

Association of Environmental Professionals
Capital Snapshotⁱ
A Recap of Capital Affairs for the Month of August
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Allan Lind, AEP Lobbyist, allanlind@sbcglobal.net

Legislative Paralysis and Constitutional Deadlines are Leading to “Smelly Cat” Territory

California’s Constitution established certain immutable deadlines for the enactment of state legislation. One of them is August 31 in even-numbered years.ⁱⁱ That’s the drop-dead date for the Legislature to pass ordinary (non-urgency) bills with any chance of becoming law in 2009. All that’s needed after August 31 is the Governor’s signature.

Starting the month with nearly 1,100 bills in the queue, both houses pounded out a total of 873 measures for the Governor’s consideration. Unfortunately, no one could figure a way to pass the most important bill: *an act to provide for the usual current expenses of the State*, notwithstanding the fact that the usual current expense of the state began July 1. Without a budget bill that he can sign, the Governor has threatened to veto any other bill that comes to his desk. So, those 873 bills are parked in the “enrollment” process while budget negotiations continue. And on October 1, those 873 bills could just wind up in a big garbage can of poo.

How much longer can this budget crisis last? No one knows. In the meantime, many state payments are not being made to health care providers, day care centers, providers of services to developmentally disabled, nursing homes, clinics and hospitals. College students on financial aid are waiting for their checks and vendors providing services to state agencies are not getting paid. The Constitution does provide a final reality check on the legislative process, at least with respect to the Budget bill, by allowing bills passed by a 2/3 vote to be presented to the Governor no later than November 15.

Hanging in the Balance – proposed laws affecting environmental professionals and enrolled to the Governor.

Two bills that could become law are especially worth noting:

SB 375, the measure by Senator Steinberg to provide incentives for planners to create regional “smart growth” plans that will reduce greenhouse gas (GHG) emissions through strategies to lower vehicle miles traveled, was amended four times in August and went through three committee hearings and two Floor votes before passing the Legislature on August 31. A key to the operation of SB 375 is providing developers with CEQA relief and permit streamlining for projects consistent with regional GHG emission reduction goals. AEP is supporting this once-in-a-decade environmental planning legislation.

AB 2785, a measure by Assemblyman Ruskin, would revise the state’s Significant Natural Areas Program requiring the Department of Fish and game to identify areas essential as wildlife corridors and habitat linkages and also to maintain a spatial data system identifying areas essential to protecting habitat connectivity and wildlife corridors.

Other bills that could affect environmental professionals if enacted:

AB 815 (Berryhill) prohibits local agencies from adopting regulations regarding the taking of fish and game on any lands or waters within the state;

AB 1017 (Ma) sets a time limit for appealing planning commission CEQA decisions to the locally elected legislative body;

AB 2046 (Jones), requires that water supply verifications for residential developments with more than 500 units, water supply assessments for all local agency projects requiring CEQA compliance, and urban water management plans include additional information about the status of efforts to treat contaminated groundwater that is included in these determinations.

SB 68 (Kuehl) amends CEQA to define “real party of interest” for the purposes of challenging a determination of a public agency.

SB 732 (Steinberg), creates a "Strategic Growth Council and Climate Change Reduction" in state government and directs the Council to identify and review activities and funding programs of state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of AB 32 (The Global Warming Solutions Act of 2006), encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner.

For additional information on any of these bills, go to www.leginfo.ca.gov.

ⁱ *The **Capital Snapshot** is intended to provide AEP members with a quick summary of what’s happening in the State Capital that could affect the interests of AEP members. Distributed monthly, the **Capital Snapshot** fills the gap between “**Capital Update**” reports published in AEP’s quarterly **Environmental Assessor**, providing a more in-depth analysis of state government affairs in Sacramento. Comments and questions are welcome at allanlind@sbcglobal.net.*

ⁱⁱ *Article IV, Section 10 governs enactment of bills passed by the Legislature. Art. IV, Sec.10 (b)(2): “Any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned on or before September 30 of that year becomes a statute.” Art. IV, Sec.10 (c): “... No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling for elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.”*