



# Agenda

# LEGISLATION COMMITTEE

May 2, 2013  
11:00 a.m. to 12:00 p.m.  
651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor Mary N. Piepho, District III, Vice Chair

## Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Public comment** on any item under the jurisdiction of the Committee and not on this agenda. (*Speakers may be limited to three minutes.*)
3. **Review Record of Action** for April 4, 2013
4. **2013 State Legislation of Interest** – *Presenters: Lara DeLaney, Cathy Christian*
  - a) Consider a recommendation of “Support” for AB 422 (Nazarian), Notification of Health Care Coverage, as recommended by staff.
  - b) Consider a recommendation of “Oppose” for AB 537 (Bonta): Meyers-Miliias-Brown Act: Impasse Procedures, as recommended by Director of Human Resources.
  - c) Consider a recommendation of “Oppose” for AB 616 (Bocanegra): Local Public Employee Organizations: Dispute, as recommended by the Director of Human Resources.
  - d) Consider a recommendation of “Support” for AB 720 (Skinner): Inmates: Health Care Enrollment, as recommended by Director of EHSD.
  - e) Consider a recommendation of “Support” for AB 939 (Melendez): School Defibrillators, as recommended by the EMS Director.
  - f) Consider a recommendation of “Oppose” for SB 635 (Leno): Alcoholic Beverages: Hours of Sale, as recommended by the Alcohol and Other Drugs Advisory Board.
  - g) Consider providing direction to staff on bills listed in Attachment G.
5. **State and Federal Gun Violence Prevention related legislation** – *Presenter: Lara DeLaney*
6. **Redevelopment related legislation** – *Presenters: Lara DeLaney, Cathy Christian*
7. **Federal Update** – *Information Only: Lara DeLaney*
8. **Adjourn** to the next regular meeting scheduled for Thursday, June 6 at 11:00 a.m.

☺ The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

📁 Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

✉ Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

## For Additional Information Contact:

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## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

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## Schedule of Upcoming BOS Meetings

May 14, 2013

May 21, 2013

**Legislation Committee**  
**Supervisor Karen Mitchoff, Chair**  
**Supervisor Mary N. Piepho, Vice Chair**

**Record of Actions**

**April 4, 2013**  
**Room 101, 651 Pine Street, Martinez**

**1. Introductions**

The meeting was called to order by Chair Mitchoff. Vice Chair Piepho was present. Staff and the public introduced themselves. Cathy Christian, state advocate, was conferenced in by phone.

**2. Public Comment:** None.

**3. Review Record of Action:** The Record of Action for the Feb. 25, 2013 was approved as submitted.

**4. 2012 State Budget and Legislative Matters:**

The Committee voted to accept staff's recommendations on items "a" through "i."

The Committee requested additional information about item "j," Gun Violence Prevention legislation. The Committee requested input from the County's chief law enforcement officials. The Committee requested that staff draft policy positions for the Board's consideration. The Committee requested that staff research what CSAC and NACo are doing with respect to this policy matter.

The Committee discussed briefly item "k."

**5. Federal Update:** The Committee accepted the staff report.

**6. Congressman Thompson's Gun Violence Prevention Efforts:** The Committee discussed this in association with item j above and requested additional information.

**7. Adjourned** to the meeting scheduled for May 2, 2013.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO:           Legislation Committee  
              *Supervisor Karen Mitchoff, Chair*  
              *Supervisor Mary N. Piepho, Vice Chair*

FROM:       Lara DeLaney, Interim Senior Deputy County Administrator

DATE:       April 28, 2013

SUBJECT:    **Agenda Item #4: 2013 State Legislation of Interest**

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**RECOMMENDATION**

ACCEPT the report on State legislation of interest and provide direction, as necessary.

**REPORT**

Staff is currently reviewing this year's regular session bills and evaluating their potential implications for County operations and infrastructure. The following is a list of bills of interest to counties which staff and our lobbyist are tracking.

Contra Costa County routinely takes positions on bills throughout the legislative session. When staff begins tracking a bill, the referral to staff (or any recommendation from staff) is noted in the bill tracking system and the bill is marked as "watch" until such time that a policy position is taken by the Board of Supervisors. Typically, bill positions are taken early in the year on bills for which the County has standing policy. These policy positions can be found in the 2013 State and Federal Legislative Platforms.

For bills that have been identified but for which there is no Board-adopted policy, staff refers the bills to the affected department(s) or to a policy committee of the Board of Supervisors for a policy recommendation and, ultimately, to the Board of Supervisors for a position. Once a position (support, oppose, etc.) has been identified, protocol requires that the Chair of Board send a letter to the bill author and the Assembly and/or Senate Committee to which the bill is referred, to let them know of our concerns and position.

As bills continue to be heard in policy and appropriations committees, here are a few deadlines to keep in mind:

- Last day for policy committees to hear fiscal bills is Friday, **May 3rd**.
- Last day for policy committees to hear non-fiscal bills is Friday, **May 10th**.
- Last day for bills to be passed out of their house of origin is Friday, **May 31st**.

**2013 Bills Recommended for Action (as of April 27, 2013)**

- a) **AB 422 (Nazarian) Health Care Applications (Attachment A)** – *Adds notices about Covered California/Health Benefit Exchange and Medi-Cal eligibility in the application packets for the free and reduced lunch school program.*

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals. Existing law authorizes the sharing of the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination for pupils eligible for free meals. Existing law provides for the sending of a Healthy Families Program application to pupils determined to be ineligible for Medi-Cal coverage.

This bill would, commencing January 1, 2014, require the notices to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the California Health Benefit Exchange, respectively.

DISPOSITION: Pending

COMMITTEE: Assembly Health Committee

HEARING: 05/07/2013 1:30 pm, Room 4202

Staff recommendation: *Consider recommending to the Board of Supervisors a position of “support.”*

- b) **AB 537 (Bonta): Meyers-Milias-Brown Act: Impasse Procedures (Attachment B)** – *Authorizes the representatives of a public agency and an employee organization, if they fail to reach an agreement, to request mediation. Provides the time period for such action. Provides that if both sides fail to reach such agreement, either party may make such request. Provides that a public agency must meet and confer promptly and to continue for a reasonable time period with the employee organization prior to an agency budget for the next fiscal year. Provides procedures upon reaching an agreement.*

The following information was provided to the Assembly Public Employees, Retirement & Social Security Committee by the author and the sponsors of the bill:

1) Collective bargaining is a process of negotiations between employers and a group of employees aimed at reaching agreements that regulate working conditions. This process includes the determination of how the parties will negotiate, which often includes the establishment of "ground rules" prior to engaging in the formal negotiation process. Such ground rules often include time and place and parties participating in the

negotiations as well as procedures for caucuses, exchanging proposals, agreement or how to determine when the parties have reached impasse.

Over the last several years, some local government employers have attempted to frustrate and disrupt this bargaining process by insisting upon agreement of a 'ground rule' or the imposition of a 'negotiations or bargaining policy' that limits the right of an employee organization or the employees of the agency to communicate with officials of the public agency - effectively imposing a gag order on the employee representatives. This attempt to unduly constrict an employee organization's access to publicly elected officials in order to blunt full communication on the issues compromises a healthy collective bargaining relationship and upsets the goal of collectively reaching an agreement to the benefit of all parties to the negotiation.

The bill adds a provision to current law affirming an employee organization's right to communicate with officials of the public agency just as their management partners are permitted to do during the course of negotiations.

2) The statute currently provides that an agreement which the negotiators for a public agency and a recognized employee organization reach shall not be final and binding upon the parties to the negotiations until it is presented to the public agency's governing body or statutory representative for determination.

Unfortunately, too many governing bodies of public agencies reject a tentative agreement out-of-hand after the parties' negotiators have expended considerable time and resources to arrive at that agreement, and the employee organization has often already conducted a ratification vote among its members.

Employee organizations report that this delays or thwarts the bargaining process; if the employee organization's members ratify the tentative agreement, the employee organization is bound to it, yet the public agency's governing body is free to reject it. This provision is consistent with the requirement that negotiators possess sufficient authority to bind their principals to an agreement.

This bill would specify that an agreement which the negotiators for a public agency and a recognized employee organization reach shall be final and binding upon the parties to the negotiations when the agreement is signed by both parties, or if the recognized employee organization's internal rules require ratification then upon such ratification.

3) Mediation is a form of alternative dispute resolution, a way of resolving disputes between two or more parties with concrete effects. Typically, a third party, the mediator assists the parties to negotiate a settlement. Mediators are often helpful in narrowing the issues of disagreement or helping to sort out the accuracy of data, labor market comparisons, fiscal statements, or other information which may assist the parties in reaching an agreement. Moreover, mediators are often helpful in framing bargaining approaches consistent with bargaining history and relevant public concerns.

Under current California law, mediation is mandatory if requested by either party with respect to employees governed by the Educational Employment Relations Act, the Dills Act, and the Higher Education Employer-Employee Relations Act.

Local public employees and their employers are often denied the assistance and expertise of a mediator who can help overcome the intransigence of either party. Given the current law requirement that both parties have to agree to proceed to mediation, the obstructionist party will continue to employ tactics to reject compromise or rush to impasse, blocking the other party's attempt to request mediation to resolve their differences.

By conforming the mediation provisions of the MMBA to the aforementioned employee relations acts, the parties will remain at the bargaining table with the assistance of a mediator up to the invocation of the impasse procedure of fact-finding or binding interest arbitration, if applicable.

By amending the statute to require mediation if requested by either party, firefighters, social workers, and other local government employees will have available the assistance of third party mediators to help reach agreements, or at least avoid the indiscriminate imposition of last, best and final employer offers.

Likewise, employers would reap the benefits of access to a mediator to aid the parties in reaching agreement where the employee organization may fail to recognize that the labor market doesn't support the contract demands, their fiscal analysis is flawed, or other realities that may affect a successful settlement. An effective mediator tells the truth to the parties and asks them to consider the options, including the fallout from failure to reach agreement.

4) Arbitration agreements are a common feature of memoranda of understanding negotiated and entered into under MMBA. The Supreme Court has held that arbitration decisions issued under such agreements are binding and entitled to judicial enforcement. See *Taylor v. Crane*, 24 Cal.3d 442, 450-51 (1979). As currently drafted, however, the MMBA is silent as to the standards and procedures for enforcing arbitration agreements. This bill will clarify the law regarding arbitration agreements in three respects.

First, the bill will make it clear that the provisions of the California Arbitration Act, apply to the enforcement of arbitration agreements under the MMBA. While this generally has been assumed to be the true, some courts have viewed a writ of mandate as the appropriate vehicle for enforcing an arbitration agreement. By adding a specific reference to the California Arbitration Act, the bill will eliminate any confusion as to the appropriate procedure for compelling arbitration.

Second, the bill will make it clear that procedural defenses to an arbitration claim - such as the contention that the claim was untimely or that the party seeking arbitration failed to exhaust pre-arbitration remedies - will not be a basis for refusing to arbitrate and will be submitted to the arbitrator for resolution. This is a codification of the longstanding rule under federal law--the Labor Management Relations Act--as

interpreted by the U.S. Supreme Court in *John Wiley & Sons v. Livingston*, 376 U.S. 543, 557 (1964). The intent of the rule is to strengthen arbitration and to prevent needless litigation over garden variety procedural defenses.

Third, the bill will make it clear that an agreement to arbitrate a dispute is enforceable, even where the conduct in question may also constitute an unfair labor practice that could be brought in an administrative proceeding before PERB.

Again, this is consistent with federal labor law, which has long recognized that the arbitrator and the labor board may exercise concurrent jurisdictions in such situations.

5) Statute currently provides that a public agency may adopt reasonable rules and regulations governing the administration of employer-employee relations after "consultation" in good faith with the recognized employee organization(s).

Regrettably, the statute's existing term "consultation" has generated confusion and disagreement among public agencies and recognized employee organizations regarding the nature of a public agency's bargaining obligation.

Employee organizations have reported that some public agencies merely meet and discuss proposed rules and regulations with the recognized employee organization(s), and rush to implement the changes without having obtained much (or any) input from the recognized employee organization(s). Existing law must be clarified so that public agencies are required to a meet and confer obligation consistent with the stated purpose and intent of the MMBA, in which the parties have an opportunity for full communication regarding these matters.

Full communication is absolutely critically considering that the rules and regulations to be adopted will govern employer-employee relations. As such, it is particularly important that recognized employee organizations understand the public agencies' proposals and have the opportunity to present information, comments and counterproposals. This will increase the likelihood that the parties will have a mutual understanding regarding, and comply with, the rules and regulations in the future.

This bill would clarify that a public agency must meet and confer in good faith with recognized employee organization(s) before adopting reasonable rules and regulations governing the administration of employer-employee relations. The amendment also specifies that disputes arising under the section are subject to fact-finding is consistent with the PERB precedent holding that the fact-finding right is available when meet and confers result in impasse.

Opponents state, "Employment law attorneys whose clients are public agencies have explained that generally they encourage their clients to attempt mediation after impasse. However, since mediation is designed for the parties to reach agreement, requiring the parties to participate, rather than agree to participate, in an involuntary mediation is seldom successful.

This mandate for mediation will only delay the labor negotiations process. Additionally, delaying the negotiations process will make it more difficult for agencies to prepare and plan their budgets."

Additionally, opponents state, "We support the use of mediation as an alternative means of dispute resolution. However, we believe that mediation is only effective if the parties participate voluntarily with the mutual goal of resolving outstanding disputes. The notion that one party can force the other to participate in mediation defeats the very intent of the mediation process, which will seriously compromise the effectiveness of any resulting mediation. As such, and contrary to the intent of the bill, mandated mediation will likely add to the length, complexity, and cost of labor disputes. Thus, the grounds upon which mediation can be requested should be left to the discretion of the local agency rules regarding employee labor negotiations, and the decision of whether to participate should be left to the discretion of the parties, subject to those rules."

"In addition, the five (5) day time limit to agree upon the appointment of a mediator is of great concern. The five day period seems unreasonably and unnecessarily short. The decision to agree upon a mediator who is trusted and respected by both parties is one that requires careful deliberation and consideration. Attempting to force a decision within five (5) days of the mediation request will only lead to additional delay, conflict, and expense on the part of both parties, if that short time period proves insufficient. If the employer and the employee representatives have not come to an agreement on matters related to terms and conditions of employment, it seems wise to give those same parties additional time to review and select a mediator."

"Furthermore, the mandatory mediation would constitute a state mandated cost. As such, the mediation costs incurred by local public agencies under AB 537 would add additional and unnecessary expense to our already burdened public agencies."

CSAC remains strongly opposed to legislation that will fundamentally alter the local relationship between counties and employee representatives. The Meyers-Milias-Brown Act (MMBA), the collective bargaining law that has governed local public agencies since 1968, permits each agency to enact local rules to address many of the elements of labor relations. AB 537, by Assembly Member Rob Bonta and AB 616, by Assembly Member Raul Bocanegra, further detailed below, ignore the history and evolution of the local rules that counties and their employees have developed and lived by for more than 30 years.

It should be noted that AB 537 was substantially amended on April 17 to include more changes to MMBA. AB 537 already sought to make mediation after labor impasse a mandatory procedure rather than subject to county rules. Changes in AB 537 include the following:

- Prohibits employers from restricting communication between local agency representatives and employee representatives as part of labor negotiation ground rules. This change is contrary to the understood ban on "direct dealing" where a member of a bargaining team communicates directly with the members of the union or the agency. The change is one-sided in that it does not prohibit

the union from seeking a ground rule that the employer cannot communicate directly with employees.

- Binds a governing body to any tentative agreement reached by the bargaining representatives. The MMBA currently states that a tentative agreement is provided to the governing body for review. Again, this change is one-sided in that the bill would not bind the employee representatives to the agreement until ratification by the employees.
- Makes three changes related to arbitration: 1) Applies the provisions of the California Arbitration Act to the enforcement of arbitration agreements under the MMBA; 2) Prohibits a rejection of a request for arbitration due to procedural challenges (timelines, failure to exhaust pre-arbitration remedies); and, 3) Makes an agreement to arbitrate a dispute enforceable, even if the conduct in question may also constitute an unfair labor practice.
- Requires “meet and confer” over local rules rather than “consultation” and subjects an impasse over local rules to fact-finding procedures.

Counties are encouraged by CSAC to send letters in opposition to AB 537 and AB 616.

Registered Support/Opposition:

Support: American Federation of State, County and Municipal Employees (Co-Sponsor), California Professional Firefighters (Co-Sponsor), Service Employees International Union (Co-Sponsor)

Opposition: Association of California Water Districts, Butte County Board of Supervisors, California Association of Sanitation Agencies, California State Association of Counties, County of Sonoma Board of Supervisors, El Dorado Irrigation District, Lassen County Administrative Officer, League of California Cities, Rural County Representatives of California, San Joaquin County Board of Supervisors

DISPOSITION: Pending in Assembly Appropriations Committee

*Staff recommendation: Human Resources Director, Ted Cwiek, recommends that the Legislation Committee consider a recommendation of “Oppose” to the Board of Supervisors.*

- c) **AB 616 (Bocanegra): Local Public Employee Organizations: Dispute (Attachment C)** – *Relates to local public employee organizations. Authorizes such organization, if a dispute was not submitted to a mediation, to request that the public agency submit the parties' differences to a fact-finding panel. Provides that if either party disputes that a genuine impasse has been reached, the issue of whether the impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a fact-finding panel. Authorizes a representative from each party on the panel.*

AB 616 would make the following changes to statute governing MMBA:

- Extend from 30 to 60 days the amount of time that differences may be submitted to fact finding.
- Allow parties to seek a determination from PERB if either party disputes that impasse has occurred; defines impasse.

AB 616 was heard in the Assembly Public Employees, Retirement and Social Security Committee on April 24.

According to the author, with respect to impasse procedures, "When a public employer and a public employee organization reach an impasse in collective bargaining and the dispute has not been submitted to voluntary mediation, the employee organization may request that the parties' differences be submitted to a fact-finding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. PERB has interpreted this provision, in its regulations and its administrative rulings, to require the employee organization to make this request within 30 days of a declaration of impasse, without regard to whether the employer and union have in fact reached a genuine impasse in the negotiations. This loophole could allow a public employer to evade its duty to bargain in good faith by declaring impasse prematurely or in bad faith."

On the issue of extending the time from 30 to 60 days for the submission of differences to a fact-finding panel, opponents believe this will do nothing more than lengthen the negotiating period to the benefit of the party interested in maintaining the status quo.

Registered Support/Opposition:

Support: Coalition of California Utility Employees, International Brotherhood of Electrical Workers

Opposition: California Association of Sanitation Agencies, California State Association of Counties, County of Lassen, County of Sonoma Board of Supervisors, Butte County Board of Supervisors, League of California Cities, Rural County Representatives of California

DISPOSITION: Pending in Assembly Appropriations Committee

Staff recommendation: *Human Resources Director, Ted Cwiek, recommends that the Legislation Committee consider a recommendation of "Oppose" to the Board of Supervisors.*

**d) AB 720 (Skinner): Inmates: Health Care Enrollment (Attachment D) – Requires counties to designate an individual or agency to enroll certain individuals held in county jail into the Medi-Cal Program consistent with federal requirements. Provides that individuals who are currently enrolled in the county where they reside and who would become eligible for benefits because of detention before or after conviction shall have their benefits suspended and shall enroll in the above program. Requires informing individuals regarding the Medi-Cal program prior to release.**

According to the author, "AB 720 would require counties to enroll eligible inmates into the Medi-Cal program before being released. This would address one of the main barriers to re-entry by helping formerly incarcerated inmates access physical, mental health and substance abuse services.

"Research shows that formerly incarcerated individuals who have access to medical services upon release have reduced recidivism rates, increasing the likelihood they will become productive citizens. A 2009 California Department of Corrections and Rehabilitation report showed a 61% recidivism reduction for female inmates who underwent substance abuse treatment and a 29% reduction for male inmates who underwent such treatment." (Footnote omitted.)

*Background:* According to the background materials provided by the author, "The path to successful re-entry into society for formerly incarcerated individuals is riddled with obstacles. The cards are stacked against them: struggling with higher rates of poverty, chronic medical conditions, substance abuse issues and mental illnesses. Data shows that nearly 40% of jail inmates suffer from a chronic medical condition, and over half of state prison and jail inmates nationwide have experienced a mental health problem within the last year.

These issues are compounded by the low rate of health insurance coverage for jail inmates. One recent study shows that up to 90% of people in jail do not have health insurance or financial resources to pay for medical care." (Footnotes omitted.)

"There are tremendous medical and public health opportunities that can be created by addressing the health care needs of prisoners and former prisoners. Perhaps foremost among these is that opened up by health care reform: the Affordable Care Act will permit most former prisoners to receive health insurance coverage, which will offer them greater access to much needed medical care. Such access could redirect many people with serious illnesses away from the revolving door of the criminal justice system, thereby improving overall public health in the communities to which prisoners return and decreasing the costs associated with reincarceration due to untreated addiction and mental illness."

Medicaid is a joint federal-state insurance program that provides health coverage, including mental and behavioral health benefits, for certain low-income families and individuals. Medicaid is financed jointly by the federal government and states, and administered by states and/or counties within broad federal guidelines. In California, the Medicaid program is administered by DHCS and is known as Medi-Cal.

In choosing to operate a Medicaid program, states receive federal funding for a significant share of the program costs. The percentage of program costs funded with federal funds varies by state and is known as the federal medical assistance percentage, (FMAP or 'federal match'). In most cases, the federal match is determined annually by comparing the state's per capita income to the national average. The Medi-Cal Program currently receives a 50 percent federal match for most services provided to beneficiaries, as well as for state and county costs to administer the program. In other words, the program generally receives one dollar of federal funds for each state dollar

spent on Medi-Cal beneficiaries and administration. The federal government also provides an enhanced federal match for certain program costs, such as services for groups with particular medical needs or the implementation of technology systems.

"The ACA gives states the option to significantly expand their Medicaid programs, with the federal government paying for a large majority of the additional costs. Beginning January 1, 2014, federal law gives state Medicaid programs the option to cover most individuals under age 65-including childless adults-with incomes at or below 133 percent of the [federal poverty level].... [T]he federal matching rate for coverage of this expansion population will be 100 percent for the first three years, but will decline between 2017 and 2020, with states eventually bearing 10 percent of the additional cost of health care services for the expansion population."

#### Arguments in Support:

a) The California State Association of Counties (CSAC) states, "Assembly Bill [720] will give counties an important tool to reduce repeat crime and recidivism by allowing newly released inmates to access critical health care and substance abuse disorder services through Medi-Cal, or if they qualify, through a qualified health plan in the state's health benefits exchange. By pre-enrolling incarcerated individuals, counties can get a jump on providing wrap-around services to the most high-risk inmates to ensure adequate supervision and successful and sustainable reentry in our communities.

"CSAC supports efforts to increase local flexibility and innovation in serving the AB 109 and county jail population because the benefits of successful reintegration of incarcerated individuals accrue to a variety of stakeholders, including counties, the state, our local communities and families."

b) The California Primary Care Association writes, "The national Patient Protection and Affordable Care Act (ACA) increases the income threshold for Medicaid eligibility from 100% to 138% of the federal poverty level and extends eligibility to childless adults, who formerly were not eligible. A significant proportion of county inmates and detainees are men who fit into these extended categories.

National studies show many have medical, mental health and substance abuse needs. Our member clinics and health centers currently provide primary care services at no cost to them following their release even though they are largely uninsured.

"Additional national studies show that when these individuals are enrolled in Medicaid programs on the day of their release are less likely to re-offend, and, if they do, the period between offenses is greater. This bill not only would provide them with access to health care services they need and reduce recidivism, it also would provide health centers with additional resources to help accommodate the expanded Medi-Cal population under the ACA."

For Contra Costa County, the EHSD Director, Kathy Gallagher, has communicated to the Sheriff that she would be glad to meet with the Sheriff or his staff to explain how EHSD would facilitate this process within our current MediCal funding. She has

indicated that EHSD often out-stations staff, or maintains a schedule of regular office hours at non-profits, hospitals, clinics, etc., noting that they can establish a similar process for inmates in full coordination with the Sheriff-Coroner. The Sheriff has indicated his willingness to consider how this process could be implemented with minimal disruption to jail operations and encourages further discussion with his staff.

Registered Support/Opposition:

Support: Californians for Safety and Justice (Sponsor), American Civil Liberties Union, California Attorneys for Criminal Justice, California Pan-Ethnic Health Network, California Public Defenders Association, California State Association of Counties, California State Conference of the National Association for the Advancement of Colored, People Drug Policy Alliance, Ella Baker Center for Human Rights, Greenlining Institute, Legal Services for Prisoners with Children, Local Health Plans of California, Los Angeles Regional Reentry Partnership, National Association of Social Workers - California Chapter, San Francisco Sheriff's Department, Taxpayers for Improving Public Safety, Women's Foundation of California

Opposition: None

DISPOSITION: Pending in Assembly Appropriations Committee  
HEARING: 05/01/2013 9:00 am, Room 4202

Staff recommendation: *Staff recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

**e) AB 939 (Melendez): School Defibrillators (Attachment E)** – *States the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator.*

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees, and requires the program to be developed using specified guidelines.

This bill would state the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator (AED). The bill would authorize a public school to solicit and receive nonstate funds to acquire and maintain an AED. If a public school decides to acquire and maintain an AED, or continue to use and maintain an existing AED, the bill would authorize and encourage the school to comply with specified requirements. The bill would provide that an employee and the school district are not liable for civil damages resulting from specified uses or nonuses of an AED, except as provided.

According to the author, the majority of California's children spend around 14,000 hours away from their parents and under the supervision of the state while they receive an education at California's K-12 public schools. While under this supervision, parents should be confident that their children are protected.

According to the American Heart Association, sudden cardiac arrest kills over 300,000 people a year and is the leading cause of death in the United States. Medical experts opine that the key to survival is timely initiation of a "chain of survival", including CPR and the use of an AED. Trained non-medical personnel can use these simplified electronic machines to treat a person in cardiac arrest. The AED device guides the user through the process by audible or visual prompts without requiring any discretion or judgment. The American Heart Association notes that at least 20,000 lives could be saved annually by prompt use of AEDs. Ultimately, with broad deployment of AEDs among trained responders, as many as 50,000 deaths due to sudden cardiac arrest could be prevented each year.

In extending immunity from civil damages to a school district and its employees when using an AED, the author intends to encourage schools to acquire these life-saving devices. This bill is intended to provide certainty to school districts and their employees if an AED is used on campus they are immune from civil liability and thereby encourage the acquisition of AEDs to promote public safety for our state's children. Further, this bill permits a school to receive non-state funds to remove any financial barriers the school may face in acquiring and maintaining an AED and training their employees in the use of an AED.

Previous Legislation: SB 1346 (Lowenthal), Chapter 71, Statutes of 2012, extended indefinitely, the minimum training standards and immunity from civil damages in connection with the use of AEDs. This measure was not heard by the Assembly Education Committee.

SB 63 (Price) (2011) required all public high schools to acquire and maintain at least one AED. This bill died in the Senate Appropriations Committee.

Assembly Education Committee staff recommends amendments to clarify the intent of the Legislature is to encourage schools to acquire and maintain AEDs and that this is not a requirement. Committee staff recommends additional edits be made to encourage schools to make available an AED at all schools-sponsored athletic events, remove redundant and unnecessary language, and should a school choose to acquire an AED, the requirements for its use and maintenance be placed in Education Code rather than Health and Safety code for clarity of purpose and ease of access for school principals.

Registered Support/Opposition:

Support: California Medical Association, California State Parent Teachers Association, Emergency Nurses Association

Opposition: California School Employees Association

Staff recommendation: *The director of Contra Costa EMS, Patricia Frost, indicates that the bill is in line with our mission to support CPR and AED's throughout the community and our HeartSafe Community efforts supporting school CPR and AED placement. Contra Costa has also had local experience with lives lost on school campuses. See*

link to the Darius Jones Foundation to learn more <http://dariusjonesfoundation.org>. The bill is also supported by both EMSAAC / EMDAC.

**f) SB 635 (Leno): Alcoholic Beverages: Hours of Sale (Attachment F)** – *Allows an on-sale licensee to apply to the Department of Alcoholic Beverage control to authorize the selling, giving, delivering or purchasing of alcoholic beverages at the licensed premises between the certain hours upon completion of specified requirements by the local jurisdiction. Requires the applicant to notify specified persons of the application for additional hours.*

SB 635 establishes a process, as described, involving local government, local law enforcement, the general public and the Department of Alcoholic Beverage Control (ABC) whereby an on-sale licensee may apply to the ABC for the privilege of extending hours of alcohol sales between 2 a.m. to a.m. Specifically, this measure:

1) Permits the ABC to authorize, with or without conditions, the selling, giving, delivering, or purchasing of alcoholic beverages at individual on-sale licensed premises between the hours of 2 a.m. and 4 a.m. within a city, county or a city and a county provided the local governing body:

a) Develops and approves a local plan, relative to the additional hours of service, that:

(1) shows the public convenience or necessity will be served;

(2) identifies the area that will be affected and indicates how the area will benefit;

(3) exhibits resident and business support;

(4) includes an assessment by local law enforcement regarding the potential impact on the area and a public safety plan, created by local law enforcement, for managing those impacts;

(5) shows that transportation services are readily accessible in the area during the additional service hours; and,

(6) includes programs to increase public awareness of the transportation services available and the impacts of alcohol consumption.

b) Resolves and certifies the local plan and submits it to the ABC.

2) Requires the ABC to review the local plan, within an unspecified time frame, to ensure compliance with existing law and regulations and notify the local governing body of its approval or denial of the plan.

Also, requires the ABC, during the review process, to post the plan on its Internet website.

3) Prohibits an on-sale licensee from applying for additional hours of service until the ABC has approved the local plan in which the licensed premise is located.

4) Provides that upon receipt of an application by an on-sale licensee for additional hours the ABC shall make a thorough investigation to determine whether the additional hours would unreasonably interfere with local residents quiet enjoyment of their property.

5) Requires the licensed applicant to notify law enforcement agencies, residents within 500 feet of the premises, and any other interested parties, as determined by the local governing body, of the application for additional hours within 30 consecutive days of the filing of the application in a manner determined by the local governing body.

6) Provides that protests may be filed within 30 days from the first date of notice of the filing of an application for additional hours. Also, permits the ABC to extend the 30-day period by an additional 20 days.

7) Provides that the ABC may reject protests, except protests made by a public agency or public official, if it determines the protests are false, vexatious, frivolous, or without reasonable or probable cause at any time before hearing thereon. If after investigation, ABC recommends that additional hours be authorized notwithstanding a public protest by a public agency or a public official, ABC must notify the agency or official in writing of its determination and the reasons therefor.

8) Also, provides that if, after investigation, the ABC recommends that additional hours be authorized, with or without conditions on the applicant's license, the ABC must notify the local governing body and all protesting parties whose protests have been accepted in writing of its determination.

9) Provides that any person who has filed a verified protest in a timely fashion that has been accepted by ABC may request a hearing on the issue or issues raised in the protest. The request must be in writing and filed with ABC within 15 business days of the date ABC notifies the protesting party of its determination.

10) Requires ABC to notify the applicant of the outcome of the application and provides that any conditions placed upon the license shall be subject to existing provisions of the ABC Act pertaining to conditional licenses.

11) Requires the applicant to include an unspecified fee with his/her application for additional hours, which shall be deposited in the ABC Fund.

## EXISTING LAW

The enactment of the 21st Amendment to the U.S. Constitution in 1933 repealed the 18th Amendment and ended the era of Prohibition. Accordingly, states were granted the authority to establish alcoholic beverage laws and administrative structures to regulate the sale and distribution of alcoholic beverages.

Existing law establishes the Department of Alcoholic Beverage Control (ABC) and grants it exclusive authority to administer the provisions of the ABC Act in accordance with laws enacted by the Legislature.

Existing law (B&P code Section 25631) provides that any on-sale or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, and any person who knowingly purchases any alcoholic beverages between those hours, is guilty of a misdemeanor.

Existing law defines an "on-sale" license as authorizing the sale of all types of alcoholic beverages: namely, beer, wine and distilled spirits, for consumption on the premises (such as at a restaurant or bar). An "off-sale" license authorizes the sale of all types of alcoholic beverages for consumption off the premises in original, sealed containers.

## BACKGROUND

Purpose of SB 635: Currently, the ABC Act prohibits the selling, giving, delivering or purchasing of alcoholic beverages from 2 a.m. to 6 a.m. The author's office claims that the current uniform closing hour of 2 a.m. creates stress on public services, transportation, and local law enforcement when patrons are simultaneously pushed out on to the street at that hour. According to the author's office, this bill is intended to grant local governments and communities an optional tool to manage current problems around uniform closing hours. It allows on-sale licensed establishments to apply to the ABC for extended sales hours up to 4 a.m. provided the local jurisdiction that is supportive of extended service hours develops a plan, with community guidance and local law enforcement input, demonstrating among other things, that there is a clear benefit and necessity and that residents and businesses also support the additional hours. The ABC is charged with reviewing and approving the local plan to ensure that it does not conflict with any state laws or ABC rules and regulations. The bill also contains various provisions relative to procedures for protest and public hearings regarding application for extended hours of service. The bill would not permit extended hours at liquor stores and other off-sale licensed premises.

The author's office notes that SB 635 simply allows California's destination cities (e.g., San Francisco, Los Angeles and San Diego) to initiate local conversations about the possibility of expanding night life and the benefits it could provide the community by boosting jobs, tourism and local tax revenue.

The author's office points out that SB 635 would align California with at least 15 other states where local jurisdictions have the authority to decide alcoholic beverage service hours. The author's office maintains there is no evidence to suggest that places with flexible or extended sales hours have experienced higher rates of alcohol-related crashes and deaths compared to states with extended sales hours of 2 a.m. or earlier. Currently, numerous cities and towns throughout the country have late-night service hours, including Chicago, Washington, D.C., New York City, Buffalo, Las Vegas,

Louisville, Atlanta, Miami Beach, New Orleans and Albany. In addition, many cities across the globe have extended or flexible service times, including Barcelona, Tokyo, Berlin, Rio de Janeiro and Sydney which allow local businesses to be creative in their social and cultural offerings.

Arguments in Support: Proponents note that this bill would establish a public process whereby the local community, along with the ABC and law enforcement, may craft a local plan for extended alcoholic beverage service hours that is appropriate for their economy, public safety and community needs. Proponents contend that SB 635 would enable certain California cities to compete with other world-class cities in attracting tourists, conventions and conferences from around the world. Additionally, proponents emphasize that social and nightlife venues are an economic driver in many communities and they reference the fact that the State's food service and entertainment industry generates billions of dollars in consumer spending and employs well over a million workers making these sectors an indisputable driving force in the State's economy.

Arguments in Opposition: Opponents raise numerous health and safety concerns and believe SB 635 will lead to: unintended consequences, quality of life deterioration for adjacent neighborhoods, drinkers driving from areas where bars close earlier to bars with later last calls, late night drinkers sharing the road with early morning commuters, increased DUI accidents and fatalities, and limited budgets and personnel to deal effectively with the extra service calls. Also, opponents cite evidence that shows that two more hours of alcohol sales will nearly double alcohol-related violence, crime, police calls, emergency visits, etc. Additionally, opponents argue that SB 635 will reverse the very sensible direction that the legislature has gone in years past and will "exacerbate the growing phenomenon in which restaurants morph into bars/dance clubs when they stop serving food late at night." Furthermore, opponents contend that the legislative findings contained in the bill have no basis in fact and are simply statements of policy to promote late night alcohol service.

#### PRIOR/RELATED LEGISLATION

AB 2433 (Leno) 2003-04 Session. Would have extended the hours of alcohol sales for on-sale licensees in the City and County of San Francisco from 2 a.m. to 4 a.m. (Failed passage in Assembly policy committee)

SUPPORT: As of April 19, 2013:

Argent Ventures LLC Bixel & Company Event Production Blue Palms Brewhouse California Hotel & Lodging Association California Music and Cultural Association California Restaurant Association CalSmallBiz California Teamsters Public Affairs Council DeSoto Club Golden Gate Restaurant Association Hollywood Hospitality Association Kitchen 24 San Francisco Chamber of Commerce San Francisco Council of District Merchants San Francisco Travel Sbe Entertainment Group The Sunset Landmark Taxpayers for Improving Public Safety The Honorable Edwin M. Lee, Mayor City of San Francisco 213 Spirited Ventures Triptych UNITE-HERE, AFL-CIO Vessel, Audio and Bergerac - San Francisco

OPPOSE: As of April 19, 2013:

Alcohol Justice Asian American Drug Abuse Program Ban Billboard Blight Bay Area Community Resources California Alliance for Retired Americans California Center for Youth Development and Health Promotion California Council on Alcohol Problems California Narcotic Officers' Association California Police Chiefs Association California State Sheriffs' Association Cole Valley Improvement Association County Alcohol and Drug Program Administrators Association of California Crescenta Valley Drug & Alcohol Prevention Coalition Friday Night Live Hermosa Beach, City of Institute for Public Strategies Kern County Sheriff Donny Youngblood Koreatown Youth and Community Center - Los Angeles Los Angeles, City of Los Angeles County Sheriff Lee Baca Lutheran Office of Public Policy California Metro United Methodist Urban Ministry Partnership for a Positive Pomona Paso Por Paso, Inc. People Reaching Out Phoenix House Prevention Institute Pueblo Y Salud, Inc. Sacramento, County of Social Model Recovery Systems The Wall - Las Memorias Project Woman's Christian Temperance Union of Southern California Women Against Gun Violence Writers in Treatment Youth Leadership Institute And, numerous private individuals

DISPOSITION: Pending

LOCATION: Senate Governmental Organization Committee

Recommendation: The County's Alcohol and Other Drugs Advisory Board recommends that the Legislation Committee consider a recommendation to the Board of Supervisors of "oppose."

<b>OTHER BILLS</b>
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The list of bills that staff is currently monitoring is Attachment G. *(This list does not include the redevelopment and gun violence prevention related bills in included in separate reports in this package.)*

**ASSEMBLY BILL****No. 422****Introduced by Assembly Member Nazarian**

February 15, 2013

An act to amend Section 49557.2 of the Education Code, relating to public schools.

## LEGISLATIVE COUNSEL'S DIGEST

AB 422, as introduced, Nazarian. Health care applications.

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals. Existing law authorizes the sharing of the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination for pupils eligible for free meals. Existing law provides for the sending of a Healthy Families Program application to pupils determined to be ineligible for Medi-Cal coverage.

This bill would, commencing January 1, 2014, require the notices to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the California Health Benefit Exchange, respectively.

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

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

1 SECTION 1. Section 49557.2 of the Education Code is  
2 amended to read:

3 49557.2. (a) (1) At the option of the school district or county  
4 superintendent, and to the extent necessary to implement Section  
5 14005.41 of the Welfare and Institutions Code, the following  
6 information may be incorporated into the School Lunch Program  
7 application packet or notification of eligibility for the School Lunch  
8 Program using simple and culturally appropriate language:

9 (A) A notification that if a child qualifies for free school lunches,  
10 then the child may qualify for free or reduced-cost health coverage.

11 (B) A request for the applicant's consent for the child to  
12 participate in the Medi-Cal program, if eligible for free school  
13 lunches, and to have the information on the school lunch  
14 application shared with the entity designated by the State  
15 Department of Health *Care* Services to make an accelerated  
16 determination and the local agency that determines eligibility under  
17 the Medi-Cal program.

18 (C) A notification that the school district will not forward the  
19 school lunch application to the entity designated by the State  
20 Department of Health *Care* Services to make an accelerated  
21 determination and the local agency that determines eligibility under  
22 the Medi-Cal program, without the consent of the child's parent  
23 or guardian.

24 (D) A notification that the school lunch application is  
25 confidential and, with the exception of forwarding the information  
26 for use in health program enrollment upon the consent of the child's  
27 parent or guardian, the school district will not share the information  
28 with any other governmental agency, including the federal  
29 Department of Homeland Security and the Social Security  
30 Administration.

31 (E) A notification that the school lunch application information  
32 will only be used by the entity designated by the State Department  
33 of Health *Care* Services to make an accelerated determination and  
34 the state and local agencies that administer the Medi-Cal program  
35 for purposes directly related to the administration of the program  
36 and will not be shared with other government agencies, including  
37 the Department of Homeland Security and the Social Security

1 Administration for any purpose other than the administration of  
2 the Medi-Cal program.

3 (F) Information regarding the Medi-Cal program, including  
4 available services, program requirements, rights and  
5 responsibilities, and privacy and confidentiality requirements.

6 (2) The State Department of Education, in consultation with  
7 school districts, county superintendents of schools, consumer  
8 advocates, counties, the State Department of Health *Care* Services,  
9 and other stakeholders, shall make recommendations regarding  
10 the School Lunch Program application, on or before February 1,  
11 2003. The recommendations shall include specific changes to the  
12 School Lunch Program application materials as necessary to  
13 implement Section 14005.41 of the Welfare and Institutions Code,  
14 information for staff as to how to implement the changes, and a  
15 description of the process by which information on the School  
16 Lunch Program application will be shared with the county, as the  
17 local agency that determines eligibility under the Medi-Cal  
18 program.

19 (3) At the option of the school, the request for consent in  
20 subparagraph (B) of paragraph (1) may be modified so that the  
21 parent or guardian can also consent to allowing Medi-Cal to inform  
22 the school as provided in subdivision (n) of Section 14005.41 of  
23 the Welfare and Institutions Code when followup is needed in  
24 order to complete the Medi-Cal application process.

25 (b) (1) School districts and county superintendents of schools  
26 may implement a process to share information provided on the  
27 School Lunch Program application with the entity designated by  
28 the State Department of Health *Care* Services to make an  
29 accelerated determination and with the local agency that determines  
30 eligibility under the Medi-Cal program, and shall share this  
31 information with those entities, if the applicant consents to that  
32 sharing of information. Schools may designate, only as necessary  
33 to implement this section, non-food service staff to assist in the  
34 administration of free, reduced price, or paid school lunch  
35 applications that have applicant consent, but only if that designation  
36 does not displace or have an adverse effect on food service staff.  
37 This information may be shared electronically, physically, or  
38 through whatever method is determined appropriate.

39 (2) If a school is aware that a child, who has been found eligible  
40 for free school lunches under the National School Lunch Program,

1 and for whom the parent or guardian has consented to share the  
2 information provided on the application, already has an active  
3 Medi-Cal or Healthy Families case, the application shall not be  
4 processed for an accelerated determination but shall be forwarded  
5 to the local agency that determines eligibility under the Medi-Cal  
6 program pursuant to Section 14005.41 of the Welfare and  
7 Institutions Code. The school shall notify the parent or guardian  
8 of the child's ineligibility for accelerated Medi-Cal due to the  
9 current eligibility status and that the child's application will be  
10 forwarded to the county pursuant to this section. The notice shall  
11 include a statement, with contact information, advising the parent  
12 or guardian to contact the Medi-Cal or Healthy Families programs  
13 regarding the child's eligibility status.

14 (3) Each school district or county superintendent that chooses  
15 to share information pursuant to this subdivision shall enter into  
16 a memorandum of understanding with the local agency that  
17 determines eligibility under the Medi-Cal program, that sets forth  
18 the roles and responsibilities of each agency and the process to be  
19 used in sharing the information.

20 (4) The local agency that determines eligibility under the  
21 Medi-Cal program shall only use information provided by  
22 applicants on the school lunch application for purposes directly  
23 related to the administration of the Medi-Cal program.

24 (5) After school districts share information regarding the school  
25 lunch application with the entity designated by the State  
26 Department of Health *Care* Services to make an accelerated  
27 determination and the local agency that determines eligibility under  
28 the Medi-Cal program, for the purpose of determining Medi-Cal  
29 program eligibility, the local agency and the school district shall  
30 not share information about school lunch participation or the  
31 Medi-Cal program eligibility information with each other except  
32 as specifically authorized under subdivision (n) of Section  
33 14005.41 of the Welfare and Institutions Code and other provisions  
34 of law.

35 (c) Effective July 1, 2005, the notifications and consent  
36 referenced in subdivision (a) and the procedures set out in  
37 subdivision (b) shall include the Healthy Families Program and  
38 any relevant county- and local-sponsored health insurance programs  
39 as necessary to implement Section 14005.41 of the Welfare and  
40 Institutions Code.

1     *(d) Effective January 1, 2014, the notifications shall do all of*  
2     *the following:*

3     *(1) Advise the applicant that the applicant may be eligible for*  
4     *reduced-cost, comprehensive health care coverage through the*  
5     *California Health Benefit Exchange.*

6     *(2) Advise that, if the family income is low, the applicant may*  
7     *be eligible for no-cost coverage through Medi-Cal.*

8     *(3) Provide the applicant with the contact information for the*  
9     *California Health Benefit Exchange, including its Internet Web*  
10    *site and telephone number.*

11    (d) If a school district finds that the child is eligible for reduced  
12    price or paid meals under the National School Lunch Program and  
13    consent was provided as described in subdivision (b), the entity  
14    designated by the State Department of Health Care Services to  
15    make an accelerated determination shall notify the parent or  
16    guardian of the child's ineligibility for an accelerated Medi-Cal  
17    determination pursuant to Section 14005.41 of the Welfare and  
18    Institutions Code. The notification shall include information on  
19    other available health programs for which the child may be eligible.

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AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 537**

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**Introduced by Assembly Member Bonta**

February 20, 2013

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An act to amend ~~Section~~ *Sections 3505, 3505.1, 3505.2, and 3507* of, and to add *Section 3505.8* to, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Bonta. Meyers-Milias-Brown Act: impasse procedures.

The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost.

This bill would instead authorize the representatives of the public agency or the employee organization, if they fail to reach an agreement, to request mediation. The bill would require that the parties agree upon the appointment of a mediator mutually agreeable to the parties within 5 days of a request by one of the parties. *If the parties fail to agree on the selection of a mediator within 5 days, the bill would provide that either party may request the appointment of a mediator, as specified.*

By requiring a higher level of service by a local public agency, the bill would impose a state-mandated local program.

*The act requires that, in order to meet and confer in good faith, a public agency meet personally and confer promptly, and continue for a reasonable period of time, with the employee organization in order to exchange freely prior to the agency adopting a budget for the next fiscal year.*

*This bill would prohibit a public agency from conditioning the meeting and conferring on a limitation on the right of employees or an employee organization to communicate with officials of the agency.*

*The act requires, if an agreement is reached, that the parties prepare jointly a nonbinding written memorandum of understanding of the agreement that would then be presented to the governing body or its statutory representative for determination.*

*This bill would require that, if an agreement is reached, the parties would prepare a written memorandum of understanding, which would be binding upon execution or ratification, as specified.*

*Under existing law, a written agreement to submit to arbitration a specified controversy is valid, enforceable, and irrevocable, except if grounds exist for the revocation of the written agreement.*

*This bill would additionally provide that an arbitration agreement contained in a memorandum of understanding entered into under the Meyers-Milias-Brown Act is enforceable, as specified.*

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

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

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

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

1     SECTION 1. Section 3505 of the Government Code is amended  
2     to read:  
3     3505. (a) The governing body of a public agency, or ~~such~~ the  
4     boards, commissions, administrative officers or other  
5     representatives as ~~may be~~ properly designated by law or by ~~such~~

1 a governing body, shall meet and confer in good faith regarding  
 2 wages, hours, and other terms and conditions of employment with  
 3 representatives of ~~such~~ *those* recognized employee organizations,  
 4 as defined in subdivision (b) of Section 3501, and shall consider  
 5 fully such presentations as are made by the employee organization  
 6 on behalf of its members prior to arriving at a determination of  
 7 policy or course of action.

8 ~~“Meet~~

9 (b) *“Meet and confer in good faith”* means that a public agency,  
 10 or such representatives as it may designate, and representatives of  
 11 recognized employee organizations, shall have the mutual  
 12 obligation personally to meet and confer promptly upon request  
 13 by either party and continue for a reasonable period of time in  
 14 order to exchange freely information, opinions, and proposals, and  
 15 to endeavor to reach agreement on matters within the scope of  
 16 representation prior to the adoption by the public agency of its  
 17 final budget for the ensuing year. *A public agency shall not propose*  
 18 *as a condition of meeting and conferring a limitation on the right*  
 19 *of an employee organization or employees of the agency to*  
 20 *communicate with officials of the agency.* The process should  
 21 include adequate time for the resolution of impasses where specific  
 22 procedures for such resolution are contained in local rule,  
 23 regulation, or ordinance, or when such procedures are utilized by  
 24 mutual consent.

25 *SEC. 2. Section 3505.1 of the Government Code is amended*  
 26 *to read:*

27 3505.1. If agreement is reached by the *authorized*  
 28 representatives of the public agency and a recognized employee  
 29 organization or recognized employee organizations, they shall  
 30 jointly prepare a written memorandum of ~~such~~ understanding,  
 31 ~~which shall not be binding, and present it to the governing body~~  
 32 ~~or its statutory representative for determination which shall be~~  
 33 *binding upon final execution by the authorized representatives or,*  
 34 *if ratification is required by the recognized employee*  
 35 *organization’s internal rules, upon ratification pursuant to those*  
 36 *rules.*

37 ~~SECTION 1.~~

38 *SEC. 3. Section 3505.2 of the Government Code is amended*  
 39 *to read:*

1 3505.2. If after a reasonable period of time, representatives of  
 2 the public agency and the recognized employee organization fail  
 3 to reach agreement, either the public agency or the recognized  
 4 employee organization or recognized employee organizations may  
 5 request mediation. Within five days of a request by one of the  
 6 parties, the parties shall agree upon the appointment of a mediator  
 7 mutually agreeable to the parties. *If the parties fail to agree on the*  
 8 *selection of a mediator within five days, either party may request*  
 9 *that the board appoint a mediator. The board shall, no later than*  
 10 *five days after receipt of the request, appoint a mediator in*  
 11 *accordance with rules prescribed by the board.* Costs of mediation  
 12 shall be divided one-half to the public agency and one-half to the  
 13 recognized employee organization or recognized employee  
 14 organizations.

15 *SEC. 4. Section 3505.8 is added to the Government Code, to*  
 16 *read:*

17 3505.8. *An arbitration agreement contained in a memorandum*  
 18 *of understanding entered into under this chapter shall be*  
 19 *enforceable in an action brought pursuant to Title 9 (commencing*  
 20 *with Section 1280) of Part 3 of the Code of Civil Procedure. An*  
 21 *assertion that the arbitration claim is untimely or that the party*  
 22 *seeking arbitration has failed to satisfy the procedural prerequisites*  
 23 *to arbitration shall not be a basis for refusing to submit the dispute*  
 24 *to arbitration. All procedural defenses shall be presented to the*  
 25 *arbitrator for resolution. A court shall not refuse to order*  
 26 *arbitration because a party to the memorandum of understanding*  
 27 *contends that the conduct in question arguably constitutes an*  
 28 *unfair practice subject to the jurisdiction of the board.*

29 *SEC. 5. Section 3507 of the Government Code is amended to*  
 30 *read:*

31 3507. (a) A public agency may adopt reasonable rules and  
 32 regulations after ~~consultation~~ *meeting and conferring* in good faith  
 33 with representatives of a recognized employee organization or  
 34 organizations for the administration of employer-employee  
 35 relations under this chapter. *An impasse in these negotiations shall*  
 36 *be resolved pursuant to the procedures of Sections 3505.4 to*  
 37 *3505.7, inclusive.*

38 ~~The~~

39 (b) *The rules and regulations described in subdivision (a) may*  
 40 *include provisions for all of the following:*

- 1 (1) Verifying that an organization does in fact represent  
 2 employees of the public agency.
- 3 (2) Verifying the official status of employee organization  
 4 officers and representatives.
- 5 (3) Recognition of employee organizations.
- 6 (4) Exclusive recognition of employee organizations formally  
 7 recognized pursuant to a vote of the employees of the agency or  
 8 an appropriate unit thereof, subject to the right of an employee to  
 9 represent himself or herself as provided in Section 3502.
- 10 (5) Additional procedures for the resolution of disputes involving  
 11 wages, hours and other terms and conditions of employment.
- 12 (6) Access of employee organization officers and representatives  
 13 to work locations.
- 14 (7) Use of official bulletin boards and other means of  
 15 communication by employee organizations.
- 16 (8) Furnishing nonconfidential information pertaining to  
 17 employment relations to employee organizations.
- 18 (9) Any other matters that are necessary to carry out the purposes  
 19 of this chapter.
- 20 ~~(b)~~
- 21 (c) Exclusive recognition of employee organizations formally  
 22 recognized as majority representatives pursuant to a vote of the  
 23 employees may be revoked by a majority vote of the employees  
 24 only after a period of not less than 12 months following the date  
 25 of recognition.
- 26 ~~(e)~~
- 27 (d) No public agency shall unreasonably withhold recognition  
 28 of employee organizations.
- 29 ~~(d)~~
- 30 (e) Employees and employee organizations shall be able to  
 31 challenge a rule or regulation of a public agency as a violation of  
 32 this chapter. This subdivision shall not be construed to restrict or  
 33 expand the board's jurisdiction or authority as set forth in  
 34 subdivisions (a) to (c), inclusive, of Section 3509.
- 35 ~~SEC. 2.~~
- 36 *SEC. 6.* If the Commission on State Mandates determines that  
 37 this act contains costs mandated by the state, reimbursement to  
 38 local agencies and school districts for those costs shall be made

**AB 537**

— 6 —

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 616**

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**Introduced by Assembly Member Bocanegra**

February 20, 2013

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An act to amend Sections ~~3505.4, 3507, 3507.1, 3507.3, 3507.5, and 3509~~ Section 3505.4 of the Government Code, relating to local public employee organizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as amended, Bocanegra. Local public employee organizations: dispute: factfinding panel.

Existing law requires the governing body of a *local* public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law ~~provides that~~ *authorizes* an employee organization ~~may~~ to request that the parties' differences be submitted to a factfinding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request that the parties' differences be submitted to a factfinding panel not later than 30 days following the date that either

party provided the other with a written notice of a declaration of impasse.

This bill would instead authorize an employee organization, if the dispute was not submitted to a mediation, to request in writing that the public agency submit the parties' differences to a factfinding panel not later than 60 days following the date that either party provided the other with a written notice of a declaration of impasse. The bill would provide that if either party disputes that a genuine impasse, as defined, has been reached, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a factfinding panel, as specified. The bill would also authorize each party to select a person to serve as its member of the factfinding panel.

~~Existing law authorizes a public agency to adopt reasonable rules and regulations for the administration of employer-employee relations, as specified, including provisions for verification that an organization does in fact represent employees of the organization, recognition of employee organizations, and exclusive recognition of employee organizations, as specified.~~

~~This bill would delete provisions that authorize a public agency to establish rules and regulations that provide for verification that an organization does in fact represent employees of the organization, recognition of employee organizations, and exclusive recognition of employee organizations.~~

~~Existing law authorizes a public agency to determine and process unit determinations and representation elections pursuant to rules it has adopted.~~

~~This bill would instead provide that the board, pursuant to rules and regulations it has adopted, shall determine and process unit determinations and representation elections. The bill would specify criteria that the board would be required to take into account in determining an appropriate unit.~~

~~Existing law authorizes a public agency to adopt reasonable rules and regulations providing for designation of management and confidential employees of the public agency and restricting those employees from representing any employee organization that represents other employees of the public agency on matters within the scope of representation.~~

~~This bill would instead authorize the board to adopt those rules and regulations.~~

~~This bill would also make other conforming changes.~~

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

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

1 SECTION 1. Section 3505.4 of the Government Code is  
2 amended to read:

3 3505.4. (a) The employee organization may request that the  
4 parties' differences be submitted to a factfinding panel not sooner  
5 than 30 days, but not more than 45 days, following the appointment  
6 or selection of a mediator pursuant to the parties' agreement to  
7 mediate or a mediation process required by a public agency's local  
8 rules. If the dispute was not submitted to mediation, an employee  
9 organization may request, in writing, that the public agency submit  
10 the parties' differences to a factfinding panel not later than 60 days  
11 following the date that either party provided the other with a written  
12 notice of a declaration of impasse. Within five days after receipt  
13 of the written request, each party shall select a person to serve as  
14 its member of the factfinding panel. The Public Employment  
15 Relations Board shall, within five days after the selection of panel  
16 members by the parties, select a chairperson of the factfinding  
17 panel.

18 (b) Notwithstanding subdivision (a), if either party disputes that  
19 a genuine impasse has been reached, the issue as to whether an  
20 impasse exists may be submitted to the Public Employment  
21 Relations Board for resolution. If the board determines that an  
22 impasse existed as of the date of written notice of a declaration of  
23 impasse and that the impasse has persisted through the date of the  
24 employee organization's request for a factfinding panel, it shall,  
25 within five working days of the receipt of a request, notify the  
26 parties of its determination.

27 (c) Within five days after receipt of the written request pursuant  
28 to subdivision (a) or five days after receipt of the board's  
29 determination that a genuine impasse has been reached and persists  
30 pursuant to subdivision (b), each party shall select a person to serve  
31 as its member of the factfinding panel. The board shall, within five  
32 days after the selection of panel members by the parties, select a  
33 chairperson of the factfinding panel.

1 (d) Within five days after the board selects a chairperson of the  
2 factfinding panel, the parties may mutually agree upon a person  
3 to serve as chairperson in lieu of the person selected by the board.

4 (e) The panel shall, within 10 days after its appointment, meet  
5 with the parties or their representatives, either jointly or separately,  
6 and may make inquiries and investigations, hold hearings, and  
7 take any other steps it deems appropriate. For the purpose of the  
8 hearings, investigations, and inquiries, the panel shall have the  
9 power to issue subpoenas requiring the attendance and testimony  
10 of witnesses and the production of evidence. Any state agency, as  
11 defined in Section 11000, the California State University, or any  
12 political subdivision of the state, including any board of education,  
13 shall furnish the panel, upon its request, with all records, papers,  
14 and information in its possession relating to any matter under  
15 investigation by or in issue before the panel.

16 (f) In arriving at their findings and recommendations, the  
17 factfinders shall consider, weigh, and be guided by all the following  
18 criteria:

19 (1) State and federal laws that are applicable to the employer.

20 (2) Local rules, regulations, or ordinances.

21 (3) Stipulations of the parties.

22 (4) The interests and welfare of the public and the financial  
23 ability of the public agency.

24 (5) Comparison of the wages, hours, and conditions of  
25 employment of the employees involved in the factfinding  
26 proceeding with the wages, hours, and conditions of employment  
27 of other employees performing similar services in comparable  
28 public agencies.

29 (6) The consumer price index for goods and services, commonly  
30 known as the cost of living.

31 (7) The overall compensation presently received by the  
32 employees, including direct wage compensation, vacations,  
33 holidays, and other excused time, insurance and pensions, medical  
34 and hospitalization benefits, the continuity and stability of  
35 employment, and all other benefits received.

36 (8) Any other facts, not confined to those specified in paragraphs  
37 (1) to (7), inclusive, that are normally or traditionally taken into  
38 consideration in making the findings and recommendations.

39 (g) The procedural right of an employee organization to request  
40 a factfinding panel cannot be waived.

1 (h) For purposes of this section, “impasse” means that the parties  
2 to a dispute over a matter within the scope of representation have  
3 reached a point in meeting and negotiating at which their difference  
4 in position is so substantial or prolonged that future meetings would  
5 be futile.

6 (i) Notwithstanding subdivisions (a) to (g), inclusive, the  
7 employee relations commissions established by, and in effect for,  
8 the County of Los Angeles and the City of Los Angeles pursuant  
9 to Section 3507 shall have the authority to maintain and amend  
10 existing rules and regulations providing for impasse resolution  
11 procedures and to issue determinations and orders as the employee  
12 relations commissions deem necessary, consistent with and  
13 pursuant to the policies of this chapter.

14 ~~SEC. 2.— Section 3507 of the Government Code is amended to~~  
15 ~~read:~~

16 ~~3507.—(a) A public agency may adopt reasonable rules and~~  
17 ~~regulations after consultation in good faith with representatives of~~  
18 ~~a recognized employee organization or organizations for the~~  
19 ~~administration of employer-employee relations under this chapter.~~

20 ~~The rules and regulations may include provisions for all of the~~  
21 ~~following:~~

22 ~~(1) Verifying the official status of employee organization~~  
23 ~~officers and representatives.~~

24 ~~(2) Additional procedures for the resolution of disputes involving~~  
25 ~~wages, hours and other terms and conditions of employment.~~

26 ~~(3) Access of employee organization officers and representatives~~  
27 ~~to work locations.~~

28 ~~(4) Use of official bulletin boards and other means of~~  
29 ~~communication by employee organizations.~~

30 ~~(5) Furnishing nonconfidential information pertaining to~~  
31 ~~employment relations to employee organizations.~~

32 ~~(6) Any other matters that are necessary to carry out the purposes~~  
33 ~~of this chapter.~~

34 ~~(b) Exclusive recognition of employee organizations formally~~  
35 ~~recognized as majority representatives pursuant to a vote of the~~  
36 ~~employees may be revoked by a majority vote of the employees~~  
37 ~~only after a period of not less than 12 months following the date~~  
38 ~~of recognition.~~

39 ~~(c) No public agency shall unreasonably withhold recognition~~  
40 ~~of employee organizations.~~

1 ~~(d) Employees and employee organizations shall be able to~~  
 2 ~~challenge a rule or regulation of a public agency as a violation of~~  
 3 ~~this chapter. This subdivision shall not be construed to restrict or~~  
 4 ~~expand the board's jurisdiction or authority as set forth in~~  
 5 ~~subdivisions (a) and (b) of Section 3509.~~

6 ~~SEC. 3. Section 3507.1 of the Government Code is amended~~  
 7 ~~to read:~~

8 ~~3507.1. (a) Unit determinations and representation elections~~  
 9 ~~shall be determined and processed by the board in accordance with~~  
 10 ~~the rules and regulations it has adopted in accordance with this~~  
 11 ~~chapter, subject to subdivision (c) of Section 3509. In a~~  
 12 ~~representation election, a majority of the votes cast by the~~  
 13 ~~employees in the appropriate bargaining unit shall be required.~~

14 ~~(b) Notwithstanding subdivision (a) and rules adopted by the~~  
 15 ~~board, a bargaining unit in effect as of the effective date of this~~  
 16 ~~section shall continue in effect unless changed under the rules~~  
 17 ~~adopted by the board pursuant to and consistent with the policies~~  
 18 ~~of this chapter.~~

19 ~~(c) (1) In determining an appropriate unit, the board shall take~~  
 20 ~~into consideration all of the following criteria:~~

21 ~~(A) The internal and occupational community of interest among~~  
 22 ~~the employees, including, but not limited to, the extent to which~~  
 23 ~~they perform functionally related services or work toward~~  
 24 ~~established common goals.~~

25 ~~(B) The history of employee representation in state government~~  
 26 ~~and in similar employment.~~

27 ~~(C) The extent to which the employees have common skills,~~  
 28 ~~working conditions, job duties, or similar educational or training~~  
 29 ~~requirements.~~

30 ~~(D) The extent to which the employees have common~~  
 31 ~~supervision.~~

32 ~~(2) Notwithstanding subparagraph (1), or any other law, an~~  
 33 ~~appropriate group of skilled crafts employees shall have the right~~  
 34 ~~to be a separate unit of representation based upon occupation.~~  
 35 ~~Skilled crafts employees shall include, but not necessarily be~~  
 36 ~~limited to, those within employment categories such as carpenters,~~  
 37 ~~plumbers, electricians, painters, and operating engineers.~~

38 ~~(3) There shall be a presumption that professional employees~~  
 39 ~~and nonprofessional employees should not be included in the same~~  
 40 ~~unit. However, the presumption shall be rebuttable, depending~~

1 upon what the evidence pertinent to the criteria set forth in this  
2 subdivision establishes.

3 (d) A public agency shall grant exclusive or majority recognition  
4 to an employee organization based on a signed petition,  
5 authorization cards, or union membership cards showing that a  
6 majority of the employees in an appropriate bargaining unit desire  
7 the representation, unless another labor organization has previously  
8 been lawfully recognized as exclusive or majority representative  
9 of all or part of the same unit. Exclusive or majority representation  
10 shall be determined by a neutral third party selected by the public  
11 agency and the employee organization who shall review the signed  
12 petition, authorization cards, or union membership cards to verify  
13 the exclusive or majority status of the employee organization. In  
14 the event the public agency and the employee organization cannot  
15 agree on a neutral third party, the California State Mediation and  
16 Conciliation Service shall be the neutral third party and shall verify  
17 the exclusive or majority status of the employee organization. In  
18 the event that the neutral third party determines, based on a signed  
19 petition, authorization cards, or union membership cards, that a  
20 second labor organization has the support of at least 30 percent of  
21 the employees in the unit in which recognition is sought, the neutral  
22 third party shall order an election to establish which labor  
23 organization, if any, has majority status.

24 SEC. 4. Section 3507.3 of the Government Code is amended  
25 to read:

26 3507.3. Professional employees shall not be denied the right  
27 to be represented separately from nonprofessional employees by  
28 a professional employee organization consisting of those  
29 professional employees. In the event of a dispute on the  
30 appropriateness of a unit of representation for professional  
31 employees, upon request of any of the parties, the dispute shall be  
32 submitted to the board for resolution, subject to subdivision (e) of  
33 Section 3509.

34 "Professional employees," for the purposes of this section, means  
35 employees engaged in work requiring specialized knowledge and  
36 skills attained through completion of a recognized course of  
37 instruction, including, but not limited to, attorneys, physicians,  
38 registered nurses, engineers, architects, teachers, and the various  
39 types of physical, chemical, and biological scientists.

1 ~~SEC. 5. Section 3507.5 of the Government Code is amended to~~  
2 ~~read:~~

3 ~~3507.5. The board may adopt reasonable rules and regulations~~  
4 ~~providing for designation of the management and confidential~~  
5 ~~employees of the public agency and restricting those employees~~  
6 ~~from representing any employee organization that represents other~~  
7 ~~employees of the public agency on matters within the scope of~~  
8 ~~representation. Except as specifically provided otherwise in this~~  
9 ~~chapter, this section does not otherwise limit the right of employees~~  
10 ~~to be members of and to hold office in an employee organization.~~

11 ~~SEC. 6. Section 3509 of the Government Code is amended to~~  
12 ~~read:~~

13 ~~3509. (a) The powers and duties of the board described in~~  
14 ~~Section 3541.3 shall also apply, as appropriate, to this chapter and~~  
15 ~~shall include the authority as set forth in subdivisions (b) and (c).~~  
16 ~~Included among the appropriate powers of the board are the power~~  
17 ~~to determine appropriate units, to order elections, to conduct any~~  
18 ~~election the board orders, and to adopt rules to apply in these areas~~  
19 ~~in accordance with this chapter.~~

20 ~~(b) A complaint alleging any violation of this chapter or of any~~  
21 ~~rules and regulations adopted by a public agency pursuant to~~  
22 ~~Section 3507 shall be processed as an unfair practice charge by~~  
23 ~~the board. The initial determination as to whether the charge of~~  
24 ~~unfair practice is justified and, if so, the appropriate remedy~~  
25 ~~necessary to effectuate the purposes of this chapter, shall be a~~  
26 ~~matter within the exclusive jurisdiction of the board, except that~~  
27 ~~in an action to recover damages due to an unlawful strike, the board~~  
28 ~~shall have no authority to award strike-preparation expenses as~~  
29 ~~damages, and shall have no authority to award damages for costs,~~  
30 ~~expenses, or revenue losses incurred during, or as a consequence~~  
31 ~~of, an unlawful strike. The board shall apply and interpret unfair~~  
32 ~~labor practices consistent with existing judicial interpretations of~~  
33 ~~this chapter.~~

34 ~~(c) Notwithstanding subdivisions (a) and (b), the employee~~  
35 ~~relations commissions established by, and in effect for, the County~~  
36 ~~of Los Angeles and the City of Los Angeles pursuant to Section~~  
37 ~~3507 shall have the exclusive power and responsibility to take~~  
38 ~~actions on recognition, unit determinations, elections, and all unfair~~  
39 ~~practices, and to issue determinations and orders as the employee~~

1 ~~relations commissions deem necessary, consistent with and~~  
2 ~~pursuant to the policies of this chapter.~~

3 ~~(d) Notwithstanding subdivisions (a) and (b), consistent with,~~  
4 ~~and pursuant to, Sections 3500 and 3505.4, superior courts shall~~  
5 ~~have exclusive jurisdiction over actions involving interest~~  
6 ~~arbitration, as governed by Title 9 (commencing with Section~~  
7 ~~1280) of Part 3 of the Code of Civil Procedure, when the action~~  
8 ~~involves an employee organization that represents firefighters, as~~  
9 ~~defined in Section 3251.~~

10 ~~(e) This section shall not apply to employees designated as~~  
11 ~~management employees under Section 3507.5.~~

12 ~~(f) The board shall not find it an unfair practice for an employee~~  
13 ~~organization to violate a rule or regulation adopted by a public~~  
14 ~~agency if that rule or regulation is itself in violation of this chapter.~~  
15 ~~This subdivision shall not be construed to restrict or expand the~~  
16 ~~board's jurisdiction or authority as set forth in subdivisions (a) and~~  
17 ~~(b).~~

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AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 720**

**Introduced by Assembly Member Skinner**

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as amended, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. *Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act expands eligibility under the Medicaid Program for certain groups.* Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

~~This bill would require the county sheriff, or his or her designee, counties to designate an individual or agency, as specified, to assist all enroll certain individuals sentenced to held in county jail who are otherwise eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released, as specified, consistent with federal requirements. The bill would authorize the county sheriff, or his or her designee, to assist all individuals who are not sentenced to county jail but are detained in county jai, and who are eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or~~

~~she is scheduled to be released.~~ The bill would provide that individuals who are currently enrolled in the Medi-Cal program in the county where they reside ~~would and who would become ineligible for benefits because of detention before or after conviction shall have their benefits suspended and shall~~ retain enrollment in that program ~~while temporarily detained before any criminal conviction.~~ The bill would require the ~~county sheriff, or his or her designee,~~ individual or agency designated by the county, as specified, to supply appropriate information regarding the California Health-Care Benefit Exchange to those individuals detained in a county jail who are not eligible for ~~federal~~ Medi-Cal benefits and who do not have health care ~~insurance~~ coverage, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above.

By imposing additional duties on local ~~law enforcement entities governments,~~ this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 4011.11 is added to the Penal Code, to  
2 read:  
3 4011.11. (a) The Legislature finds and declares the following:  
4 (1) The *federal* Patient Protection and Affordable Care Act ~~of~~  
5 2010, also known as ~~Health Care Reform~~ *health care reform*, is  
6 designed to ensure every American has access to affordable quality  
7 health care. To help ensure access, the federal low-income health  
8 insurance program, the Medi-Cal program in California, ~~was~~ *will*  
9 *be* expanded to previously uncovered populations, including single  
10 men making less than 133 percent of the federal poverty ~~line~~ *level*.  
11 (2) The *cost of the* Medi-Cal expansion ~~is~~ *will be* fully paid by  
12 the federal government until 2017, when the federal government  
13 will cover 90 percent of the *cost of the* Medi-Cal expansion.

1 (3) According to research done by the National Health Law  
2 Program, a large portion of individuals currently sentenced to  
3 county jail, and those recently released, are ~~now currently~~  
4 *uninsured and may be* eligible for Medi-Cal once released.

5 (4) According to a study published in the American Journal of  
6 Public Health, many people coming out of county jail have  
7 significant medical, mental health, and substance abuse needs that  
8 are currently unmet.

9 (5) According to a study funded by the National Criminal Justice  
10 Reference Service, individuals who are enrolled in Medicaid on  
11 the day of release committed fewer repeat offenses, and the time  
12 between offenses was longer.

13 (6) Therefore, it is the intent of the Legislature to enroll  
14 individuals *in county jail* in the federally funded Medi-Cal program  
15 to provide medical, mental health, and substance abuse services  
16 to individuals when released from county jail, at no cost to the  
17 ~~State of California~~ *state* until 2017 and at minimal state cost  
18 beginning in 2017.

19 *(b) Each county shall designate an individual or agency to enroll*  
20 *the individuals described in subdivision (d) in the available*  
21 *Medi-Cal program in that county, consistent with federal*  
22 *requirements.*

23 ~~(b)~~  
24 ~~(c) The county sheriff jail administrator, or his or her designee,~~  
25 ~~shall assist all individuals sentenced to county jail who are~~  
26 ~~otherwise eligible for federal Medicaid benefits to enroll in the~~  
27 ~~Medi-Cal program available in that county 30 days before he or~~  
28 ~~she is scheduled to be released~~ *coordinate with the individual or*  
29 *agency designated pursuant to subdivision (b).*

30 ~~(e) The county sheriff, or his or her designee, may assist all~~  
31 ~~individuals who are not sentenced to county jail but are detained~~  
32 ~~in county jail and who are eligible for federal Medicaid benefits~~  
33 ~~to enroll in the Medi-Cal program available in that county 30 days~~  
34 ~~before he or she is scheduled to be released.~~

35 *(d) The individual or agency designated pursuant to subdivision*  
36 *(b) shall enroll an inmate in the Medi-Cal program at any point*  
37 *before release if all of the following conditions are met:*

38 *(1) The inmate has been in detention for at least 72 hours.*

39 *(2) The inmate will be eligible to be enrolled in the Medi-Cal*  
40 *program upon release.*

1     ~~(d)~~

2     (e) Consistent with federal regulations, individuals who are  
3 currently enrolled in the Medi-Cal program in the county where  
4 they reside ~~shall retain enrollment in that program while~~  
5 ~~temporarily detained before any criminal conviction and who would~~  
6 ~~become ineligible for benefits because of detention before or after~~  
7 ~~conviction shall have their benefits suspended during detention~~  
8 ~~and shall retain enrollment in the program.~~

9     (e)

10    (f) ~~The county sheriff, or his or her designee, individual or~~  
11 ~~agency designated pursuant to subdivision (b) shall, 30 days before~~  
12 ~~an inmate's scheduled release, supply appropriate information~~  
13 ~~regarding the California Health-Care Benefit Exchange to those~~  
14 ~~individuals detained in a county jail who are not eligible for federal~~  
15 ~~Medi-Cal benefits and who do not otherwise have health care~~  
16 ~~insurance, 30 days before their scheduled release coverage.~~

17    SEC. 2. If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.

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**ASSEMBLY BILL****No. 939****Introduced by Assembly Member Melendez**

February 22, 2013

An act to add Section 49416 to the Education Code, relating to pupil health.

## LEGISLATIVE COUNSEL'S DIGEST

AB 939, as introduced, Melendez. Pupil and personnel health: automatic external defibrillators.

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees, and requires the program to be developed using specified guidelines.

This bill would state the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator (AED). The bill would authorize a public school to solicit and receive nonstate funds to acquire and maintain an AED. If a public school decides to acquire and maintain an AED, or continue to use and maintain an existing AED, the bill would authorize and encourage the school to comply with specified requirements. The bill would provide that an employee and the school district are not liable for civil damages resulting from specified uses or nonuses of an AED, except as provided.

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

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

1 SECTION 1. Section 49416 is added to the Education Code,  
2 to read:

3 49416. (a) It is the intent of the Legislature that all public  
4 schools acquire and maintain at least one automatic external  
5 defibrillator (AED).

6 (b) A public school may solicit and receive nonstate funds to  
7 acquire and maintain an AED. These funds shall only be used to  
8 acquire and maintain an AED and to provide training to school  
9 employees regarding use of an AED. If a public school decides to  
10 acquire and maintain an AED, or continue to use and maintain an  
11 existing AED, the school may, and is encouraged to, do all of the  
12 following:

13 (1) Place an AED in a centralized location on campus for the  
14 purpose of preventing deaths resulting from sudden cardiac arrests  
15 among pupils, faculty, and visitors.

16 (2) Have the AED available for use at a school-sponsored  
17 athletic event. The AED placed in a centralized location on campus  
18 may serve as the AED that is available for use at school-sponsored  
19 athletic events that occur at the school campus.

20 (3) Maintain records of both of the following:

21 (A) That the AED is maintained and regularly tested according  
22 to the operation and maintenance guidelines set forth by the  
23 manufacturer.

24 (B) That the AED is checked for readiness after each use and  
25 at least once every 30 days if the AED has not been used during  
26 the preceding 30 days.

27 (4) Prepare a written medical emergency preparedness plan that  
28 describes the procedures to be followed in the event of a medical  
29 emergency that may involve the use of an AED. The written plan  
30 may include, but is not limited to, immediate calling of the  
31 emergency 911 telephone number when an AED is used.

32 (5) Require all school employees expected to administer an  
33 AED in an emergency to complete a training course in  
34 cardiopulmonary resuscitation and AED use that complies with  
35 the regulations adopted by the Emergency Medical Services  
36 Authority and the standards of the American Heart Association or  
37 the American Red Cross. A trained school employee may

1 administer an AED in accordance with the school's medical  
2 emergency preparedness plan.

3 (c) (1) An employee of a school district who renders emergency  
4 care or treatment pursuant to this section is not liable for civil  
5 damages resulting from the use, attempted use, or nonuse of an  
6 AED, except as provided in paragraph (3).

7 (2) If an employee of a school district uses, attempts to use, or  
8 does not use an AED consistent with the requirements of this  
9 section, to render emergency care or treatment, the employee,  
10 school district, or both are not liable for civil damages resulting  
11 from any act or omission in rendering the emergency care or  
12 treatment, including the use or nonuse of an AED, except as  
13 provided in paragraph (3).

14 (3) Paragraphs (1) and (2) shall not apply in the case of personal  
15 injury or wrongful death that results from gross negligence or  
16 willful or wanton misconduct on the part of the person who uses,  
17 attempts to use, or maliciously fails to use an AED to render  
18 emergency care or treatment.

19 (d) For purposes of this section, a "school-sponsored athletic  
20 event" means a school-sponsored extracurricular athletic activity,  
21 which includes practice for and competition in an interscholastic  
22 athletic sporting event held at any location, including a nonpublic  
23 school facility.

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AMENDED IN SENATE APRIL 17, 2013

**SENATE BILL**

**No. 635**

**Introduced by Senator Leno**

February 22, 2013

An act to amend Section 25631 of, and to add Section 25634 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 635, as amended, Leno. Alcoholic beverages: hours of sale.

The Alcoholic Beverage Control Act provides that any on- or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, and any person who knowingly purchases any alcoholic beverages between those hours, is guilty of a misdemeanor.

This bill would allow ~~the local governing body of a county or a city and county~~ *an on-sale licensee* to apply to the Department of Alcoholic Beverage Control to authorize, with or without conditions on the ~~licensees within those jurisdictions~~ *on-sale license*, the selling, giving, delivering, or purchasing of alcoholic beverages at ~~an on-sale~~ *the licensed premises between the hours of 2 a.m. and 4 a.m., upon completion of specified requirements by the local jurisdiction in which the licensee is located*, as provided. This bill would require the ~~local governing body~~ *applicant* to notify specified persons of the application for additional hours and would provide a procedure for protest and hearing regarding the application.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1     *SECTION 1. The Legislature finds and declares all of the*  
2 *following:*

3     *(a) It is the policy of the state to promote the responsible*  
4 *consumption of alcoholic beverages through making multiple*  
5 *planning options available to local communities and entertainment*  
6 *areas of the state, including the option of extended services hours*  
7 *up to a limit of 4 a.m. in communities and areas of the state where*  
8 *those extended hours are found by the governing body of the*  
9 *responsible community to be proper and appropriate.*

10    *(b) It is the policy of the state to encourage local communities*  
11 *to implement local entertainment and licensed venue operation*  
12 *policies designed for their specific communities and to support*  
13 *those local initiatives by all appropriate means.*

14    *(c) It is the policy of the state that modified closing times can*  
15 *improve the quality of life in local jurisdictions by mitigating public*  
16 *safety and nuisance issues associated with the uniform 2 a.m.*  
17 *closing hour.*

18    *(d) It is the policy of the state that local communities consider*  
19 *different approaches to address issues of the 2 a.m. uniform closing*  
20 *hour and encourage responsible consumption by, including, but*  
21 *not limited to, extending service hours within a limited*  
22 *geographical area, staggering service hours to alleviate stress on*  
23 *public services, differentiating between the end of sale hour and*  
24 *the end of consumption hour, and extending service hours only on*  
25 *holidays or specific days of the week.*

26    *(e) At least 15 states across the country delegate complete or*  
27 *partial authority for setting service hours to local jurisdictions or*  
28 *allow local jurisdictions to extend the hours of service, subject to*  
29 *state approval.*

30    *(f) The Legislature supports a well-planned and managed*  
31 *nightlife that can have a profound positive impact on a local*  
32 *economy, generating direct tax revenues, and growing public funds*

1 *through increased property value, revitalized business districts,*  
 2 *and increased tourism.*

3 *(g) The Legislature supports the world-renowned California*  
 4 *licensed restaurant, venue, and entertainment industry, which*  
 5 *generates more than fifty billion dollars (\$50,000,000,000) every*  
 6 *year in consumer spending in California communities on jobs,*  
 7 *goods and services, and related industries, and that attracts*  
 8 *world-class acts as well as tourists to visit and enjoy California.*

9 *(h) The Legislature has determined that it is in the best interest*  
 10 *of the State of California for extended hours of operation policies*  
 11 *to be administered by the Department of Alcoholic Beverage*  
 12 *Control in connection with applications for additional hour*  
 13 *privileges, with the fees for those applications to be determined*  
 14 *and assessed by the department at a rate that will fully reimburse*  
 15 *the department for administrative expenses.*

16 **SECTION 4.**

17 **SEC. 2.** Section 25631 of the Business and Professions Code  
 18 is amended to read:

19 25631. (a) (1) Except as provided in subdivision (b), any on-  
 20 or off-sale licensee, or agent or employee of that licensee, who  
 21 sells, gives, or delivers to any persons any alcoholic beverage or  
 22 any person who knowingly purchases any alcoholic beverage  
 23 between the hours of 2 a.m. and 6 a.m. of the same day, is guilty  
 24 of a misdemeanor.

25 (2) For the purposes of this subdivision, on the day that a time  
 26 change occurs from Pacific standard time to Pacific daylight saving  
 27 time, or back again to Pacific standard time, “2 a.m.” means two  
 28 hours after midnight of the day preceding the day such change  
 29 occurs.

30 (b) (1) In a *city*, county, or city and county that has additional  
 31 serving hours pursuant to Section 25634, any on-sale licensee, or  
 32 agent or employee of the licensee, who sells, gives, or delivers to  
 33 any person any alcoholic beverage or any person who knowingly  
 34 purchases any alcoholic beverage between the hours of 4 a.m. and  
 35 6 a.m. of the same day, is guilty of a misdemeanor.

36 (2) For the purposes of this subdivision, on the day that a time  
 37 change occurs from Pacific standard time to Pacific daylight time,  
 38 or back again to Pacific standard time, “4 a.m.” means four hours  
 39 after 12 midnight of the day preceding the day the change occurs.

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 25634 is added to the Business and Professions  
3 Code, to read:

4 25634. (a) Notwithstanding Section 25631, the department  
5 may authorize, with or without conditions ~~on the licensees~~, the  
6 selling, giving, delivering, or purchasing of alcoholic beverages  
7 at an *individual* on-sale licensed premises between the hours of 2  
8 a.m. and 4 a.m. within a *city*, county, or a city and county if the  
9 local governing body of that *city*, county, or city and county, or  
10 its designated subordinate officer or body, ~~applies to the department~~  
11 ~~and shows the department the public convenience or necessity~~  
12 ~~served by the additional hours.~~ *does the following:*

13 (1) *Develops and approves a local plan that meets the following*  
14 *requirements:*

15 (A) *Shows that the public convenience or necessity will be served*  
16 *by the additional hours.*

17 (B) *Identifies the area that will be affected by the additional*  
18 *hours and demonstrates how that area will benefit from the*  
19 *additional hours.*

20 (C) *Shows that residents and businesses within the additional*  
21 *hours service area support the additional hours.*

22 (D) *Includes an assessment by local law enforcement regarding*  
23 *the potential impact of an additional hours service area and the*  
24 *public safety plan, created by local law enforcement, for managing*  
25 *those impacts that has been approved by the local governing body.*

26 (E) *Shows that transportation services are readily accessible*  
27 *in the additional hours service area during the additional service*  
28 *hours.*

29 (F) *Includes programs to increase public awareness of the*  
30 *transportation services available in the additional hours service*  
31 *area and the impacts of alcohol consumption.*

32 (2) *Resolves and certifies the local plan and submits the local*  
33 *plan to the department.*

34 (b) *Upon receipt of a local plan developed pursuant to*  
35 *paragraph (1) of subdivision (a), the department shall review the*  
36 *local plan to ensure compliance with existing law and regulations*  
37 *promulgated by the department. The department shall review the*  
38 *local plan within \_\_\_\_ days of receipt and shall notify the local*  
39 *governing body of its approval or denial of the plan. During the*

1 *review process the department shall post the local plan on its*  
 2 *Internet Web site.*

3 *(c) An on-sale licensee shall not apply for additional hours*  
 4 *pursuant to this section until the department has approved the*  
 5 *local plan of the city, county, or city and county in which the*  
 6 *licensed premises is located.*

7 ~~(b)~~

8 *(d) (1) Upon receipt of an application by an on-sale licensee*  
 9 *for additional hours pursuant to this section, the department shall*  
 10 *make a thorough investigation to determine whether the additional*  
 11 *hours would serve the public convenience or necessity sought by*  
 12 *the applicant would unreasonably interfere with the quiet*  
 13 *enjoyment of their property by the residents of the city, county, or*  
 14 *city and county in which the applicant's licensed premises are*  
 15 *located.*

16 ~~(2) The local governing body of the county or city and county~~  
 17 ~~applicant shall notify the law enforcement agencies of the county~~  
 18 ~~or city and county city, county, or city and county, the residents~~  
 19 ~~of the city, county, or city and county located within 500 feet of~~  
 20 ~~the premises for which additional hours are sought, and any other~~  
 21 ~~interested parties, as determined by the local governing body, of~~  
 22 ~~the application by an on-sale licensee for additional hours pursuant~~  
 23 ~~to this section within 30 consecutive days of the filing of the~~  
 24 ~~application, in a manner determined by the local governing body.~~

25 *(3) Protests may be filed at any office of the department within*  
 26 *30 days from the first date of notice of the filing of an application*  
 27 *by an on-sale licensee for additional hours. The time within which*  
 28 *a local law enforcement agency may file a protest shall be extended*  
 29 *by the period prescribed in Section 23987.*

30 *(4) The department may reject protests, except protests made*  
 31 *by a public agency or public official, if it determines the protests*  
 32 *are false, vexatious, frivolous, or without reasonable or probable*  
 33 *cause at any time before hearing thereon, notwithstanding Section*  
 34 ~~24016 or 24300.~~ *If, after investigation, the department recommends*  
 35 *that additional hours be authorized notwithstanding a protest by a*  
 36 *public agency or a public official, the department shall notify the*  
 37 *agency or official in writing of its determination and the reasons*  
 38 *therefor, in conjunction with the notice of hearing provided to the*  
 39 *protestant pursuant to Section 11509 of the Government Code. If*  
 40 *the department rejects a protest as provided in this section, a*

1 protestant whose protest has been rejected may, within 10 days,  
 2 file an accusation with the department alleging the grounds of  
 3 protest as a cause for revocation of the additional hours and the  
 4 department shall hold a hearing as provided in Chapter 5  
 5 (commencing with Section 11500) of Part 1 of Division 3 of Title  
 6 2 of the Government Code.

7 (5) This section shall not be construed as prohibiting or  
 8 restricting any right that the individual making the protest might  
 9 have to a judicial proceeding.

10 (e)

11 (e) (1) If, after investigation, the department recommends that  
 12 additional hours be authorized, with or without conditions on the  
 13 licensees, *applicant's license*, notwithstanding that one or more  
 14 protests have been accepted by the department, the department  
 15 shall notify the local governing body and all protesting parties  
 16 whose protests have been accepted in writing of its determination.

17 (2) Any person who has filed a verified protest in a timely  
 18 fashion pursuant to subdivision ~~(b)~~ (d) that has been accepted  
 19 pursuant to this ~~article~~ *section* may request that the department  
 20 conduct a hearing on the issue or issues raised in the protest. The  
 21 request shall be in writing and shall be filed with the department  
 22 within 15 business days of the date the department notifies the  
 23 protesting party of its determination as required under paragraph  
 24 (1).

25 (3) At any time prior to the issuance of the license, the  
 26 department may, in its discretion, accept a late request for a hearing  
 27 upon a showing of good cause. Any determination of the  
 28 department pursuant to this subdivision shall not be an issue at the  
 29 hearing nor grounds for appeal or review.

30 (4) If a request for a hearing is filed with the department  
 31 pursuant to paragraph (2), the department shall schedule a hearing  
 32 on the protest. The issues to be determined at the hearing shall be  
 33 limited to those issues raised in the protest or protests of the person  
 34 or persons requesting the hearing.

35 (5) Notwithstanding that a hearing is held pursuant to paragraph  
 36 (4), the protest or protests of any person or persons who did not  
 37 request a hearing as authorized in this section shall be deemed  
 38 withdrawn.

39 (6) If a request for a hearing is not filed with the department  
 40 pursuant to this section, any protest or protests shall be deemed

1 withdrawn and the department may ~~issue the license~~ *approve the*  
 2 *on-sale licensee's application for additional hours* without any  
 3 further proceeding.

4 (7) If the person filing the request for a hearing fails to appear  
 5 at the hearing, the protest shall be deemed withdrawn.

6 ~~(d)~~

7 (f) The department shall notify the ~~on-sale licensees within the~~  
 8 ~~county or city and county~~ *applicant* of the outcome of the  
 9 application for additional hours. Any conditions placed upon the  
 10 ~~licensees license~~ pursuant to this section shall be subject to Article  
 11 1.5 (commencing with Section 23800).

12 ~~(e)~~

13 (g) The ~~local governing body~~ *applicant* shall, at the time of  
 14 application for additional hours pursuant to this section, accompany  
 15 the application with a fee of \_\_\_\_ dollars (\$\_\_\_\_). Fees collected  
 16 pursuant to this section shall be deposited in the Alcohol Beverage  
 17 Control Fund.

18 ~~SEC. 3.~~

19 *SEC. 4.* No reimbursement is required by this act pursuant to  
 20 Section 6 of Article XIII B of the California Constitution because  
 21 the only costs that may be incurred by a local agency or school  
 22 district will be incurred because this act creates a new crime or  
 23 infraction, eliminates a crime or infraction, or changes the penalty  
 24 for a crime or infraction, within the meaning of Section 17556 of  
 25 the Government Code, or changes the definition of a crime within  
 26 the meaning of Section 6 of Article XIII B of the California  
 27 Constitution.

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## All Other Monitored Bills

### 04-27-13

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- AB 59**
- AUTHOR:** Bonta [D]  
**TITLE:** School Districts: Parcel Taxes  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Revenue and Taxation Committee  
**SUMMARY:**  
 Specifies that provisions requiring uniform application of taxes shall not be construed as limiting a school district from assessing taxes in accordance with rational classifications among taxpayers or types of property within the school district.  
**NOTES:** BOS took Support and request amendment position 04.23.13
- AB 139**
- AUTHOR:** Holden [D]  
**TITLE:** Domestic Violence: Fees  
**LAST AMEND:** 03/06/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Public Safety Committee  
**SUMMARY:**  
 Amends existing law that imposes a fee on a person who is granted probation for a crime of domestic violence. Clarifies that the payment is a fee, not a fine, and that the fee is not subject to reduction for time served. Authorizes the use of a portion of the moneys in the county domestic violence programs special funds for administrative costs and, collection of the fee by a collecting agency or the agency's designee after the termination of the period of probation. Authorizes an accounting of the fund.  
**NOTES:** Devorah is reviewing
- AB 141**
- AUTHOR:** Gorell [R]  
**TITLE:** Elections: Write-in Candidates  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Elections and Redistricting Committee  
**HEARING:** 05/07/2013 1:30 pm  
**SUMMARY:**  
 Requires that a write-in candidate for a voter-nominated office receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office.  
**NOTES:** BOS approves Support on 04.16.13
- AB 158**
- AUTHOR:** Levine [D]  
**TITLE:** Solid Waste: Single Use Carryout Bags  
**LAST AMEND:** 04/09/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
 Prohibits specified stores from providing a single-use carryout bag to a customer. Requires such stores to meet other requirements regarding providing recycled paper bags and compostable bags. Imposes these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores. Requires bags sold or provided to a store by a reusable grocery bag producer to meet specified requirements. Requires violation penalties be

used for enforcement. Authorizes civil penalties.

**NOTES:** DCD supports. Sending letter of support. Consistent with Platform.

AB 182

**AUTHOR:** Buchanan [D]

**TITLE:** Bonds: School Districts and Community College Districts

**LAST AMEND:** 04/02/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Education Committee

**SUMMARY:**

Requires the ratio of total debt service to principal for each bond series to not exceed 4 to one. Requires each capital appreciation bond maturing more than 10 years after its date of issue to be subject to mandatory tender for purchase or redemption before its fixed maturity date, beginning no later than the 10th anniversary date of the capital appreciation bond was issued. Authorizes a waiver for school and community college districts. Requires the presentation of a cost-related analysis of the bonds.

**NOTES:** Rusty Watts supports. BOS supported 04.16.13

AB 185

**AUTHOR:** Hernandez R [D]

**TITLE:** Open and Public Meetings: Televised Meetings

**LAST AMEND:** 04/23/2013

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Local Government Committee

**HEARING:** 05/01/2013 1:30 pm

**SUMMARY:**

Provides the time frame for destruction of an audio or video recording of an open and public meeting. Requires a local agency that collects a franchise fee from a state franchise holder that provides public, educational, and government access channels to televise the open and public meetings of its legislative body and planning commission, unless such is a financial hardship, then meetings would be broadcast via an audio-visual medium. Authorizes the use of franchise fees to implement such televising.

**NOTES:** CCTV is reviewing

AB 195

**AUTHOR:** Hall [D]

**TITLE:** Counties: Construction Projects: Design-Build

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Local Government Committee

**HEARING:** 05/01/2013 1:30 pm

**SUMMARY:**

Extends provisions of existing law that authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of a specified amount, in accordance with specified procedures, and provides that the procedures include a requirement for contracts awarded after a certain date that a county board of supervisors pay a fee into the State Public Works Enforcement Fund.

**NOTES:** Support position in Platform

AB 197

**AUTHOR:** Stone [D]

**TITLE:** CalWORKs Eligibility: Asset Limits: Vehicles

**DISPOSITION:** Pending

**LOCATION:** Assembly Appropriations Committee

**SUMMARY:**

Deletes existing requirements for assessing the value of a motor vehicle for purposes of eligibility for public aid, including the CalWORKs program. Excludes the value of a licensed

motor vehicle from consideration when determining or redetermining eligibility for aid.

**NOTES:** Sent letter of support 03.11.13

- AB 244      **AUTHOR:** Bonilla [D]  
**TITLE:** Vehicles: License Plates: Veterans  
**LAST AMEND:** 04/24/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Veterans Affairs Committee  
**HEARING:** 04/30/2013 4:00 pm  
**SUMMARY:**  
Requires the Department of Veterans Affairs to apply to the Department of Motor Vehicles to sponsor a veterans specialized license plate. Requires the Department of Motor Vehicles to issue the veterans specialized plates if the Department of Veterans' Affairs meets specified requirements. Requires these plates to be subject to additional fees, and that the fee revenues be deposited in the Veterans Service Office Fund.  
**NOTES:** BOS supported on 04.16.13
- AB 419      **AUTHOR:** Lowenthal B [D]  
**TITLE:** CalWORKs: Eligibility  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**  
Relates to criteria for eligibility for the CalWORKs program. Requires that a child who is a patient in a public or private hospital for medical or surgical care be considered temporarily absent from the home for the duration of the hospital stay.  
**NOTES:** EHSD recommends support; to Leg Com 5/2
- AB 488      **AUTHOR:** Williams [D]  
**TITLE:** Recycling: Household Batteries  
**LAST AMEND:** 04/23/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Requires a producer or a household battery stewardship organization appointed by one or more producers of a household battery to submit a household battery stewardship plan, which would be required to include specified elements. Requires the review of the plan and to provide for its approval or disapproval. Prohibits selling a household battery unless the plan for the batter is approved. Relates to a plan collection rate. Requires the payment of a plan review fee. Authorizes a producer civil action.  
**NOTES:** DCD supports; consistent with Platform; sending letter of support
- AB 531      **AUTHOR:** Frazier [D]  
**TITLE:** Driver's Licenses: Veteran Designation  
**LAST AMEND:** 03/20/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Requires the application for a driver's license or identification card to also allow a person to present to the Department of Motor Vehicles in a manner determined by the department, a Certificate of Release or Discharge from Active Duty and to request the driver's license identification card be printed with the word VETERAN. Requires the charging of an

additional fee. Requires the fee revenues to expended for the support of county veterans service officers.

**NOTES:** BOS supported on 04.16.13

AB 583

**AUTHOR:** Gomez [D]  
**TITLE:** County Free Public Libraries: Withdrawal  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Local Government Committee  
**HEARING:** 05/08/2013 1:30 pm  
**SUMMARY:**

Provides that a board of trustees, common council, or other legislative body of a city or the board of trustees of a library district in which a withdrawal from the county free library system shall comply with specified requirements before entering into a contract to operate the city's or library district's library or libraries with a private contractor that will employ library staff to achieve cost savings.

AB 635

**AUTHOR:** Ammiano [D]  
**TITLE:** Drug Overdose Treatment: Liability  
**LAST AMEND:** 04/11/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Judiciary Committee  
**SUMMARY:**

Authorizes a licensed health care provider who is permitted by law to prescribe an opioid antagonist and is acting with reasonable care to prescribe and subsequently dispense or distribute an opioid antagonist for the treatment of an opioid overdose to a person at risk of an opioid-related overdose or a specified person in a position to assist a person at risk of an opioid-related overdose. Authorizes these licensed health care providers to issue standing orders for the distribution of an opioid antagonist.

**NOTES:** Pat Frost recommends Oppose. Leg Com recommended Oppose.

**VOTES:** 04/02/2013 Assembly Judiciary Committee P 9-0  
 04/15/2013 Assembly Floor P 77-0

AB 720

**AUTHOR:** Skinner [D]  
**TITLE:** Inmates: Health Care Enrollment  
**LAST AMEND:** 04/11/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/01/2013 9:00 am  
**SUMMARY:**

Requires counties to designate an individual or agency to enroll certain individuals held in county jail into the MediCal Program consistent with federal requirements. Provides that individuals who are currently enrolled in the county where they reside and who would become eligible for benefits because of detention before or after conviction shall have their benefits suspended and shall enroll in the above program. Requires informing individuals regarding the Medi-Cal program prior to release.

**NOTES:** Sheriff and EHSD Director conferring

AB 741

**AUTHOR:** Brown [D]  
**TITLE:** Local Government Finance: Tax Equity Formula  
**DISPOSITION:** Pending

	<b>LOCATION:</b>	Assembly Local Government Committee
	<b>SUMMARY:</b>	Increases the allocation of property tax revenues under a new Tax Equity Allocation formula for qualifying cities.
	<b>NOTES:</b>	BOS took Oppose on 4.23.13
AB 748	<b>AUTHOR:</b>	Eggman [D]
	<b>TITLE:</b>	Judgments Against the State: Interest
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Judiciary Committee
	<b>HEARING:</b>	04/30/2013 8:00 am
	<b>SUMMARY:</b>	Provides that interest on the amount of a judgment or settlement for the payment of money against the state shall accrue on the amount allowed on the claim at no more than the average Pooled Money Investment Account rate for the previous fiscal year. Provides that this accrual rate also applies to interest on the amount of a judgment for the payment of money against local public entities, except as otherwise provided by contract.
	<b>NOTES:</b>	BOS supported on 04.16.13
AB 763	<b>AUTHOR:</b>	Buchanan [D]
	<b>TITLE:</b>	Aquatic Invasive/Pest Plants: Control and Eradication
	<b>LAST AMEND:</b>	04/10/2013
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Appropriations Committee
	<b>HEARING:</b>	05/01/2013 9:00 am
	<b>SUMMARY:</b>	Designates the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other state and local public agencies and with federal agencies in identifying, detecting, controlling, and administering programs to manage and, when feasible, eradicate invasive aquatic plants and other aquatic pest plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. Provides required actions by specified agencies regarding invasive plants and pests.
	<b>NOTES:</b>	Consistent w Platform. Sending SUPPORT letter
AB 920	<b>AUTHOR:</b>	Ting [D]
	<b>TITLE:</b>	Property Taxation: Tax Bill Information: Refunds
	<b>LAST AMEND:</b>	04/22/2013
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Revenue and Taxation Committee
	<b>HEARING:</b>	04/29/2013 1:30 pm
	<b>SUMMARY:</b>	Establishes the Property Tax Transparency and Accountability Program. Provides a pilot program that requires participating counties to provide specified information in each county tax bill, including what percentage of the general ad valorem property tax is allocated to each local government entity and a comprehensive account of all the services funded by local governments. Requires those counties to provide the Legislature with a report relating to the program.
	<b>NOTES:</b>	Monitoring
AB 935	<b>AUTHOR:</b>	Frazier [D]
	<b>TITLE:</b>	Bay Area Water Transportation Authority: Members
	<b>LAST AMEND:</b>	04/25/2013

**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/01/2013 9:00 am  
**SUMMARY:**

Relates to the San Francisco Bay Area Water Emergency Transportation Authority and board of directors. Expands the number of members appointed to the board by the Senate Committee on Rules and the Speaker of the Assembly. Relates to members appointed by the Governor.

**NOTES:** MONITOR. WE MAY BE ASKED TO SUPPORT

AB 939

**AUTHOR:** Melendez [R]  
**TITLE:** School Defibrillators  
**DISPOSITION:** Pending  
**FILE:** 7  
**LOCATION:** Assembly Second Reading File  
**COMMITTEE:** Assembly Judiciary Committee  
**HEARING:** 2013-05-07 9:00 am  
**SUMMARY:**

States the intent of the Legislature that all public schools acquire and maintain at least one automatic external defibrillator.

**NOTES:** Pat Frost recommends position

AB 1051

**AUTHOR:** Bocanegra [D]  
**TITLE:** Housing  
**LAST AMEND:** 04/08/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Transportation Committee  
**HEARING:** 04/29/2013 1:30 pm  
**SUMMARY:**

Creates the Sustainable Communities for All program to fund transit-related projects through competitive grants and loans. Appropriates an unspecified sum from the Greenhouse Gas Reduction Fund to be allocated to the Department of Housing and Community Development to provide loans for the development and construction of housing development projects within close proximity to transit stations, and to other specified projects and programs intended to reduce greenhouse gas emissions.

AB 1179

**AUTHOR:** Bocanegra [D]  
**TITLE:** Regional Transport: Sustained Communities: Schools  
**LAST AMEND:** 03/21/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**

Relates to transportation planning for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Requires reporting of how the sustainable communities strategy may impact school enrollments and capacities and the need for new schoolsites or expansion or modernization of existing schoolsites. Provides for membership of the Strategic Growth Council.

CA ACA 3

**AUTHOR:** Campos [D]  
**TITLE:** Local Government Finance: Public Safety Services  
**DISPOSITION:** Pending

**LOCATION:** Assembly Local Government Committee

**SUMMARY:**

Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.

**NOTES:** BOS supports.

CA ACA 8

**AUTHOR:** Blumenfield [D]

**TITLE:** Local Government Financing: Voter Approval

**LAST AMEND:** 04/04/2013

**DISPOSITION:** Pending

**LOCATION:** Assembly Local Government Committee

**SUMMARY:**

Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.

SB 24

**AUTHOR:** Walters [R]

**TITLE:** Public Employees' Retirement: Benefit Plans

**DISPOSITION:** Pending

**LOCATION:** Senate Public Employment and Retirement Committee

**SUMMARY:**

Authorizes a local agency public employer or public retirement system that offers a defined benefit pension plan to offer a benefit formula with a lower benefit factor at normal retirement age and that results in a lower normal cost than the benefit formulas that are currently required, for purposes of addressing a fiscal necessity.

SB 40

**AUTHOR:** Pavley [D]

**TITLE:** Safe, Clean, and Reliable Drinking Water Supply Act

**LAST AMEND:** 01/17/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Natural Resources and Water Committee

**SUMMARY:**

Changes the name of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 to the Safe, Clean, and Reliable Drinking Water Supply Act of 2014. Declares the intent of the Legislature to amend the act for the purpose of reducing and potentially refocusing the bond.

**NOTES:** Water Bond-- spot bill

SB 42

**AUTHOR:** Wolk [D]

**TITLE:** Clean, Secure Water Supply and Delta Recovery Act

**DISPOSITION:** Pending

**LOCATION:** Senate Natural Resources and Water Committee

**SUMMARY:**

Enacts the Clean, Secure Water Supply and Delta Recovery Act of 2014. Authorizes the issuance of general obligation bonds for the Sacramento-San Joaquin Delta Recovery.

**NOTES:** Senator Wolk's bond bill



**DISPOSITION:** Pending  
**FILE:** 33  
**LOCATION:** Senate Third Reading File  
**SUMMARY:**

Amends existing law which prohibits the guardian or conservator from being compensated from the estate for any costs or fees that he or she incurred in unsuccessfully opposing a petition made by or on behalf of the ward or conservatee, unless the court determines that the opposition was made in good faith. Authorizes the court to award litigation costs, including attorney's fees, to the prevailing party if an objection is made to the petition for compensation.

SB 191

**AUTHOR:** Padilla [D]  
**TITLE:** Emergency Medical Services  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 04/30/2013 9:00 am  
**SUMMARY:**

Extends the operative date of existing law that establishes the Maddy Emergency Medical Services Fund, which authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services and authorizes county boards of supervisors to elect to levy an additional penalty upon fines, penalties and forfeitures collected for criminal offenses.

**NOTES:** Sent letter of support 03.11.13

SB 199

**AUTHOR:** De Leon [D]  
**TITLE:** Probation: Community Corrections  
**DISPOSITION:** Pending  
**LOCATION:** Senate Public Safety Committee  
**SUMMARY:**

Relates to local community corrections partnerships. Adds a rank-and-file deputy sheriff or a rank-and-file police officer and a rank-and-file probation officer or a deputy probation officer to the membership of a community corrections partnership.

**NOTES:** BOS took Oppose on 4.23.13

SB 225

**AUTHOR:** Emmerson [R]  
**TITLE:** Imprisonment: Sentences Punishable in State Prison  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 04/30/2013 9:00 am  
**SUMMARY:**

Requires a sentence to be served in state prison when the defendant is convicted of a felony or felonies otherwise punishable in a county jail and is sentenced to an aggregate term of more than a specified number of years.

SB 254

**AUTHOR:** Hancock [D]  
**TITLE:** Solid Waste: Used Mattresses: Recycling and Recovery  
**LAST AMEND:** 04/15/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 04/29/2013 11:00 am  
**SUMMARY:**

Establishes the Used Mattress Recovery and Recycling Act. Authorizes an industry

association to establish a mattress recycling organization, and be certified by the Department of Resources Recycling and Recovery to develop a mattress recycling program. Requires manufacturers and retailers of mattresses to register with the mattress recycling organization. Prohibits manufacturing non compliant mattresses. Requires a state mattress recycling charge to be included in the purchase price.

**NOTES:** Consistent w Platform. Sending SUPPORT letter

SB 279

**AUTHOR:** Hancock [D]  
**TITLE:** San Francisco Bay Restoration Authority  
**LAST AMEND:** 04/23/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Rules Committee

**SUMMARY:**

Relates to the San Francisco Bay Restoration Authority. Relates to authority to levy a special tax. Provides that any measure proposed by the authority must be submitted to the voters of the district authority. Requires the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. Requires election officials to use the same letter designation for the measure. Relates to translation of ballot materials into languages other than English.

**NOTES:** BOS supported on 04.23.13

SB 283

**AUTHOR:** Hancock [D]  
**TITLE:** CalWORKs and CalFresh Eligibility  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 04/29/2013 11:00 am

**SUMMARY:**

Authorizes CalWORKs and CalFresh benefits to be paid to an individual who is convicted in state or federal court of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. Provides that if the person is on supervised release, he or she would be ineligible for benefits during any period of revocation of that supervised release.

**NOTES:** BOS supported on 04.16.13

SB 296

**AUTHOR:** Correa [D]  
**TITLE:** County Veterans Service Officers  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/06/2013 11:00 am

**SUMMARY:**

Appropriates a specified amount of funds from the General Fund to the Department of Veterans Affairs for the disbursement to counties to fund the activities of county veterans service officers and veterans service organizations.

**NOTES:** BOS supported on 04.16.13

SB 359

**AUTHOR:** Corbett [D]  
**TITLE:** Environment: CEQA Exemption: Housing Projects  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Environmental Quality Committee  
**HEARING:** 05/01/2013 9:30 am

**SUMMARY:**

Amends provisions of the California Environmental Quality Act which exempt from the Act's requirements residential infill projects meeting specified criteria. Exempts as residential a use consisting of residential units and neighborhood-serving goods, services, or retail uses that do not exceed a specified percent of the total building square footage of the project.

**NOTES:** Sent to DCD for review

SB 405

**AUTHOR:** Padilla [D]  
**TITLE:** Solid Waste: Single-Use Carryout Bags  
**LAST AMEND:** 04/02/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 04/29/2013 11:00 am

**SUMMARY:**

Prohibits stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer. Requires these stores to meet other specified requirements regarding providing recycled paper bags, compostable bags, or reusable grocery bags to customers. Imposes these prohibitions on convenience food stores, foodmarts, and other specified stores. Requires reusable grocery bags to meet specified requirements. Authorizes civil penalties to be used for enforcement.

**NOTES:** DCD supports; consistent with Platform

SB 466

**AUTHOR:** DeSaulnier [D]  
**TITLE:** California Institute for Criminal Justice Policy  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/06/2013 11:00 am

**SUMMARY:**

Establishes the Institute for Criminal Justice Policy. Requests the University of California to house the institute. Requires the institute to conduct a cost-benefit, evidence-based analysis for each pending legislative measure relating to criminal justice.

SB 509

**AUTHOR:** DeSaulnier [D]  
**TITLE:** State Health Benefit Exchange: Background Checks  
**LAST AMEND:** 04/22/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Health Committee

**SUMMARY:**

Authorizes the State Health Benefit Exchange Executive Board to require fingerprint images and relation information from employees of their service center, prospective employees, contractors, subcontractors, volunteers, or vendors for the purpose of obtaining prescribed criminal background history information through the Department of Justice. Authorizes the department to charge a fee to cover related costs.

SB 543

**AUTHOR:** Block [D]  
**TITLE:** Petty Theft: Enhancements for Prior Convictions  
**LAST AMEND:** 04/10/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Makes a conviction for theft from an elder or dependent adult a qualifying offense for each of the sentencing enhancements.

- SB 647           **AUTHOR:**           Wolk [D]  
**TITLE:**                County Retirement  
**DISPOSITION:**      Pending  
**LOCATION:**            Senate Rules Committee  
**SUMMARY:**  
 Makes a nonsubstantive change to existing law that provides that if a member of a county retirement system becomes a member of another county retirement system, the membership in the first retirement system ceases
- SB 727           **AUTHOR:**           Jackson [D]  
**TITLE:**                Medical Waste: Pharmaceutical Product Stewardship  
**LAST AMEND:**        04/03/2013  
**DISPOSITION:**      Pending  
**COMMITTEE:**        Senate Environmental Quality Committee  
**HEARING:**           05/01/2013 9:30 am  
**SUMMARY:**  
 Requires the submission of a plan for the safe collection and property disposal of specified waste devices by a pharmaceutical producer. Require the Department of Resources Recycling and Recovery to post that information on its Web site. Requires each producer to also submit a related fee. Requires the imposition of administrative civil penalties for violations or a fine for non-submission of a plan by a specified date.  
**NOTES:**              Consistent with Platform. Sent letter of support.
- SB 731           **AUTHOR:**           Steinberg [D]  
**TITLE:**                Environment: California Environmental Quality Act  
**LAST AMEND:**        04/23/2013  
**DISPOSITION:**      Pending  
**COMMITTEE:**        Senate Environmental Quality Committee  
**HEARING:**           05/01/2013 9:30 am  
**SUMMARY:**  
 Relates to the state environmental quality act. Provides that aesthetic impacts of a residential, mixed-use residential, or employment center project within a transit priority area shall not be considered significant impacts on the environment. Requires guidelines for thresholds of significance and the transportation and parking impacts to be made available to the public. Requires preparation of environmental impact reports. Extends tolling agreements for judicial actions and mitigation measures.  
**NOTES:**              Catherine Kutsuris is monitoring
- SB 735           **AUTHOR:**           Wolk [D]  
**TITLE:**                Sacramento-San Joaquin Delta Reform Act  
**LAST AMEND:**        04/24/2013  
**DISPOSITION:**      Pending  
**COMMITTEE:**        Senate Appropriations Committee  
**HEARING:**           05/06/2013 11:00 am  
**SUMMARY:**  
 Amends the Sacramento-San Joaquin Delta Reform Act of 2009 to exclude from the definition of covered action the approval or implementation of a project as part of a larger conservation plan submitted pursuant to the Federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered species.

	<b>NOTES:</b>	Consistent w Platform. Sent SUPPORT letter
SB 804	<b>AUTHOR:</b>	Lara [D]
	<b>TITLE:</b>	Solid Waste: Energy
	<b>LAST AMEND:</b>	04/22/2013
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Senate Environmental Quality Committee
	<b>HEARING:</b>	05/01/2013 9:30 am
	<b>SUMMARY:</b>	Redefines biomass conversion to include in addition to controlled combustion, any other conversion technology. Defines composting for purposes of implementing certain solid waste management practices and reduction goals to include aerobic and anaerobic decomposition of organic wastes. Imposes a state-mandated local program by imposing new duties upon local agencies with regard to the diversion of solid waste.
	<b>NOTES:</b>	Monitoring per DCD
CA SCA 4	<b>AUTHOR:</b>	Liu [D]
	<b>TITLE:</b>	Local Government Transportation Project: Voter Approval
	<b>LAST AMEND:</b>	03/19/2013
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Senate Governance and Finance Committee
	<b>HEARING:</b>	05/15/2013 9:30 am
	<b>SUMMARY:</b>	Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects and requires the approval of a related proposition. Prohibits the local government from expending any revenues derived from a special transportation tax approved by the voters at any time prior to the completion of an identified capital project funded by specified revenues.
CA SCA 7	<b>AUTHOR:</b>	Wolk [D]
	<b>TITLE:</b>	Public Libraries
	<b>LAST AMEND:</b>	02/26/2013
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Senate Governance and Finance Committee
	<b>HEARING:</b>	05/15/2013 9:30 am
	<b>SUMMARY:</b>	Proposes an amendment to the Constitution relative to public libraries. Relates to ad valorem tax rates. Creates a certain exception to a specified limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities. Authorizes the imposition, extension, or increase of a special tax imposed for the purpose of funding public libraries, upon approval of a specified percentage of the voters voting on the proposition.
	<b>NOTES:</b>	Library requests that we support it
CA SCA 8	<b>AUTHOR:</b>	Corbett [D]
	<b>TITLE:</b>	Transportation Projects: Special Taxes: Voter Approval
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Senate Governance and Finance Committee
	<b>HEARING:</b>	05/15/2013 9:30 am
	<b>SUMMARY:</b>	Provides that the imposition, extension, or increase of a special tax by a local government for

the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition.

- CA SCA 9      **AUTHOR:**            Corbett [D]  
**TITLE:**                **Local Government: Economic Development: Special Taxes**  
**DISPOSITION:**      Pending  
**COMMITTEE:**        Senate Governance and Finance Committee  
**HEARING:**            05/15/2013 9:30 am  
**SUMMARY:**  
Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.
- CA SCA 11      **AUTHOR:**            Hancock [D]  
**TITLE:**                **Local Government: Special Taxes: Voter Approval**  
**DISPOSITION:**      Pending  
**COMMITTEE:**        Senate Governance and Finance Committee  
**HEARING:**            05/15/2013 9:30 am  
**SUMMARY:**  
Makes conforming and technical, nonsubstantive changes to provisions relative to special taxation. Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.
- AB 1 a            **AUTHOR:**            Perez J [D]  
**TITLE:**                **Medi-Cal Eligibility: Expansion**  
**DISPOSITION:**      Pending  
**LOCATION:**            Senate Health Committee  
**SUMMARY:**  
Implements various provisions of the federal Patient Protection and Affordable Care Act by modifying provisions relating to determining eligibility for certain groups. Extends Medi-Cal eligibility to specified adults and requires that income eligibility be determined based on modified adjusted gross income. Prohibits the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of income.
- AB 2 a            **AUTHOR:**            Pan [D]  
**TITLE:**                **Health Care Coverage**  
**LAST AMEND:**        04/01/2013  
**DISPOSITION:**      Pending  
**FILE:**                 1  
**LOCATION:**            Assembly Unfinished Business - Concurrence in Senate Amendments  
**SUMMARY:**  
Relates to the offering of health plans to individuals, open enrollment, preexisting condition exclusion, insured claims experience as part of a single risk pool, the use of certain factors in determining individual plan rates, insurance advertising and marketing, small employer enrollment periods and coverage effective date and premium rates, a risk adjustment program, insurance data reporting, and insurer disclosure requirements.
- SB 1 a            **AUTHOR:**            Hernandez E [D]  
**TITLE:**                **Medi-Cal: Eligibility**  
**DISPOSITION:**      Pending

**LOCATION:** ASSEMBLY

**SUMMARY:**

Implements various provisions of the federal Patient Protection and Affordable Care Act by modifying provisions relating to determining eligibility for certain groups. Extends Medi-Cal eligibility to specified adults. Requires that income eligibility be determined based on modified adjusted gross income. Prohibits the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of income.

SB 2 a

**AUTHOR:** Hernandez E [D]

**TITLE:** Health Care Coverage

**LAST AMEND:** 04/01/2013

**DISPOSITION:** Pending

**FILE:** 1

**LOCATION:** Senate Unfinished Business

**SUMMARY:**

Relates to the offering of health care service plans to individuals, open enrollment, preexisting condition exclusion, insured claims experience as part of a single risk pool, the use of certain factors in determining individual plan rates, insurance advertising and marketing, small employer enrollment periods and coverage effective date and premium rates, a risk adjustment program, insurance data reporting, plan disclosure requirements, and health care service plan benefits and coverage uniformity.

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**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
Supervisor Karen Mitchoff, Chair  
Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: April 28, 2013

SUBJECT: **Agenda Item #5: Gun Violence Prevention Legislation**

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**RECOMMENDATION**

ACCEPT the report on gun violence prevention legislation and provide direction, as necessary.

**REPORT**

At the April 4, 2013 meeting, the Legislation Committee received a preliminary report on the gun violence prevention bills currently in consideration in the California Legislature and requested additional information about legislative efforts at the state and national levels, as well as input from the County's chief law enforcement officials. The Legislation Committee also directed staff to develop Platform policy positions related to gun violence prevention for consideration by the Board of Supervisors. (*These draft policy positions will be presented by staff during the development of the State and Federal Platforms in the fall.*)

In California, a package of bills to address gun violence prevention was rolled out by Senate Democrats in early February. The California plan comes less than a month after New York adopted its own sweeping package of new gun controls and President Barack Obama announced a package of executive actions, all in the wake of December's Connecticut schoolhouse massacre. As this plan emerged, the House Democrats' gun violence task force was announcing its 15 "policy principles." (See *Attachment C.*)

The Chief Probation Officer, Philip Kader, has indicated that he has been tracking much of the state legislation as the Legislation Chair of CPOC. CPOC has discussed most of these bills and has decided on a "no position" and/or "watch" position. As this does not directly relate to probation services (and/or sentencing), CPOC traditionally does not get involved. However, he has provided comments to the Legislation Committee for your consideration:

"...there is a general motivation by many of us and certainly me that we should support legislation that could result in a reduced availability of large capacity magazines and added liability for those that possess them. I also agree that an expansion of weapon

purchase registration to close the loophole with gun shows and on line purchases is a good idea. So I personally support the majority of the bills you have asked us to review.

To be clear, I am not naïve and I do not believe these efforts will stop any further acts of mass murder by guns or the sophistication of the active gangs use of high power weapons and large capacity magazines. Most of these bills are small steps to try and make a difference. To me that is much better than doing nothing.”

The Contra Costa County District Attorney, Mark Peterson, has provided the Legislation Committee with his comments on the various bills, noting: “The wave of proposed Senate legislation in response to recent gun violence is obviously well-intentioned. However, “gun-control” is a very complicated issue and much of the proposed legislation poses risks of negative unintended consequences to law-abiding California gun-owners and gun retailers for the following reasons...” (See *Attachment A*)

As of the date of publication, staff has not received input from the Sheriff-Coroner regarding the legislation that County staff is monitoring. (See *Attachment B for the list of bills.*) However, the Sheriff has been encouraged to provide his perspective to the Legislation Committee directly.

During the course of research, staff did find relevant comments from the former Sheriff of San Bernardino County that noted “I am concerned that the conversation has centered too specifically on gun control. We need to take a broader look and focus on comprehensive, evidence-based approaches that will create calmer classrooms and secure learning environments to keep all children on track toward successful futures.

The reality is that most criminals started getting into trouble when they were juveniles: skipping class, experimenting with drugs and alcohol, defacing public property, and so forth. Intervening in the early years gives us the best chance of steering them back on course, before they mature into full-blown criminals.” (See *Attachment D for the entirety of his remarks.*)

With regard to CSAC, the Platform for the Administration of Justice is silent on the matter of gun control/gun violence prevention. The closest it comes to the issue is its treatment of Family Violence, in Section 4: “CSAC remains committed to raising awareness of the toll of family violence on families and communities by supporting efforts that target family violence prevention, intervention and treatment. Specific strategies for early intervention and success should be developed through cooperation between state and local governments, as well as community, and private organizations addressing family violence issues.” The CSAC Legislative Priorities for 2013 also do not address the issue.

However, with respect to the National Association of Counties (NACo), the NACo 2012-2013 *Justice and Public Safety Platform* does address the issue of “Firearms Control” in the following manner:

## CONTROL OF FIREARMS

NACo supports the enactment of appropriate federal, state, and local legislation that would strengthen criminal sanctions relating to the illegal possession or sale of firearms.

NACo further supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the commission of a felony.

NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe Streets Act, which are directed at preventing possession of handguns by proscribed groups of people.

These Acts stipulate that the following individuals are ineligible to receive firearms: fugitives from justice; persons under federal or state felony indictment; persons convicted of a federal or state felony; persons ineligible by state or local law to possess a firearm; minors (under eighteen for rifles and shotguns, and under twenty-one for handguns); adjudicated mental defectives or persons committed to a mental institution; unlawful users of or addicts to any depressant, stimulants, or narcotic drug; felons; persons dishonorably discharged from the U.S. Armed Forces; mental incompetents; former U.S. citizens; and illegal aliens.

In order for the intent of these laws to be fulfilled, an effective method is needed to verify a purchaser's eligibility. NACo supports the requirement of a reasonable waiting period for the purchase of a handgun to allow for a records check, where possible, to ensure that the purchaser is not ineligible under existing federal law to possess a handgun.

**A. Reducing the Supply of Illegal Guns to Criminals and Juveniles:** NACo recognizes that many guns used in crime are purchased from gun dealers by illegal gun traffickers who distribute them to juveniles and criminals, both in the same state and through illegal interstate gun trafficking to those in other states, and through international gun trafficking to international criminals, drug dealers, and terrorists.

The tracing of all recovered firearms with ATF's National Tracing Center leads to the disruption of illegal gun trafficking by enabling law enforcement to identify and incarcerate illegal traffickers, and by enabling municipalities, counties, and states to identify local, regional, and national patterns in the illegal gun supply.

Moreover, many jurisdictions are instituting comprehensive crime gun tracing to assist in reducing illegal gun trafficking, especially since tracing all recovered firearms need not cost any additional money or manpower because it can be done through existing communications systems such as NLETS; and the states of Connecticut and Illinois have enacted statewide tracing legislation.

NACo encourages counties to adopt as a countywide strategy the tracing of all firearms that have been seized or confiscated in order to identify the illegal sources of firearms that supply criminals and juveniles in our nation's counties, and also endorses state and federal legislation and state and federal funding to facilitate statewide tracing measures.

**B. National Child Safety Lock Up:** Recognizing that an estimated 1.2 million latchkey children have access to loaded and unlocked firearms, NACo endorses National Child Safety Lock legislation.

**C. Safe Ownership of Firearms:** NACo recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.

### Legislative Activity in California

#### **State Senate panel approves package of gun control bills**

By Patrick McGreevy  
April 16, 2013, 9:18 p.m.

SACRAMENTO -- A package of some of the most restrictive gun control measures in the nation advanced in the state Senate on Tuesday after tearful testimony from victims of firearms violence and opposition from gun-owner groups including the National Rifle Assn.

After a nine-hour hearing that saw support from Los Angeles Mayor Antonio Villaraigosa, the Senate Public Safety Committee approved seven bills that are part of a package of measures dubbed by Democratic leaders as the "Life Act." The bills still need to be approved by the full Senate and Assembly.

The proposals approved by the panel include requirements for licenses and background checks for those buying ammunition and restrictions that would close loopholes on the possession of assault weapons with detachable magazines.

The panel heard tearful testimony in support of the legislation from victims of gun violence including Paulette Brown of San Francisco, who held up a photo of her 17-year-old son, Aubrey Abrakasa, lying dead on a hospital gurney after he had been shot 30 times.

"I am grieving," Brown told the senators. "Mothers are hurting."

One measure approved by the committee with Republicans opposed would prohibit the future sale, purchase and manufacture in California of semiautomatic rifles that can accept detachable magazines, and require those who own such weapons now to register them with the state.

Senate President Pro Tem Darrell Steinberg (D-Sacramento) said his proposal would close a loophole that has allowed the "the commercialization of mass killing machines" by the gun industry.

"They have a virtually unlimited capacity to shoot and to kill," Steinberg told the committee.

However, opponents, including a representative of the National Rifle Assn. said the Steinberg bill and others violate their constitutional rights to bear arms, punish law-abiding gun owners and will not reduce violence because the laws will be ignored by criminals.

“This won’t do a single thing to reduce gun violence,” said Jim Ricketts of the group Tea Party United about the Steinberg bill, SB 374. “It is targeting the law-abiding citizens who are the victims.”

### Legislative Activity in Congress

At the national level, on April 18, Senate Majority Leader Harry Reid (D-Nev.) announced that the Senate would put aside the gun control bill to start work on other legislative matters.

Senator Reid said Democrats knew passing gun control measures would be an uphill battle. Democrats called for stricter gun laws after a gunman killed 20 first-graders and six educators at Sandy Hook Elementary School in Newtown, Conn., in December.

During the month of April, the Senate had been working on the **Safe Communities, Safe Schools Act, S.649**, which would expand background checks on gun purchases, crack down on gun trafficking and beef up security in schools. On April 17, a bipartisan amendment from Sens. Joe Manchin (D-W.Va.) and Pat Toomey (R-Pa.) failed on a 54-46 vote, short of the needed 60 votes.

Only four Republicans joined most Democrats in supporting the measure, which could have served as a compromise to move the larger gun control bill forward. It would have expanded checks to cover all firearms sales at gun shows and over the Internet, but would have exempted sales between friends and acquaintances outside of commercial venues.

Democrats felt confident the compromise could pass once Toomey, a Republican with an A rating from the National Rifle Association, signed on. They were caught off guard by the vigorous lobbying campaign waged by the NRA, which warned lawmakers that Manchin-Toomey would be a factor in its congressional scorecard.

What appeared to be a likely victory for the President was resoundingly defeated by the Senate as jittery Democrats facing tough reelections next year joined nearly the entire Republican conference.

Democratic leaders will have to overhaul the pending gun control bill to give it a chance of passing the Senate in diminished form.

The failure of the Manchin-Toomey measure means the broader bill still includes Democratic language passed by the Judiciary Committee to establish universal background checks. That language failed to attract a single Republican vote during the panel markup, and conservative Democrats such as Manchin and Sen. Jon Tester (D-

Mont.) have said they cannot support the package without changes to the language on background checks.

The Senate's failure to expand background checks means the three pillars of Obama's gun control agenda have stalled. The Senate is expected to also reject proposals to ban military-style semi-automatic weapons and high-capacity ammunition clips.

Senator Reid said that tabling the bill would allow the Senate to skip procedural hurdles when it returns to the measure after more negotiations off the floor.

### President Obama's Executive Actions

On January 16, President Barack Obama signed 23 executive orders, which will promote strict enforcement of the current gun laws, as well as increase communication between different agencies of government to prevent criminals getting guns.

:

1. Issue a Presidential Memorandum to require federal agencies to make relevant data available to the federal background-check system.
2. Address unnecessary legal barriers, particularly relating to the Health Insurance Portability and Accountability Act, that may prevent states from making information available to the background-check system.
3. Improve incentives for states to share information with the background-check system.
4. Direct the attorney general to review categories of individuals prohibited from having a gun to make sure dangerous people are not slipping through the cracks.
5. Propose rulemaking to give law enforcement the ability to run a full background check on an individual before returning a seized gun.
6. Publish a letter from the Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF) to federally licensed gun dealers providing guidance on how to run background checks for private sellers.
7. Launch a national safe and responsible gun ownership campaign.
8. Review safety standards for gun locks and gun safes (Consumer Product Safety Commission).
9. Issue a Presidential Memorandum to require federal law enforcement to trace guns recovered in criminal investigations.
10. Release a Department of Justice report analyzing information on lost and stolen guns and make it widely available to law enforcement.

11. Nominate an ATF director.
12. Provide law enforcement, first responders, and school officials with proper training for active shooter situations.
13. Maximize enforcement efforts to prevent gun violence and prosecute gun crime.
14. Issue a Presidential Memorandum directing the Centers for Disease Control to research the causes and prevention of gun violence.
15. Direct the attorney general to issue a report on the availability and most effective use of new gun-safety technologies and challenge the private sector to develop innovative technologies.
16. Clarify that the Affordable Care Act does not prohibit doctors asking their patients about guns in their homes.
17. Release a letter to healthcare providers clarifying that no federal law prohibits them from reporting threats of violence to law enforcement authorities.
18. Provide incentives for schools to hire school resource officers.
19. Develop model emergency-response plans for schools, houses of worship and institutions of higher education.
20. Release a letter to state health officials clarifying the scope of mental health services that Medicaid plans must cover.
21. Finalize regulations clarifying essential health benefits and parity requirements within Affordable Care Act exchanges.
22. Commit to finalizing mental-health parity regulations.
23. Launch a national dialogue led by Secretaries Sebelius and Duncan on mental health.

## **A Few states find narrow route to gun control laws**

By ADAM GELLER AP National Writer  
Associated Press  
Posted: 04/03/2013 02:57:58 PM PDT  
April 3, 2013 11:35 PM GMT Updated: 04/03/2013 04:35:24 PM PDT

From Colorado to Connecticut, a handful of very different states have advanced new gun control laws over opposition that has made such legislation a struggle nationally and a non-starter in most legislatures.

How did they do it?

Culture and attitudes regarding guns vary widely from state to state and within their borders, but the limited victories by gun control advocates in the three months since the Newtown school massacre show three factors at work: governors willing to spend significant political capital on the issue; Democratic legislative strength; and heightened public concern raised by proximity to mass shootings.

All three helped drive new gun control measures in New York, Colorado and in Connecticut, where Gov. Dannel P. Malloy pushed for an agreement between majority Democratic lawmakers and Republican counterparts on a series of new laws that were headed for a vote Wednesday. In Maryland, which also has a Democratic governor and legislature, a gun control bill was proceeding through the House of Delegates.

"What makes the difference ... is the willingness of the legislators and the governors to take the lead and also, you know, the experience of gun violence in that state, whether it be through a mass shooting or the day-to-day shootings," said Lindsay Nichols, staff attorney for the Law Center to Prevent Gun Violence, a gun-control advocacy group based in San Francisco.

But in Illinois, where Chicago gang shootings have driven demands for a response, a standoff between legislators representing rural and urban voters with very different views—and the uncertainty raised by a court ruling on the state's concealed carry law—show that concerns about such backyard gun violence alone is not enough.

"More so than any other issue I can think of, this is an issue that is based on regional culture," said Charles Wheeler III, director of the Public Affairs Reporting Program at the University of Illinois-Springfield. "For the typical person who lives in downstate Illinois, the more rural areas, when you think of firearms you think of deer hunting, duck hunting, shooting squirrels. In the Chicago area ... when people think of firearms they think of the kind of horrific cases in the news of late, where a gang banger kills a little girl."

While the importance of culture and attitudes can't be denied, politics has played a deciding role in the few states passing gun control laws.

After New York Gov. Andrew Cuomo pushed through tougher firearms restrictions citing the Newtown killings, one poll showed his approval ratings, which had soared to 75 percent before the vote, down 20 percentage points.

In Colorado, the mass shooting at a suburban Denver movie theater last summer had lawmakers and the governor considering new gun legislation even before the massacre in Connecticut. Two days earlier, Gov. John Hickenlooper, a Democrat, told The Associated Press that "the time is right" to talk about gun control.

Still, in his January State of the State address, Hickenlooper only specifically called for universal background checks on gun purchases, and he appeared ambivalent about a measure limiting high-capacity magazines. But he ultimately followed through on a promise to legislators that he would sign such a measure, expending political capital in a state with a long tradition of gun ownership and libertarian leanings.

Every Democratic legislative vote was crucial in a Colorado, where the party controls both chambers and the new measures failed to get support from a single Republican. As some Democratic lawmakers appeared to waver in their support of new gun legislation, Vice President Joe Biden personally called a handful of lawmakers to urge them to support the new laws. Democratic Rep. Dominick Moreno said Biden "emphasized the importance of Colorado's role in shaping national policy around this issue."

The stakes in Colorado were made clear Wednesday when President Barack Obama traveled to Denver to praise the new laws that he said strike a balance, keeping firearms away from people who should not have them while protecting the constitutional right to own a firearm.

But the bitterness engendered by the new measures was made clear by more than a dozen Colorado sheriffs, all Republicans, who gathered a mile from Obama's appearance to slam the new regulations as ineffective and unconstitutional. Some have vowed not to enforce them.

'This is about taking a world of predators, a world full of wolves, and creating more sheep,' said Terry Maketa, the sheriff of El Paso County.

The tension was just as great, but different, in Connecticut, which is home to some of the country's largest gun manufacturers.

When lawmakers gathered Wednesday in Hartford to debate the bipartisan package of measures, gun rights advocates greatly outnumbered gun control supporters. Gun owners, some holding signs questioning the constitutionality of the proposals, stood in protest outside the state capitol and many packed the hallways outside the Senate chamber, occasionally chanting "No! No! No!" and "Read the bill!"

But Malloy's outspoken support for new gun control maintained pressure for passage, even as debate ground on in legislature long after similar measures were passed by lawmakers in neighboring New York.

A push for gun control by Maryland Gov. Martin O'Malley, a Democrat with presidential aspirations, also has been key to the chances for passage in that state. In neighboring Delaware, Gov. Jack Markell's call for action has also laid the groundwork for new restrictions with two months left in the legislative session.

But the furious debate and challenges faced by gun control advocates in many states are a reminder of just how difficult it is to tighten gun laws, even after the most horrific tragedy.

Those challenges were evident in 2007, when a gunman at Virginia Tech shot and killed 32, and Democratic Gov. Tim Kaine called for closing a loophole in the law allowing for private sales at gun shows without the same background check that licensed dealers are required to obtain. However, that proposal and other gun control measures have

failed repeatedly in historically gun-friendly Virginia, where Republicans control the General Assembly.

It has proved true again in the months since Newtown, as lawmakers in Oregon gave up on a push to ban military-style rifles and high-capacity ammunition magazines amid a lack of support, choosing to focus instead on measures they hope have stronger backing. A Senate committee will take up their proposals for the first time Friday, including a universal background check requirement. Oregon already requires background checks at gun shows but not for other private sales.

And in Arizona, a staunchly pro-gun state where the 2011 assassination attempt of Rep. Gabrielle Giffords in Tucson left six dead and 13 wounded, the drive for gun control following Newtown has been a non-starter. With Republicans controlling the legislature and Republican Gov. Jan Brewer supporting most gun-rights proposals, Senate Democrats introduced 18 gun-related bills in the current session and all failed.

One Republican effort related to the Giffords shooting may make it through this year. That's a measure to provide \$250,000 to expand a program to train teachers, first-responders and others to recognize people having a mental health crisis and intervene. Giffords' attacker, Jared Lee Loughner, suffered from mental illness.

The bill is sponsored by Rep. Ethan Orr, a Tucson Republican. He said Wednesday that although the bill, nicknamed Gabby's Law, didn't get a Senate hearing, he hopes the money to expand a program created after the shooting makes it into the state budget.

"The argument that I would make as a Republican is that if you're not going to look at gun control laws, people need to feel safer, and addressing mental health issues is a way to do that," Orr said. "I guess this is sort of our state's response."

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*Associated Press Writers reporters Don Babwin in Chicago, Bob Christie in Phoenix, Jonathan J. Cooper in Salem, Ore., Michael Melia in Hartford, Conn., Ivan Moreno and Nick Riccardi in Denver, Larry O'Dell in Richmond, Va. and Michael Virtanen in Albany, N.Y. contributed to this story.*



OFFICE OF THE DISTRICT ATTORNEY  
CONTRA COSTA COUNTY

*Mark A. Peterson*  
DISTRICT ATTORNEY

To: Legislative Committee of the Board of Supervisors  
Contra Costa County

April 22, 2013

From: Mark Peterson, District Attorney

Dear Committee Members:

The wave of proposed Senate legislation in response to recent gun violence is obviously well-intentioned. However, “gun-control” is a very complicated issue and much of the proposed legislation poses risks of negative unintended consequences to law-abiding California gun-owners and gun retailers for the following reasons:

- **SB 374** classifies a semiautomatic, rim fire or center fire rifle that does not have a fixed magazine with the capacity to accept ten rounds or fewer as an assault weapon.

The concern: The problem with defining assault weapons in this way is that it continues the propensity to describe a larger and larger group of firearms as assault weapons. In fact, this proposed definition would include many of the most popular firearms now owned by hunters, hobbyists and those who keep guns for self-protection.

- **SB 108** requires mandatory locked storage of firearms within a locked house regardless of whether anyone else is present.

The unintended consequence: Thus, a gun-owner who leaves her home to run a short errand without first storing her firearm in one of certain specified ways would be subject to criminal penalties, even if she had left the firearm in the care of another adult.

- **SB 396** bans the possession of any magazine with the capacity to accept more than ten cartridges, including currently legally possessed “grandfathered large capacity” magazines, and any person who possesses any large-capacity magazine, **regardless of the date of the magazine was acquired**, would now face imprisonment.

The concern: By not allowing grandfathered large capacity magazines, current lawful owners of such magazines would be subject to imprisonment if this bill passes.

- **SB 47** expands the definition of “assault weapons” to ban the future sale of rifles that have been designed/sold and are equipped to use the “bullet button” or similar device.

The concern: As with SB 374, the problem with defining assault weapons in this way is that it continues the propensity to describe a larger and larger group of firearms as assault weapons.

- **SB 53** requires persons to buy an annual ammunition purchase permit, requires the registration and thumbprint of the purchaser for each ammunition purchase, and bans online and mail order sales of ammunition to Californians.

The concern: As Governor Brown has stated, no additional ammunition registration bills should be enacted prior to the resolution of *Parker v. California*, which concerns the constitutionality of California's present ammunition registration law and is currently pending before the Fifth District Court of Appeals.

- **SB 140** would appropriate funds from the Dealers' Record of Sale (DROS) account, which is collected from firearm purchasers to pay for the administrative process for background checks and registration, to help pay for efforts to remove firearms from the hands of those prohibited from possessing them.

The concern: Removing firearms from such persons is an important law enforcement goal, however, this bill would institute an additional fee/cost to be imposed on law-abiding firearm purchasers.

It should be noted that California already has the nation's toughest gun laws. As has been stated previously, all these bills are well-intentioned; however, there are legitimate concerns and possible unintended consequences related to these bills. Additionally, I believe that the State Sheriff's Association is opposed to at least some of these bills. Thus, I do not have a specific position on these bills. I am simply raising some of the current issues with these bills, and leave it to the Legislative Committee to decide whether they wish to support/oppose or simply "watch" the bills at this point.

Gun violence is horrific, and anything we as a society can do to stop it should be implemented, however, one could argue that what is now needed to curb gun violence is not further regulation. Rather, perhaps legislators should focus on ways to improve our mental health systems and to provide care for those people in our communities who are at-risk of violent behavior regardless of what gun laws are in place.

Sincerely,

Mark A. Peterson  
District Attorney



## Gun Violence Prevention Related Bills

### 04-27-13

<b>AB 48</b>	<p><b>AUTHOR:</b> Skinner [D]  <b>TITLE:</b> Firearms: Ammunition: Sales  <b>LAST AMEND:</b> 04/04/2013  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Appropriations Committee  <b>SUMMARY:</b>            Makes it a misdemeanor to knowingly manufacture, import, keep for sale, offer or expose for sale, or give or lend any device that is capable of converting an ammunition feeding device into a large-capacity magazine. Requires, upon a sale of ammunition in the state, property identification, and the reporting of each sale. Requires a background check of any applicant for a license to sell ammunition. Creates the State Ammunition Database for storage of reporting ammunition sales.  <b>NOTES:</b> AM Skinner has requested support.</p>
<b>SB 47</b>	<p><b>AUTHOR:</b> Yee [D]  <b>TITLE:</b> Firearms: Assault Weapons  <b>FISCAL</b> yes  <b>COMMITTEE:</b>  <b>URGENCY</b> no  <b>CLAUSE:</b>  <b>INTRODUCED:</b> 12/18/2012  <b>LAST AMEND:</b> 03/20/2013  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Senate Appropriations Committee  <b>HEARING:</b> 05/06/2013 11:00 am  <b>SUMMARY:</b>            Revises provisions of existing law regarding the prohibition against the possession or transfer of assault weapons and defines assault weapon. Revises the meaning of such weapon and a fixed magazine. Excludes a person who owned an assault weapon prior to a specified date from illegal possession criminal penalties. Requires that defined assault weapons that were possessed during a specified time period to be registered with the Department of Justice by a specified date. Requires electronic registrations.  <b>STATUS:</b>            04/16/2013 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)</p>
<b>SB 53</b>	<p><b>AUTHOR:</b> De Leon [D]  <b>TITLE:</b> Ammunition: Purchase Permits  <b>FISCAL</b> yes  <b>COMMITTEE:</b>  <b>URGENCY</b> no  <b>CLAUSE:</b>  <b>INTRODUCED:</b> 12/20/2012  <b>LAST AMEND:</b> 04/01/2013</p>

**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/06/2013 11:00 am  
**SUMMARY:**

Requires the Attorney General to maintain copies of ammunition purchase permits, information about ammunition transactions and ammunition vendor licenses. Provides that only a licensed ammunition vendor may sell ammunition. Requires purchaser verification of identity. Requires a report on the feasibility of an instantaneous background check system. Expands the Prohibited Armed Persons File to address persons prohibited from acquiring ammunition and to cross-reference with ammunition transactions.

**STATUS:**  
04/16/2013 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)

**SB 108**

**AUTHOR:** Yee [D]  
**TITLE:** Firearms: Residential Storage  
**FISCAL:** yes  
**COMMITTEE:**  
**URGENCY:** no  
**CLAUSE:**  
**INTRODUCED:** 01/14/2013  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Provides that no person who is 18 years of age or older and who is the owner, lessee, renter, or other legal occupant of a residence, shall, while outside of that residence, keep in that residence a firearm that he or she owns or has lawful possession of unless the firearm is stored in one of certain specified ways, including in a gun safe or by using a firearm safety device. States a violation is an offense punishable as an infraction, with subsequent violations as an infraction or misdemeanor.

**STATUS:**  
04/16/2013 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)

**SB 140**

**AUTHOR:** Leno [D]  
**TITLE:** Firearms: Prohibited Persons  
**FISCAL:** yes  
**COMMITTEE:**  
**URGENCY:** yes  
**CLAUSE:**  
**INTRODUCED:** 01/29/2013  
**LAST AMEND:** 04/11/2013  
**DISPOSITION:** To Governor  
**LOCATION:** To Governor  
**SUMMARY:**

Appropriates a specified amount of funds from the Dealers Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System that cross-references persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm. Requires the department to report to the Joint

Legislative Budget Committee regarding ways the backlog in the system has been reduced or eliminated.

**STATUS:**

04/23/2013

Enrolled.

04/25/2013

\*\*\*\*\*To GOVERNOR.

**SB 374**

**AUTHOR:**

Steinberg [D]

**TITLE:**

Firearms: Assault Weapons

**FISCAL**

yes

**COMMITTEE:**

**URGENCY**

no

**CLAUSE:**

**INTRODUCED:**

02/20/2013

**DISPOSITION:**

Pending

**COMMITTEE:**

Senate Appropriations Committee

**HEARING:**

05/06/2013 11:00 am

**SUMMARY:**

Classifies a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept 10 rounds or fewer as an assault weapon. Requires a person who lawfully possessed an assault weapon that does not have a fixed magazine on specified dates, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm by a specified date.

**STATUS:**

04/16/2013

From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)

**CA SB 396**

**AUTHOR:**

Hancock [D]

**TITLE:**

Firearms: Magazine Capacity

**FISCAL**

yes

**COMMITTEE:**

**URGENCY**

no

**CLAUSE:**

**INTRODUCED:**

02/20/2013

**LAST AMEND:**

04/03/2013

**DISPOSITION:**

Pending

**COMMITTEE:**

Senate Appropriations Committee

**HEARING:**

05/06/2013 11:00 am

**SUMMARY:**

Revises the definition of ammunition capacity. Includes a new definition of large-capacity magazine in provisions that prohibits the sale of same. Provides it is an offense to possess any large-capacity magazine, regardless of the date it was acquired. Provide punishment. Makes conforming changes to provisions that provide exemptions to that crime.

**STATUS:**

04/16/2013

From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)

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# **113<sup>th</sup> Congress of the United States of America**

**It's Time To Act**

**A Comprehensive Plan That Reduces Gun Violence  
and Respects the 2<sup>nd</sup> Amendment Rights of  
Law-Abiding Americans**

**Gun Violence Prevention Task Force**

February 7, 2013

Congressman Mike Thompson (CA-05), Chair

## IT'S TIME TO ACT: A COMPREHENSIVE PLAN THAT REDUCES GUN VIOLENCE AND RESPECTS THE 2<sup>ND</sup> AMENDMENT RIGHTS OF LAW-ABIDING AMERICANS

### Executive Summary

On January 16, 2013, President Obama signed a series of executive actions that will have a meaningful impact on reducing gun violence. However, reducing gun violence cannot be the job of only one branch of government. The policies that will have the greatest impact require congressional action. It's time for Congress to act.

For nearly two months, the Gun Violence Prevention Task Force, under the leadership of Chairman Mike Thompson, has met with people on both sides of the aisle and all sides of the issue to develop a comprehensive set of policy principles that respect the 2<sup>nd</sup> Amendment and will make our schools, neighborhoods, and communities safer.

The task force met with and solicited input from victims of gun violence and gun safety advocates; gun owners, hunters, and outdoor sportsmen; federal, state, and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music, and video game industries; leaders in our faith communities; and representatives of gun manufacturers and retailers, as well as cabinet secretaries and the Vice President of the United States. The task force also met with Members of Congress from all sides of the issue, and held hearings in Washington, DC to consider ways to address this issue.

There is no law or set of laws that will completely end gun violence, but that cannot be an excuse to do nothing. Chairman Thompson and the Gun Violence Prevention Task Force urge Congress to:

- **Support the 2<sup>nd</sup> Amendment rights of law-abiding Americans.** The United States Supreme Court affirmed individuals' 2<sup>nd</sup> rights to firearms in *District of Columbia v. Heller* (2008). However, the Supreme Court also held that "the right secured by the Second Amendment is not unlimited." Within the limits described by *Heller*, the federal government has the responsibility to take appropriate steps to protect our citizens from gun violence.
- **Support citizens' rights to possess firearms for hunting, shooting sports, defense, and other lawful and legitimate purposes:** In the United States, there is a long tradition of hunting and recreational shooting, and firearms are often passed down within families from generation to generation. Policies passed by Congress should respect this.
- **Reinstate and strengthen a prospective federal ban on assault weapons:** These weapons are designed to fire a large number of rounds in a short period of time. They constitute a lethal threat to law enforcement and other first responders.
- **Reinstate a prospective federal ban on assault magazines:** These magazines hold more than ten rounds and allow a shooter to inflict mass damage in a short period of time without reloading. Banning them will save lives.

- **Require a background check for every gun sale, while respecting reasonable exceptions for cases such as gifts between family members and temporary loans for sporting purposes:** It is estimated that four out of ten gun buyers do not go through a background check when purchasing a firearm because federal law only requires these checks when someone buys a gun from a federally licensed dealer. That would be like allowing four out of ten people to choose if they'd go through airport security. This loophole allows felons, domestic abusers, and those prohibited because of mental illness to easily bypass the criminal background check system and buy firearms at gun shows, through private sellers, over the internet or out of the trunks of cars.
- **Strengthen the National Instant Criminal Background Check System (NICS) database:** Immediate action is needed to ensure the information in the NICS database is up to date. Many federal and state agencies remain deficient in transferring important records to the database. Without the information, the background checks aren't complete. This needs to change.
- **Prosecute those prohibited buyers who attempt to purchase firearms and others who violate federal firearm laws:** Federal law bars nine categories of people—including felons and those prohibited because of mental illness—from buying guns. But when prohibited persons attempt to buy guns, they are hardly ever prosecuted. More can and must be done to make these investigations and prosecutions a priority.
- **Pass legislation aimed specifically at cracking down on illegal gun trafficking and straw-purchasing:** Straw-purchasing is when a prohibited buyer has someone with no criminal history walk into a gun store, pass a background check and purchase a gun with the purpose of giving it to the prohibited buyer. This puts guns in the hands of people who are prohibited from having them. Congress should pass a law that will put an end to this practice.
- **Restore funding for public safety and law enforcement initiatives aimed at reducing gun violence:** Congress should fund law enforcement's efforts to reduce gun violence, while supporting federal research into causes of gun violence. Put simply, there is no reason the Centers for Disease Control (CDC) or the National Institute of Health (NIH) should be inhibited from researching the causes of gun violence. And there is no reason for the restrictions federal law places on our law enforcement officers' ability to track and combat the spread of illegal guns.
- **Support initiatives that prevent problems before they start: Local communities should have assistance in applying evidence-based prevention and early intervention strategies that are** designed to prevent the problems that lead to gun violence before those problems start.
- **Close the holes in our mental-health system and make sure that care is available for those who need it:** Congress must improve prevention, early intervention, and treatment of mental illness while working to eliminate the stigma associated with mental illness. Access to mental health services should be improved, the shortage of mental health professionals should be addressed, and funding should be made available for those programs that have proven to be effective.

- **Help our communities get unwanted and illegal guns out of the hands of those who don't want them or shouldn't have them:** Congress should help support and develop local programs that get unwanted guns off our streets. And Congress should work with states to develop programs that get guns out of the hands of those convicted of certain crimes or those prohibited because of mental illness.
- **Support responsible gun ownership:** Congress should support safety training, research aimed at developing new gun safety technologies and the safe storage of firearms.
- **Take steps to enhance school safety.** Congress must help all schools implement evidence-based strategies that support safe learning environments tailored to the unique needs of students and local communities. And Congress must work with all schools to develop emergency response plans.
- **Address our culture's glorification of violence seen and heard through our movie screens, television shows, music and video games:** Congress should fund scientific research on the relationship between popular culture and gun violence, while ensuring that parents have access to the information they need to make informed decisions about what their families watch, listen to, and play.

Chairman Thompson is a gun owner, hunter, former co-chair of the Congressional Sportsman Caucus, supporter of the Second Amendment and a combat veteran who carried an assault rifle in Vietnam. He was joined on the Task Force leadership team by 11 vice chairs, representing a range of expertise and backgrounds from all corners of the House Democratic Caucus.

Vice-Chairs of the Task Force are:

- **Rep. Ron Barber (AZ)** – Congressman Ron Barber had a 30-year career with the Division of Developmental Disabilities in the Arizona Department of Economic Security before being elected to the United States Congress. Under his direction, the division improved services for families, while running one of the five most cost-efficient, high-quality programs in the country. After his retirement, Barber became district director for Congresswoman Gabrielle Giffords. He was standing next to her on Jan. 8, 2011 when a gunman opened fire at a Congress on Your Corner event. Barber was shot twice and critically wounded. When Congresswoman Giffords stepped down to focus on her recovery, Barber ran for the seat, winning the right to succeed her in office.
- **Rep. John D. Dingell (MI)** – Congressman John D. Dingell is the Dean of the House of Representatives and a senior member of the House Committee on Energy and Commerce. A lifelong outdoorsman and conservationist, Congressman Dingell is an avid hunter and sportsman and member of the Migratory Bird Conservation Commission. Congressman Dingell is also one of the primary authors of the National Instant Criminal Background Check System Improvement Amendments Act of 2007.

- **Rep. Elizabeth Esty (CT)** – Congresswoman Elizabeth Esty represents Newtown, Connecticut in Congress. In the wake of the Sandy Hook Elementary School tragedy, she has met with first responders, mental health professionals, educators, community leaders, and local elected officials in Newtown. She approaches the need for sensible gun policies as a community leader, attorney, and mother who has served as a room parent for a first-grade classroom. As a member of the Connecticut State House of Representatives, Esty advocated for commonsense legislation to reduce gun violence and keep families safe.
- **Rep. Chaka Fattah (PA)** – Congressman Chaka Fattah serves as the Ranking Member on House Appropriations subcommittee on Commerce, Justice, and Science. Fattah, a major supporter of the ATF, is deeply involved in issues dealing with firearms, public safety and law enforcement. In Philadelphia, PA, where he represents, Fattah created the successful gun buyback “Groceries for Guns” program that has removed thousands of dangerous, unwanted firearms from streets and homes of Philadelphians in exchange for grocery coupons.
- **Rep. Carolyn McCarthy (NY)** – Congresswoman Carolyn McCarthy, a lifelong nurse, focused her efforts to reduce gun violence after her husband was murdered and son critically wounded in the 1993 mass shooting on the Long Island Railroad in New York. Her activism led her to Washington, first to lobby members of Congress as an advocate for victims, and then as a member herself after running against her own Congressman who voted against the 1994 assault weapons ban. Today, McCarthy is the lead author of legislation to ban semiautomatic assault weapons and high-capacity ammunition magazines, close the gun-show loophole, strengthen our national background check database, and ban the anonymous bulk online sale of ammunition.
- **Rep. Grace Napolitano (CA)** – Congresswoman Grace F. Napolitano is the founder and co-chair of the Congressional Mental Health Caucus. In 2001, she secured funding to provide on-site mental health services for schools within her Congressional District, a program that has now expanded to 15 other area schools. Napolitano authored the Mental Health in Schools Act, which would implement on-site mental health services for schools on a national level, and each year has introduced legislation to recognize May as *National Mental Health Awareness Month*. In 2010, Napolitano created the bipartisan Congressional Mental Health Task Force, which includes notable figures such as: Los Angeles Laker, Metta World Peace; World Championship Boxer, Mia St. John, and Dancing with the Stars celebrity, Mark Ballas to help raise awareness about mental health, rid the stigma associated with mental illness, and encourage others to seek help.
- **Rep. Ed Perlmutter (CO)** -- Congressman Ed Perlmutter represents the 7th Congressional District of Colorado encompassing the northern and western suburbs of the Denver metro region. Residents of this district are diverse, moderate and middle of the road with their personal values, economics, and education. Perlmutter represented the City of Aurora, CO during the tragic movie theater shootings in July 2012. He also represented the area surrounding Columbine High School while serving in the Colorado State Senate. Perlmutter has extensive experience in Colorado working to create mandatory criminal background checks for all gun purchases, and during his time in the state Senate, he sponsored many crime control and victims' assistance measures.

- **Rep. David Price (NC)** – Congressman David Price is the Ranking Member of the House Appropriations subcommittee on Homeland Security, where he has worked to improve public safety and ensure first responders have access to the tools they need to protect our communities. As a member of the Congressional Mental Health Caucus, he has long supported robust funding for mental health services and was an early advocate for the Paul Wellstone Mental Health Parity Act, which became law in the 110th Congress. Rep. Price has also supported efforts to keep guns out of the hands of dangerous criminals and limit the sale of military-style weapons.
- **Rep. Bobby Scott (VA)** – Congressman Bobby Scott serves as the Ranking Member of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. He is a known leader of legislative efforts to reduce crime and prevent youth violence by advocating for comprehensive, evidence-based solutions. Towards this goal, he has introduced the Youth PROMISE Act. Following the Columbine tragedy, he co-led a bi-partisan effort to develop juvenile crime prevention and accountability legislation that resulted in the Juvenile Accountability Block Grant Program (JABG) legislation which passed into law in 2002. He has also co-led bipartisan efforts to enable the ATF to more effectively enforce gun sale and transfer regulations and to close the gun show loophole.
- **Rep. Jackie Speier (CA)** – Congresswoman Jackie Speier was Legislative Counsel to Congressman Leo Ryan in 1978 when she accompanied him to investigate the People’s Temple cult in Jonestown, Guyana. Congressman Ryan was assassinated, and Speier was shot five times at close range. She still carries two of the bullets in her body. Since that time, she has been a fierce advocate of preventing gun violence including authoring legislation to ban assault weapons while serving as a member of the California State Senate. She supports the 2<sup>nd</sup> Amendment, but also believes we cannot just blame this crisis on violent video games or mental illness. The proliferation of military style assault weapons and assault magazines are part of the problem, and should be banned. In addition, she believes it is essential that loopholes in the background check process be closed.
- **Rep. Bennie Thompson (MS)** –Congressman Bennie Thompson is an avid hunter and co-chair of the bipartisan Congressional Sportsman’s Caucus during the 113<sup>th</sup> Congress. Congressman Thompson has served as the lead Democrat on the House Committee on Homeland Security since 2007. Prior to his election to Congress, Congressman Thompson served as alderman and mayor of Bolton, Mississippi and as a supervisor in Hinds, County Mississippi.

## Introduction

On December 14, 2012, Adam Lanza reportedly killed his mother in her home in Newtown, Connecticut. Lanza then stocked his mother's car with firearms and drove to Sandy Hook Elementary School. Wearing a bulletproof vest and armed with hundreds of rounds of ammunition, he forced his way into the school and opened fire with a .223 Bushmaster semiautomatic assault rifle—equipped with 30-round large-capacity assault magazines—killing 26, including 20 students aged seven and younger. As police closed in, Lanza committed suicide by shooting himself with a handgun.

In the seven weeks since the mass shooting at Sandy Hook Elementary, more than 1480 Americans have been killed by gunfire.

In the wake of this senseless mass shooting, the leadership of the House Democratic Caucus convened this Gun Violence Prevention Task Force, led by Chairman Mike Thompson (CA-05) and eleven Vice Chairs who represent a cross section of positions on the issue of gun violence prevention. Our charge has been to explore the best available methods to address gun violence, to give stakeholders on all sides of this issue a voice in the debate, and to develop common sense principles to guide the U.S. House of Representatives as it works to answer important questions about reducing and preventing gun violence while respecting the Second Amendment rights of law-abiding Americans.

To develop these comprehensive principles, the Task Force solicited the input and testimony of victims of gun violence and gun safety advocates; gun owners, hunters, and outdoor sportsmen; federal, state, and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music, and video game industries; leaders in our faith communities; and representatives of gun manufacturers and retailers. We have asked for and received specific policy proposals from Members of Congress. We have met regularly and often to reach the consensus reflected in this document.

The need for action cannot be overstated. Gun violence is a public health crisis of epidemic proportions. In one year, an average of over 100,000 Americans are shot. 32,000 of these individuals die. Nearly 12,000 of these are murdered, which is more than 32 Americans every day, and another 19,000 of these commit suicide using a gun.

Our constituents, our families, and our children deserve to be free from the threat of gun violence in their homes, their schools, and their neighborhoods. We can secure that freedom without encroaching on our constitutional rights. We must work to do so immediately.

**And we believe we can do so, by implementing these fifteen, common sense, principles:**

- I. The Second Amendment to the United States Constitution guarantees an individual's right to own and possess a firearm for lawful purposes unconnected to service in a militia, including self-defense within the home. The United States Supreme Court articulated this understanding of the law in *District of Columbia v. Heller* (2008). However, the Supreme Court also held that "the right secured by the Second Amendment is not unlimited," and specifically recognized the constitutionality of "prohibiting the carrying of dangerous and unusual weapons." Within the limits described by *Heller*, the federal government has the responsibility to take appropriate steps to protect our citizens from gun violence, and we respect the right of state and local governments to take additional steps to secure their communities. **Consistent with the *Heller* decision, we support the Second Amendment rights of law-abiding individuals.**
  
- II. Most firearms are legally purchased for legitimate purpose. In the United States, there is a long tradition of hunting and recreational shooting, and firearms are often passed down within families from generation to generation. In addition to our support for the rights protected by the Second Amendment, **we recognize that citizens may possess firearms for hunting, shooting sports, defense, and other lawful and legitimate purposes.**
  
- III. Military style semiautomatic assault weapons have been used in a number of mass shootings in our country's history, including the recent tragedies in Aurora, Colorado, and Newtown, Connecticut. These weapons are designed to fire a large number of rounds in a short period of time. They constitute a lethal threat to law enforcement and other first responders. **We support reinstating and strengthening a prospective, federal ban on the sale of additional assault weapons into the civilian market.**
  - This ban should target military style semiautomatic assault weapons whose risk to public safety outweighs any sporting or recreational purpose.
  - A permanent ban on these assault weapons would be prospective only, and would not apply to firearms already in the possession of lawful gun owners.
  - Nevertheless, future transfers of legally-owned assault weapons should be subject to a background check through the NICS system.

IV. Large capacity ammunition feeding devices, also known as high-capacity assault magazines, that allow a gun to fire more than 10 rounds without reloading, are designed for combat and military purposes, allowing them to be used to kill a large number of people in a short period of time. Limiting the capacity of magazines would allow law enforcement officials the opportunity to stop a crisis situation sooner and save lives. **We support reinstating a prospective federal ban on high-capacity magazines for non-military, non-law enforcement purposes.**

- High-capacity magazines have been used at nearly every mass shooting in the United States for the past thirty years, including at Virginia Tech (2007), Northern Illinois University (2008), Fort Hood (2009), Tucson (2011), Aurora (2012), Oak Creek (2012), and Sandy Hook (2012).
- A ban on large capacity ammunition feeding devices should prohibit the transfer, possession, and importation of such devices manufactured post-enactment, with exceptions for law enforcement and those authorized to test or experiment with such devices.
- Whether or not loaded into high-capacity magazines, armor-piercing bullets pose a particular risk to law enforcement officers and are not needed for civilian use. We support strengthening the laws against “cop killer” bullets.

V. Today, not all gun purchasers are required to undergo a background check before they are legally able to purchase a gun. Individuals purchasing a firearm have the option of going to a federal firearms licensee (FFL) where a background check will be required, or purchasing a firearm from a private seller without undergoing a check. This alternative has allowed an estimated 6.6 million guns, or about 40 percent of all gun purchases, to be sold each year without the benefit of a federal background check. One critical way to prevent prohibited persons, such as felons, domestic abusers, and those adjudicated ineligible due to mental status, from purchasing firearms is to ensure that the background check system has complete information on individuals that are prohibited from having guns. **We support requiring background checks for all firearms purchases and transfers, with limited exceptions.**

- It is essential that background checks be done quickly and effectively, recognizing both the urgent need for enhanced public safety and the rights of law-abiding gun purchasers.
- As is the case under current law, it is also important that any updated federal background check system not create a national gun registry.

- Finally, although no exception would permit the knowing transfer to anyone prohibited from possessing a firearm, we recognize the benefits of establishing some reasonable exceptions to a universal background check requirement, such as gifts or transfers between family members, inheritances, and temporary loans for sporting purposes.

VI. For the gun purchase background check process to be effective, it is essential that the National Instant Criminal Background Check System (NICS) has relevant and accurate information from all federal and state agencies regarding those prohibited from possessing firearms. Only with this information can NICS be an effective way to determine if a firearms purchaser is eligible to buy and own a gun. However, NICS is missing millions of relevant records due to lax and incomplete reporting by many federal and state agencies. **We support strengthening the NICS database and taking actions to make sure the information in it is up-to-date.**

- The NICS database should be strengthened in a number of ways, including:
  - Enacting new reporting requirements with respect to records indicating disqualification, such as felony convictions and mental health status adjudications, and shortening deadlines for state compliance;
  - Developing an effective and reasonable system to measure the progress of states in uploading records to NICS;
  - Improving reward and penalty provisions to better incentivize the states to share information with NICS;
  - Limiting the authority of the Attorney General to waive state penalties;
  - Clarifying existing mental health definitions; and,
  - Working with states to remove legal barriers that may prevent reporting mental health and other records to NICS.
- In addition, strengthening the NICS database should include working with states to make them aware of best practices for uploading records to NICS. This effort could include a campaign to make states aware of National Criminal History Improvement Program, which can provide states with funds to improve technology and better facilitate the upload of critical records.

VII. In order for current and future gun laws, including the use of comprehensive background checks, to be maximally successful, we must prosecute those who break the law. Strict enforcement of the law better protects the public from dangerous criminals, many of whom have provided false or incomplete information to licensed firearm dealers. **We support increased prosecutions of persons who violate federal firearms law.**

- Congress must provide the Department of Justice with additional resources to support increased prosecutions of individuals who lie on background check forms and those who engage in other firearms-related crime, and we encourage enhanced cooperative efforts between federal, state, and local law enforcement to pursue firearms criminals.
- We support making more resources available to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) to help them properly investigate and responsibly develop cases, and urge the Senate to confirm a permanent Director of BATFE.
- We support additional research to assess and improve the technological means for law enforcement to investigate firearms crimes.
- Finally, we support proactive, community policing strategies to reduce gun violence in all of our communities.

VIII. Every year, hundreds of thousands of guns enter the illegal market and wind up on our streets and in our communities. Many enter the market through straw purchasers who buy guns from licensed dealers on behalf of criminals, theft of weapons which may go unreported, and corrupt gun dealers, among other reasons. These activities put guns in the hands of persons who are prohibited from having them and those who intend to use them unlawfully. A high percentage of guns used by Mexican drug trafficking organizations come from the United States, and are often purchased, particularly in the Southwest Border states, by straw purchasers buying them on behalf of those planning to transport them to Mexico and elsewhere. Federal law does not adequately prohibit or punish these activities. **We support enacting a new federal law that explicitly prohibits gun trafficking and straw purchasing.**

- Under current federal law, straw purchasing is prosecuted through a statute that prohibits lying on federal firearms paperwork, an offense which does not adequately reflect the seriousness of the injection of firearms into the illegal market by straw purchasers.
- A new firearms trafficking statute should create stiff penalties for these serious crimes, but should not affect any legitimate gun owner's ability to buy or use a firearm.

IX. Over the last 20 years, Congress has imposed strict limitations on certain federal programs, law enforcement activities, and research related to gun violence and community safety. Congress has also sharply decreased funding for these activities. These limitations have hindered federal agencies and their state, local, and non-governmental partners from studying gun violence, minimizing gun violence, and enforcing the law. **We support restoring adequate federal funding to public safety programs and removing barriers that inhibit the use of federal funds on gun violence prevention and research.**

- Congress must protect and increase funding for programs that are designed to help make our neighborhoods and schools safer. These programs include (1) the Edward Byrne Justice Assistant Grant (JAG) Program; (2) Community Oriented Policing Service (COPS) Program; (3) NICS Improvement Program; (4) the Office of Juvenile Justice and Delinquency Prevention (OJJDP); and (5) the Secure Our Schools Program.
- It is imperative for federal agencies to collect data and conduct research on gun violence. Sound scientific information will inform better policy decisions and improve both public health and public safety. Current funding restrictions, which on their face prevent only advocacy for gun control, has had the consequence of chilling all federal research on gun violence. Specifically, we must:
  1. Remove the Dickey Restrictions. Since 1996, Congress has prohibited the Centers for Disease Control (CDC) from using taxpayer funds to “advocate or promote gun control,” leading CDC to effectively halt all research into the causes and prevention of gun violence. Research of this nature does not inherently constitute advocacy for or the promotion of gun control, and we support funding federal efforts to conduct science-based, peer-reviewed research into the causes of gun violence in our communities.
  2. Remove the Rehberg Restrictions. In 2011, Congress extended the Dickey prohibition to research conducted by the National Institutes of Health (NIH). Gun violence is a public health and safety issue, and research into methods to improve public safety could help to identify the causes of gun violence and strategies to prevent gun violence.
- Under the Patient Protection and Affordable Care Act, a wellness or health promotion activity cannot require the disclosure or collection of any information relating to the lawful use, possession or storage of a firearm or ammunition by an individual. Some have interpreted this to mean that doctors and other healthcare providers cannot talk with their patients about guns and gun safety, or warn law enforcement authorities about specific threats of violence. Congress should clarify this provision to make clear that it does not prohibit communication between doctors and patients about gun safety, or the reporting of direct and credible threats of violence to the proper authorities.

- The Tiahrt Amendments place a number of different restrictions on federal, state, and local law enforcement authorities that hinder their ability to track and combat the spread of illegal guns. These restrictions primarily: (1) require the destruction of NICS background check records within 24 hours; (2) prevent ATF from requiring that federally licensed dealers perform physical inventory checks to detect lost or stolen guns; (3) restrict access to firearm trace or multiple gun sales report data to local and state enforcement authorities; and (4) prohibits the release of gun trace data except in the course of a criminal investigation. In the aggregate, these restrictions hinder law enforcement’s ability to track sellers of illegal guns, track gun trafficking patterns, and catch firearms dealers who falsify their records. We should remove the Tiahrt Amendments because they unnecessarily restrict the ability of law enforcement to maintain public safety.

X. Each day, an average of 47 children and youth are shot, and 8 of them die from their wounds. Another 5 children die each day from abuse or neglect. Comprehensive, evidence-based prevention and early intervention strategies directed toward at-risk youth and families have been scientifically proven to prevent such violence and abuse in a highly cost-effective manner. **We support initiatives that will enable local communities to apply evidence-based prevention and early intervention strategies that contribute to the health, productivity and safety of children, families and the community.**

- Comprehensive, evidence-based prevention and intervention programs directed toward at-risk youth and families both reduce crime and save money. We support these programs. They should be administered according to a plan developed by representatives from local law enforcement, schools, court services, social services, health and mental health services, businesses, and other community organizations.
- We fear that the more commonly taken approach of addressing crime with “tough on crime” strategies after the crimes occur is not only ineffective, but also very costly.
- The U.S. leads the world in incarceration rate and spends over \$80 billion a year in incarceration and other correctional costs. By intervening in communities before crimes occur, we can recoup these costs in addition to saving lives.

XI. The vast majority of people living with mental illness are not violent and are far more likely to be victims of crime than perpetrators of crime. If undiagnosed and/or left untreated, mental illness can have serious implications for the individual, their families, and our communities. Early prevention and detection are key to ensuring early and appropriate care, and increases in mental health resources, treatment, and care are critical components to building a stronger mental health system for all Americans. **We support increasing awareness, prevention, early identification, and treatment of mental illness, improving access to mental health services, and efforts to eliminate the stigma associated with mental health diagnosis and treatment.**

- We must ensure mental health parity. Specifically, we urge the Administration to fully enact mental health parity without delay. Doing so will ensure that insurance companies do not discriminate against those with a mental illness.
- More must be done to address the issue of stigma related to mental illness. We must begin a national dialogue on the issue of mental health and wellness to properly educate individuals on what mental health is, how to recognize warning signs and risk factors, and how to access mental health services and resources.
- We must fund and prioritize evidence-based programs and practices for School Based Mental Health Programs. Doing so provides for on-site behavioral health services in schools K-12, while funding prevention and early intervention services to help identify the onset of mental illness at an early age, and providing access to on-site mental health professionals that can adequately address the needs of students. This effort must also include expanded mental health services and resources for post-secondary schools.
- We must also adequately fund mental health programs related to military service members, veterans, and minority communities. All Americans should have access to these essential services and resources.
- Additional efforts must be made to expand the mental health care network generally, including to institutional based and community based mental health treatment specifically. This should include greater investment in Federally Qualified Behavioral Health Centers, among others.
- We must also fund and deploy effective jail diversion programs to better address and identify the appropriate mental health and rehabilitation services for federal and state inmates who have a diagnosable mental health problem. This is essential to address mental health and wellness needs, deter recidivism rates, and to prevent the improper incarceration for those living with a mental illness.

- Congress must also ensure that successful programs, like mental health first aid training, are made available for students, parents, educators, faculty and staff, law enforcement, emergency response personnel, community faith leaders, and others who interact with at-risk populations. These training programs will allow for a greater understanding of mental health warning signs, risk factors, addressing the mental health stigma, and how to access critical mental health resources.
- It is also necessary that our families, schools, and communities have the resources and training they need to put in place evidence-based emergency protocols to address school violence and mental health crisis situations as soon as they develop.
- We are very concerned about the shortage of mental health professionals. We fear that this shortage has contributed to the current mental health crisis by limiting access to resources and services, especially in rural areas. Congress must provide the funding necessary to help increase the mental health workforce, especially for those mental health professionals who work with children, youth, military, veterans, and minority communities; provide adequate pay for mental health professionals; and increase the number of mental health professionals who are educated, trained, and licensed to work with those currently being underserved.
- We also firmly believe that regular assessments should be made on mental health information sharing and program funding to ensure these programs' effectiveness over time.
- Finally, more must be done to work with the media on how to address the subject of mental health and to ensure that the public is properly informed on this important issue. The media is a powerful tool and if done correctly, can reach a high number of Americans to get them the information needed about mental health resources and to eliminate the stigma associated with mental illness.

XII. Many of our citizens possess unneeded, unwanted, or illegally owned firearms. These firearms include weapons that are no longer being used and are now unwanted by their owner and guns currently owned by once legal gun owners who have become prohibited from owning a firearm at some point after their background check. It is also essential that those who wish to remain gun owners have the legal and mental capacity to do so, and should that status change, that processes be in place to prevent guns from staying in the hands of those whose conduct or mental health make them ineligible to retain them. **We support reasonable efforts to get unneeded, unwanted, and illegal guns off our streets and out of our communities.**

- For years, local governments have been trying various strategies to better engage local communities in removing illegal or unused guns from their neighborhoods, such as illegal gun tip hotlines and voluntary gun buyback programs administered by municipalities or local law enforcement. Tip lines enable citizens to alert police (either anonymously or for reward) about illegal guns in their communities. Buyback programs, including those executed in cooperation with corporate or other partners, offer financial incentives to individuals who turn in their unwanted or unneeded guns.
- Congress should take measures to encourage state and local governments to use federal funds, such as those administered by the Departments of Justice (e.g. Byrne Justice Assistance Grant Program), and others, for innovative and voluntary gun violence reduction programs such as illegal gun tip hotlines and gun buyback programs.
- Over time, gun owners may lose their eligibility to possess a weapon under state or federal law, often because of criminal activity or mental health issues. Innovative programs designed to facilitate the disposal of firearms held by prohibited persons can prevent gun violence. The federal government should encourage states to create and utilize programs that allow local law enforcement to assist gun owners who do not have the legal capacity to own them, in the sale or transfer of their illegal firearms.

XIII. The majority of firearms are owned and safely operated by responsible gun owners who take seriously their responsibility to our communities. Many gun owners already take it upon themselves to be trained and exercise gun safety best practices. However, more can and must be done to help gun owners make informed decisions about the safe storage and use of their guns in order to prevent gun violence. Improved efforts should be made to ensure current gun safety technologies are being deployed, while research must also be done to develop new gun safety technologies. **We support the enhancement and promotion of gun safety and owner responsibility.**

- It is essential to start a new national dialogue on responsible gun ownership, which should include a national public service announcement campaign. We should conduct this campaign in coordination with gun owner organizations and other stakeholders. The dialogue should include discussion of the safe storage of firearms, the use of trigger locks and gun safes, steps gun owners should take if their firearm is lost or stolen, and resources pertaining to mental illness and gun ownership, among others.
- We also believe that the federal government should take additional steps to assist in the development and deployment of technology that could minimize gun violence. Specifically, the federal government should encourage in the development and testing of new gun safety technologies and offer greater incentives to encourage the use of currently available safety technologies, like trigger locks, gun safes, and other safe storage options.

- These efforts should not come at the expense of other important conservation programs that are used and closely linked to hunting and shooting sports. This includes programs supported by the Pittman-Robertson Wildlife Restoration Act, the Federal Duck Stamp Program, and the Dingell-Johnson Act, among others. These are long-standing programs that play an essential role in wildlife and habitat protection that must be continued uninterrupted.

XIV. Our schools must be safe environments where teachers, faculty and students can focus on teaching and learning without concerns of any type of violence that detracts from the positive growth of students. While gun violence in schools is rare, any violence in schools is too much and must be addressed. All schools should implement an evidence-based approach to supporting a safe learning environment that is tailored to the unique needs of the students and local communities. To ensure the physical security of our schools, schools should develop safety and emergency response plans to address the physical and emotional safety of all students. Teachers, faculty and other personnel should have the training and supports to implement those plans, including for responding to crisis situations. School policies should go beyond just securing our buildings and campuses and promote a positive school climate that meets both the learning and emotional needs of all students. **We support comprehensive measures to address the physical and emotional safety of students, faculty and staff.**

- While actions to promote safety and prevention at the school level are essential, these policies must be implemented in tandem with comprehensive gun violence prevention initiatives.
- Elementary, secondary and post-secondary schools should collaborate with local community groups to develop and implement a comprehensive, evidence-based safety plan. These groups should include parents, teachers, faculty, student organizations, community based health centers, first-responders and law enforcement. To help facilitate the development and continued implementation of these safety plans, a mechanism should also be established to provide training and research to assist schools at all levels, and to disseminate to them educational public safety information and best practices.
- Meeting the emotional needs of all students is essential to maintain a safe environment. Schools should prioritize policies and supports to promote a positive school climate, including anti-bullying programs and mental health supports.

- XV. Many Americans are concerned that television programs, movies, video games and other forms of media are starting to desensitize young Americans to violence, specifically gun violence, at a very early age. While we have a shared responsibility in this area, it is essential that parents, educators, and our communities at large are aware of and use the tools available to them and that those tools are sufficient to help make informed decisions about the content exposed to our children. While recent scientific research has not demonstrated a causal relationship between modes of entertainment and violence, more research should be done, including with the backing of uninterested government scientists and experts. **We support making available more information about content choices to our parents and communities, and urge that further scientific research be conducted on possible relationships between the depiction of violence in entertainment media and gun violence in our communities.**
- The CDC and other impartial research entities should supplement existing research on the relationship between video games, the media, and gun violence.
  - The entertainment and video game industries have a responsibility to give parents the tools to make appropriate choices about what their children watch and play. It is clear to us that these industries take this responsibility seriously. However, as new technologies emerge and new entertainment platforms are developed, Congress must continue to work with these industries to ensure that their efforts remain successful.

**House Gun Violence Prevention Task Force Background:**

On December 19, 2012, Democratic Leader Nancy Pelosi announced the formation of the House Gun Violence Prevention Task Force and appointed Representative Mike Thompson (CA-05) as chair. The Task Force was charged with developing a comprehensive approach to reduce gun violence and strengthen our nation's gun laws, and to present this plan by early February, 2013.

In the weeks that followed, Chairman Thompson, in consultation with the Task Force leadership team consisting of eleven Vice Chairs representing a range of expertise and backgrounds from all corners of the House Democratic Caucus, worked with their House colleagues and all stakeholders to identify possible solutions to be included in the Task Force's final recommendations. As the Task Force developed these recommendations, their standard was simple: everyone must be at the table, and everything must be on the table for consideration.

It was agreed that for a policy principle to be included in the Task Force's final recommendations, that principle must be supported by at least two-thirds of the 12 member Task Force leadership team. After a series of meetings, public hearings, and lengthy deliberations, each of the 15 policy principles included in this plan met that two-thirds threshold.

On Thursday, February 7, 2013, Chairman Thompson, and the Gun Violence Prevention Task Force leadership team, formally announced their comprehensive plan to reduce gun violence.

**House Gun Violence Prevention Task Force Leadership Team:**

Chair: Mike Thompson (CA-05)

Vice-Chairs: Ron Barber (AZ-2); John Dingell (MI-12); Elizabeth Esty (CT-5); Chaka Fattah (PA-2); Carolyn McCarthy (NY-4); Grace Napolitano (CA-32); Ed Perlmutter (CO-7); David Price (NC-4); Bobby Scott (VA-3); Jackie Speier (CA-14); Bennie Thompson (MS-2)

## Juvenile intervention is the best way to reduce gun violence

By Rod Hoops San Bernardino County Sun

Posted:

sbsun.com

Leaving my post as sheriff of San Bernardino County is one of the hardest things I've ever done. It has been an honor to serve my community alongside so many talented professionals and everyday heroes. Today, my new work as an executive fellow with the Police Foundation offers me the opportunity to explore new public safety strategies and promote effective tactics to law enforcement agencies throughout the country.

The timing could not be better. As we struggle to make sense of senseless violence in schools, in shopping malls and in movie theaters, I am concerned that the conversation has centered too specifically on gun control. We need to take a broader look and focus on comprehensive, evidence-based approaches that will create calmer classrooms and secure learning environments to keep all children on track toward successful futures.

The reality is that most criminals started getting into trouble when they were juveniles: skipping class, experimenting with drugs and alcohol, defacing public property, and so forth.

Intervening in the early years gives us the best chance of steering them back on course, before they mature into full-blown criminals.

Helping schools create positive school environments where children are safe and are learning important social skills helps. Some troubled kids need mental health or substance abuse treatment. Others would benefit from referrals to Big Brothers & Big Sisters programs or Boys & Girls Clubs for constructive engagement on weekends or during the peak hours for juvenile crime in the hours after the school bell rings.

Individualized support and services to children, youths and their families are the best tools in our crime-prevention toolbox.

I work with more than 5,000 law enforcement leaders nationwide to improve public safety by expanding access to proven programs for kids, particularly those most at risk.

There are many effective ways to keep kids in school, off the streets, and out of trouble. Research shows that students who participate in high-quality early education programs are more likely to stay in school and less likely to become involved in crime down the road.

Too many California students are not receiving the education that they need to succeed, putting them in jeopardy of turning to crime instead of a job to make a living. It is estimated that one out of every four California youths is not graduating from high school. This is a serious public safety concern - research shows that dropouts are eight times more likely than high school graduates to end up in jail or prison.

To help keep students in school and off the streets, we need to support positive school climates that focus on the unique needs of each student, holding youths accountable for misbehavior while keeping them in the classroom. Fortunately, some promising, evidence-based discipline strategies do exist and have been shown to keep schools safe while providing troubled students more opportunities to learn. By teaching kids to be problem-solvers and mediators inside the classroom, we are also teaching them to be responsible, law-abiding citizens outside of the classroom.

Another way to reduce violence in schools is to make sure that school staff can identify, screen and refer students to appropriate mental health and related services. According to the American School Counselors Association, California ranks last in the nation at providing school counselors.

Further compounding the situation is the \$764.8 million cut to mental health funding in California over the last several years, while the demand for these services has only continued to rise.

By investing more in proven approaches - such as early education, positive school discipline and youth mental health - we can keep more kids in the classroom and on track to graduate, while saving our state billions of dollars and

making our communities safer places for all.

Rod Hoops is an executive fellow with the Washington, D.C.-based Police Foundation and a retired sheriff-coroner of San Bernardino County.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
Supervisor Karen Mitchoff, Chair  
Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: April 28, 2013

SUBJECT: **Agenda Item #6: Redevelopment Related Legislation**

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**RECOMMENDATION**

ACCEPT the report on redevelopment related legislation and provide direction, as necessary.

**REPORT**

The County Administrator has requested that staff provide information to the Legislation Committee regarding redevelopment-related bills that are moving through the Legislature.

Two League of California Cities-supported bills to clarify and provide certainty for the dissolution process for redevelopment agencies passed out of the Assembly Local Government Committee on April 24, 2013.

**AB 564 (Mullin) Community Redevelopment: Successor Agencies:** *Amends existing law that dissolved redevelopment agencies and community development agencies and provides for the designation of successor agencies. Prohibits the Department of Finance from taking any future action to modify the enforceable obligations described in existing law following the effective date of the approval of those obligations after review by an oversight board and the department, and from taking action to modify the transfer of property, if the transfer is in an approved transfer plan.*

As part of the winding down of redevelopment agencies, AB 1484 (Blumenfield), Chapter 26, Statutes of 2012, made various statutory changes associated with the dissolution of redevelopment agencies and addressed a number of substantive issues related to administrative processes, affordable housing activities, repayment of loans from communities, use of existing bond proceeds and the disposition or retention of former redevelopment agency assets.

One of the provisions in AB 1484 allowed successor agencies that have received a "finding of completion" from the Department of Finance to have additional discretion regarding former agency real property assets, loan repayments to the local government

community that formed the agency, and use of proceeds from bonds issued by the former redevelopment agency.

In order to receive the finding of completion, the successor agency must undergo specified due diligence reviews and make the requirement payments to the Department of Finance.

Once the successor agency receives the finding of completion, the agency gains access to three specific benefits listed in statute - first, the ability to transfer former redevelopment agency-owned properties to the city or county for redevelopment upon completion of a long-term management plan approved by the Department of Finance; second, the ability to repay city loans made to the redevelopment agency; and third, the ability to use unspent bond proceeds issued by redevelopment agencies prior to December 31, 2010. However, the repayment of city-agency loans and the expenditure of unspent bond proceeds would become an "enforceable obligation." Once a finding of completion is issued, the successor agency must prepare a long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency. The report is required to be submitted to the oversight board and the Department of Finance for approval no later than six months following the issuance to the successor agency of the finding of completion.

This bill prohibits the Department of Finance, once a finding of completion is issued, from future modification or reversal of an action of approval by an oversight board for specified enforceable obligations of a successor agency - specifically for those benefits referenced in Comment #1. The bill also prohibits the Department of Finance from taking any future action to modify a transfer of property, or the liquidation of property, as long as the transfer or liquidation is consistent with the approved long-range property management plan of the successor agency.

Currently there are only a few agencies that have received a finding of completion, according to the Department of Finance's website.

This bill is sponsored by the League of California Cities. According to the author, "The dissolution of former redevelopment agencies requires successor agencies to negotiate a series of complex reviews and audits overseen by the Department of Finance. From a successor agency perspective, the DOF process has been fraught with uncertainty due to changing and inconsistent interpretations of statutory requirements."

The author notes that this bill "clarifies the statute to reflect the legislative intent that successor agencies can rely on access to these benefits [from a finding of completion] over the long term. The bill requires that after the initial approval of oversight board action by the Department of Finance, the successor agency and all other public and private entities may rely with certainty upon that decision."

This bill will clarify, as more successor agencies are granted a finding of completion, that the successor agency can count on these benefits without future disruption or reversal by the Department of Finance.

Support arguments: According to the League of California Cities, this bill "clarifies the statute to reflect legislative intent so successor agencies can rely on access to these benefits over the long term?this important clarification will avoid unnecessary future disputes, confusion and litigation, and assist the affected communities in moving on from redevelopment so they can focus on their future."

Opposition arguments: It could be argued that the changes proposed by this bill do not need to be made explicit in statute.

Registered Support/Opposition:

Support: League of California Cities [SPONSOR] Cities of Culver City, Grover Beach, Lynwood, Morgan Hill, Pasadena The Non-Profit Housing Association of Northern California

Opposition: None on file

DISPOSITION: Pending in Assembly Housing and Community Development Committee  
HEARING: 05/01/2013 9:00 a.m., Room 126

**AB 981 (Bloom) Redevelopment Dissolution:** *A second League-supported bill, this bill allows the expenditure of bond proceeds that were issued by redevelopment agencies between Jan. 1, 2011, and June 28, 2011, the effective date of the redevelopment dissolution legislation.*

Specifically, the bill would authorize:

1. Bond proceeds issued before June 28, 2011, and backed by low and moderate income housing funds to be used for affordable housing purposes.
2. Successor agencies that receive a finding of completion to use proceeds from bonds issued before June 28, 2011, for their intended purposes.

AB 981 will allow these funds to be expended for their intended purposes thus creating many prevailing wage jobs, sheltering more families in affordable housing, and rebuilding critical infrastructure. Without a legislative policy change, these bond proceeds will sit idle while defeasance payments are made for up to 10 years.

*Background:* In 2011, facing a severe budget shortfall, the Governor proposed eliminating redevelopment agencies in order to deliver more property taxes to other local agencies. Redevelopment redirected 12% of property taxes statewide away from schools and other local taxing entities and into community development and affordable housing. Ultimately, the Legislature approved and the Governor signed two measures, ABX1 26 and ABX1 27 that together dissolved redevelopment agencies as they existed at the time and created a voluntary redevelopment program on a smaller scale.

In response, the California Redevelopment Association (CRA), and the League of California Cities, along with other parties, filed suit challenging the two measures. The

Supreme Court denied the petition for peremptory writ of mandate with respect to ABX1 26. However, the Court did grant CRA's petition with respect to ABX1 27. As a result, all redevelopment agencies were required to dissolve as of February 1, 2012.

As part of the winding down of redevelopment agencies, AB 1484 (Blumenfield), Chapter 26, Statutes of 2012, made various statutory changes associated with the dissolution of redevelopment agencies and addressed a number of substantive issues related to administrative processes, affordable housing activities, repayment of loans from communities, use of existing bond proceeds and the disposition or retention of former redevelopment agency assets.

One of the provisions in AB 1484 allowed successor agencies that have received a "finding of completion" from DOF to have additional discretion regarding former agency real property assets, loan repayments to the local government community that formed the agency, and use of proceeds from bonds issued by the former redevelopment agency. In order to receive the finding of completion, the successor agency must undergo specified due diligence reviews and make the requirement payments to DOF.

Once the successor agency receives the finding of completion, the agency gains access to three specific benefits listed in statute - first, the ability to transfer former redevelopment agency-owned properties to the city or county for redevelopment upon completion of a long-term management plan approved by DOF; second, the ability to repay city loans made to the redevelopment agency; and third, the ability to use unspent bond proceeds issued by redevelopment agencies prior to December 31, 2010. However, the repayment of city-agency loans and the expenditure of unspent bond proceeds would become an "enforceable obligation." Once a finding of completion is issued, the successor agency must prepare a long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency. The report is required to be submitted to the oversight board and DOF or approval no later than six months following the issuance to the successor agency of the finding of completion.

This bill makes several changes to dates established in AB 1484 and AB 1X 26. First, the bill extends, from January 1, 2011 to June 28, 2011, the date by which an entity that has assumed the housing functions in the winding down of redevelopment can designate the use of, and commit, indebtedness obligation proceeds that were issued for affordable housing purposes. Second, the bill expands the cutoff date for the use of redevelopment bond proceeds from December 31, 2010 (as established by AB 1X 26) to June 28, 2011, upon issuance of a finding of completion by DOF. June 28, 2011 is the date the dissolution legislation (AB 1X 26) was signed.

According to the author, "During the first half of 2011, prior to the dissolution of all redevelopment agencies, approximately 50 agencies legally issued bonds. Of those cities, 37 have outstanding bond proceeds that they are not allowed to use. The State has asserted that the vast majority of the 2011 redevelopment bonds must be defeased and their proceeds not spent on projects, however, over 90% of these bonds cannot be defeased for 10 years. During this ten-year period, nearly \$1 billion will be spent on the debt service payments for these bonds, and the bond proceeds will continue to go

unused. If the proceeds were used for their intended purposes, the construction of these projects would generate over \$1.2 billion in statewide economic activity, more than the debt service payments during the ten-year period.

"The vast majority of these bonds were issued for public works projects such as infrastructure construction and repair, new public facilities and affordable housing. Bondholders who purchased tax-exempt bonds (approximately 70% of the bonds in question) for specific public works projects were promised tax-free returns. Per federal tax law, tax-exempt bond proceeds must be used for their intended purpose, or the bonds could be subject to losing their tax-exempt status."

According to the author, the following agencies are currently unable to use 2011 bond funds: Blythe, Brea, Calexico, Cudahy, Culver City, Davis, Fairfield, Folsom, Galt, Glendale, Goleta, Grand Terrace, Inland Valley Development Agency (former Norton AFB), La Quinta, Lemoore, Lynwood, Monrovia, National City, Oakdale, Oakland, Reedley, Riverside County, City of San Bernardino, Santa Ana, Santa Clara, Santa Monica, Signal Hill, City of Sonoma, Stanton, Temecula, Twentynine Palms, Ukiah, Union City, Vernon, West Hollywood, Westminster, and Yorba Linda.

Support arguments: Supporters argue that it is estimated that approximately \$650 million in 2011 redevelopment bond proceeds are currently sitting idle and cannot be used, and if these proceeds were spent on their intended projects, it is estimated that approximately 9,300 high wage construction and related jobs would be generated.

Opposition arguments: The Legislature may wish to consider where the line should be drawn on bond issuance by redevelopment agencies and whether this bill makes a compelling case to expand the dates from what was contained in AB 1484.

Registered Support/Opposition:

Support: California Teamsters Public Affairs Council Cities of Culver City, Grand Terrace, Lynwood, Santa Monica, Vista, West Hollywood League of California Cities Palm Communities

Opposition: None on file

DISPOSITION: Pending Assembly Housing and Community Development Committee  
HEARING: 05/01/2013 9:00 am, Room 126

These two bills now move to the Assembly Appropriations Committee.

*A status report of all Redevelopment-related bills that the County is monitoring is included in Attachment A.*

In other news, Sacramento County Superior Court Judge Michael Kenny heard oral arguments on April 19 in *League of California Cities v. Ana Matosantos*, the League's challenge to portions of AB 1484, the 2012 redevelopment budget trailer bill.

The League is represented in this matter by Best Best & Krieger. Judge Kenny has 90 days from today to issue his written ruling.

The lawsuit contends that AB 1484 contains unconstitutional property and sales tax claw-back and other provisions that violate the California State Constitution, including both Proposition 1 A (2004) and Prop. 22 (2010). The petition does not seek to invalidate AB 1484 in its entirety, but it is being filed to ensure that the wind-down of redevelopment agencies is executed in an orderly and constitutional fashion without jeopardizing the fiscal stability of cities as they work to faithfully implement the redevelopment dissolution legislation.

The plaintiffs are: the League of California Cities, the city of Vallejo, the Vallejo Successor Agency, and League Executive Director Chris McKenzie as the taxpayer plaintiff. The defendants are: the Department of Finance, the Board of Equalization, the State Controller and the Solano County Auditor Controller.

In the lawsuit the petitioners contend that AB 1484 lacks sufficient standards to guide and constrain the Department of Finance's decision making authority in a number of significant areas. The following provisions are being challenged as unconstitutional:

- The Department of Finance's authority to order the Board of Equalization to withhold sales tax from those cities whose successor agencies failed to make the July "true-up" payment and in other circumstances;
- County auditor-controllers' authority to withhold property taxes in certain circumstances; and
- Those provisions of AB 1484 that establish an unconstitutional delegation of legislative authority to the Department of Finance.

The League also asserts in the lawsuit that the Department of Finance has not complied with the Administrative Procedure Act (Act), which provides the procedures by which state agencies must adopt regulations. The Department of Finance has adopted no regulations under the Act to implement AB 1484.



## Redevelopment Related Bills

### 04-27-13

<b>AB 28</b>	<p><b>AUTHOR:</b> Perez V [D]  <b>TITLE:</b> Economic Development: Enterprise Zones  <b>FISCAL:</b> yes  <b>COMMITTEE:</b>  <b>URGENCY:</b> no  <b>CLAUSE:</b>  <b>INTRODUCED:</b> 12/03/2012  <b>LAST AMEND:</b> 03/04/2013  <b>DISPOSITION:</b> Pending  <b>FILE:</b> 18  <b>LOCATION:</b> Assembly Second Reading File  <b>SUMMARY:</b></p> <p>Revises various definitions for purposes of the Enterprise Zone Act and modifies specified requirements for designating and administering enterprise zones, LAMBRA's and G-TEDA's, collectively. Imposes new requirements on the Department of Housing and Community Development with respect to the enterprise zone program and modifies department and Franchise Tax Board Reporting requirements. Authorizes the department to charge a fee for specified tax credit applications for the administration of the Act.</p> <p><b>STATUS:</b>  04/23/2013 In ASSEMBLY Committee on JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY: Heard, remains in Committee.</p>
<b>AB 229</b>	<p><b>AUTHOR:</b> Perez J [D]  <b>TITLE:</b> Infrastructure and Revitalization Financing Districts  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Assembly Appropriations Committee  <b>HEARING:</b> 05/01/2013 9:00 am  <b>SUMMARY:</b></p> <p>Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.</p>
<b>AB 243</b>	<p><b>AUTHOR:</b> Dickinson [D]  <b>TITLE:</b> Local Government: Infrastructure Financing Districts  <b>FISCAL:</b> yes  <b>COMMITTEE:</b>  <b>URGENCY:</b> no  <b>CLAUSE:</b>  <b>INTRODUCED:</b> 02/06/2013  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Assembly Appropriations Committee  <b>HEARING:</b> 05/01/2013 9:00 am</p>

**SUMMARY:**

Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.

**STATUS:**

04/17/2013 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS. (6-3)

**AB 564**

**AUTHOR:** Mullin [D]  
**TITLE:** Community Redevelopment: Successor Agencies  
**FISCAL:** yes  
**COMMITTEE:**  
**URGENCY:** no  
**CLAUSE:**  
**INTRODUCED:** 02/20/2013  
**LAST AMEND:** 03/12/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Housing and Community Development Committee  
**HEARING:** 05/01/2013 9:00 am

**SUMMARY:**

Amends existing law that dissolved redevelopment agencies and community development agencies and provides for the designation of successor agencies. Prohibits the Department of Finance from taking any future action to modify the enforceable obligations described in existing law following the effective date of the approval of those obligations after review by an oversight board and the department, and from taking action to modify the transfer of property, if the transfer is in an approved transfer plan.

**STATUS:**

04/24/2013 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on HOUSING AND COMMUNITY DEVELOPMENT. (9-0)

**AB 662**

**AUTHOR:** Atkins [D]  
**TITLE:** Local Government: Infrastructure Financing Districts  
**FISCAL:** no  
**COMMITTEE:**  
**URGENCY:** no  
**CLAUSE:**  
**INTRODUCED:** 02/21/2013  
**DISPOSITION:** Pending  
**LOCATION:** SENATE

**SUMMARY:**

Amends existing law that authorizes the creation of infrastructure financing districts and prohibits such district from including any portion of a redevelopment project area. Deletes that prohibition on infrastructure financing districts including any portion of a redevelopment project area.

**STATUS:**

04/25/2013 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To

SENATE. (76-0)

**AB 981**

AUTHOR: Bloom [D]  
 TITLE: **Redevelopment Dissolution**  
 FISCAL: yes  
 COMMITTEE:  
 URGENCY: no  
 CLAUSE:  
 INTRODUCED: 02/22/2013  
 DISPOSITION: Pending  
 COMMITTEE: Assembly Housing and Community Development Committee  
 HEARING: 05/01/2013 9:00 am  
 SUMMARY:

Relates to existing law that provides for the transfer of housing assets and functions previously performed by a dissolved redevelopment agency to one of several specified public entities. Authorizes that entity to designate the use of, and commit, indebtedness obligation proceeds that were issued prior to June 28, 2011.

**STATUS:**

04/24/2013 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on HOUSING AND COMMUNITY DEVELOPMENT. (9-0)

**AB 1080**

AUTHOR: Alejo [D]  
 TITLE: **Community Revitalization & Investment Authorities**  
 FISCAL: yes  
 COMMITTEE:  
 URGENCY: no  
 CLAUSE:  
 INTRODUCED: 02/22/2013  
 LAST AMEND: 04/24/2013  
 DISPOSITION: Pending  
 COMMITTEE: Assembly Local Government Committee  
 HEARING: 05/01/2013 1:30 pm  
 SUMMARY:

Authorizes certain public entities of a community revitalization and investment area to form a community revitalization plan within a community revitalization and investment authority to carry out the Community Redevelopment Law in a specified manner. Requires the authority to adopt a community revitalization plan for a community revitalization and investment area and authorizes the authority to include in that plan a provision for the receipt of tax increment funds.

**STATUS:**

04/24/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

**AB 1207**

AUTHOR: Brown [D]  
 TITLE: **Community Development**  
 FISCAL: no  
 COMMITTEE:  
 URGENCY: no  
 CLAUSE:

INTRODUCED: 02/22/2013  
DISPOSITION: Pending  
LOCATION: ASSEMBLY  
SUMMARY:

Makes technical, nonsubstantive changes to the Community Redevelopment Law regarding the causes of blight.

**STATUS:**  
02/22/2013 INTRODUCED.

**AB 1320**

AUTHOR: Bloom [D]  
TITLE: **Redevelopment: Property Tax: Passthrough Payments**  
DISPOSITION: Pending  
LOCATION: Assembly Local Government Committee  
SUMMARY:

Provides that a specified amount of ad valorem property tax revenues allocated to a school entity, defined with reference to former passthrough payments made by a redevelopment agency, will not be included as ad valorem property tax revenues counted against the revenue limit for that entity.

**SB 1**

AUTHOR: Steinberg [D]  
TITLE: **Sustainable Communities Investment Authority**  
FISCAL: yes  
COMMITTEE:  
URGENCY: no  
CLAUSE:  
INTRODUCED: 12/03/2012  
LAST AMEND: 04/15/2013  
DISPOSITION: Pending  
LOCATION: Senate Second Reading File  
SUMMARY:

Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area.

**STATUS:**  
04/23/2013 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS. (8-3)

**SB 33**

AUTHOR: Wolk [D]  
TITLE: **Infrastructure Financing Districts: Voter Approval**  
FISCAL: yes  
COMMITTEE:  
URGENCY: no  
CLAUSE:  
INTRODUCED: 12/03/2012  
LAST AMEND: 03/06/2013

DISPOSITION: Pending  
 LOCATION: ASSEMBLY  
 SUMMARY:

Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.

**STATUS:**  
 04/11/2013 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (24-13)

**SB 341**

**AUTHOR:** DeSaulnier [D]  
**TITLE:** Redevelopment  
**FISCAL:** yes  
**COMMITTEE:**  
**URGENCY:** no  
**CLAUSE:**  
**INTRODUCED:** 02/20/2013  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 04/29/2013 11:00 am  
**SUMMARY:**

Changes provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor. Provides that funds in the Low and Moderate Income Housing Asset Fund shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law.

**STATUS:**  
 04/16/2013 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS. (10-0)

**SB 391**

**AUTHOR:** DeSaulnier [D]  
**TITLE:** California Homes and Jobs Act of 2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/06/2013 11:00 am  
**SUMMARY:**

Enacts the California Homes and Jobs Act of 2013. Imposes a fee to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. Requires that revenues sent quarterly to the Department of Housing and Community Development for deposit in the California Homes and Jobs Trust Fund, which the bill would create. Provides that moneys expended for supporting affordable housing, administering housing programs and the cost of periodic audits.

**SB 470**

**AUTHOR:** Wright [D]  
**TITLE:** Community Development: Economic Opportunity  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Environmental Quality Committee

HEARING: 05/01/2013 9:30 am

SUMMARY:

Relates to community development and economic opportunity. Provides that economic opportunity includes certain agreements, purposes and projects. Relates to land use. Provides that before certain returned city, county, or city and county property is sold or leased for development, the sale or lease shall first be approved by the legislative body. Authorizes the removal of hazardous substances. Requires a city or county to request cleanup guidelines. Limits city or county liability.

**SB 628**

AUTHOR: Beall [D]

TITLE: **Infrastructure Financing: Transit Priority Projects**

DISPOSITION: Pending

COMMITTEE: Senate Transportation and Housing Committee

HEARING: 05/07/2013 1:30 pm

SUMMARY:

Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Provides that income level for continued occupancy. Relates to the approval of such district and its ability to issue bonds.

**SB 684**

AUTHOR: Hill [D]

TITLE: **Advertising Displays: Redevelopment Agency Project Area**

FISCAL yes

COMMITTEE:

URGENCY yes

CLAUSE:

INTRODUCED: 02/22/2013

LAST AMEND: 04/01/2013

DISPOSITION: Pending

COMMITTEE: Senate Transportation and Housing Committee

HEARING: 04/30/2013 1:30 pm

SUMMARY:

Authorizes the establishment of redevelopment agencies in communities to address the effects of blight. Provides that an advertising display advertising business and activities within the boundary limits of an individual redevelopment agency project may continue to exist and be considered an on-premises display for a specified period, or the expiration of the project area if the display meets specified criteria. Authorizes the designating agency to request an extension.

**STATUS:**

04/01/2013 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.

04/01/2013 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.

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**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO:           Legislation Committee  
              *Supervisor Karen Mitchoff, Chair*  
              *Supervisor Mary N. Piepho, Vice Chair*

FROM:       Lara DeLaney, Interim Senior Deputy County Administrator

DATE:       April 28, 2013

SUBJECT:    **Agenda Item #7: Federal Issues Update**

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**RECOMMENDATION**

ACCEPT the report on federal issues and provide direction, as necessary.

**REPORT**

Still smarting from the Senate's recent defeat of President Obama's gun control agenda, Senate Majority Leader Harry Reid (D-NV) opted to turn the chamber's attention last week to legislation that would give **states the ability to collect sales taxes from out-of-state Internet retailers**. The measure, known as the **Marketplace Fairness Act**, has been endorsed by CSAC and is cosponsored by 29 members of the Senate, including Senator Dianne Feinstein (D-CA).

Among other things, the legislation (S 743) would require online merchants to collect the full destination rate - the applicable state and local tax rate - on each sale made over the Internet. In order to benefit from the Act, however, states would be required to streamline their sales tax administration. It should be noted that retailers with less than \$1 million in remote sales annually would be exempt from any collection requirements.

Opponents in the Senate, including lawmakers from Alaska, Montana, New Hampshire and Oregon (states that do not have a sales tax), have countered that S 743 would be burdensome for businesses that would be responsible for complying with numerous state and local tax laws. They also argue that the measure would violate state sovereignty. Meanwhile, supporters of the legislation counter that it would simply enable the collection of taxes that are already owed to state and local governments.

On April 25, the Senate voted to end debate, but final action on the bill will be delayed until the chamber returns from its scheduled weeklong recess. When lawmakers reconvene, there will be two votes on the measure: one on a manager's amendment that would delay implementation of the bill for six months and one on final passage.

While the Marketplace Fairness Act is expected to clear the Senate, it could face challenges in the House. For his part, Judiciary Committee Chairman Bob Goodlatte (R-VA) has indicated that he is open to considering the legislation but is concerned about the challenges faced by businesses in collecting and remitting sales taxes for various states, counties, and municipalities.

With the Senate unable to complete action on the Internet tax bill, Senate Majority Leader Reid took procedural steps on April 25 to ready the chamber's **Water Resources Development Act (WRDA)** reauthorization package. The Senate will consider the WRDA legislation (S 601) after finishing work on the remote sales tax measure.

In other news, the bipartisan Senate “Gang of Eight” introduced their long-awaited **immigration reform bill** on April 17. Since that time, the Senate Judiciary Committee has held three hearings to examine various components of the 844-page reform package.

Among other things, the legislation (S 744) would provide a way for most of the roughly 11 million people living in the country illegally to become citizens. The measure also would create an employee verification system and includes a number of border-protection and enforcement provisions.

Included in the measure's Border Security title is a reauthorization of the State Criminal Alien Assistance Program (SCAAP). Under the legislation, SCAAP would be reauthorized at \$950 million in fiscal year 2014 and 2015.

The legislation also includes a section that would require the Attorney General to reimburse state, county, tribal and municipal governments for the costs associated with the prosecution and pre-trial detention of Federally-initiated criminal cases declined by local offices of the United States Attorneys. The program, entitled the Southwest Border Region Prosecution Initiative, would be authorized from fiscal years 2014 through 2018.

Looking ahead, the Senate Judiciary Committee is expected to markup S 744 in early May, with floor action expected later in the month.

In other developments, the House Transportation and Infrastructure Committee's Highways and Transit Subcommittee held a hearing on April 25 entitled "**Implementing MAP-21: The State and Local Perspective.**" The panel heard testimony from a number of key stakeholder organizations, including representatives from various national associations whose members are state and local elected officials. The committee also received testimony from Edward Reiskin, the director of Transportation for the San Francisco Municipal Transportation Agency. To access the witnesses' testimony, as well as Highway and Transit Subcommittee Chairman Tom Petri's (R-WI) opening statement, please click on the following link: [House T&I Hearing - MAP-21 - State & Local Perspective.](#)

On a related matter, the House Budget Committee held a hearing this past week entitled "**State of the Highway Trust Fund: Long-term Solutions for Solvency.**" The Highway Trust Fund (HTF), which finances highway and transit programs under the purview of MAP-21, has been bailed out by Congress several times over the course of the past several years due to insufficient revenues. According to the Congressional Budget Office, the HTF will go bankrupt sometime in 2015.

The Budget Committee hearing featured testimony from the U.S. Chamber of Commerce, Cornell University, and the Reason Foundation. Testimony from the hearing, as well as Budget

Committee Chairman Paul Ryan's (R-WI) opening statement, can be viewed via the following link: [House Budget Hearing - HTF Solvency](#).

Finally, the U.S. Department of Transportation announced the availability of nearly \$475 million in fiscal year 2013 TIGER grant funds. As with previous TIGER rounds, funds for the fiscal year 2013 cycle will be awarded on a competitive basis for infrastructure projects that will have a significant impact on the nation, a metropolitan area, or a region. Pursuant to the fiscal year 2013 Appropriations Act, not less than \$120 million of the grant funds will be awarded for projects in rural areas.

The Grants.gov website will begin accepting applications on April 29. Final grant applications are due by June 3.