviser [Steve Merksamer](#): "I have never seen a budget as awful as this one."
- D. Senate leader [Don Perata](#): "Aw, shucks, it wasn't that bad."

9. To resolve the current budget impasse, which is just 11 days old, state lawmakers are expected to make more deep cuts to social services. What is the sadly appropriate title of the [Hollywood movie](#) in which Schwarzenegger now is making a cameo appearance?

- A. "Terminator"
- B. "The Expendables"
- C. "Collateral Damage"

Answers: 1. F; 2. a:1D, b:1E, c:1A, d:1C, e:1B; 3. B; 4. C; 5. D; 6. D; 7. C; 8. D; 9. B

FYI, if you got all of these answers right, you really need to get a life.

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Contra Costa Times

Property values continue to fall across Contra Costa County

By [Paul Thissen](#)
[Contra Costa Times](#)

Posted: 07/11/2010 05:37:36 PM PDT

Updated: 07/12/2010 11:20:48 AM PDT

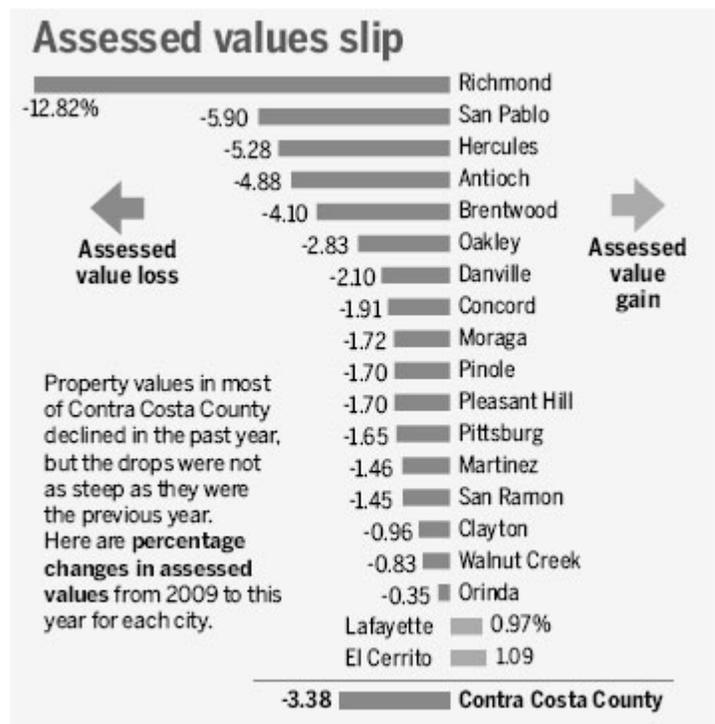
Property values continue to fall across Contra Costa County, but the declines are smaller than some of the steepest drops seen last year, according to newly released county figures.

Average property values across Contra Costa County dropped 3.4 percent in the past year, according to the figures released by Contra Costa County Assessor Gus Kramer.

Richmond saw the biggest drop at 12.8 percent, followed by San Pablo at 5.9 percent, Hercules at 5.3 percent, Antioch at 4.9 percent and Brentwood at 4.1 percent.

Only El Cerrito and Lafayette saw property values rise, 1.1 percent and 1.0 percent, respectively.

"It's not any one thing" prompting the drop, Kramer said. "It's the refineries, it's the large



Source: Contra Costa County Assessor's Office

BAY AREA NEWS GROUP

commercial properties, it's large multifamily properties, it's pockets of small residential properties that have all been hit really, really hard in this past year."

The economy's woes are affecting values across the board, he said. Refinery profit margins are at their lowest in nine years, and strip malls and large commercial buildings "took a beating" from vacancies, Kramer said.

Even in those cities that saw the biggest decline, the worries about reduced revenues were tempered by the knowledge that it could have been worse.

Brentwood, where property values have declined 30 percent in three years, had budgeted for an 8.7 percent decline in property values this year, said business services manager Kerry Breen. So the 4.1

percent decline means the city has an extra \$400,000 cushion against future drops, he said.

"While we're tired of seeing declines "... comparatively, this is a lot better," Breen said. "We're in a better mood this year than we've been in a while."

In Richmond, the city got exactly what it projected — a 12 percent drop. That means values in the city have fallen 30 percent in two years.

"We anticipated terrible and we got terrible," said Richmond City Manager Bill Lindsay.

It is hard for cities to plan budgets when property values keep dropping, Lindsay said. In previous recessions, property tax revenue remained stable even when sales taxes fluctuated.

"We're hoping we're getting toward the bottom," Lindsay said. "We're no different from any other city. We're hoping that real estate values stabilize. It's going to be better for our community when our real estate markets stabilize."

Antioch's 4.9 percent drop was worse than the 3 percent decline the city had projected. But both figures pale in comparison to the 21.7 percent reduction the city saw last year. The additional drop means the city will lose about \$250,000 compared with what it had anticipated.

"It's not going to trigger a dramatic change, but it does tie our hands a little more," Antioch City Manager Jim Jakel said. An example: Antioch will not be able to rescind any of the layoff notices recently sent out for 17.5 positions.

Looking ahead to next year, Kramer said more foreclosures could arise from increasing interest rates on adjustable-rate mortgages from 2005 and 2006, many of which had an interest rate locked in for five years.

"The market this year took a little bit of a breather as far as residential properties," Kramer said. "What we're waiting for is for the other shoe to drop."

Lobbyists making legislators obsolete?

Posted at 09:49 PM on Saturday, Jul. 10, 2010

By Karen de Sa / San Jose Mercury News

SACRAMENTO -- Imagine: At a time when California is lurching from crisis to crisis, a legislator has an idea to make life better. He puts together a bill, gathers support and shepherds it into law.

If only Sacramento worked like that. Instead, it often works like this: A lobbyist has an idea to make life better -- but only for his client. The lobbyist writes the bill, shops for a willing lawmaker to introduce it and lines up the support. The legislator? He has to do little more than show up and vote.

This is the path of the "sponsored bill," a method of lawmaking little noticed outside California's capital but long favored on the inside. In many states lobbyists influence legislators; in California, they have -- quite baldly -- taken center stage in lawmaking.

Although lawmakers in recent years have routinely failed to grapple with health care, the state budget and other matters of public interest, they've managed to do the bidding of the private interests who tout sponsored bills at an impressive clip.

A Mercury News analysis found that in 2007-08, the most recent complete two-year legislative session, more than 1,800 bills -- about 39% of the total -- were sponsored by outside interests. And those sponsored bills made up 60% of legislation passed into law.

This is how plumbing manufacturers ensured that industry-friendly labs -- and not state regulators -- would conduct the testing that determines whether drinking faucets sold in California are lead-free. This is how a Los Angeles County billionaire overcame a legal challenge over whether his plans for a new football stadium violated the state's environmental protection law.

Recalling his first encounters with lobbyists seeking legislative backing for their bills, former Assembly Member Joe Canciamilla said, "It's like being in a Middle Eastern bazaar. You are surrounded by hawkers saying, 'Take this one, no, take this one, no, I've got a better one over here.' The openness of that -- the 'oh yeah, that's the way things are done' attitude -- was the most shocking."

Legislators, continued Pittsburg funeral home director Canciamilla, "are supposed to be the buffer between the interest groups and the public -- and that buffer no longer exists. Now, they're a direct conduit."

The Mercury News analysis, the first ever undertaken of sponsored bills in California, revealed:

Sponsored bills swamp the Legislature. They amounted to 42% of the bills introduced in the Assembly and one-third of the Senate bills.

Profit-seeking bills abound. While advocacy groups, trade associations and government agencies also sponsor legislation, more than 500 of the sponsored bills introduced in the 2007-08 session came from private industries and industry trade groups, often seeking to increase market share, repel regulations or limit lawsuits.

Sponsored bills succeed. Almost half of the 1,883 bills that were sponsored in the last session became law; about 20% of the 2,982 bills that had no listed sponsor became law.

Everybody does it. Out of 122 legislators who served at least partial terms in 2007-08, just one -- Sen. Tom McClintock, R-Thousand Oaks -- refused to introduce any sponsored bills. Democrats introduced more than Republicans, but Republicans introduced a larger percentage of bills sponsored by private interests.

Lobbyists have long been known in California as the Third House, referring to their entrenched status alongside the Legislature's two official houses, the Assembly and Senate. But through interviews with current and former legislators and aides, as well as lobbyists and outside government experts, the Mercury News documented a changed pattern: Today, lobbyists function almost as a shadow legislature, pulling the strings at every turn for short-term lawmakers who have become accustomed to letting private interests monopolize the public debate. At the center of this reality is the sponsored bill.

Maneuvers at midnight

Here is one example of how sponsored bills shape the process of lawmaking -- allowing private agendas to overwhelm the public interest.

In 2007, the Legislature took up a bill to authorize the spending of a \$2.8 billion affordable housing bond approved in a voter referendum. The bill initially sought to ensure that projects would be efficient and geographically diverse, and that they would reduce homelessness.

But at the urging of a lobbyist for the sports and entertainment giant Anschutz Entertainment Group, a different, sponsored version of the bill suddenly appeared -- amid a flurry of bills on the last days of the legislative session. Several legislators whose names were attached to the bill dropped off, leaving only Assembly Speaker Fabian Núñez, D-Los Angeles, as legislative backer of the amended bill. It cleared the Senate after midnight, and the Assembly at 3:26 a.m.

Hugh Bower, the lead staff member of the Assembly Committee on Housing and Community Development, was stunned when the bill came up that night; he had been told the issue was dead. There was such chaos, Bower recalls, that one committee member still thought the next day that the amended bill had died.

What was Anschutz's interest? Its version of the bill allowed some affordable housing funds to be used for parks, landscaping and fancy sidewalks in the neighborhood around the company-owned Staples Center in downtown L.A.

Anschutz insisted its changes would let any "Business Improvement District" -- a specially created association of property owners and government agencies -- apply for the funds. But only the district near the Staples Center did, receiving the maximum award of \$30 million.

Christine Minnehan, director of legislative advocacy for the Western Center on Law and Poverty, lamented the award, saying many affordable housing projects were awarded less than half that amount.

She called the outcome "a theft of public funds, and a deception of the voters."

A California tradition

For as long as anyone now in Sacramento can remember, the California Legislature has identified outside parties pushing bills.

Legislative historians asked by the Mercury News to research the practice say it dates to at least the 1940s.

Officials in some other states, told of California's practice, greeted it as an admirable form of public disclosure.

In Mississippi "there is no mention of groups who support the bill, even if they drafted the bill and requested a legislator to sponsor it," said Barbara Powell, lobbyist for Common Cause Mississippi. Jane Pinsky, director of the North Carolina Coalition for Lobbying & Government Reform, said, "We really have no transparency on who is behind legislation in North Carolina."

But in California, it is quite clear that full disclosure has reinforced the system of sponsorship, legitimizing the influence of special interests.

Where other states, and the U.S. Congress, use the term "sponsor" to mean the legislators who carry the bill, in California the term refers to the outside party; the legislator who introduces the bill is called the "author."

"Author is really a misnomer because the real author is the special interest group," said Keith Richman, a health-care executive and former Republican Assembly member.

Many legislators say they take only ideas and guidance from sponsors, but maintain control over the bill. "Our job is to be deliberative and have our legislative hat on so we can make good judgments," insisted Sen. Leland Yee, D-San Francisco, one of the leading authors of privately sponsored bills.

But dozens of interviews inside and outside the capital reveal that legislators have often surrendered their role. Lobbyists working on behalf of sponsors craft original bill language. They write fact sheets for legislators and their staff.

They even write the speeches lawmakers deliver on the floor extolling bills. "It's common knowledge that the floor statements are written by lobbyists," said lobbyist Jackson Gualco, previously a special assistant to former Assembly Speaker Willie Brown. "Some staff members change it, other times it's word for word."

Lobbyists solicit votes, suggest and evaluate amendments, and seek to win support from the governor's office.

When the legislator who introduced the bill goes to committee hearings to present and defend the proposed legislation, the lobbyists and sponsors typically sit alongside, and often commandeer the proceedings.

Some observers argue these private interest bills do, ultimately, benefit at least a portion of the public. Thad Kousser, associate professor of political science at UC San Diego, said legislators who introduce sponsored bills on behalf of industries are doing exactly what they are sent to Sacramento to do: represent the interests of their district. "What better way," he asked, to help "the employers of their constituents?"

But former state senator McClintock, the sole legislator who did not introduce a single sponsored bill in the last session, argues that constituents' interests have little to do with it. McClintock, now a congressman, said: "It's a general rule that sponsors are bureaucracies seeking more power, or companies seeking more money."

Everyone's a sponsor

As the influence of lobbyists has grown, plenty of groups, in addition to private companies and industry organizations, have taken up sponsoring bills.

Unions do it. Government agencies do it. Environmental groups do it. "We sponsor bills and I'm very proud of them," said Sierra Club California director Bill Magavern. The Sierra Club, for instance, was co-sponsor of a bill that revamped the process for recycling and disposing of mercury-tainted thermostats.

"There's nothing wrong with sponsored bills conceptually," said Assembly Member Jared Huffman, D-San Rafael, who introduced 25 sponsored bills last session, seven of them sponsored by private interests. "There are lots of sponsors from the Sierra Club to the oil and gas industry -- and everyone in between who think up good ideas and bring them to legislators every year."

Huffman is one of many legislators who argue that not all sponsored bills are created evil. But even if liberals might applaud sponsored environmental legislation, and conservatives might cheer bills from the California District Attorneys Association, government experts say these efforts have the same problems as more brazen legislation.

"It's undemocratic to have interest groups writing legislation," said Dorie Apollonio, assistant professor at UC San Francisco's School of Pharmacy and an expert on influence peddling. "If we're unhappy with what

legislators are doing, we throw the bums out," she said, in contrast to lobbyists who do not answer to the public.

San Jose Mercury News

Sixty percent of laws approved during a two-year period were sponsored by outside interests

[By Karen de Sá San Jose Mercury News](#)

Posted: 07/10/2010 05:44:49 PM PDT

Updated: 07/10/2010 11:12:40 PM PDT



Assembly member Mary Hayashi (D-Hayward) talks to Kelly Jensen, a lobbyist for Sloat Higgins Jensen and Associates, outside of the Assembly Chamber on June 1, 2010, in the State Capitol. Sloat Higgins Jensen and Associates represents major corporate clients including Verizon Wireless, the San Francisco Forty-Niners and Anheuser-Busch. (Dai Sugano/Mercury News)

CAPITOL STRINGS

[See which California lawmakers carried bills sponsored by special interests](#)

[Sponsored bills: methodology and glossary](#)

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Imagine: At a time when California is lurching from crisis to crisis, a legislator has an idea to make life better. He writes a bill, gathers support and shepherds it into law.

If only Sacramento worked like that.

Instead, it often works like this:

A lobbyist has an idea to make life better - mainly for his client. The lobbyist writes the bill, shops for a lawmaker willing to introduce it and lines up the support. The legislator has to do little more than show up and vote.

Such is the path of the "sponsored bill," a method of lawmaking little noticed outside California's capital but long favored in the halls of the Legislature.

In many states lobbyists influence legislators. In California, they have - quite baldly - taken center stage in lawmaking.

And while lawmakers in recent years have routinely failed to grapple with health care, the state budget and other matters of public interest, they've managed to do the bidding of the private interests who tout sponsored bills at an impressive clip.

A Mercury News analysis found that in 2007-2008, the most recent complete two-year legislative session, more than 1,800 bills - about 39 percent - were sponsored by outside interests. Those sponsored bills comprised 60 percent of the legislation actually passed into law.

This is how plumbing manufacturers ensured that they, and not state regulators, would conduct the tests that determine whether drinking faucets sold in California are lead-free.

This is how a Los Angeles County billionaire crushed a legal challenge to his plans for a new football stadium.

"It's like being in a Middle Eastern bazaar," said former Assemblyman Joe Canciamilla, who represented the Bay Area city of Pittsburg from 2000-06.

"You are surrounded by hawkers saying, 'Take this one,' 'No, take this one,' 'No, I've got a better one over here.'

"The openness of that - the 'Oh yeah, that's the way things are done' attitude - was the most shocking."

Legislators are supposed to be the buffer between the interest groups and the public, but that buffer no longer exists, Canciamilla said.

"Now, they're a direct conduit."

The Mercury News analysis, the first ever undertaken of sponsored bills in California, revealed:

Sponsored bills swamp the Legislature. They amounted to 42 percent of those introduced in the Assembly and a third of those in the Senate.

Profit-seeking bills abound. While advocacy groups, trade associations and government agencies also sponsor legislation, more than 500 of the sponsored bills introduced in the 2007-08 session came from private industry and trade groups. Many sought to increase market share, repel regulations or limit lawsuits.

Sponsored bills succeed. Almost half of the 1,883 bills that were sponsored in the last session became law. Roughly one in five of the 2,982 bills that had no listed sponsor became law.

Everybody does it. Of 122 legislators who served at least partial terms in 2007-2008, only former Sen. Tom McClintock, R-Thousand Oaks, refused to introduce sponsored bills. Democrats introduced more sponsored bills than Republicans, but Republicans introduced a larger percentage of bills sponsored by private interests.

Shadow Legislature

Lobbyists have long been known in California as the Third House, referring to their entrenched status alongside the Legislature's two official houses, the Assembly and Senate.

But through interviews with current and former legislators and aides, as well as lobbyists and outside government experts, the Mercury News documented a changed pattern: Lobbyists function almost as a shadow Legislature, pulling the strings at every turn for short-term lawmakers who have become accustomed to letting private interests monopolize the public debate.

And at the center of this reality is the sponsored bill.

"You don't learn this in American civics class," said Derek Cressman, a regional director for the nonpartisan group Common Cause. "You don't learn that some interest group drafts this and gives it to a legislator along with a contribution and says: 'We would like a law

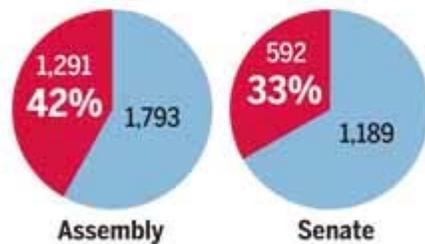
Sponsored bills becoming the norm

Sponsored bills — those written and often shepherded to passage by special interests, with the aid of a friendly lawmaker — are fast becoming commonplace in Sacramento. And they are more likely to pass than bills written by lawmakers — in fact, a majority of all bills that now pass in Sacramento are sponsored bills.

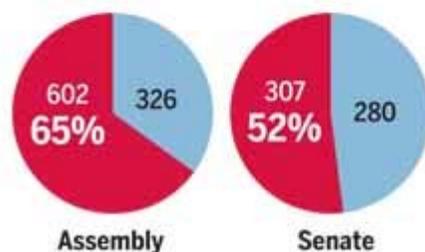
■ Sponsored bills
■ Nonsponsored bills

Share of all bills introduced

2007-08



Share of all bills that became law



Sources: Mercury News analysis of California legislation; www.leginfo.ca.gov/index.html

MERCURY NEWS

introduced."

As a result, Cressman said, "Organizations with deep financial pockets can present their issues to the Legislature. Those that don't are, in essence, invisible."

James Wedick goes further.

Now retired, Wedick was the lead undercover FBI agent who established a phony shrimp processing company in California in 1985, then documented lawmakers taking bribes to support a sponsored bill crafted to help his business.

While five legislators went to prison for their role in what was dubbed Srimpscam, Wedick said the sting had little long-term effect in stemming the use of sponsored bills.

"It's been going on forever and it lends itself to corrupting the whole process," he said. "The whole process has been hijacked."

Maneuvers at midnight

Here's one example of how sponsored bills hijack the process of lawmaking:

In 2007, the Legislature took up a bill to authorize the spending of a \$2.8 billion affordable housing bond approved in a voter referendum. The bill initially sought to ensure that projects would be efficient and geographically diverse, and that they would reduce homelessness.

But at the urging of a lobbyist for Anschutz Entertainment Group - the sports and entertainment giant that owns Staples Center - a different, sponsored version of the bill appeared in the closing days of the session.

Several legislators whose names were attached to the bill dropped off, leaving only Assembly Speaker Fabian Nu ez, D-Los Angeles, as sponsor of the amended bill.

It cleared the Senate after midnight, and the Assembly at 3:26 a.m., among the flurry of bills passed at the end of session. Hugh Bower, the lead staff member of the Assembly Committee on Housing and Community Development, was stunned when the bill came up that night. He had been told the issue was dead.

There was such chaos, Bower recalls, that one committee member still thought the next day that the amended bill had died.

What was Anschutz's interest? Its version of the bill allowed some affordable housing funds to be used for parks, landscaping and fancy sidewalks in the neighborhood around Staples.

Anschutz insisted its changes would let any "Business Improvement District" - a specially-created association of property owners and government agencies - apply for the funds. But only the district near the Staples Center did, receiving the maximum award of \$30 million, according to state housing officials.

Christine Minnehan, director of legislative advocacy for the Western Center on Law and Poverty, lamented the award, saying many affordable housing projects were awarded less than half that amount. She called the outcome "a theft of public funds, and a deception of the voters."

A California tradition

For as long as anyone now in Sacramento can remember, the California Legislature has identified outside parties that work to push through bills. Legislative historians say the practice dates back to at least the 1940s.

Officials in some other states, told of California's practice, greeted it as an admirable form of public disclosure.

In Mississippi "there is no mention of groups who support the bill, even if they drafted the bill and requested a legislator to sponsor it," said Barbara Powell, lobbyist for Common Cause Mississippi. Jane Pinsky, director of the North Carolina Coalition for Lobbying & Government Reform, said, "We really have no transparency on who is behind legislation in North Carolina."

But in California, it is quite clear that full disclosure has reinforced the system of sponsorship, legitimizing the influence of special interests.

Where other states and the U.S. Congress use the term "sponsor" to mean the legislators who carry the bill, in California the term refers to the outside party; the legislator who introduces the bill is called the "author."

"Author is really a misnomer because the real author is the special interest group," said former Assemblyman Keith Richman, R-Granada Hills. "Essentially, the legislators are simply prostituting."

Many legislators say they take only ideas and guidance from sponsors, but maintain control over the bill. "Our job is to be deliberative and have our legislative hat on so we can make good judgments," insisted Sen. Leland Yee, D-San Francisco, one of the leading authors of privately sponsored bills.

But dozens of interviews inside and outside the Capitol reveal that legislators have often surrendered their role.

Lobbyists working on behalf of sponsors craft original bill language, write fact sheets for legislators and their staffs and may even write lawmakers' speeches.

"It's common knowledge that the floor statements are written by lobbyists," said lobbyist Jackson Gualco, previously a special assistant to former Assembly Speaker Willie Brown Jr. "Some staff members change it, other times it's word for word."

Lobbyists solicit votes, suggest and evaluate amendments, and seek to win support from the governor's office.

When the legislator who introduced the bill goes to committee hearings to present and defend the proposed legislation, the lobbyist-sponsors typically sit alongside, and often commandeer the proceedings.

The legislator "may get a question that he's not prepared for because he's not as knowledgeable about the issue as I am," explained one lobbyist who represents many private interests. "I may nudge his knee a bit or lift my left hand up on the table rather than having him answer a question incorrectly."

Commonly, the lobbyist added, he lets the legislator know "I'd like to answer the questions."

The Mercury News identified outside sponsors for 39 percent of bills introduced in the last session. But that does not capture the complete number.

Official disclosure of the sponsors is left to the legislative committees and their staffs, and while most analyses explicitly list the sponsors, some do not.

The Senate Local Government Committee, for example, has a long-standing practice of not listing sponsors. And sometimes - even when a bill clearly benefits a private party - legislators describe the ideas as their own.

That was the case with Senate Bill 43, introduced last July by Sen. Elaine Alquist, D-Santa Clara, to assist the San Francisco 49ers in their effort to build a \$937 million publicly subsidized football stadium in Santa Clara.

The team was frustrated that the city's charter required them to put the contract to build the stadium out for competitive bid. Alquist's bill exempted the stadium from the bid mandate.

Alquist said she came up with the idea herself, but that surprised some local officials,

"It's hard for me to believe the 49ers didn't go in and ask for this bill," said council member William Kennedy, a stadium opponent. What's more, city staff said the team had mentioned during negotiations that it might turn to the Legislature for help.

"I have no idea what the 49ers said to people at City Hall," Alquist said, explaining that she simply wanted to help expedite the process. "I had nothing to do with that."

Whatever the bill's origin, the 49ers became the driving force. The team spent \$73,779 on lobbyists who schmoozed the governor and the Legislature on the bill, according to Secretary of State reports. The bill sailed through both houses, although legislative staffers cautioned of "a bad precedent," noting that 125-year-old "competitive bidding requirements exist to prevent favoritism, corruption, and waste of public money."

Help for the 49ers Big winners

Outside sponsorship breeds success; sponsored bills are far more likely than bills without sponsors to become law.

In the Mercury News analysis, almost half of all the bills sponsored by businesses and industry groups ended up signed by the governor - a far higher percentage than bills with no sponsor.

During the 2007-2008 legislative session, 177 of the 347 sponsored bills introduced in the Assembly - 51 percent - were passed into law. By comparison, 326 of 1,793 bills introduced in the Assembly that had no sponsor - or 18 percent - became law.

On the Senate side, about 43 percent of the sponsored bills became law, compared with 24 percent introduced without special-interest backing.

Peter Detwiler, who has directed the Senate Local Government Committee for 28 years - making him one of Sacramento's most seasoned bill analysts - said the findings demonstrate the power that outsiders have gained because of laws limiting lawmakers' terms.

"In a term-limited legislative environment, the attention goes to those who can focus attention narrowly on a topic or interest," Detwiler said.

Private vs. public

The narrow purpose of a sponsored bill is rarely a secret in the Capitol.

A committee analysis, written by legislative staff, often bluntly notes that the legislation has a private rather than public benefit. While those warnings may help to defeat the bills, other times legislators approve them - and insist they have done the right thing.

During the 2007-08 session, the PowerFlare Corp. of Atherton, sponsored a bill requiring that electronic roadside beacons replace all standard flares in use by the California Highway Patrol.

While the measure was pitched as a way to enhance motorists' safety, the analysis noted that it would "significantly increase demand for electronic beacons, which are manufactured by the sponsor of the bill," and the taxpayer cost of replacing flares with beacons would be high.

The bill died in committee.

When MySpace sponsored a bill bolstering its ability to prevent individuals with certain criminal records from using its site, it extolled the legislation as a way to keep children safe from sexual predators on the Internet. But nestled in the bill was a provision that would have given the online social networking site broad immunity from legal liability to anyone whose access had been restricted.

A committee analyst wrote that the bill "raises troubling issues of manipulation of the legislative process to protect the financial and business interests of corporate entities, under the thin guise of providing additional tools to law enforcement." The bill passed the Assembly, but later died in the Senate.

When the Plumbing Manufacturers Institute sponsored a bill providing an industry-controlled system for testing drinking faucets and fountains, it promised the system would better protect Californians from lead in their drinking water.

But a committee consultant characterized the plumbing group's intention as "a not-so-subtle process for subverting what legislators thought they were enacting" - a way to protect the public from a harmful chemical.

Despite protests from more than 50 public health and consumer organizations, the bill was signed into law in September 2008.

Sen. Ron Calderon, D-Montebello, who introduced the bill, said in an interview he has "no concerns" with the industry overseeing testing.

"As a matter of fact, I believe the problem with regulatory boards in general is that they don't recruit or appoint enough people from the industry that they regulate."

Calderon received \$13,900 from the institute and member faucet makers during the 2007-2008 term.

Some observers argue these private interest bills do, ultimately, benefit at least a portion of the public.

Thad Kousser, associate professor of political science at UC San Diego, says legislators who introduce sponsored bills on behalf of industries are simply representing the interests of their district.

"What better way," he asks, to help "the employers of their constituents?"

But former state Sen. McClintock, the sole legislator who on principle did not introduce a single sponsored bill, argues that constituents' interests have little to do with it.

"It's a general rule that sponsors are bureaucracies seeking more power, or companies seeking more money," said McClintock, who is now serving in Congress.

Critics complain that many of the proposed laws are harmful even when they fail because they further clog an overloaded Legislature.

Senate President Pro Tem Darrell Steinberg said in a speech this session that the state has become a "bill factory," with too many unnecessary bills proposed and too little analysis of the impact of bills already passed.

Treasurer Bill Lockyer, a former legislator, put it more bluntly at one recent hearing: "There's too much junk."

Everyone's a sponsor

Unions, environmental organizations and even government agencies have joined the list of groups seeking to sponsor legislation.

"We sponsor bills and I'm very proud of them," said Bill Magavern, director of Sierra Club California, which co-sponsored a bill that revamped the process for recycling and disposing of mercury-tainted thermostats.

Assemblyman Jared Huffman, D-San Rafael, is among legislators who argue that not all sponsored bills are created evil. He introduced 25 sponsored bills last session, seven by private interests.

"There's nothing wrong with sponsored bills conceptually," Huffman said. "There are lots of sponsors from the Sierra Club to the oil and gas industry - and everyone in between - who think up good ideas and bring them to legislators every year."

But even if liberals might applaud sponsored environmental legislation, and conservatives might cheer bills from the California District Attorneys Association, government experts say these efforts have the same problems as the more brazen pursuits of AEG.

Lawmaking is supposed to involve a balancing of competing interests in the public good: Make the regulation tight enough to protect the environment, for example, but not so tight that it squelches economic activity. But when an interest group writes a bill, there is no such balance. Only its interest is represented.

"It's undemocratic to have interest groups writing legislation," said Dorie Apollonio, assistant professor at UC San Francisco's School of Pharmacy and an expert on influence peddling.

While lobbyists are not accountable to voters, she said, "if we're unhappy with what legislators are doing, we throw the bums out."

But in Sacramento today, some legislators say they've become dependent upon the role assumed by lobbyists.

When Mark Leno, D-San Francisco, carried a bill last year to ban the use of toxic flame retardants in children's products, he faced opposition from the powerful American Chemical Council. The help of bill sponsor Friends of the Earth was critical, he said.

"The chemical industry lobbyists can be in 10 member offices simultaneously while I'm going to offices one at a time," he said. "So a lot of it comes down to math - a good sponsor is of value."

Other legislators depend on sponsors for technical support as well as political skills.

And so the Sierra Club's Magavern finds himself crafting bill language, providing legislators' talking points and cajoling support for votes - not out of preference, but out of necessity.

"There are still are some staffers that do some of that, but that number has declined," Magavern added. "More and more, sponsors are expected to do most of the work."

Mercury News news research director Leigh Poitinger, former staff writer Edwin Garcia and intern Sarah Yokubaitis contributed to this report.

July 6, 2010

What's next for the water bond?

By Dan Walters

It appears certain that the \$11.1 billion water bond, the centerpiece of a historic water policy agreement championed by Gov. Arnold Schwarzenegger, will be removed from the November ballot.

Concerned that the bond measure would be rejected by angry, recession-battered voters, Schwarzenegger and the Legislature's water policy leaders agreed last week that it should be postponed at least until the 2012 election - much as an earlier high-speed rail bond issue was postponed until it could win passage.

It is, however, not quite that simple. The effect of postponement would be to take Schwarzenegger out of the equation since his stint as governor will end in six months. And the water deal's critics are already demanding that postponement should include a rewrite, which could mean prolonged wrangling or utter collapse.

As written now, the bond measure is a typical product of legislative deal-making, which means it forgoes logic and equity in favor of political expediency.

It's loaded with unconscionable pork - such as a quarter-billion dollars for Schwarzenegger's pal, billionaire Warren Buffett, to underwrite removal of dams on the Klamath River that have absolutely no connection to California's water supply.

Even more importantly, it would use general obligation bonds to finance water projects that should be financed with revenue bonds repaid by those who receive the benefits, not by a deficit-riddled state budget.

It is another test - not unlike the budget, in fact - of Capitol politicians' ability to deal with serious issues without resorting to trickery and payoffs. Would it be possible for Schwarzenegger or his successor, plus the Legislature, to write a water measure that addresses the state's very real water problems but also does so equitably and logically?

The answer, unfortunately, may be no. One reason is that California's decades-long water debate is not really over water but over controlling land use, pitting development advocates against those who want to stop, slow or change development patterns.

That's why there's been a deep split among environmental groups over the current deal, between those truly interested in the water supply and the environmental health of the Sacramento-San Joaquin Delta and those who see land-use policy as the chief issue.

If a do-over on the bond issue is politically impossible, however, where does that leave the elements of the water deal that have already been enacted, such as a vast change in the governance structure of the Delta?

Perhaps, as it were, up the creek without a paddle, unable to move without bond money to lubricate the process.

This may be another of those made-in-California political knots that cannot be untangled because the political structure demands a level of trust and accord that the issue itself, by its nature, renders impossible.

Schwarzenegger orders minimum wage for workers

Wyatt Buchanan, Chronicle Sacramento Bureau

Friday, July 2, 2010



(07-02) 04:00 PDT Sacramento - --

Gov. Arnold Schwarzenegger has ordered the state controller to cut the pay for most state workers to the federal minimum wage of \$7.25 per hour due to the lack of a budget being in place by the start of the fiscal year, which began Thursday.

The governor was expected to make that order, which affects about 200,000 state workers, though the timing was uncertain.

State workers who experience pay cuts would be reimbursed once a state budget is in place. Most state employees are paid monthly at the end of the month, so if a budget is in place before the end of July, they would not receive a reduced paycheck.

Administration officials maintain they are required by law to reduce worker pay in the absence of a budget.

In a letter to Controller John Chiang, Debbie Endsley, the director of the Department of Personnel Administration wrote, "Today is July 1, 2010, and there is no state budget. Regrettably, we must take the steps ... to adjust wages and salaries during this budget impasse."

The administration made a similar order in 2008, but Schwarzenegger waited until the end of July to do so. Chiang defied that order and was sued by Schwarzenegger, but the budget impasse was resolved before a judge made a ruling in favor of the governor.

Chiang appealed the judge's decision and oral arguments were heard last week. A subsequent decision could still be appealed to the state Supreme Court. The administration has argued that it is bound by law to slash pay to the federal minimum wage without a spending plan in place, while Chiang has countered that doing so is actually a violation of the law.

In response to the administration's actions Thursday, Chiang released a statement saying he would not comply with the request until the courts make a final ruling and calling Schwarzenegger's order "political tricks."

"Because of the limits of the state's payroll system, there is no way that his order can be accomplished without violating the state Constitution and the federal Fair Labor Standards Act," Chiang said in a statement. "In short, his demands will do nothing to solve the budget deficit, but will hurt taxpayers by exposing the state to billions of dollars in penalties for those violations."

Six public employee unions that represent about 37,000 workers would be excluded because they have agreed to contract concessions that gave them an exemption from such an order. However, those contracts have yet to be approved by the union membership or the Legislature.

In her letter, Endsley wrote, "We anticipate passage of a continuous appropriation (from the Legislature) for these bargaining units before the end of the month."

Assembly Speaker John Pérez, D-Los Angeles, said he was "deeply disappointed" by Schwarzenegger's order.

"This is not a realistic proposal to save the state cash any more than his budget plan, which kills 430,000 jobs, is a realistic proposal to close our deficit," he said in a released statement. "Using working families as leverage is not the kind of leadership we need to get through this budget process."

The state's largest public employee union, SEIU Local 1000, along with the union representing prison guards, have yet to reach agreement on contracts. An SEIU spokesman could not be reached for comment.

SFGate.com

Environmental issues, pot legalization on ballot

Wyatt Buchanan, Chronicle Sacramento Bureau

Friday, June 25, 2010

(06-25) 04:00 PDT Sacramento - --

The secretary of state on Thursday certified 10 ballot measures voters will consider in November, and among them are proposals that would significantly change California's drug and environmental policies.

Those measures call for legalizing marijuana for adult recreational use, spending big to overhaul the state's water system and suspending efforts to lower greenhouse gas emissions.

Several of the other measures that made the Thursday certification deadline and will appear on the ballot are related to the economic turmoil in the state or the state's budget. Those measures call for:

- An additional \$18 vehicle registration fee to pay for state parks.
- Blocking lawmakers at the Capitol from raiding funds for local government services, community redevelopment projects and transportation projects and services. The Legislature has taken those funds in previous years to balance the budget.
- Repealing corporate tax breaks that were part of the budget negotiations in 2008 and 2009.
- Lowering the threshold for the Legislature to pass a budget from two-thirds to a simple majority.
- Increasing the threshold to two-thirds for the Legislature and local jurisdictions to raise levies, charges and taxes that currently require a majority vote.
- Eliminating the state commission on redistricting and transferring that authority to elected state representatives.

A competing measure would put the power of drawing congressional districts in the state under the purview of the redistricting commission created by a ballot initiative in 2008.

Dozens failed

Dozens of proposed initiatives failed to gain enough signatures of registered voters to qualify or were not submitted in time to meet Thursday's deadline.

The number of ballot measures is similar to recent major elections. In November 2008, voters decided 12 measures, and 13 were on the ballot in November 2006.

Jason McDaniel, an assistant professor of political science at San Francisco State University, said many of the measures that qualified are contradictory and are attempts to adjust previous measures passed at the ballot box. He described it as voter "schizophrenia."

"We're reaping the reward now of the last several decades of government by ballot initiative," he said.

McDaniel also said that because the ballot won't feature measures like same-sex marriage, immigration or parental notification for abortions, the measures themselves are unlikely to motivate people to vote.

"There's no big issue. Usually there's a culture war issue on the ballot that drives" voters, McDaniel said. He said he believes the initiative that would legalize adult recreational use and growth of marijuana under state law does not fit the mold of a "culture war" issue because "it's much more of an accepted idea the war on drugs is not exactly a smashing success."

That measure probably will garner much attention, though, as it would put California on the cutting edge of marijuana regulation worldwide. It is opposed largely by law enforcement groups, though some public safety officials support it.

Another hotly debated measure probably will be the proposal to suspend the state's landmark greenhouse gas reduction law, AB32, until unemployment in the state falls to 5.5 percent over a year. California's unemployment rate currently is 12.4 percent.

AB32 requires that the state reduce its greenhouse gas emissions to 1990 levels by 2020 and is viewed as a major piece of Gov. Arnold Schwarzenegger's legacy. Proponents of the measure to suspend the law argue that implementing the regulations will harm the state's economic recovery, while opponents say it is a veiled attempt to kill the regulation and damage California's emerging green technology industry.

The governor is a major proponent of another ballot measure - the \$11 billion bond to pay for the overhaul of the state's water infrastructure. The Legislature placed the bond on the ballot as part of a package of water-related bills that were passed in November.

Critical need claimed

Proponents of the measure argue that it is critically necessary to fix California's aging and overburdened water system, while opponents say the overhaul is overpriced and will come at the expense of other critical state services, including schools. With interest, the bond ultimately would cost the state \$22 billion and would be paid out of the general fund.

Those supporting and opposing these measures already have raised millions of dollars for their efforts. The top money-getter so far is the effort to suspend AB32, which has raised more than \$3 million, most of it coming from the oil industry, according to the secretary of state. Opponents have raised about half of that.

Efforts to bar the state from raiding local funds and to give the role of redrawing congressional districts to a citizens' commission also have each raised more than \$3 million.

Gary Jacobson, a political science professor at UC San Diego, said big spending in other races like the gubernatorial and U.S. Senate contests could affect how much voters hear about ballot measures.

"There's going to be competition for advertising spots, especially in the last month of the campaign," Jacobson said. "I think you're going to have saturation, and it may be that the propositions are squeezed out."

Contra Costa Times

Vorderbrueggen: East Bay races deliver surprises

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 06/13/2010 01:08:00 AM PDT

The statewide primary election results played out pretty much the way pollsters and pundits predicted.

But conventional wisdom is, well, so conventional. Here is a rundown of East Bay election results that defied expectations:

Conventional wisdom: District attorney candidate Dan O'Malley had the cash and the seal of approval from the incumbent and almost every single law enforcement organization in the county. Surely, he'll beat his two opponents.

What happened: Mark Peterson whopped him. He beat O'Malley by 11 points and received nearly enough votes to avoid a Nov. 2 runoff. Peterson prevailed in every Contra Costa city except Lafayette.

Though O'Malley leaned on his long endorsement list and a well-deserved, nice-guy reputation, Peterson, a veteran prosecutor, delivered a simple message that voters liked: "I have put away bad guys for 25 years. Elect me."

Conventional wisdom: Assessor Gus Kramer will be forced into a runoff, probably against John T. Nejedly, the only one of the three challengers with any name recognition in the county.

What happened: Kramer won re-election with 55.5 percent of the vote.

None of Kramer's opponents raised anywhere close to enough money to capitalize on the incumbent's spate of bad press, including a series of news accounts of a former assessor employee's lawsuit and allegations of misuse of his office.

And news that two of the challengers — Nejedly and Bob Brooks — had routinely failed to pay their property taxes sealed their fates.

Conventional wisdom: Cash-strapped voters are fed up with higher taxes and are bound to reject parcel tax measures for the Mt. Diablo and West Contra Costa school districts.

What happened: Both passed by healthy margins — 62 percent in West Contra Costa, 60 percent in Mt. Diablo.

Voters may not like taxes in general but when you ask them to pay more for the services they want — like schools — they open their wallets.

Conventional wisdom: Brentwood voters will pass Measure F, an urban limit line expansion. After all, the landowners spent a wad on campaign signs, ads and mailers, while the opponents had a Facebook page and a fraction of the money.

What happened: It bombed, losing by 15 percentage points.

Measure F campaign architect Tom Koch told a Times reporter that voters were "confused" despite proponents' \$280,000-plus campaign intended to educate them.

They weren't confused.

They didn't like it. They didn't like the big-bucks campaign barrage. They didn't like proponents' threat of an Antioch raid on control of the property.

And they especially didn't like being told they were "confused."

GOT POLITICS?: Read the Political Blotter at www.ibabuzz.com/politics.

- The American Independent Party nominee in the 10th Congressional District, Jerry Denham, passes away. The party selects El Cerrito biofuels consultant Vincent May as its replacement nominee.
- Watch Orinda residents complain about the sheer hell of living with excessive leaf blower noise. Ah, the horrors of life in the suburbs.
- Rep. George Miller, D-Martinez, proposes the conversion of the former Mare Island military base into a park.

AND FINALLY: When Brentwood voters received a pro-Measure F e-mail Monday, opponents were furious to see the sender listed as Kramer.

But Kramer didn't do it.

He couldn't have sent it. Seriously. He can barely operate his cell phone.

It was human error, said Measure F spokesman Tom Koch. He says Antioch political consultant Dan Lee, who was hired to send out Measure F e-mails, mistakenly used Kramer's campaign e-mail address.

Or, perhaps Lee was "confused"?

Contact Lisa Vorderbrueggen at 925-945-4773, lvorderbrueggen@bayareanewsgroup.com, www.ibabuzz.com/politics or at [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

TO: Board Legislative Committee
(Chair Ted Radke, Doug Siden, Ayn Wieskamp and Alternate John Sutter)

FROM: Pat O'Brien, General Manager
Erich Pfuehler, Legislative Administrative Manager

SUBJECT: Board Legislative Committee Meeting
WHEN: Friday, July 16, 12:45 p.m.
Lunch will be served

WHERE: Board Room, Peralta Oaks

Items to be discussed:

- I. STATE LEGISLATION/ISSUES
A. NEW
a. PROPOSED LEGISLATION N/A

B. ISSUES

a. State Budget Update

The beginning of the fiscal year started on July 1st without any real negotiations toward resolving the \$19.1 billion budget deficit. Legislators and the Governor have seemingly felt little pressure to pass a budget quickly. It would appear the state has essentially accustomed itself to tardy budgets. A series of court rulings over the years have ensured that most services will continue uninterrupted and roughly 95% of California's July bills will still be paid on time despite the lack of a spending plan.

The depth of the deficit – about a fifth of the general fund – severely limits the options if no new revenues are generated. The Governor has proposed dismantling parts of the social safety net, including welfare and day care for 142,000 low-income children. Democrats have countered with tax-hike proposals that are non-starters with Republicans. The Governor ordered most state workers' pay cut to \$7.25 an hour, the federal minimum wage, on July 1st. An appeals court affirmed his authority to do so. Controller John Chiang stated he believed the Governor "is trying to jam the legislators to act." For now, the Controller seems intent to continue to pay state workers' their normal salaries. The Governor has filed another lawsuit against the Controller, so stay tuned.

The Governor has also indicated he will hold out on signing a budget until he gets changes in the pension system which likely means some concessions from the Service Employees International Union (SEIU). Such a showdown could play out until the end of the year, thus leaving the deficit challenge to the next Governor and next group of legislators.

Democrats have come together on a plan which includes proposals to create a new tax on oil production and roll back about \$2 billion in tax breaks for corporations set

to go into effect this fiscal year. The proposal calls for a series of “one-time solutions” which is likely to include billions in new borrowing. For example, borrowing revenue from recyclable bottles for the general fund.

Estimates show the state could begin to run out of cash in September, an occurrence which could kick start negotiations. With the precedent of IOUs being issued last summer, even the threat of running out of cash may ring hollow.

An additional impact of an overdue budget is that it puts California’s already challenged credit rating at risk of another downgrade from Wall Street, which could push up interested rates on loans the state needs and make California bonds a less favorable investment option.

To date, there is no serious discussion about taking money from local governments or invoking Prop. 1A again. Senator Denise Moreno Ducheny (Chair of the Senate Budget Committee) has mentioned the “whole state – local relationship is messed up” and suggested dusting off old proposals. Others have talked more openly about devolving some state services to the county level, so the District needs to remain on guard.

b. Qualified Ballot Measures

Proposition 18: Safe, Clean and Reliable Drinking Water Supply Act of 2010 – while the water bond has qualified for the ballot it has now been pulled.

Proposition 19: Changes California Law to Legalize Marijuana and Allow it to be Regulated and Taxed – would allow people 21 years or older to possess, cultivate or transport marijuana for personal use. It would tax it to benefit state and local government revenues.

Proposition 20: Redistricting of Congressional Districts – would give the 14-member redistricting commission the authority to draw new lines for Congressional districts (if passed, it could draw a Federal Constitutional challenge). Currently, the Commission is only authorized to redraw state legislative districts.

Proposition 21: Establishes \$18 annual vehicle license surcharge to help fund state parks and wildlife programs and grants free admission to all state parks to surcharged vehicles – if passed this measure would raise about \$500 million for state parks and wildlife programs which would allow them to complete deferred maintenance projects and have a functional general operating budget. A legislative informational hearing is likely and the District intends to participate with regard to the state parks operated by the District.

Proposition 22: Prohibits the state from taking funds used for transportation or local government projects and services – the state would no longer be able to shift, take, borrow or restrict the use of local government tax revenue. Often referred to the “son of Prop. 1A,” this proposition would provide more assurance to local governments that their revenues will be protected.

Proposition 23: Suspends air pollution control laws requiring major polluters to report and reduce greenhouse gas emissions that cause global warming until unemployment drops below specified level for a full year – this essentially suspends AB 32, the ground-breaking climate change law passed in 2006.

Proposition 24: Repeals recent legislation that would allow businesses to carry back losses, share tax credits and use a sales-based income calculation to lower taxable income – this would repeal the business tax breaks enacted as part of last year’s budget compromise.

Proposition 25: Changes legislative vote requirement to pass a budget from two-thirds to simple majority. Retains two-thirds vote requirement for taxes. The “stick” part of this initiative is it would permanently forfeit the pay for all members of the legislature for every day the budget is delayed after the June 15th Constitutional deadline.

Proposition 26: Increases legislative vote requirement to two-thirds for state levies and charges. Imposes an additional requirement for voters to approve local levies and charges with limited exceptions.

Proposition 27: Eliminates State Commission on Redistricting. Consolidates authority for redistricting with elected representatives – this would actually eliminate the 14-member redistricting commission and allow the legislature to continue to draw new district lines.

2. FEDERAL LEGISLATION / ISSUES

A. NEW

a. PROPOSED LEGISLATION

S. 3539, San Francisco Bay Restoration Act (Feinstein)

This bill is similar to H.R. 5061 (Speier) which the Committee reviewed on May 21, 2010. While the House bill authorizes \$100 million dollars a year from FY 2011 to FY 2021 for projects which improve the health of the San Francisco Bay, the Senate version does not specify the dollar amount. On June 30, the Senate Committee on Environment and Public Works ordered the bill to be favorably reported with an amendment in the nature of a substitute. District staff would like to see some criteria in the bill which would prioritize projects in communities near where much of the environmental impact occurs; such as Bruener Marsh.

Staff Recommendation: SUPPORT, if amended.

B. ISSUES

a. TIGER Grant

Staff are in the process of trying to secure a federal grant for our Green Transportation Initiative through the Transportation Investment Generating Economic Recovery (TIGER) II program. The pre-application is due July 23. The MTC recently

expressed their support for the District's application. There will be a brief oral update.

b. Great Outdoors Initiative Update

District staff have attended several listening sessions regarding the White House's America's Great Outdoors Initiative. There will be a brief oral update.

c. Land and Water Conservation Fund Update

The Senate Energy and Natural Resources Committee approved, by voice vote, an amended bill (S 3516) that would overhaul federal management of the outer continental shelf in the wake of the Gulf of Mexico oil spill. It would require the Interior Department's revenue and royalty collection activities be independent from its safety and environmental protection functions, and impose numerous new safety requirements on offshore drilling operators. The bill is expected to be combined with other proposals into an energy bill that may be brought to the floor in July. This bill may be a vehicle to permanently authorize funding for the Land and Water Conservation Fund (LWCF). Committee Chair Jeff Bingaman wanted LWCF funding included in the bill, but was directed by Senate Majority Leader Harry Reid to report a bi-partisan bill. Reid is likely to allow an LWCF amendment if the bill makes it to the floor. In the House, Resources Chair Nick Rahall held a committee hearing where Interior Secretary Salazar testified. Secretary Salazar said all the right things, in response to Rahall questions, about LWCF. It seems the Gulf oil crisis has put LWCF "in play," and District staff and advocates are looking for opportunities.

3. PUBLIC COMMENTS

4. STATUS OF RECOMMENDATIONS

5. CORRESPONDENCE AND ARTICLES

- a. "Stuart Leavenworth: A quixotic quiz for pupils of persistently late budgets", Sacramento Bee, July 11, 2010
- b. "Property values continue to fall across Contra Costa County", Contra Costa Times, July 11, 2010
- c. "Lobbyists making legislators obsolete?", San Jose Mercury News, July 10, 2010
- d. "Sixty percent of laws approved during a two-year period were sponsored by outside interests", San Jose Mercury News, July 10, 2010
- e. "What's next for the Water Bond?", The Fresno Bee, July 6, 2010
- f. "Schwarzenegger orders minimum wage for workers", SF Gate.com, July 2, 2010
- g. "Environmental issues, pot legalization on ballot", SF Gate.com, June 25, 2010
- h. "Vorderbrueggen: East Bay races deliver surprises", Contra Costa Times,