



Agenda

LEGISLATION COMMITTEE

July 18, 2013

1:00 p.m. to 2:30 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 May 2, 2013 and June 3, 2013 meetings
4. **FY 2013-14 State Budget Update** – *Presenters: Lara DeLaney, Cathy Christian*
5. **2013 State Legislation of Interest** – *Presenters: Lara DeLaney, Cathy Christian*
 - a) Consider a recommendation of “Support” for SB 1 (Steinberg): Sustainable Communities Investment Authority, as recommended by staff.
 - b) Consider a recommendation of “Support” for AB 1229 (Atkins): Land Use: Zoning Regulations, as recommended by staff.
 - c) Consider a recommendation of “Support” for AB 683 (Mullin): Local Government: Fines and Penalties: Assessments, as recommended by staff.
 - d) Consider providing direction to staff on bills listed in Attachment D.
6. **Proposed Legislation to Consolidate Offices of Public Administrator and Public Guardian** – *Presenter: Mark Peterson, District Attorney*
7. **Federal Update** – *Information Only: Lara DeLaney*
8. **Adjourn to the next regular meeting scheduled for Thursday, August 1, 2013 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:

Lara DeLaney, Committee Staff
Phone (925) 335-1097 Fax (925) 335-1098
Lara.DeLaney@cao.cccounty.us

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:

| | | | |
|-----------|---|------------|---|
| AB | 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 | | |

Schedule of Upcoming BOS Meetings

Aug. 6, 2013
Aug. 13, 2013

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

Record of Actions

May 2, 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. Record of Action: Record of Action for April 4, 2014 accepted with no changes.

4. 2013 State Legislation of Interest Matters:

- a) The Committee voted unanimously to recommend a position of “Support” to the Board of Supervisors on AB 422 (Nazarian), Notification of Health Care Coverage.
- b) The Committee voted unanimously to recommend a position of “Oppose” to the Board of Supervisors for AB 537 (Bonta): Meyers-Milias-Brown Act: Impasse Procedures.
- c) The Committee voted unanimously to recommend a position of “Oppose” to the Board of Supervisors for AB 616 (Bocanegra): Local Public Employee Organizations: Dispute.
- d) The Committee voted unanimously to recommend a position of “Support” to the Board of Supervisors for AB 720 (Skinner): Inmates: Health Care Enrollment.
- e) The Committee voted unanimously to recommend a position of “Support” to the Board of Supervisors for AB 939 (Melendez): School Defibrillators.
- f) The Committee voted unanimously to recommend a position of “Oppose” to the Board of Supervisors for SB 635 (Leno): Alcoholic Beverages: Hours of Sale.
- g) The Committee voted unanimously to recommend a position of “Oppose” to the Board of Supervisors on AB 5.

5. State and Federal Gun Violence Prevention Legislation: The Committee received input on this matter from staff, Chief Probation Officer Philip Kader, Dr. Walker, District Attorney Mark Peterson (in writing), as well as the Sheriff-Coroner (in writing).

The Committee voted unanimously to recommend a position of “Support” to the Board of Supervisors on SB 374, SB 108, SB 53, SB 140, and AB 48.

6. Adjourned to a June 6 meeting that was subsequently rescheduled to June 3.

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

Record of Actions

June 3, 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. **Record of Action:** *Not available.*

4. **2013-42 State Budget Update:**

The Committee received the update from staff and the County's lobbyist, who reported on the legislative activity surrounding the elimination of the Enterprise Zone program.

5. **2013 State Legislation of Interest:** The Committee voted unanimously to recommend that the Board of Supervisors take a position of "support" on SB 473 (Block): Human Trafficking.

6. **Laura's Law Legislation:** The Committee received a report on the issue from the County's Mental Health Director, Steven Grolnic-McClurg. (*Attached*) The Committee also received public input from: Brenda Crawford, Margaret Netherby, David Kahler, Lauren Rettagliata, Douglas Dunn, Linda Dunn, Gloria Davidson, Karen Cohen, Hans DeWitt, Candy Dewitt, Janet Marshall Wilson, Teresa Pasquini, Peter Mantas. Written comments provided to staff are also attached.

The Committee directed staff to prepare a referral to the Family and Human Services Committee to consider a report from staff within 90 days of the referral regarding the development of a program in Contra Costa County that provides for involuntary assisted outpatient treatment services.

7. **Adjourned:** The Chair adjourned to a meeting on July 24, which was subsequently rescheduled to July 18 at 1:00 p.m.

6/3/13

LEGISLATION COMMITTEE

SIGN-IN SHEET

Signing in is voluntary. You may attend this meeting without signing in.

| Name | Representing | Phone |
|---------------------|-------------------------------------|--------------|
| Cynthia Belton | Behavioral Health / Health Services | 925 957 5201 |
| Steven Gordin-Mitch | BH / MCH | - |
| DAVID KAHLER | Myself | 925-676 5271 |
| Pamela Crawford | Myself | 510-502-8699 |
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6/3/13

| Name | Representing | Phone |
|----------------------|-----------------------------------|--|
| Margaret Netherby | NAMI | 925-370-7282 |
| Peter Mantas | | 925-784-8178 |
| Jess Oregon | Asm. Buchanan | |
| STEVEN GROEIZ | COUNTY OF SANTA COSTA DCD | 925-674-7830 |
| Ray Derrico | NAMI CC | 925-993-4012 |
| Karen Cohen | NAMI CC gdavidsonmfr@yahoo.com | mmcohen.com 925-945-7272 |
| Gloria Davidson | NAMI CCC, my son at NAPA | 925-244-0873 |
| Candy Dewitt | NAMI, ACE SON | (510) 5233239 |
| HANS Dewitt | NAMI, ACE, SON | (510) 5233239 |
| Jane Marshall Wilson | Mental Health Consumer | 925 521-1230 X104 |
| TAYLOR BRUSI | mental health consumer concerns | (925) 521-1230 |
| LAUREN RETTAGLIATA | Parent rettagliata@sbcglobal.net | 925-683-3299 925-552-8002 |
| Linde Dunn | Parent (NAMI F2F teacher) | lindadun2000@yahoo.com 925-706-2453 |
| DOUGLAS DUNN | PARENT NAMI F2F TEACHER | DOUGLASDUNN@SBCGLOBAL.NET 925-706-2453 (Lindy line) |
| Teresa Pasolini | myself i my son | 510-223-2650 |

To: Supervisor Mitchoff and Supervisor Piepho

From: Steven Grolnic-McClurg, Mental Health Director, Behavioral Health Division

Topic: Legislative Briefing on pending Assisted Outpatient Treatment bills

Background:

The Assisted Outpatient Treatment Demonstration Project Act (AB1421), known as Laura's Law, authored by Assembly Member Helen Thomson, was signed into California law in 2002 and is authorized until January 1, 2017. Laura's Law is named after a 19 year old woman working at a Nevada County mental health clinic. She was one of three individuals who died after a shooting by a psychotic individual who had not engaged in treatment.

AB 1421 allows court-ordered intensive outpatient treatment called Assisted Outpatient Treatment (AOT) for a clearly defined set of individuals. In order to be eligible for AOT an individual must meet the following criteria:

- Must be 18 years or older
- Must be suffering from a SMI (W&I 5600.3)
- Unable to survive safely in community without supervision
- History of lack of compliance with treatment, evidenced by either:
 - Hospitalized/incarcerated 2 or more times in last 36 months in forensic or MH unit of State or local correction facility due to mental illness
 - Demonstrated violent behavior towards self or others in the last 48 months
- Offered and refused treatment on a voluntary basis
- Condition must be deteriorating
- Assisted Outpatient Treatment (AOT) is considered the least restrictive treatment
- AOT is needed to prevent relapse or further deterioration
- Will benefit from AOT

AB 1421 specifies that any of the following -- an adult with whom the person resides; a parent, spouse, sibling or child of person (18 or older); the director/designee of the mental health treatment facility or residential facility where the person is/was receiving treatment; a licensed mental health treatment provider; or a law enforcement officer (including probation/parole) – may request the County Mental Health Director to file a petition to the Court to the County Mental Health Director for AOT. The County Mental Health Director or his licensed designee is required to perform a clinical investigation, and if the request is confirmed, to file a petition to the Court for AOT.

If the court finds that the individual meets the statutory criteria, the recipient will be provided intensive community treatment services and supervision by a multidisciplinary team of mental health

professionals with staff-to-client ratios of not more than 1 to 10. Treatment is to be client-directed and employ psychosocial rehabilitation and recovery principles. The law specifies various rights of the person who is subject of a Laura's Law petition as well as due process hearing rights.

If a person refuses treatment under AOT, treatment cannot be forced. The Court orders meeting with the treatment team to gain cooperation and can authorize a 72 hour hospitalization to gain cooperation. A Laura's Law petition does not allow for involuntary medication.

AB 1421 requires that a county Board of Supervisors adopt Laura's Law by resolution to authorize the legislation within that county. AB 1421 also requires the Board of Supervisors to make a finding that no voluntary mental health program serving adults or children would be reduced as a result of implementation. A lack of funding and ongoing controversy over forcing individuals with mental illness into treatment has led most counties to decide against enacting. Nevada County is the only county that has fully implemented Laura's Law. Several counties are providing alternative services designed to prevent involuntary interventions or alternative models of AOT.

Information on Pending Legislation:

SB 585 was introduced by Senator Steinberg and Senator Correa on 2/22/12, and was amended on 5/13/13 with the addition of Senator Yee and Assembly Member Mansoor as coauthors. This bill, as amended, does the following:

- Clarifies that Mental Health Service Act revenue may be used for Laura's Law,
- Allows a county to authorize Laura's Law through resolution or through the county budget process,
- Requires a county to include provisions for Laura's Law in its MHSA plan or annual update if the county elects to implement Laura's Law and use MHSA funds for implementation,
- Specifies that mental health consumers should be fully informed and volunteer for all treatment provided under a court order for Laura's Law and, prior to the filing of the petition for AOT, that the consumer has been offered voluntary treatment and has failed to engage in that treatment.

SB 585 was passed in the Senate and was read the first time in the Assembly on 5/20/13. It currently is Held at Desk, meaning it hasn't had committee referral or floor action.

There are three other bills related to Laura's Law that were introduced this year. **SB 664** was introduced by Senator Yee and Senator Work on 2/22/13. This bill would have deleted the requirement that county Board of Supervisors must pass a resolution authorizing Laura's Law and finding that no voluntary mental health program may be reduced as a result of the AOT implementation. It would have also allowed counties to place a cap on the number of persons to whom it provides AOT services. The first Senate hearing for SB 664 was cancelled at the request of Senator Yee after he joined SB 585, and remains active.

AB 1367, introduced by Assembly Member Mansoor on 2/22/13, would declare that Laura's Law is consistent with and furthers the intent of the Mental Health Services Act. This bill would clarify that services provided under Laura's Law may be provided pursuant to the Mental Health Services Act. This bill would provide that outreach under prevention and early intervention programs may include the provision of funds to school districts, county offices of education, and charter schools for the purposes of obtaining and providing training to identify students with mental health issues that may result in a threat to themselves or others. This bill contains other related provisions and other existing laws. This bill was referred to the Committee on Health on 3/14/13 and, while still active, has not progressed.

AB 1265, introduced by Assembly Member Conway on 2/22/13 and amended on 4/1/13, state that in a county where assisted outpatient treatment services are available, a court may order a person to obtain assisted outpatient treatment for an initial period not to exceed 6 months if the court finds the requisite criteria are met, as specified. This bill would authorize the court to order a person to obtain assisted outpatient treatment for an initial period not to exceed 12 months. This bill would also, in counties that have elected to implement Laura's Law, require facilities discharging consumers from involuntary treatment to first evaluate them to determine if they meet the criteria for AOT. AB 1265 was referred to the Judiciary Committee and failed passage on first hearing on 4/16/13. It was granted reconsideration and remains active.

June 3, 2013

Contra Costa County
BOS Legislative Committee

Honorable Karen Mitchoff
Honorable Mary Piepho

I am Teresa Pasquini, a Contra Costa Mental Health Commissioner, a member of the Contra Costa MHSA Stakeholder Advisory Body (CPAW), and the Chair of the Behavioral Healthcare Partnership of Contra Costa Regional Medical Center. I serve on these advisory bodies as a family member and am committed to transforming the CCC mental health system of care in partnership with all. I am also a partner with Rose King, a co-author of Prop 63. Rose and I issued a joint letter opposing SB 585 but supporting its intent. We do not need a new bill to follow the laws already in place that will protect public safety and consumer and family rights.

I am speaking today only as a mom to my first-born son who is currently at Napa State Hospital. The fiscal cost of his road to Napa over the last three years is estimated at \$753,500.00. That money could have funded 25 consumers with severe mental illnesses annually who meet Laura's Law criteria. I know that we have more than 25 consumers in this county who currently meet the criteria who are languishing in out of county placements with inadequate care. Lets bring em home and wrap them in adequate medical and recovery supports before they have their rights stripped again. They don't need a house first they need treatment first. I know that Laura's Law could have prevented severe fiscal and human waste for my family, my county and my state but I don't believe that we need new legislation to make that happen.

This bill is unnecessary and will only serve as a catalyst of division between consumer and family stakeholders and become a distraction from the work of improving our local system. The MHSA was always available to fund Laura's Law but the political will has been absent. This bill won't change anything unless the Board of Supervisors of Contra Costa is ready to lead and issue a resolution to implement Laura's Law. You don't need a report, you don't need another pilot project, you don't need the MH Commission to support and you don't need CPAW to approve. You are the governing body of the county and it is within your power to ensure public safety is aligned with fiscal responsibility.

You may believe that funding is a problem or that voluntary services must not be reduced. These are myths. Voluntary services must be available and can be provided in conjunction with Laura's Law. You may mistakenly believe that Full Service Partnerships are the key. However, for the high cost consumer with anosognisa they will not work. You may mistakenly believe that current LPS laws or Conservatorships are acceptable however my son's case study is a perfect

FACT of their failure. And he is considered one of the so-called lucky ones who was granted a Conservatorship. He doesn't feel lucky and neither do I. We don't need luck; we need a health system to provide equal care for those whose brain disorders prevent them from engaging in treatment voluntarily.

We have to challenge the myths and rhetoric and respectfully consider solutions for the families and the consumers who are NOT RECOVERING, not surviving and NOT thriving under the current LPS Laws. I am a family survivor who will partner with anyone to improve our public health system. We need medical treatment first before tragedy and jail time. Don't wait, please join Nevada County who received a 2011 CSAC award for offsetting public costs with human decency by fully implementing Laura's Law.

Respectfully submitted,
Teresa Pasquini
2536 Heide Court
El Sobrante, CA 94803

1401 Via Loma
Walnut Creek, CA 94598
June 3, 2013

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Members of the Board of Supervisors,

Re: Need to Implement Laura's Law

I am writing on behalf of myself and as the Laura's Law chair of the National Alliance on Mental Illness Contra Costa (NAMI) to urge you to implement Laura's Law in Contra Costa and to support legislation to clarify that Mental Health Services Act funds may be used for Laura's Law implementation. NAMI Contra Costa strongly supports Laura's Law.

My daughter has a severe mental illness. She is alive today because she is treatment-compliant. She had two suicide attempts and there would have been a third if she had not been talked into hospitalization.

My good friend is not so lucky. At age 20, her brilliant son with a treatable severe mental illness shot and killed himself in her home. (Yes, these are real things family members worry about.)

She knew he would kill himself—she told that to the doctors when they were releasing him from the respected hospital where he had been taken several times—but they told her there was nothing they could legally do to help him. And there was nothing she could do.

I teach NAMI's Family to Family class for families of people with severe mental illness and co-chair the mental illness outreach project Open Our Hearts and facilitate its family support group. I feel so helpless in those roles when I'm asked what to do when ill loved ones repeatedly refuse treatment. Often, the loved ones have anosognosia, impaired awareness of illness. "I am fine," they say.

We have no answers for the family members, and we know that means continued homelessness; violence or threats of violence; suicides; incarcerations; ER visits; police calls; and family disruption.

I know people who can't let their ill adult children in their homes out of fear for the safety of teenage siblings. Police made regular calls to my neighbor when an untreated ill adult in her home threw furniture during bouts of mania.

Laura's Law has strict protections to ensure that only severely ill people are in the program. The legal consequence of noncompliance is hospitalization for evaluation with the same LPS protections that apply to everyone else and only after the treatment team has tried to gain voluntary cooperation.

MHSA funds can be used to implement Laura's Law. Nevada County uses them for that purpose. Laura's Law saves the county thousands of dollars and participants have good outcomes because of the work of treatment teams. I have enclosed documentation showing that MHSA funds may be used for Laura's Law.

The Contra Costa County mental health department has a capable and caring staff. The county should be a leader in protecting community safety and bringing quality of life to our most shamefully underserved population: people with severe mental illness, many of whom are too ill to know they need treatment.

Sincerely,

A handwritten signature in cursive script that reads "Karen Cohen". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Karen Cohen, Chair
Laura's Law Committee
NAMI Contra Costa

Enclosure

Use of MHSA Funds for Laura's Law

Darrell Steinberg said, "there is nothing in the measure passed by California voters in November 2004 that prohibits its use on Laura's Law cases. I'm very clear that it can be," ...The services are available to everyone who meets the definition of serious mental illness." ("Care, not Excuses", San Francisco Chronicle, February 21, 2008. Page B6)

Disability Rights California said, "There is no language in Proposition 63, itself, that...prohibits...the use of any funds for involuntary services." ("Memo to Interested Persons", 5/3/2005).

The California Department of Mental Health ruled "No person shall be denied access based solely on his/her voluntary or involuntary legal status. (CCR Section 3400(b))

Stephen Mayberg, former state Director of Mental Health, said, "A county can use MHSA funding for services for people who are in a mental health court or in a 1421 [Laura's Law] program... Someone who is a conservatee, an AB 1421 [Laura's Law] program member, a referral from juvenile or criminal justice, etc. should not be denied access to those services." (Department of Mental Health General Stakeholders Meeting Combined Meeting Summary June 1, 5, 2005.)

Nevada County and Los Angeles County already use MHSA funds to implement Laura's Law. "Your CSS plan has been approved. The Department would like to assure you that those individuals eligible for Mental Health Services Act (MHSA) programs, such as the approved Assertive Community Treatment Team may have voluntary or involuntary legal status. (Stephen Mayberg, Director, California Department of Mental Health to Michael Heggarty, Director, Nevada County Behavioral Health Services, May 22, 2007).

Mary Ann Bernard Legal Analysis: <http://lauras-law.org/states/california/maryannbernardmhsa4ll.pdf>

Comments from Peter Mantas, Contra Costa County, Former Chair of Mental Health Commission

What was the objective of Prop 63?

Clearly it was passed to create wrap around services used to stabilize people with Severe Mental Illness.

Every book written on the subject of severe mental illness has consistently cited one main problem. Every horrific story told about SMI suicide or the taking of another's life cites the same problem...

A person with severe mental illness cycling through the following: He needs help because he is in danger to self or others; he is hospitalized on a 72-hour psychiatric hold (designed to stabilize him—typically medication is administered); if he is not stable by then, he may be put on a 14-day hold to stabilize; once he is deemed stable, he is released to deal with life on his own (he may or may not be given medication); he stops taking his medications and doesn't see his doctor; he self-medicates with illicit drugs and/or alcohol; he decompensates (starts hearing voices); may attempt suicide, be arrested (many have gotten killed during this process); may assault someone or—more typically—gets assaulted because he is “acting strange”; may kill someone because the voices told him to do that for self-preservation; is arrested and taken to the hospital to start the cycle all over again.

This vicious cycle occurs because the continuum of care is broken. It is not only emotionally and physically devastating to the consumer and his family, but also a huge drain on public funds.

So the question that we should ask is... Can implementation of Laura's Law help in this regard? The answer is with any doubt yes.

Some may argue that Laura's Law is designed to take peoples' rights away. These same people forget that this law only effects people with SMI and can only be used in extreme cases.

We also need to remind those opposing Laura's Law of how they feel when a friend commits suicide or when their friend assaults/kills someone and is arrested. Would you prefer that your friend gets help via medication and other support or death or incarceration? I know that meds have stabilized my son and I'm confident that others can benefit also. To me it is a simple choice. It's time to adopt Laura's Law in the county. I just wish that I personally pushed this while I was on the Mental Health Commission.

From: Peter A. Mantas
Sent: Thursday, May 07, 2009 2:04 AM
To: 'Tomi Van de Brooke'
Cc: 'Luis Quinonez'
Subject: RE: AB 1421

Hello Tomi,

Laura's Law has come up in MHC meetings months ago but just in passing. I'm not aware of any advocacy effort on the subject.

I personally don't believe that Prop 63 funds can be used for this type of initiative but would be great if funds would become available.

Note (June 3, 2013): I don't see any reason why Prop 63 funds can't be used for this purpose.

I believe that this subject needs to be dealt with by the MHC but most people avoid it because the stakeholders are at odds with its adoption. Laura's Law is really geared for the consumers that have significant mental illness and have cycled through the system many times; have been 5150ed many times; etc. Here's what I've experienced in (non-MHC) meetings where Laura's Law was discussed:

1. Mental Health Administrators don't like its adoption because they don't have the money to support it.
2. The consumer movement doesn't like its adoption because the consumer can be forced to take meds against their will to live a life that someone else wants them to live. They also distrust drug companies. Even though Laura's Law can't be invoked on most consumers, the consumer movement is against it because consumers don't want anyone making decisions for them.
3. Family members believe that Laura's Law can help stabilize and allow their consumer to live a more stable and productive life. Family members also know that Laura's Law type initiatives in other states have proven to be very effective.

I personally believe that Laura's Law can benefit all stakeholders and would be supported by the majority if debated. Short term it may cost the county more money to adopt. However, within months of its adoption the county would see its costs for treating the consumers with severe mental illness (SMI) reduce significantly. The consumers affected would become stable and stay out of jail, would be less likely to be hurt by others in the streets, and would be less likely to be in danger to self and others. The consumers would be more stable and would be able to live a more fulfilling life. Furthermore, the family members would have a more stable home life allowing them to be more productive and happier.

I would personally support adoption of Laura's Law and use of Prop 63 funds to pay for the services if this was an option. One only needs to look at our own numbers from the Behavioral Health Court to see likely impact of helping severely impaired consumers with some decision making. I highly recommend talking to Marti Wilson

about the court's performance (I have attached her contact info). She has some very impressive performance data to share. I would also suggest looking at other states for best practices.

Please let me know if I can be of further assistance.

*Best regards,
Peter*

From: Tomi Van de Brooke
Sent: Wednesday, May 06, 2009 6:53 PM
To: Peter Mantas
Cc: Luis Quinonez
Subject: AB 1421

Peter,

Supervisor Piepho has received a number of letters advocating that Contra Costa County utilize AB1421, Laura's Law, and use Prop 63 funding to mandate meds.

Are you aware of this letter writing campaign? Has this been discussed at the Mental Health Commission?

What are your thoughts?

I am also soliciting input from MH staff.

Tomi Van de Brooke
Chief of Staff
Office of Supervisor Mary Nejedly Piepho

Beyond Laura's Law...

Contrary to popular belief, this is not a result of reduced realignment funds, but at best poor management. One would think that the system would have focused on this core problem and addressed it, using part of the Prop. 63 billions. It is beyond me that thousands of professionals in the state didn't set the objective of developing wraparound services to address this core problem. I challenge the Department of Mental Health, local mental-health directors, state legislators, and county boards of supervisors to change their focus. It is time for our leaders to join us in the struggle of transforming this marginal system using proven LEAN methodologies.

Our political leaders don't fact check information coming out of the following cozy bunch: Department of Mental Health (DMH), California Institute for Mental Health (CiMH), Local (County) Mental Health Administration, California Mental Health Planning Council (CMHPC), California Mental Health Directors Association (CMHDA)

Our political leaders don't pay much attention to whistle blowers. Even though the whistle blowers are their appointed members of oversight boards and commissions but they rather fall back on the work of the cozy bunch mentioned earlier. All allow the whistle blower to be portrayed as a quack and ultimately villain. It is no wonder most people will not engage and even less speak up. Consequently problems persist; waste mounts; people suffer.

I reiterate: It is time for our leaders to join us in the struggle of transforming this marginal system using proven LEAN methodologies. This will cut the waste and improve programs driven by results and quality of care metrics. The focus must be on severe mental illness first. Once that is solved we can tackle other pressing issues.

Doug & Linda Dunn Loved One Psychiatric Hospitalization Costs for Contra Costa County & the State of California

| Hospitalization Dates & Location | Costs | Costs if Laura's Law in Effect | \$ Savings | % Savings |
|--|------------------|--|---------------------|------------------|
| 1. November 17-28, 2006 St. Helena Behavioral Health-Vallejo--Private Insurance | \$ 20,000 | | N/A | |
| 2. July 20-29, 2007 CC Regional Medical Center-Martinez | \$ 12,600 | Enhanced B&C w/Laura's Law | \$ 3,772.60 | \$ 8,827.40 70% |
| 3. April 24-May 5, 2010 CC Regional Medical Center-Martinez | \$ 16,800 | Enhanced B&C w/Laura's Law | \$ 5,030.14 | \$ 11,769.86 70% |
| 4. July 24 - August 6, 2010 John Muir Behavioral Health-Concord--CC County contract | \$ 19,600 | Enhanced B&C w/Laura's Law | \$ 5,868.49 | \$ 13,731.51 70% |
| 2010 CCC MHS Hospital Costs | \$ 36,400 | Enhanced B&C w/Laura's Law | \$ 10,898.63 | |
| | | Total 2010 Savings w/ Laura's Law | \$ 25,501.37 | 70% |

| 2012-2013 Hospitalization Costs | | | | |
|--|-------------------|--|----------------------|------------------|
| 5. April 20-May 15, 2012 CC Regional Medical Center-Martinez | \$ 36,400 | Enhanced B&C w/Laura's Law | \$ 10,898.63 | \$ 25,501.37 70% |
| 6. August 24-September 10, 2012 CC Regional Medical Center-Martinez | \$ 25,200 | Enhanced B&C w/Laura's Law | \$ 7,545.21 | \$ 17,654.79 70% |
| 7. November 2-27, 2012 CC Regional Medical Center-Martinez | \$ 35,000 | Enhanced B&C w/Laura's Law | \$ 10,479.45 | \$ 24,520.55 70% |
| 8. December 3-11, 2012 SB County--Arrowhead-Colton | \$ 11,200 | Enhanced B&C w/Laura's Law | \$ 3,353.42 | \$ 7,846.58 70% |
| 9. February 6-19, 2013 CC Regional Medical Center-Martinez | \$ 19,600 | Enhanced B&C w/Laura's Law | \$ 5,868.49 | \$ 13,731.51 70% |
| 2012-2013 Tot. Days Hospitalized | 91 | | | |
| 2012-2013 Time Period Covered | 305 days | | | |
| | | Percent of Covered Time Period in Psychiatric Wards | | 30% |
| 2012-2013 MHS Hospital Costs | \$ 127,400 | | | |
| | | Enhanced B&C w/Laura's Law | \$ 38,145.21 | |
| | | Total 2012-2013 Savings w/ Laura's Law | \$ 89,254.79 | 70% |
| Tot. 2007-2013 MHS Hosp. Costs | \$ 163,800 | Enhanced B&C w/Laura's Law | \$ 59,942.47 | |
| | | Total 2007-2013 Savings w/ Laura's Law | \$ 114,756.16 | 70% |

Cost Basis Source: Page 29 of LPS Reform II Report

Annualized Cost Basis of
Psychiatric Inpatient Bed

\$ 511,000

Annualized Cost Basis of

Enhanced Board & Care

\$ 153,000 Per LPS Reform II Report, annualized costs vary from \$26,000-\$153,000

Annualized Savings

\$ 358,000



**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: July 14, 2013

SUBJECT: **Agenda Item #4: State Budget Update**

RECOMMENDATION

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

REPORT

On June 27, 2013 Governor Jerry Brown was joined by Senate President Darrell Steinberg and Assembly Speaker John Perez as he signed the 2013-14 State Budget. The Governor used his blue pencil to line-item veto about \$40.6 million in state spending, the lowest amount since Governor Pete Wilson in 1993. The bulk of these cuts were to education programs, including a \$30 million reduction in special education funding. Despite healthy state tax receipts over the last month, California's notoriously frugal Governor remained cautiously optimistic about the state's future fiscal health during his comments to the press at the signing.

Governor Brown signed the majority of the budget trailer bills sent to him by the Legislature. However, the Governor vetoed AB 76, the General Government trailer bill to the budget, which was the source of a significant controversy around the California Public Records Act (PRA) mandate. Instead, the Governor signed a replacement General Government trailer bill, SB 71, which removed the provisions associated with the California Public Records Act mandate (*more below, on this issue*).

The Governor also signed two measures to enact the Medicaid expansion in California under the Affordable Care Act (ACA) in California: SBX1 1 (Hernandez) and ABX1 1 (Pérez).

Both measures were developed and approved by the Legislature as part of the Governor's Special Legislative Session on Health Care. SBX1 1 focuses primarily on Medi-Cal benefits issues, while ABX1 1 focuses on Medi-Cal eligibility changes required by the ACA.

Public Records Act (PRA)

Included within AB 76, one of the lengthy budget trailer bills, was a provision that made local compliance with the Public Records Act optional, recasting provisions of the California Public Records Act as "best practices" rather than requiring public agencies to abide by its strict

requirements. The Governor included the suspended mandate as part of his budget proposal to bypass reimbursing local governments, saving the State money. While there were some concerns expressed in the Assembly, the bill was approved by both houses of the Legislature. Consequently, the media and public information advocates turned up the volume with their objections to the proposal.

Leadership positions quickly changed from a “let’s wait and see if there is a problem” to “we will fix it immediately.” Subsequently, the Assembly approved SB 71, a bill that mirrored AB 76, absent the PRA provisions, and the Governor signed the bill shortly thereafter on June 27.

As a result of the controversy, both the Governor and Legislature expressed support of amending the Constitution to avoid future state reimbursement costs while maintaining the PRA mandate. In 1979, Proposition 4 amended the Constitution requiring the State to reimburse locals for the cost of state mandates enacted after 1975. Because the PRA was enacted after Prop 4, the Constitution must be amended to exempt it from those provisions.

On June 20, Senator Leno gutted and amended SCA 3 to enact the exemption. Senate Constitutional Amendment 3 would place a measure on the June 2013 statewide ballot to amend California’s Constitution to require local agencies to comply with the Ralph M. Brown Act and the Public Records Act as well as any future amendments to the Acts. SCA 3 additionally exempts compliance with the Acts from state mandate claims.

SCA passed out of the Senate on a 37-0 vote. The Assembly is expected to vote on the measure after it returns from summer recess. The counties’ biggest concern with SCA 3 will be the potential costs associated with future amendments to the PRA or the Brown Act if SCA 3 is approved by the voters.

In the last decade, over 70 pieces of legislation that would expand local agency duties associated with Ralph M. Brown Act and the Public Records Act have been stalled in fiscal committees due to the state’s recognition of its estimated reimbursable mandate costs. SCA 3 would remove the requirement for the state to reimburse local agencies for costs of complying with the requirements of those mandates that further the purpose of the Acts and thereby eliminate the natural hesitancy by the Legislature to pass bills that would amend the Acts with new, expensive demands on public entities.

County agencies conduct public business cognizant of the responsibility to ensure transparency and public access to information. As such, we consistently support conducting open meetings and the right of the public to access information. However, SCA 3 raises serious questions about the state’s mandates policy and any future amendments to the Brown Act or the Public Records Act that would leave counties vulnerable to cost increases that we cannot control.

Enterprise zones to cease

On July 11, Governor Brown signed legislation overhauling an enterprise zone program of hiring tax credits that have provided employers in locally designated areas large tax breaks for years. The legislation signed in San Diego, including Senate Bill 90 and Assembly Bill 93, would significantly scale back such hiring credits, instead providing a sales tax exemption for manufacturing and biotech research companies and other tax credits negotiated on a case-by-case

basis with the administration. The Governor characterized the legislation as his “Economic Development Initiative,” designed to “help create jobs and grow California’s economy.”

The Democratic governor and labor unions criticized the existing enterprise zone program as wasteful and ineffective. A modified version of Brown's proposal to overhaul the program was approved by the Legislature after Brown negotiated a series of changes, including extending to 10 years from five years a carry-forward provision for hiring credits under the existing enterprise zone program.

The Governor’s office indicated that Initiative “will help bolster California’s business climate and put Californians to work by establishing the following:

- Sales Tax Exemption: A statewide sales tax exemption on manufacturing equipment or research and development equipment purchases for biotech and manufacturing companies;
- Hiring Credits: Hiring credits for businesses in areas with the highest unemployment rate and poverty; and
- Investment Incentives: The opportunity for California businesses to compete for available tax credits based on the number of jobs to be created and retained, wages paid in those jobs and other factors.

The new Initiative will be funded by redirecting approximately \$750 million annually from the state’s outdated and ineffective Enterprise Zone program.”

Although AB 93 includes several replacement economic development programs, they are temporary in nature. The following summarizes current and pending EZ related legislation.

AB 93 Summary

AB 93 allows currently operating EZs to expire as of Jan. 1, 2014 and replaces it with the following:

- State sales tax exemptions on the purchase of specified manufacturing equipment;
- Narrowly-targeted hiring tax credits to be applied only within the boundaries of former EZs and the poorest 25 percent of the state’s census tracts; and
- Funding for the Governor’s Office of Business and Economic Development (GO-Biz) to offer income tax credits on a negotiated basis to employers/businesses.

The League of California Cities prepared a detailed overview of AB 93 available [online](#).

SB 90 Summary

1. Provides that the state sales tax exemption for purchases of manufacturing equipment will apply for eight years, from July 1, 2014 to July 1, 2022.
2. Makes the following changes affecting the new hiring tax credits offered after July 1, 2014:

- a. Creates a new definition of “economic development area” to include both EZs and local agency military base recovery areas. These areas will qualify for the new credits, in addition to the census tracts identified by the Department of Finance.
 - b. Clarifies the term “qualified full-time employee” to include individuals previously convicted of a felony, veterans out of service up to one year and CalWORKs recipients.
 - c. Bans sexually-oriented businesses from receiving credits.
 - d. Authorizes Go Biz to designate up to five pilot areas where a \$10 per hour wage can be used (as opposed to the \$12 minimum threshold established for all other areas). Go Biz decisions on the pilot areas are prohibited from administrative appeal or judicial review.
3. Changes affecting Go Biz Incentives:
- a. Clarifies criteria for GO-Biz negotiations/agreements with businesses. Considerations include:
 - i. The number of jobs to be created/retained;
 - ii. The amount of business investment;
 - iii. Employee wages;
 - iv. The extent of unemployment/poverty in given area;
 - v. Potential future growth/expansion within state;
 - vi. The duration of proposal; and
 - vii. The amount of incentives available to business in comparison to other states.
 - b. Requires GO-Biz to post online:
 - i. The name of business claiming credits;
 - ii. The amount of credits allocated;
 - iii. The estimated investment amount; and
 - iv. The estimated number of jobs created.
4. Changes regarding the carryover period of tax credits
- a. Allows businesses to use tax credits previously accrued currently estimated to be approximately \$3 billion under the eliminated EZ program with the caveat that they use them within 10 years.

California tax revenue beats projections, Chiang says

July 10, 2013, Sacramento Bee

The state collected about \$1.2 billion more in tax revenue last month than Gov. Jerry Brown projected, ending the fiscal year about \$2 billion ahead of expectations, the state controller reported today.

Controller John Chiang put tax revenue in June, the last month of the budget year, about 10 percent higher than Brown estimated the previous month, with revenue for the full year up about 2 percent.

Brown persuaded lawmakers in budget negotiations this summer to accept relatively modest revenue estimates for the fiscal year beginning July 1, resulting in a budget that increased spending on social services far less than many Democratic lawmakers hoped.

"Rising employment, economic expansion and voter-approved tax increases have generated revenues outperforming even the rosier of projections," Chiang said in a prepared statement. "However, California's history of boom or bust revenue cycles should be a cautionary tale that informs our spending decisions and incentivizes policymakers to prudently pay down accumulated debt."

Chiang said the state ended the fiscal year with a cash deficit of \$2.4 billion - a deficit being covered by internal borrowing from special funds. The cash deficit was down from \$9.6 billion at the end of 2011-12.

H.D. Palmer, a spokesman for Brown's Department of Finance, said any overage from the last budget year would be consumed by Proposition 98, California's school-funding guarantee. "All that money is basically called for," he said, "and it goes to K-14 schools."

Read more here: <http://blogs.sacbee.com/capitolalertlatest/2013/07/california-tax-revenue-beats-projections-chiang-says.html#storylink=cpy>



**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: July 14, 2013

SUBJECT: **Agenda Item #5: State Legislation of Interest**

RECOMMENDATION

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

REPORT

Both houses will be working overtime when the Legislature reconvenes in August to meet all remaining legislative deadlines before final adjournment in September. The Assembly adjourned for recess on July 3 and will resume August 5. The Senate begins its recess on July 12 and will return August 12.

There are several major deadlines in the final stretch of the current legislative session. One date of note is the looming amendment deadline. This particular deadline has received heightened attention over the years given the Legislature's ability to completely change a bill during the last few days of session — a practice known as "gut-and-amend."

Remaining Key Legislative Deadlines

| | |
|--------------|---|
| July 12 | Last day for Senate policy committees to meet and report bills for floor vote. |
| July 12 | Senate adjourns for summer recess. |
| Aug. 5 | Assembly reconvenes from recess. |
| Aug. 12 | Senate reconvenes from recess. |
| Aug. 16 | Last day for Assembly policy committees to meet and report bills for floor vote. |
| Aug. 30 | Last day for all fiscal committees to meet and report bills for floor vote. |
| Sept. 3-13 | Floor session only. Only conference committees and Rules Committee permitted to meet during this time. |
| Sept. 6 | Last day to amend bills on the floor. |
| Sept. 13 | Last day for each house to pass bills before Interim Recess begins. |
| Oct. 13 | Last day for Governor Brown to sign/veto bills passed by the Legislature on or before Sept. 13. All legislation the Governor does not act upon automatically becomes law. |
| Jan. 1, 2014 | Statutes take effect. |
| Jan. 6, 2014 | Legislature reconvenes from interim recess to finish out its two-year legislative session. |

Bills to Change Local Voter Threshold Stalled

CSAC and other local agency associations have been monitoring progress on a number of measures that would reduce the vote threshold for approval of certain local taxes from 2/3 to 55 percent. For the most part, activity associated with these bills has been slow going. (Recall that legislative constitutional amendments are not subject to the same legislative deadlines that regular bills are; further, these measures require a 2/3 vote and do not require the Governor's signature.)

With the exception of ACA 8, a measure by former Assembly Member now Los Angeles City Councilmember Bob Blumenfield that would reduce the vote threshold for approval of certain infrastructure expenditures for public safety purposes, most bills remain at the policy committee level in their respective houses.

ACA 8 was approved by the Assembly as part of the budget package in June on a party-line vote. The Senate, however, declined to take up the bill and instead decided to hold all bills that authorize lower voter approval thresholds to consider them as a whole sometime next year. The Legislature has until next summer to place items on the November 2014 ballot.

Here's a rundown of the bills that affect local vote thresholds:

| Bill | Author | Subject | Status |
|-------------|---------------|--|---|
| SCA 4 | Lieu | 55% voter approval for transportation taxes | Senate Trans and Housing Committee |
| SCA 5 | Wolk | 55% voter approval for library facilities bonds, library taxes | Senate Appropriations Committees |
| SCA 8 | Corbett | 55% voter approval for transportation taxes | Senate Appropriations Committee |
| SCA 9 | Corbett | 55% voter approval for economic development taxes | Senate Appropriations Committee |
| SCA 11 | Hancock | 55% voter approval for special taxes (generally) | Senate Appropriations Committee |
| ACA 3 | Campos | 55% voter approval for public safety (fire, emergency response, police, sheriff) taxes and bonds | Assembly Local Government Committee |
| ACA 8 | Blumenfield | 55% voter approval for public safety facilities bonds | Senate Governance and Finance Committee |

2013 Bills Recommended for Action

- a) **SB 1 (Steinberg): Sustainable Communities Investment Authority (Attachment A)** – *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.

SB 1, by Senate President Pro Tem Darrell Steinberg, would create a structure for continuing economic development activities consistent with the state's sustainable development goals.

SB 1 is a modified version of SB 1156 (Steinberg) which was vetoed last year. The Governor's veto message indicated he was unwilling to sign a bill creating a new financing tool for community redevelopment until the winding down of redevelopment was complete and General Fund savings achieved. According to the author, "the concerns that led to the veto are being resolved and we expect most of the successor agencies to be deemed compliant with the asset dissolution requirements of AB 26 1X and AB 1484." The author notes that SB 1 requires that cities and counties receive a finding of completion from Department of Finance certifying that they have met the legal requirements of redevelopment dissolution before they can establish an Authority.

According to the author, "on December 29, 2011, the California Supreme Court required the dissolution of California redevelopment agencies. However, in the wake of stubborn unemployment and recession, resources are needed to stimulate economic development in a strategic manner. SB 1 would authorize the creation of Sustainable Communities Investment Areas. This legislation will give cities and counties a modest tool to support sustainable economic development that creates good jobs, affordable housing, and a healthy environment."

This bill relies upon tax increment financing, in addition to several other potential funding sources, including Mello Roos, capital investment from public pensions, and local transaction and use taxes, to support the development of transit priority areas, small walkable communities, and clean energy manufacturing. One of the challenges of using tax increment as a financing tool for community and economic development in the post-redevelopment world is carving out the schools' portion of the tax increment. Section 16 of Article XVI of the California Constitution gives authority to reapportion property taxes among a city, city and county, and district or other public corporation (otherwise known as taxing agencies) for the purpose of redevelopment. SB 1 excludes school district and special district from "district" and "affected taxing entity" for purposes of tax increment financing.

Post-World War II, redevelopment was created as a tool to combat urban decay and eradicate blight. Redevelopment agencies were given fundamental tools including the ability to acquire property through the power of eminent domain, the authority to finance their activities by issuing bonds and taking on debt, and the authority and obligation to relocate people who have interests in the property acquired by an agency. To establish redevelopment project areas, a redevelopment agency was required to identify both physical and economic blight in the project area that could not be mitigated without the use tax increment. SB 1 would allow sustainable communities investment authority to establish a sustainable communities investment area without making a finding of blight. In order to eradicate blight, redevelopment agencies had authority to use eminent domain. SB 1 would permit a sustainable communities investment authority to use eminent domain without a finding of blight.

Redevelopment agencies were required to set aside 20% of tax increment generated in redevelopment project areas for the creation, improvement, and preservation of affordable

housing. This bill increases the set aside to twenty-five percent. In addition, the bill requires that a host city or county pass an ordinance ensuring that housing affordable to and occupied by extremely low-, very low-, and low-income households within an area do not decrease during the life of the plan. The bill also requires that ordinance to ensure an authority provide replacement housing in two rather than four years. These provisions represent an agreement between the author and the advocates of affordable housing.

In 2011, SB 450 (Lowenthal) proposed significant reforms to the CRL, including reforms to the housing provisions. SB 450 was vetoed by the Governor because he felt it was premature in light of the pending Supreme Court decision on ABX1 26 and ABX1 27 in *California Redevelopment Association v. Matosantos*. SB 133 (DeSaulnier) makes the changes that were previously passed in SB 450.

The foundation of CSAC's support is allowing counties a clear option whether or not to financially participate in tax increment financing for economic development purposes. An approach that encourages collaboration between counties and cities will best serve Californians. This approach allows counties control over their own general funds, and also necessitates discussions about what kinds of development benefits the community as a whole.

The Assembly Housing and Community Development Committee passed SB 1 at its hearing next Wednesday, July 3. The Assembly Local Government Committee has scheduled the bill for Wednesday, August 14.

DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 08/14/2013 1:30 pm, Room 447

Staff recommendation: Consider recommending to the Board of Supervisors a position of "support."

b) AB 1229 (Atkins): Land Use: Zoning Regulations (Attachment B) – *This bill would authorize the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements.*

AB 1229, by Assembly Member Toni Atkins, would restore an essential tool to counties for planning and providing their fair share of the housing need for lower-income residents in the state. Specifically, the measure restores a county's ability to establish inclusionary zoning programs.

Counties have always had the authority to adopt local inclusionary housing ordinances. However, in a 2009 appellate court decision, *Palmer/Sixth Street Properties L.P. v. City of Los Angeles*, 175 Cal. App. 4th 1396 (2009), the courts took a very broad interpretation of the Costa-Hawkins Act and its application on inclusionary housing ordinances, eliminating a city or county's authority to require inclusionary housing. Costa-Hawkins was intended to restrict systems of rent control, not preclude rent restrictions on inclusionary housing.

The state is still facing a shortage of decent rental housing affordable to low-income Californians. It is critical that counties be able to establish proactive programs to help provide safe, clean, and affordable housing statewide to meet the critical demand.

The purposes of inclusionary zoning ordinances are twofold. First, inclusionary zoning ordinances are intended to increase the production of affordable housing by leveraging additional resources and opportunities. While developers often do not build the mandated affordable units themselves or pay their full cost, inclusionary zoning ordinances generally place the burden on the developer to ensure construction of the affordable units. To fulfill this obligation, developers often donate land or make a financial contribution, or both, towards development costs. Many ordinances also allow a developer to fulfill his or her obligation by paying an in-lieu fee, which the city or county uses to help finance its own development.

The second purpose of inclusionary zoning ordinances is to achieve "inclusion" in newly-developing communities. Over the past few decades, development in California has generally resulted in single-product neighborhoods, often single-family home subdivisions. In many cases, the prices of these new homes are affordable only to the upper end of the market. Because inclusionary zoning results in some homes being sold at below-market rates or in a greater mix of housing products (duplexes, townhomes, condos, apartments) that come at a greater variety of prices, it increases economic diversity within neighborhoods and meets a greater range of the community's housing needs.

In summing up the inclusionary zoning experience in California in its 2007 report, the California Coalition for Rural Housing states, "The single most important conclusion is that inclusionary programs are putting roofs over the heads of tens of thousands of Californians. These homes, in turn, are building mixed-income neighborhoods where houses considered 'affordable' are often indistinguishable from those at market-rate."

While market-rate housing developers generally do not argue with the "inclusionary" aspect of inclusionary zoning, they often do take issue with having to contribute their resources for a societal benefit. They believe that if a jurisdiction wants to promote greater affordable housing, it should spend public resources for this purpose rather than require a private entity to do so. Developers also point out that theirs is one of the few industries asked to provide its product at below-market prices to some of those who cannot afford the full price.

The Legislature enacted the Costa- Hawkins Rental Housing Act in 1995 with the passage of AB 1164 (Hawkins), Chapter 331. The various analyses for this bill and its predecessor, SB 1257 (Costa), exclusively discuss local rent control ordinances and do not once mention inclusionary zoning ordinances, which did exist at that time. The Assembly concurrence analysis of AB 1164, which is very similar to the other analyses, states that the bill "establish[es] a comprehensive scheme to regulate local residential rent control." The analysis includes a table of jurisdictions that would be affected by the bill, and the table exclusively includes cities with rent control ordinances and does not include any cities that had inclusionary zoning ordinances affecting rental housing. The analysis also states, "Proponents view this bill as a moderate approach to overturn extreme vacancy control ordinances which unduly and unfairly interfere into the free market." The analysis further describes strict rent control ordinances as those that impose vacancy control and states, "Proponents contend that a statewide new construction exemption is necessary to encourage construction of much needed housing units, which is discouraged by

strict local rent controls." This legislative history provides no indication that the Legislature intended to affect local inclusionary zoning ordinances with the passage of AB 1164.

Opponents argue that inclusionary zoning is akin to rent control and that AB 1229, therefore, allows local governments to enact and enforce rent control on newly constructed rental housing units by pre-empting the Costa-Hawkins Act. They believe that the Costa-Hawkins protections for new construction are appropriate and should be maintained, and that the bill will seriously hurt the construction industry. They further believe that the Legislature intended to overrule inclusionary zoning ordinances with the Costa-Hawkins Act because otherwise it would have created another exemption similar to the one stating that the act does not apply when the developer has "agreed by contract with a public entity in consideration for a direct financial contribution or any other forms of assistance specified in [density bonus law]."

AB 1229 was passed out of the Senate Transportation and Housing Committee on July 3 by a vote of 6 to 5.

DISPOSITION: Pending

LOCATION: Senate Third Reading File

Staff recommendation: Consider recommending to the Board of Supervisors a position of "support."

c) AB 683 (Mullin): Local Government: Fines and Penalties: Assessments (Attachment C)

– This bill authorizes, until January 1, 2020, a city, county, city and county, or special district, after notice and public hearing, to order unpaid fines or penalties to be specially assessed against a parcel if the fines or penalties are related to ordinance violations on the real property that constitute a threat to public health and safety.

AB 683, by Assembly Member Kevin Mullin, would authorize a city or county to specially assess any fines or penalties not paid after demand by the city or county against the owner of real property whom owes fines or penalties. The fines and penalties may be collected at the same time and in the same manner as regularly county taxes thereby avoiding additional time consuming and costly new procedures. Finally, the measure would also authorize a local agency to appoint a hearing officer to hear and decide issues regarding ordinance violations and the imposition of administrative fines and penalties.

Local agencies can have code enforcement violation cases drag on for years. The changes proposed by AB 683 would provide cities and counties an additional tool for recouping fines and penalties owed to the local agency and streamlines the existing code enforcement process.

According to the author, "AB 683 closes the loop on an anomaly where cities and counties can recover their costs for code enforcement by way of lien or tax assessment - but are not able to similarly enforce fines. AB 683 allows local government to enforce local law against those that are in violation of local health and safety ordinances. AB 683 seeks an efficient and effective remedy to enforce the law."

The United States and California Constitutions prohibit governments from impairing property rights without due process of law. The California Constitution also allows counties and cities to

adopt and enforce ordinances that regulate local health, safety, peace, and welfare (California Constitution, Article XI, Section 7). State law defines a nuisance as anything that is injurious to health, indecent or offensive to the senses, obstructs the free use of property, or unlawfully obstructs free passage. In addition to civil and criminal enforcement mechanisms, counties and cities can adopt ordinances that establish local procedures for abating nuisances. Counties and cities can recover abatement costs, including administrative costs, by using a special assessment, abatement lien, or both.

AB 683 was passed out of the Senate Governance and Finance Committee on July 3 by a vote of 5 to 2. The measure now awaits action on the Senate Floor.

DISPOSITION: Pending
LOCATION: Senate Third Reading File

Staff recommendation: Consider recommending to the Board of Supervisors a position of "support."

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Attachment D is a status report of bills the County is actively monitoring or has taken a position on.

AMENDED IN SENATE MAY 2, 2013
AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 1

Introduced by Senator Steinberg
(Coauthor: Senator DeSaulnier)

December 3, 2012

An act to add Part 1.86 (commencing with Section 34191.10) to Division 24 of the Health and Safety Code, and to amend Section 21094.5 of the Public Resources Code, relating to economic development, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Steinberg. Sustainable Communities Investment Authority.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies.

Existing law provides for various economic development programs that foster community sustainability and community and economic development initiatives throughout the state.

This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax

SB 1

— 2 —

increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years.

The bill would establish prequalification requirements for entities that will receive more than \$1,000,000 from the Sustainable Communities Investment Authority and would require the Department of Industrial Relations to monitor and enforce compliance with prevailing wage requirements for specified projects within a Sustainable Communities Investment Area. The bill would deposit moneys received by the department from developer charges related to the costs of monitoring and enforcement in the State Public Works Enforcement Fund. By depositing a new source of revenue in the State Public Works Enforcement Fund, a continuously appropriated special fund, the bill would make an appropriation.

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

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

1 SECTION 1. Part 1.86 (commencing with Section 34191.10)
2 is added to Division 24 of the Health and Safety Code, to read:

3
4 PART 1.86. SUSTAINABLE COMMUNITIES INVESTMENT
5 PROGRAM

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 34191.10. (a) The Legislature finds and declares that better
10 economic development patterns in California can contribute to
11 greater economic growth by creating good jobs, reducing commuter
12 times for employees, reducing the costs of public infrastructure,
13 and reducing energy consumption. Better development patterns
14 may also result in increased options in the type of housing
15 available, more affordable housing, and a reduction in a
16 household's combined housing and transportation costs.

1 (b) The construction industry has been one of the sectors hardest
2 hit by the economic downturn of recent years. Creating incentives
3 for construction can help restore construction and permanent jobs,
4 which are essential for a restoration of prosperity.

5 (c) Economic development patterns can also help California
6 attain some of its long-term strategic environmental objectives
7 including reduced air pollution, greater water conservation, reduced
8 energy consumption, and increased farmland and habitat
9 preservation.

10 (d) Implementation of the growth plans identified by the
11 metropolitan planning organizations in their sustainable
12 communities strategies, and in particular the development of areas
13 identified for transit priority projects, is essential if California is
14 to achieve the multiple benefits that would result from economic
15 development. Implementation of growth plans in transit priority
16 project areas requires redevelopment of existing developed areas.

17 (e) In addition to economic pressures from the current recession,
18 development of transit priority projects remains challenging.
19 Infrastructure is often old and inadequate. Sites may suffer from
20 contamination that is expensive to remediate. The high construction
21 costs in urban areas, particularly for multifamily dwellings, create
22 an additional challenge. For these reasons, it is critical to restructure
23 and refocus redevelopment in California to assist in achievement
24 of these multiple benefits.

25 (f) At the same time, California cannot afford a redevelopment
26 program that causes schools to lose revenue at a time when
27 investing in education is also key to the state's economic
28 prosperity. A growth plan for the state consistent with regional
29 sustainable communities strategies must also provide that schools
30 are able to play their full role in achieving the future of California.
31 In this regard, Section 16 of Article XVI of the California
32 Constitution does not require that all taxing agencies set aside their
33 portion of future property tax for tax increment. It defines taxing
34 agencies disjunctively as "any city, county, city and county, district,
35 or other public corporation."

36 (g) The elimination of redevelopment agencies has resulted in
37 the loss of approximately one billion dollars (\$1,000,000,000)
38 annually in low- and moderate-income housing funds for
39 communities throughout the state. Communities need alternative

1 sources of revenue to support the continued production of
2 affordable housing units.

3 (h) The Legislature finds that a comprehensive strategy for the
4 long-term economic development of the state must encourage the
5 creation of good jobs and workforce skills needed to attract and
6 retain a high-wage workforce, in addition to public infrastructure
7 requirements. Public investments in human capital are as vital to
8 the long-term growth of the state's economy as investments in
9 physical capital.

10 34191.11. The Legislature further finds and declares that
11 inefficient land use patterns cause an increased economic burden
12 on taxpayers for the costs of an inefficient transportation
13 infrastructure, and create a high combined economic cost of
14 housing and transportation for California residents. These
15 development patterns have also contributed to declining property
16 values and foreclosures in many communities. They create further
17 economic risks for the agricultural industry, the largest industry
18 in California, through the loss of critical farmland. They also result
19 in increased air pollution, energy consumption, and greenhouse
20 gas emissions which impose additional costs on business and
21 damage public health. They also lead to inefficient consumption
22 of water, a critical resource for all of California.

23 34191.12. The Legislature finds and declares that the
24 interrelated problems identified in this chapter are a form of blight
25 that can be addressed through a new Sustainable Communities
26 Investment Program.

27 34191.13. In order to more effectively address blight, the
28 program shall be established to support development in transit
29 priority project areas and small walkable communities and to
30 support clean energy manufacturing through tax increment revenue.
31 This new program shall use tax increment revenue to fight blight
32 as it is understood in the contemporary setting without including
33 those aspects of the former redevelopment program that created
34 so much controversy, including the manipulation of the definition
35 of blight and the use of the school share of tax increment revenue,
36 such that it became a drain on the General Fund. The new program,
37 focused on certain geographic areas and sites, shall require greater
38 levels of intergovernmental collaboration.

39 34191.14. It is the intent of the Legislature in establishing the
40 Sustainable Communities Investment Program to create a new,

1 collaborative structure for the creation of a governing board for a
2 Sustainable Communities Investment Authority and to allow
3 governmental entities through a consensual process to invest tax
4 increment revenue to relieve conditions of blight as prescribed by
5 the Legislature. The new authority shall have new planning
6 obligations and, in particular, shall have a new focus on the job
7 creation associated with new economic development. To the extent
8 not inconsistent with the new program, the authority shall be able
9 to exercise the powers of the former redevelopment agencies, but
10 only as part of this newly created and reformed program.

11 34191.15. For purposes of this part, “authority” or “Sustainable
12 Communities Investment Authority” means the entity formed under
13 Chapter 2 (commencing with Section 34191.20).

14

15 CHAPTER 2. SUSTAINABLE COMMUNITIES INVESTMENT
16 AUTHORITY

17

18 34191.20. (a) A Sustainable Communities Investment
19 Authority is a public body, corporate and politic, that may be
20 created by the appointment of a governing board as provided in
21 subdivision (e). The authority shall comply with the provisions of
22 this part, the Community Redevelopment Law (Part 1 (commencing
23 with Section 33000)), excluding Sections 33401, 33492.140, 33607,
24 33607.5, 33607.7, 33676, and any other similar payment provision
25 of that part, Part 1.5 (commencing with Section 34000), Part 1.6
26 (commencing with Section 34050), and Part 1.7 (commencing
27 with Section 34100), to the extent not inconsistent with this part.
28 The authority shall not be subject to the provisions of Part 1.8
29 (commencing with Section 34161) and Part 1.85 (commencing
30 with Section 34170).

31 (b) The authority shall be deemed to be an “agency” pursuant
32 to Section 33003 and shall have all the rights, responsibilities, and
33 obligations of an agency. For purposes of this part, a project area
34 shall be referred to as a Sustainable Communities Investment Area
35 and a redevelopment plan shall be referred to as a Sustainable
36 Communities Investment Plan.

37 (c) An authority created pursuant to this part may rely on the
38 legislative determination of blight and shall not be required to
39 make a separate finding of blight or conduct a survey of blight
40 within the project area.

1 (d) A city or county that created a redevelopment agency that
2 was dissolved pursuant to Part 1.85 (commencing with Section
3 34170) of Division 24 shall not form a Sustainable Communities
4 Investment Authority under this section unless the successor agency
5 or designated local authority for the former redevelopment agency
6 has received a finding of completion from the Department of
7 Finance pursuant to Section 34179.7.

8 (e) An authority may be created as follows:

9 (1) A city, county, city and county, or a special district may
10 create an authority pursuant to this part by entering into a joint
11 powers agreement under Chapter 5 (commencing with Section
12 6500) of Division 7 of Title 1 of the Government Code. The joint
13 powers agreement shall establish a governing board and designate
14 the Sustainable Communities Investment Area.

15 (2) A city may create an authority, appoint the authority
16 governing board, designate a Sustainable Communities Investment
17 Area within the city's incorporated area, and establish the
18 parameters of the proposed economic development within a
19 proposed Sustainable Communities Investment Area with county
20 approval of the economic development parameters and the
21 Sustainable Communities Investment Plan, including any
22 amendments to the plan.

23 (3) A city and a county may create an authority and appoint the
24 authority governing board, which shall be comprised of two
25 members appointed by the city and two members appointed by the
26 county. A fifth member shall be appointed by the two city and the
27 two county members. The governing board shall designate the
28 Sustainable Communities Investment Area. A Sustainable
29 Communities Investment Plan, including any amendments to it,
30 shall be approved by both the city and the county. The Sustainable
31 Communities Investment Area may include an incorporated area
32 or both an incorporated area and an unincorporated area.

33 (4) If the Sustainable Communities Investment Area is within
34 an unincorporated area, the board of supervisors of a county may
35 create an authority and appoint the authority governing board.

36 (5) A city may create an authority, which shall constitute a
37 legally distinct entity from that city, and appoint the authority
38 governing board, which may designate a Sustainable Communities
39 Investment Area only within the incorporated limits of that city.

1 (f) If an authority is created pursuant to this section by an entity
 2 that is a city and county the governing body shall be composed of
 3 five members appointed by the mayor of the city, if that
 4 appointment is subject to confirmation by the county board of
 5 supervisors.

6 (g) Any city or county approval under this section shall be by
 7 resolution of the legislative body.

8 (h) A taxing agency participating in or approving the formation
 9 of a Sustainable Communities Investment Authority or appointing
 10 governing board members may authorize an allocation to the
 11 authority of all or part of the tax increment revenue that otherwise
 12 would be paid to that taxing agency.

13 (i) A governing board appointed pursuant to this section shall
 14 consist of five members. The members of any governing board
 15 formed pursuant to this part shall be appointed for four-year terms
 16 and shall be removed by the appointing authority only for cause.
 17 The initial appointees to the governing board shall serve either
 18 two-year or four-year terms and shall draw their terms by lot. An
 19 authority created pursuant to this section shall be deemed to be a
 20 local public agency subject to the Ralph M. Brown Act (Chapter
 21 9 (commencing with Section 54950) of Part 1 of Division 2 of
 22 Title 5 of the Government Code), the California Public Records
 23 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
 24 of Title 1 of the Government Code), the Meyers-Miliias-Brown
 25 Act (Chapter 10 (commencing with Section 3500) of Division 4
 26 of Title 1 of the Government Code), and the Political Reform Act
 27 of 1974 (Title 9 (commencing with Section 81000) of the
 28 Government Code). The governing board shall adopt policies
 29 regarding the use of personal service contracts to the standards set
 30 forth in Section 19130 of the Government Code that apply to the
 31 authority and its employees.

32 (j) A school district shall be excluded from participating in a
 33 Sustainable Communities Investment Authority.

34

35 CHAPTER 3. SUSTAINABLE COMMUNITIES INVESTMENT AREAS

36

37 34191.25. ~~(a)~~—A Sustainable Communities Investment Area
 38 shall include only the following:

39

(+)

1 (a) Transit priority project areas, which are areas where a transit
2 priority project, as defined in Section 21155 of the Public
3 Resources Code, may be constructed, provided that if the
4 Sustainable Communities Investment Area is based on proximity
5 to a planned major transit stop or a high-quality transit corridor,
6 the stop or the corridor must be scheduled to be completed within
7 the planning horizon established by Section 450.322 of Title 23
8 of the Code of Federal Regulations. For purposes of this paragraph,
9 a transit priority project area may include a military base reuse
10 plan that meets the definition of a transit priority project area and
11 it may include a contaminated site within a transit priority project
12 area.

13 ~~(A)~~

14 (1) If the Sustainable Communities Investment Area includes
15 a high-speed rail station, the radius of the area may be up to one
16 mile from a high-speed rail station. If the project area consists of
17 a radius greater than one-half of one mile, at least 50 percent of
18 tax increment revenue derived from the area shall be used to
19 support construction of the high-speed rail station and related
20 infrastructure.

21 ~~(B)~~

22 (2) All or part of a transit priority project area may be included
23 in the Sustainable Communities Investment Area or an area may
24 include one or more contiguous transit priority project areas. One
25 or more Sustainable Communities Investment Areas may be created
26 pursuant to subdivision (e) of Section 34191.20.

27 ~~(C)~~

28 (3) Transit priority project areas shall be within the geographic
29 boundaries of a metropolitan planning organization in which a
30 sustainable communities strategy has been adopted by the
31 metropolitan planning organization, and the State Air Resources
32 Board, pursuant to subparagraph (H) of paragraph (2) of
33 subdivision (b) of Section 65080 of the Government Code, has
34 accepted the metropolitan planning organization's determination
35 that the sustainable communities strategy would, if implemented,
36 achieve the region's greenhouse gas emission reduction targets.

37 ~~(2)~~

38 (b) Areas that are small walkable communities, as defined in
39 paragraph (4) of subdivision (e) of Section 21094.5 of the Public
40 Resources Code, except that small walkable communities may

1 also be designated in a city that is within the area of a metropolitan
 2 planning organization. No more than one small walkable
 3 community project area shall be designated within a city. All or
 4 part of a small walkable community may be included in the
 5 Sustainable Communities Investment Area.

6 ~~(b)~~

7 (c) Sites that have land use approvals, covenants, conditions
 8 and restrictions, or other effective controls restricting the sites to
 9 clean energy manufacturing, and that are consistent with the use,
 10 designation, density, building intensity, and applicable policies
 11 specified for the Sustainable Communities Investment Area in the
 12 applicable sustainable communities strategy, if those sites are
 13 within the geographic boundaries of a metropolitan planning
 14 organization. Clean energy manufacturing shall consist of the
 15 manufacturing of any of the following:

16 (1) Components, parts, or materials for the generation of
 17 renewable energy resources.

18 (2) Equipment designed to make buildings more energy efficient
 19 or the component parts thereof.

20 (3) Public transit vehicles or the component parts thereof.

21 (4) Alternative fuel vehicles or the component parts thereof.

22

23 CHAPTER 4. SUSTAINABLE COMMUNITIES INVESTMENT PLAN

24

25 34191.26. A Sustainable Communities Investment Plan may
 26 include a provision for the receipt of tax increment funds according
 27 to Section 33670, provided that the local government with land
 28 use jurisdiction has adopted ~~both~~ all of the following:

29 (a) A sustainable parking standards ordinance that restricts
 30 parking in transit priority project areas to encourage transit use to
 31 the greatest extent feasible.

32 (b) An ordinance creating a jobs plan that requires all entities
 33 receiving financial support from the authority to enter into an
 34 agreement with the authority describing how the project will do
 35 both of the following:

36 (1) Further construction careers that pay prevailing wages and
 37 create living wage permanent jobs.

38 (2) Implement a program for community outreach, local hire,
 39 and job training that includes disadvantaged California residents,

1 including veterans of the Iraq and Afghanistan wars, people with
2 a history in the criminal justice system, and single-parent families.

3 (c) For transit priority project areas and small walkable
4 communities within a metropolitan planning organization, a plan
5 consistent with the use designation, density, building intensity,
6 and applicable policies specified for the Sustainable Communities
7 Investment Area in the sustainable communities strategy.

8 (d) Within small walkable communities outside a metropolitan
9 planning organization, a plan for new residential construction that
10 provides a density of at least 20 dwelling units per net acre and,
11 for nonresidential uses, provides a minimum floor area ratio of
12 0.75.

13 (e) An ordinance that does both of the following:

14 (1) Prohibits the number of housing units occupied by extremely
15 low, very low, and low-income households, including the number
16 of bedrooms in those units, in the Sustainable Communities
17 Investment Area at the time the Sustainable Communities
18 Investment Authority is established from being reduced during the
19 effective period of the Sustainable Communities Investment Plan.

20 (2) Requires the replacement of dwelling units that house
21 extremely low, very low, or low-income households, upon their
22 removal from the Sustainable Communities Investment Area,
23 pursuant to subdivision (a) of Section 33413 within two years of
24 their displacement.

25 34191.27. (a) Upon adoption of a Sustainable Communities
26 Investment Plan that includes the tax increment financing provision
27 authorized by Section 34191.26, the county auditor-controller shall
28 allocate tax increment revenue to the authority as follows:

29 (1) If the authority was formed pursuant to paragraph (1) of
30 subdivision (e) of Section 34191.20, the authority shall be allocated
31 each year specified in the plan that portion of the levied taxes for
32 each city, county, city and county, and special district that is a
33 party to the joint powers authority in excess of the amount specified
34 in subdivision (a) of Section 33670.

35 (2) If the authority was formed pursuant to paragraph (2) or (3)
36 of subdivision (e) of Section 34191.20, the authority shall be
37 allocated each year specified in the plan that portion of the levied
38 taxes for the city and the county in excess of the amount specified
39 in subdivision (a) of Section 33670.

1 (3) If the authority was formed pursuant to paragraph (4) of
2 subdivision (e) of Section 34191.20, the authority shall be allocated
3 each year specified in the plan that portion of the levied taxes for
4 the county in excess of the amount specified in subdivision (a) of
5 Section 33670.

6 (4) If the authority was formed pursuant to paragraph (5) of
7 subdivision (e) of Section 34191.20, the authority shall be allocated
8 each year specified in the plan that portion of the levied taxes for
9 the city in excess of the amount specified in subdivision (a) of
10 Section 33670.

11 (5) Any city, county, city and county, or special district may,
12 by resolution of its board, authorize the county auditor-controller
13 to allocate that portion of the levied taxes for that entity in excess
14 of the amount specified in subdivision (a) of Section 33670.

15 (6) Any allocation of revenues to the authority made pursuant
16 to this subdivision shall be adjusted to comply with the provisions
17 of subdivision (h) of Section 34191.20.

18 (7) Proceeds of taxes levied for a school district that are in
19 excess of the amount specified in subdivision (a) of Section 33670
20 shall not be pledged or allocated to an authority created by any of
21 the governance structures specified in subdivision (e) of Section
22 34191.20.

23 (8) Notwithstanding any other law, the county auditor-controller
24 shall allocate to the authority a taxing agency's portion of tax
25 increment revenues only if the governing body of the taxing agency
26 adopts a resolution authorizing the allocation. A taxing agency
27 that adopts a resolution shall not revoke the county
28 auditor-controller's authority pursuant to this section if revocation
29 would impair the authority's ability to honor existing obligations
30 secured by tax increment revenues.

31 (b) If a Sustainable Communities Investment Area includes, in
32 whole or in part, land formerly or currently designated as a part
33 of a redevelopment project area, as defined in Section 33320.1,
34 any Sustainable Communities Investment Plan adopted pursuant
35 to this part that includes a provision for the receipt of tax increment
36 revenues according to Section 33670 shall include a provision that
37 tax increment amounts collected and received by an authority are
38 subject and subordinate to any preexisting enforceable obligation,
39 as that term is defined in Section 34171.

1 (c) The legislative body of the city or county forming an
2 authority may choose to dedicate any portion of its net available
3 revenue to the authority through the Sustainable Communities
4 Investment Plan. The plan shall state that net available revenue
5 from the city or county may be used by the authority in accordance
6 with this part, and state the maximum portion of the net available
7 revenue to be committed to the authority for each year during
8 which the authority will receive these revenues. The portion may
9 vary over time. The plan shall state the date upon which the
10 authority will cease to receive net available revenue. The city or
11 county may direct the county auditor-controller to transfer any
12 portion of the net available revenue to the authority and the county
13 auditor-controller may collect administrative costs from the
14 authority.

15 (d) For purposes of this section, “net available revenue” means
16 periodic distributions to the city or county from the Redevelopment
17 Property Tax Trust Fund, created pursuant to Section 34170.5,
18 that are available to the city or county after all preexisting legal
19 commitments and statutory obligations funded from that revenue
20 are made pursuant to Part 1.85 (commencing with Section 34170).
21 Net available revenue shall include only revenue remaining after
22 all current distributions, including, but not limited to, payment of
23 enforceable obligations, all distributions to other taxing entities,
24 and applicable administrative fees, have been made.

25 (e) In accordance with Section 33334.2 and all other applicable
26 affordable housing provisions of the Community Redevelopment
27 Law (Part 1 (commencing with Section 33000)), an authority that
28 includes in its Sustainable Communities Investment Plan a
29 provision for the receipt of tax increment revenues according to
30 Section 33670 shall dedicate no less than 25 percent of allocated
31 tax increment revenues for affordable housing purposes.

32 34191.28. A Sustainable Communities Investment Plan, in
33 addition to the applicable requirements of Part 1 (commencing
34 with Section 33000) shall include all of the following:

35 (a) A fiscal analysis setting forth the projected receipt of tax
36 increment and other revenue and projected expenses over five-year
37 planning horizons for the life of the authority.

38 (b) A statement of the principal goals and objectives of the plan
39 together with findings of the public purposes and uses that will be
40 achieved.

1 (c) A statement of how the plan will relieve blight as follows:

2 (1) How it will implement the goals of a sustainable
3 communities strategy, if the Sustainable Communities Investment
4 Area is within a metropolitan planning organization.

5 (2) How it will contribute to ~~a more efficient transportation~~
6 ~~infrastructure.~~ *transportation.*

7 (3) How it will contribute to a reduced cost for the combined
8 costs of housing and transportation for California residents.

9 (4) How it will contribute to improved public health.

10 (5) How it will promote more efficient water consumption.

11 (6) How it will avoid loss of prime farmland.

12 (7) How it will reduce air pollution, energy consumption,
13 ~~emission~~ and greenhouse gas emissions by reducing vehicle miles
14 traveled.

15 (8) How it will reduce energy consumption by facilitating clean
16 energy manufacturing.

17 (9) How it will ensure compliance with the affordable housing
18 maintenance and preservation requirements contained in
19 subdivision (e) of Section 34191.26.

20 (d) A statement of how the plan will implement the sustainable
21 parking standards adopted pursuant to subdivision (a) of Section
22 34191.26.

23 (e) A statement of how the plan will implement the jobs plan
24 adopted pursuant to subdivision (b) of Section 34191.26.

25 (f) In addition to satisfying the requirements of Part 1
26 (commencing with Section 33000), a Sustainable Communities
27 Investment Plan may include, to the extent applicable to the area,
28 any of the following:

29 (1) Farmworker housing.

30 (2) Transitional and supportive housing including, but not
31 limited to, former foster youth, persons with mental health
32 treatment needs, persons with substance use disorder treatment
33 needs, and various offender populations.

34 (3) Health and safety related infrastructure investments for
35 disadvantaged and rural communities.

36 (4) Infrastructure investments to support countywide services
37 including, but not limited to, health clinics, hospitals, medical
38 provider offices, child care facilities, day reporting centers, and
39 grocery stores in food desert areas.

1 34191.29. A state or local public pension fund system
2 authorized by state law or local charter, respectively, including,
3 but not limited to, the Public Employees' Retirement System, the
4 State Teachers' Retirement System, a system established under
5 the County Employees Retirement Law of 1937 (Chapter 3
6 (commencing with Section 31450) of Part 3 of Division 4 of Title
7 3 of the Government Code), or an independent system, may invest
8 capital in the public infrastructure projects and private commercial
9 and residential developments undertaken by an authority.

10 34191.30. (a) An authority may exercise the full powers
11 granted under Chapter 2.8 (commencing with Section 53395) of
12 Part 1 of Division 2 of Title 5 of the Government Code and the
13 Marks-Roos Local Bond Pooling Act of 1985 (Article 4
14 (commencing with Section 6584) of Chapter 5 of Division 7 of
15 Title 1 of the Government Code).

16 (b) An authority may implement a local transactions and use
17 tax under Part 1.6 (commencing with Section 7251) of Division 2
18 of the Revenue and Taxation Code, except that the resolution
19 authorizing the tax may designate the use of the proceeds of the
20 tax.

21 (c) An authority may issue bonds paid for with authority
22 proceeds, which shall be deemed to be special funds to be expended
23 by the authority for the purposes of carrying out this part.

24 (d) School district property tax revenues shall not be pledged
25 for the repayment of bonds issued by the authority.

26 34191.31. (a) Every five years the authority shall contract for
27 an independent financial and performance audit. The audit shall
28 be conducted according to guidelines established by the Controller.
29 A copy of the completed audit shall be provided to the Controller,
30 the Director of the Department of Finance, and to the Joint
31 Legislative Budget Committee. The Controller shall not be required
32 to review and approve the completed audits.

33 (b) The guidelines established by the Controller shall include
34 guidelines for determining compliance with the affordable housing
35 maintenance and replacement requirements of subdivision (e) of
36 Section 34191.26, including provisions to ensure that the
37 requirements are met within each five-year period covered by the
38 audit. A finding of failure to comply with the requirements of
39 subdivision (e) of Section 34191.26 shall require the authority to
40 adopt and submit to the Controller, as part of the audit, a plan to

1 achieve compliance with those provisions as soon as feasible but
2 in not less than two years following the findings. The Controller
3 shall review and approve the plan, and require the plan to stay in
4 effect until compliance is achieved. The Controller shall ensure
5 that the plan includes one or more of the following means of
6 achieving compliance:

7 (1) The expenditure of an additional 10 percent of gross tax
8 increment revenue on increasing, preserving, and improving the
9 supply of low-income housing.

10 (2) An increase in the production, by an additional 10 percent,
11 of housing for very low income households as required by
12 paragraph (2) of subdivision (b) of Section 33413.

13 (3) The targeting of expenditures pursuant to Section ~~3334.2~~
14 ~~33334.2~~ exclusively to rental housing affordable to, and occupied
15 by, persons of very low and extremely low income.

16

17 CHAPTER 5. PREQUALIFICATION REQUIREMENTS

18

19 34191.35. All entities that will receive in excess of one million
20 dollars (\$1,000,000) from the Sustainable Communities Investment
21 Authority, including projects undertaken by private developers,
22 shall comply with the following prequalification process for all
23 construction contracts or subcontracts:

24 (a) The entity shall require that each prospective bidder on a
25 construction contract complete and submit to the authority a
26 standardized questionnaire and financial statement in a form
27 specified by the authority that includes a complete statement of
28 the prospective bidder's financial ability and experience in
29 performing large construction contracts. The questionnaire and
30 financial statement shall be verified under oath by the bidder in
31 the manner in which civil pleadings in civil actions are verified.
32 The questionnaires and financial statements shall not be public
33 records and shall not be open to public inspection.

34 (b) The entity receiving funding from the authority shall adopt
35 and apply a uniform system of rating bidders on the basis of the
36 completed questionnaires and financial statements, in order to
37 determine the size of the contracts, if any, upon which each bidder
38 shall be deemed qualified to bid.

39 (c) The questionnaire described in subdivision (a) and the
40 uniform system of rating bidders described in subdivision (b) shall

1 cover, at a minimum, the issues covered by the standardized
2 questionnaire and model guidelines for rating bidders developed
3 by the Department of Industrial Relations pursuant to subdivision
4 (a) of Section 20101 of the Public Contract Code.

5 (d) For purposes of this section, bidders shall include all
6 subcontractors performing work on a contract in excess of 3 percent
7 of the total cost.

8 (e) A bid shall not be accepted from any person or entity who
9 is required to submit a completed questionnaire and financial
10 statement for prequalification pursuant to subdivision (a) but has
11 not done so by the deadline set by the entity or who has not been
12 prequalified by the authority prior to the deadline for submission
13 of bids.

14 (f) This section shall not prevent an entity or the authority itself
15 from establishing additional prequalification requirements.

16 34191.36. (a) (1) Within a Sustainable Communities
17 Investment Area, the Department of Industrial Relations shall
18 monitor and enforce compliance with prevailing wage requirements
19 for any project paid for in whole or part out of public funds, within
20 the meaning of subdivision (b) of Section 1720 of the Labor Code
21 that include funds of a Sustainable Communities Investment
22 Authority and shall charge each awarding body or developer for
23 the reasonable and directly related costs of monitoring and
24 enforcing compliance with the prevailing wage requirements on
25 each project.

26 (2) All moneys received by the department pursuant to this
27 section shall be deposited in the State Public Works Enforcement
28 Fund created by Section 1771.3 of the Labor Code.

29 (b) Paragraph (1) of subdivision (a) shall not apply to any project
30 paid for in whole or part out of public funds if the awarding body
31 or developer has entered into a collective bargaining agreement
32 that binds all of the contractors performing work on the project
33 and includes a mechanism for resolving disputes about the payment
34 of wages.

35 SEC. 2. Section 21094.5 of the Public Resources Code is
36 amended to read:

37 21094.5. (a) (1) If an environmental impact report was
38 certified for a planning level decision of a city or county, the
39 application of this division to the approval of an infill project shall
40 be limited to the effects on the environment that (A) are specific

1 to the project or to the project site and were not addressed as
2 significant effects in the prior environmental impact report or (B)
3 substantial new information shows the effects will be more
4 significant than described in the prior environmental impact report.
5 A lead agency's determination pursuant to this section shall be
6 supported by substantial evidence.

7 (2) An effect of a project upon the environment shall not be
8 considered a specific effect of the project or a significant effect
9 that was not considered significant in a prior environmental impact
10 report, or an effect that is more significant than was described in
11 the prior environmental impact report if uniformly applicable
12 development policies or standards adopted by the city, county, or
13 the lead agency, would apply to the project and the lead agency
14 makes a finding, based upon substantial evidence, that the
15 development policies or standards will substantially mitigate that
16 effect.

17 (b) If an infill project would result in significant effects that are
18 specific to the project or the project site, or if the significant effects
19 of the infill project were not addressed in the prior environmental
20 impact report, or are more significant than the effects addressed
21 in the prior environmental impact report, and if a mitigated negative
22 declaration or a sustainable communities environmental assessment
23 could not be otherwise adopted, an environmental impact report
24 prepared for the project analyzing those effects shall be limited as
25 follows:

26 (1) Alternative locations, densities, and building intensities to
27 the project need not be considered.

28 (2) Growth inducing impacts of the project need not be
29 considered.

30 (c) This section applies to an infill project that satisfies both of
31 the following:

32 (1) The project satisfies any of the following:

33 (A) Is consistent with the general use designation, density,
34 building intensity, and applicable policies specified for the project
35 area in either a sustainable communities strategy or an alternative
36 planning strategy for which the State Air Resources Board,
37 pursuant to subparagraph (H) of paragraph (2) of subdivision (b)
38 of Section 65080 of the Government Code, has accepted a
39 metropolitan planning organization's determination that the
40 sustainable communities strategy or the alternative planning

1 strategy would, if implemented, achieve the greenhouse gas
2 emission reduction targets.

3 (B) Consists of a small walkable community project located in
4 an area designated by a city for that purpose.

5 (C) Is located within the boundaries of a metropolitan planning
6 organization that has not yet adopted a sustainable communities
7 strategy or alternative planning strategy, and the project has a
8 residential density of at least 20 units per net acre or a floor area
9 ratio of at least 0.75.

10 (2) Satisfies all applicable statewide performance standards
11 contained in the guidelines adopted pursuant to Section 21094.5.5.

12 (d) This section applies after the Secretary of the Natural
13 Resources Agency adopts and certifies the guidelines establishing
14 statewide standards pursuant to Section 21094.5.5.

15 (e) For the purposes of this section, the following terms mean
16 the following:

17 (1) “Infill project” means a project that meets the following
18 conditions:

19 (A) Consists of any one, or combination, of the following uses:

20 (i) Residential.

21 (ii) Retail or commercial, where no more than one-half of the
22 project area is used for parking.

23 (iii) A transit station.

24 (iv) A school.

25 (v) A public office building.

26 (B) Is located within an urban area on a site that has been
27 previously developed, or on a vacant site where at least 75 percent
28 of the perimeter of the site adjoins, or is separated only by an
29 improved public right-of-way from, parcels that are developed
30 with qualified urban uses.

31 (2) “Planning level decision” means the enactment or
32 amendment of a general plan, community plan, specific plan, or
33 zoning code.

34 (3) “Prior environmental impact report” means the
35 environmental impact report certified for a planning level decision,
36 as supplemented by any subsequent or supplemental environmental
37 impact reports, negative declarations, or addenda to those
38 documents.

39 (4) “Small walkable community project” means a project that
40 is located in a small walkable community project area. A small

1 walkable community project area means an area within an
2 incorporated city that is not within the boundary of a metropolitan
3 planning organization and meets all of the following requirements:

4 (A) Has a project area of approximately one-quarter mile
5 diameter of contiguous land completely within the existing
6 incorporated boundaries of the city.

7 (B) Has a project area that includes a residential area adjacent
8 to a retail downtown area.

9 (C) The project area has an average net density of at least eight
10 dwelling units per net acre or a floor area ratio for retail or
11 commercial use of not less than 0.50. For purposes of this
12 subparagraph: (i) “floor area ratio” means the ratio of gross
13 building area (GBA) of development, exclusive of structured
14 parking areas, proposed for the project divided by the total net lot
15 area (NLA); (ii) “gross building area” means the sum of all finished
16 areas of all floors of a building included within the outside faces
17 of its exterior walls; and (iii) “net lot area” means the area of a lot
18 excluding publicly dedicated land, private streets that meet local
19 standards, and other public use areas as determined by the local
20 land use authority.

21 (5) “Urban area” includes either an incorporated city or an
22 unincorporated area that is completely surrounded by one or more
23 incorporated cities that meets both of the following criteria:

24 (A) The population of the unincorporated area and the
25 population of the surrounding incorporated cities equal a population
26 of 100,000 or more.

27 (B) The population density of the unincorporated area is equal
28 to, or greater than, the population density of the surrounding cities.

ASSEMBLY BILL

No. 1229

Introduced by Assembly Member Atkins
(Principal coauthor: Assembly Member Mullin)
(Principal coauthor: Senator Leno)

February 22, 2013

An act to amend Section 65850 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1229, as introduced, Atkins. Land use: zoning regulations.

The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances regulating zoning within its jurisdiction, as specified.

This bill would additionally authorize the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements, as specified, and would declare the intent of the Legislature in adding this provision. The bill would also make a technical, nonsubstantive change.

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 65850 of the Government Code is
- 2 amended to read:
- 3 65850. The legislative body of any county or city may, pursuant
- 4 to this chapter, adopt ordinances that do any of the following:

- 1 (a) Regulate the use of buildings, structures, and land as between
 2 industry, business, residences, open space, including agriculture,
 3 recreation, enjoyment of scenic beauty, use of natural resources,
 4 and other purposes.
- 5 (b) Regulate signs and billboards.
- 6 (c) Regulate all of the following:
- 7 (1) The location, height, bulk, number of stories, and size of
 8 buildings and structures.
- 9 (2) The size and use of lots, yards, courts, and other open spaces.
- 10 (3) The percentage of a lot which may be occupied by a building
 11 or structure.
- 12 (4) The intensity of land use.
- 13 (d) Establish requirements for ~~offstreet~~ *off-street* parking and
 14 loading.
- 15 (e) Establish and maintain building setback lines.
- 16 (f) Create civic districts around civic centers, public parks,
 17 public buildings, or public grounds, and establish regulations for
 18 those civic districts.
- 19 (g) *Establish, as a condition of development, inclusionary*
 20 *housing requirements, which may require the provision of*
 21 *residential units affordable to, and occupied by, owners or tenants*
 22 *whose household incomes do not exceed the limits for lower*
 23 *income, very low income, or extremely low income households*
 24 *specified in Sections 50079.5, 50105, and 50106 of the Health and*
 25 *Safety Code.*
- 26 SEC. 2. The Legislature finds and declares all of the following:
- 27 (a) Inclusionary housing ordinances have provided quality
 28 affordable housing to over 80,000 Californians, including the
 29 production of an estimated 30,000 units of affordable housing in
 30 the last decade alone.
- 31 (b) Since the 1970s, over 170 jurisdictions have enacted
 32 inclusionary housing ordinances to meet their affordable housing
 33 needs.
- 34 (c) While many of these local programs have been in place for
 35 decades, the recent decision in *Palmer/Sixth Street Properties, L.P.*
 36 *v. City of Los Angeles* (2009) 175 Cal.App.4th 1396, has created
 37 uncertainty and confusion for local governments regarding the
 38 future viability of this important local land use tool.
- 39 (d) It is the intent of the Legislature to reaffirm the authority of
 40 local jurisdictions to enact and enforce these ordinances.

1 (e) The Legislature declares its intent in adding subdivision (g)
2 to Section 65850 of the Government Code, pursuant to Section 1
3 of this act, to supersede any holding or dicta in *Palmer/Sixth Street*
4 *Properties, L.P. v. City of Los Angeles* (2009) 175 Cal.App.4th
5 1396, to the extent that the opinion in that case conflicts with that
6 subdivision. This act shall not otherwise be construed to enlarge
7 or diminish the authority of a jurisdiction beyond those powers
8 that existed as of July 21, 2009.

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AMENDED IN SENATE MAY 28, 2013

AMENDED IN ASSEMBLY MAY 6, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Mullin

February 21, 2013

An act to amend, repeal, and add Section 53069.4 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as amended, Mullin. Local government: fines and penalties: assessments.

Existing law authorizes the legislative body of a local agency to make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty, as specified.

This bill would, until January 1, 2020, authorize a city, county, ~~or city and county~~, *or special district* to, after notice and public hearing, specially assess any fines or penalties not paid after demand by the city, county, ~~or city and county~~, *or special district* against real property owned by the person owing those fines or penalties, where the fines or penalties are related to ordinance violations on the real property upon which the fines or penalties would be specially assessed, and the ordinance violations constitute a threat to public health and safety. This bill would require a city, county, ~~or city and county~~, *or special district* to comply with certain notice requirements. The bill would provide that the assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of

delinquency as are provided for ordinary county taxes, and would authorize the city, county, ~~or city and county,~~ *or special district* to record a lien against the property. This bill would authorize a local agency to appoint a hearing officer to hear and decide issues regarding ordinance violations and the imposition of administrative fines and penalties.

This bill would, until January 1, 2020, provide that the powers given to the legislative body of a city, county, ~~or city and county,~~ *or special district* under these provisions are in addition to any other powers of a city, county, ~~or city and county,~~ *or special district* under its charter or any other legal authority.

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 53069.4 of the Government Code is
2 amended to read:
3 53069.4. (a) (1) The legislative body of a local agency, as the
4 term “local agency” is defined in Section 54951, may by ordinance
5 make any violation of any ordinance enacted by the local agency
6 subject to an administrative fine or penalty. The local agency shall
7 set forth by ordinance the administrative procedures that shall
8 govern the imposition, enforcement, collection, and administrative
9 review by the local agency of those administrative fines or
10 penalties. Where the violation would otherwise be an infraction,
11 the administrative fine or penalty shall not exceed the maximum
12 fine or penalty amounts for infractions set forth in subdivision (b)
13 of Section 25132 and subdivision (b) of Section 36900. The powers
14 given to the legislative body of a city, county, ~~or city and county,~~
15 *or special district* under this section are in addition to any other
16 powers of a city, county, ~~or city and county,~~ *or special district*
17 under its charter or any other legal authority.
18 (2) (A) The administrative procedures set forth by ordinance
19 adopted by the local agency pursuant to paragraph (1) shall provide
20 for a reasonable period of time, as specified in the ordinance, for
21 a person responsible for a continuing violation to correct or
22 otherwise remedy the violation prior to the imposition of
23 administrative fines or penalties, when the violation pertains to

1 building, plumbing, electrical, or other similar structural or zoning
2 issues, that do not create an immediate danger to health or safety.

3 (B) Pursuant to Chapter 14 (commencing with Section 27720)
4 of Part 3 of Division 1 of Title 3, or other applicable law, the
5 administrative procedures adopted by ordinance pursuant to
6 paragraph (1) may authorize the appointment of one or more
7 hearing officers to hear and decide issues regarding ordinance
8 violations and the imposition of administrative fines or penalties.

9 (C) A city, county, ~~or city and county,~~ *or special district* may,
10 by ordinance, combine the administrative procedures adopted
11 pursuant to paragraph (1) with nuisance abatement procedures
12 adopted by ordinance pursuant to Sections 25845, 38773.1, and
13 38773.5.

14 (3) (A) If the owner of real property fails to pay fines or
15 penalties upon demand by a city, county, ~~or city and county,~~ *or*
16 *special district*, the city, county, ~~or city and county,~~ *or special*
17 *district* may, after notice and public hearing, order the fines or
18 penalties to be specially assessed against the parcel if the fines or
19 penalties are related to ordinance violations on the real property
20 upon which the fines or penalties would be specially assessed and
21 the ordinance violations constitute a threat to public health and
22 safety. The city, county, ~~or city and county,~~ *or special district*
23 shall mail or deliver notice of the hearing at least 15 days prior to
24 the hearing to the owner of the parcel. For purposes of notice,
25 ownership of the parcel shall be determined by the latest assessment
26 roll, the records of the county assessor, or the records of the tax
27 collector, whichever is most recent. The assessment may be
28 collected at the same time and in the same manner as ordinary
29 county taxes are collected, and shall be subject to the same
30 penalties and the same procedure and sale in case of delinquency
31 as are provided for ordinary county taxes. All laws applicable to
32 the levy, collection, and enforcement of county taxes are applicable
33 to the special assessment, except that the special assessment is not
34 subject to the priority for special assessment liens provided for in
35 Article 13 (commencing with Section 53930) of Chapter 4 of Part
36 1 of Division 2. The assessment does not constitute a lien on real
37 property until a notice of lien is recorded pursuant to this section.

38 (B) If any administrative fine or penalty remains unpaid for 10
39 days following the conclusion of the public hearing described in
40 subparagraph (A), the tax collector may send to the owner of the

1 parcel, by certified mail, a notice of enforcement that states that
2 if payment has not been received within 45 days following the
3 date of the notice, a lien will be recorded. If, after the 45-day period
4 following the notice, the fine or penalty has not been paid, the city,
5 county, ~~or city and county~~, or *special district* may specially assess
6 the cost of the administrative fines or penalties against the parcel
7 and cause a notice of lien to be recorded to perfect the lien. The
8 notice of lien shall, at a minimum, identify the assessor's parcel
9 number and record owner, set forth the last known address of the
10 record owner, set forth the date upon which assessment was ordered
11 by the city, county, ~~or city and county~~, or *special district*, and the
12 amount of the lien.

13 (C) Recordation of a notice of lien pursuant to subparagraph
14 (B) has the same effect as recordation of an abstract of a money
15 judgment recorded pursuant to Article 2 (commencing with Section
16 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code
17 of Civil Procedure. The lien created against the parcel has the same
18 force, effect, and priority as a judgment lien on real property. Upon
19 order of the city, county, ~~or city and county~~, or *special district*, or
20 any officer authorized by the city, county, or city and county to
21 act on its behalf, a lien created under this section may be released
22 or subordinated in the same manner as a judgment lien on real
23 property may be released or subordinated.

24 (b) (1) Notwithstanding the provisions of Section 1094.5 or
25 1094.6 of the Code of Civil Procedure, within 20 days after service
26 of the final administrative order or decision of the local agency is
27 made pursuant to an ordinance enacted in accordance with this
28 section regarding the imposition, enforcement, or collection of the
29 administrative fines or penalties, a person contesting that final
30 administrative order or decision may seek review by filing an
31 appeal to be heard by the superior court, where the same shall be
32 heard de novo, except that the contents of the local agency's file
33 in the case shall be received in evidence. A proceeding under this
34 subdivision is a limited civil case. A copy of the document or
35 instrument of the local agency providing notice of the violation
36 and imposition of the administrative fine or penalty shall be
37 admitted into evidence as prima facie evidence of the facts stated
38 therein. A copy of the notice of appeal shall be served in person
39 or by first-class mail upon the local agency by the contestant.

1 (2) The fee for filing the notice of appeal shall be as specified
2 in Section 70615. The court shall request that the local agency's
3 file on the case be forwarded to the court, to be received within
4 15 days of the request. The court shall retain the fee specified in
5 Section 70615 regardless of the outcome of the appeal. If the court
6 finds in favor of the contestant, the amount of the fee shall be
7 reimbursed to the contestant by the local agency. Any deposit of
8 the fine or penalty shall be refunded by the local agency in
9 accordance with the judgment of the court.

10 (3) The conduct of the appeal under this section is a subordinate
11 judicial duty that may be performed by traffic trial commissioners
12 and other subordinate judicial officials at the direction of the
13 presiding judge of the court.

14 (c) If no notice of appeal of the local agency's final
15 administrative order or decision is filed within the period set forth
16 in this section, the order or decision shall be deemed confirmed.

17 (d) If the fine or penalty has not been deposited and the decision
18 of the court is against the contestant, the local agency may proceed
19 to collect the penalty pursuant to the procedures set forth in its
20 ordinance.

21 (e) This section shall remain in effect only until January 1, 2020,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2020, deletes or extends that date.

24 SEC. 2. Section 53069.4 is added to the Government Code, to
25 read:

26 53069.4. (a) (1) The legislative body of a local agency, as the
27 term "local agency" is defined in Section 54951, may by ordinance
28 make any violation of any ordinance enacted by the local agency
29 subject to an administrative fine or penalty. The local agency shall
30 set forth by ordinance the administrative procedures that shall
31 govern the imposition, enforcement, collection, and administrative
32 review by the local agency of those administrative fines or
33 penalties. Where the violation would otherwise be an infraction,
34 the administrative fine or penalty shall not exceed the maximum
35 fine or penalty amounts for infractions set forth in subdivision (b)
36 of Section 25132 and subdivision (b) of Section 36900.

37 (2) The administrative procedures set forth by ordinance adopted
38 by the local agency pursuant to paragraph (1) shall provide for a
39 reasonable period of time, as specified in the ordinance, for a
40 person responsible for a continuing violation to correct or otherwise

1 remedy the violation prior to the imposition of administrative fines
2 or penalties, when the violation pertains to building, plumbing,
3 electrical, or other similar structural or zoning issues, that do not
4 create an immediate danger to health or safety.

5 (b) (1) Notwithstanding the provisions of Section 1094.5 or
6 1094.6 of the Code of Civil Procedure, within 20 days after service
7 of the final administrative order or decision of the local agency is
8 made pursuant to an ordinance enacted in accordance with this
9 section regarding the imposition, enforcement or collection of the
10 administrative fines or penalties, a person contesting that final
11 administrative order or decision may seek review by filing an
12 appeal to be heard by the superior court, where the same shall be
13 heard de novo, except that the contents of the local agency's file
14 in the case shall be received in evidence. A proceeding under this
15 subdivision is a limited civil case. A copy of the document or
16 instrument of the local agency providing notice of the violation
17 and imposition of the administrative fine or penalty shall be
18 admitted into evidence as prima facie evidence of the facts stated
19 therein. A copy of the notice of appeal shall be served in person
20 or by first-class mail upon the local agency by the contestant.

21 (2) The fee for filing the notice of appeal shall be as specified
22 in Section 70615. The court shall request that the local agency's
23 file on the case be forwarded to the court, to be received within
24 15 days of the request. The court shall retain the fee specified in
25 Section 70615 regardless of the outcome of the appeal. If the court
26 finds in favor of the contestant, the amount of the fee shall be
27 reimbursed to the contestant by the local agency. Any deposit of
28 the fine or penalty shall be refunded by the local agency in
29 accordance with the judgment of the court.

30 (3) The conduct of the appeal under this section is a subordinate
31 judicial duty that may be performed by traffic trial commissioners
32 and other subordinate judicial officials at the direction of the
33 presiding judge of the court.

34 (c) If no notice of appeal of the local agency's final
35 administrative order or decision is filed within the period set forth
36 in this section, the order or decision shall be deemed confirmed.

37 (d) If the fine or penalty has not been deposited and the decision
38 of the court is against the contestant, the local agency may proceed
39 to collect the penalty pursuant to the procedures set forth in its
40 ordinance.

- 1 (e) This section shall become operative on January 1, 2020.

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County Bills of Interest

05-14-13

| | |
|-------|---|
| AB 5 | <p>AUTHOR: Ammiano [D] TITLE: Homelessness FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 12/03/2012 LAST AMEND: 04/30/2013 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Enacts the Homeless Person's Bill of Rights and Fairness Act. Provides that no person's rights, privileges, or access to public services may be denied or abridged because he or she is homeless. Provides the right to specified actions, confidentiality of certain records, legal assistance, and restitution. Prohibits retaliation against a public employer for assisting the homeless. Requires reports and public information regarding ordinances and certain actions against the homeless. Provides civil penalties. STATUS: 05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee. NOTES: BOS took "oppose" on 5.21.13 Position: Oppose Subject: Adult.Services</p> |
| AB 28 | <p>AUTHOR: Perez V [D] TITLE: Economic Development: Enterprise Zones FISCAL COMMITTEE: yes URGENCY CLAUSE: yes INTRODUCED: 12/03/2012 LAST AMEND: 04/29/2013 DISPOSITION: Pending LOCATION: Assembly Jobs, Economic Development, and The Economy Committee SUMMARY: 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. STATUS: 04/29/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY. Subject: Redevelopment</p> |
| AB 48 | <p>AUTHOR: Skinner [D] TITLE: Firearms: Ammunition: Sales FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 12/20/2012 LAST AMEND: 07/09/2013 DISPOSITION: Pending COMMITTEE: Senate Appropriations Committee HEARING: 08/12/2013 10:00 am SUMMARY: Makes it a misdemeanor crime to buy or receive a large capacity ammunition magazine or to</p> |

manufacture, import, keep for sale, offer or expose for sale, or give, lend, buy or receive any related conversion kit. Requires the Department of Justice to alert local law enforcement entities in the city, county, or city and county in which a purchaser resides if the purchaser obtains more than a specified amount of ammunition within a specified time period.

STATUS:

07/09/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

NOTES: BOS supported on 5.21.13

AB 59

AUTHOR: Bonta [D]
TITLE: School Districts: Parcel Taxes
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 01/07/2013
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.

STATUS:

01/31/2013 To ASSEMBLY Committee on REVENUE AND TAXATION.

NOTES: BOS took Support and request amendment position 04.23.13

AB 68

AUTHOR: Maienschein [R]
TITLE: Parole
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/09/2013
LAST AMEND: 04/11/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
SUMMARY:

Requires the Department of Corrections and Rehabilitation to give notice of any medical parole hearing and any medical parole release to both the county of commitment and the county of proposed release, prior to a medical parole hearing or a medical parole release.

STATUS:

06/25/2013 In SENATE. Read second time. To third reading.

Subject: SelfSufficiency

AB 93

AUTHOR: Budget Cmt
TITLE: Taxation: Credits, Deductions, and Net Operating Losses
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 01/10/2013
ENACTED: 07/11/2013
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 69
SUMMARY:

Extends existing law regarding the designation and oversight of economic development areas and incentives to businesses operating in those areas, and provisions of the Personal Income Tax and Corporation Tax laws that provide tax credits for sales and use taxes paid for purchases, and hiring credits, and the interest deduction. Creates a Tax Credit Committee. Limits the number of certain tax credits. Exempts sales taxes for property used in manufacturing and for materials used by a

construction contractor.

STATUS:

07/11/2013

Signed by GOVERNOR.

07/11/2013

Chaptered by Secretary of State. Chapter No. 69

NOTES:

Staff of DCD and WDB reviewing

AB 139

AUTHOR:

Holden [D]

TITLE:

Domestic Violence: Fees

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

INTRODUCED:

01/17/2013

LAST AMEND:

06/11/2013

DISPOSITION:

Pending

LOCATION:

Assembly Unfinished Business - Concurrence in Senate Amendments

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.

STATUS:

07/08/2013

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY for concurrence. (33-0)

NOTES:

Devorah is reviewing

AB 141

AUTHOR:

Gorell [R]

TITLE:

Elections: Write-in Candidates

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

01/17/2013

LAST AMEND:

05/08/2013

DISPOSITION:

Pending

LOCATION:

Senate Elections and Constitutional Amendments Committee

SUMMARY:

Requires that a write-in candidate for a voter-nominated office, in addition to being one of the top two vote-getters, 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.

STATUS:

06/06/2013

To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

NOTES:

BOS approves Support 04.16.13

AB 158

AUTHOR:

Levine [D]

TITLE:

Solid Waste: Single Use Carryout Bags

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

01/22/2013

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.

STATUS:

05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
NOTES: DCD supports. Sending letter of support. Consistent with Platform.

AB 160

AUTHOR: Alejo [D]
TITLE: Public Employees' Pension Reform Act: Exceptions
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 01/22/2013
LAST AMEND: 05/28/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Excepts from the Public Employees' Pension Reform Act of 2013 certain multiemployer plans authorized under federal law and retirement plans for public employees whose collective bargaining rights are protected by a specified provision of federal law if a federal agency determines a conflict with federal law. Excludes from the definition of a supplemental defined benefit plan for purposes of a prohibition in the Act, a multiemployer plan, pursuant to a collective bargaining or similar agreement.

STATUS:

05/28/2013 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.
 05/28/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
Subject: Pension

AB 174

AUTHOR: Bonta [D]
TITLE: Public School Health Centers
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/24/2013
LAST AMEND: 06/24/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:

Requires the State Department of Public Health to establish a grant program within a specified county to provide resources to eligible applicants, including local education agencies, nonprofit organizations, and community health centers, to fund activities and services to directly address mental health and related needs of students who are impacted by trauma. Defines trauma for these purposes. Provides certain reporting requirements.

STATUS:

07/03/2013 From SENATE Committee on HEALTH: Do pass to Committee on APPROPRIATIONS. (7-2)
NOTES: Requested support by District I Supv staff

AB 182

AUTHOR: Buchanan [D]
TITLE: Bonds: School Districts and Community College Districts
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 01/24/2013
LAST AMEND: 07/11/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File

SUMMARY:

Provides the ratio of total debt service to principal for each school and community college district bond. Provides the redemption period for capital appreciation bonds. Authorizes a school district or community college with a note issued prior to a specified date to seek a one-time waiver from certain requirements from the State Board of Education or the Chancellor of the California Community Colleges.

STATUS:

07/11/2013 In SENATE. Read second time and amended. To third reading.
NOTES: Rusty Watts supports. BOS supported 04.16.13

AB 185

AUTHOR: Hernandez R [D]
TITLE: Open and Public Meetings: Televised Meetings
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/28/2013
LAST AMEND: 04/23/2013
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
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.

STATUS:

04/23/2013 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.
 04/23/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
NOTES: CCTV is reviewing

AB 195

AUTHOR: Hall [D]
TITLE: Counties: Construction Projects: Design-Build
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/28/2013
LAST AMEND: 05/20/2013
DISPOSITION: To Governor
LOCATION: To enrollment
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.

STATUS:

07/08/2013 In SENATE. Read third time. Passed SENATE. To enrollment. (33-0)
NOTES: Support position in Platform

AB 197

AUTHOR: Stone [D]
TITLE: CalWORKs Eligibility: Asset Limits: Vehicles
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/29/2013
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.

STATUS:
05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.
NOTES: Sent letter of support 03.11.13

AB 229

AUTHOR: Perez J [D]
TITLE: Infrastructure and Revitalization Financing Districts
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/04/2013
LAST AMEND: 06/11/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
SUMMARY:
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.

STATUS:
06/25/2013 In SENATE. Read second time. To third reading.
NOTES: Sent to DCD for review
Subject: Redevelopment

AB 243

AUTHOR: Dickinson [D]
TITLE: Local Government: Infrastructure Financing Districts
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/06/2013
LAST AMEND: 06/18/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
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:
07/02/2013 In SENATE. Read second time. To third reading.
Subject: Redevelopment

AB 244

AUTHOR: Bonilla [D]
TITLE: Vehicles: License Plates: Veterans
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/06/2013
LAST AMEND: 07/08/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
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.

STATUS:

07/08/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

NOTES:

BOS supported on 04.16.13

AB 277

AUTHOR:

Hall [D]

TITLE:

Tribal Gaming: Compact Ratification

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/11/2013

ENACTED:

07/03/2013

DISPOSITION:

Enacted

LOCATION:

Chaptered

CHAPTER:

51

SUMMARY:

Ratifies the tribal-state gaming compact entered into between the State and the North Fork Rancheria Band of Mono Indians, executed on a specified date. Ratifies the tribal-gaming compact entered into between the State and the Wiyot Tribe, executed on a specified date. Provides that, in deference to tribal sovereignty, certain actions are not projects for purposes of the California Environmental Quality Act.

STATUS:

07/03/2013

Signed by GOVERNOR.

07/03/2013

Chaptered by Secretary of State. Chapter No. 51

AB 419

AUTHOR:

Lowenthal B [D]

TITLE:

CalWORKs: Eligibility

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/15/2013

DISPOSITION:

Pending

LOCATION:

Senate Third Reading File

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.

STATUS:

07/02/2013

In SENATE. Read second time. To third reading.

NOTES:

EHSD recommends support; to Leg Com 5/2

AB 422

AUTHOR:

Nazarian [D]

TITLE:

School Lunch Programs: Health Care Notice

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

INTRODUCED:

02/15/2013

LAST AMEND:

07/02/2013

DISPOSITION:

Pending

LOCATION:

Senate Third Reading File

SUMMARY:

Requires notices of a Healthy Families Program application to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the

Health Benefit Exchange respectively. Authorizes a school district to include the notices in certain notifications required at the beginning of the first semester or quarter of the regular school term. Authorizes using a school lunch application as an application for a health insurance affordability program.

STATUS:

07/02/2013 In SENATE. Read second time and amended. To third reading.

NOTES: BOS supported on 5.21.13

Position: Support

AB 440

AUTHOR: Gatto [D]

TITLE: Hazardous Substances: Releases: Local Agency Cleanup

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/15/2013

LAST AMEND: 05/24/2013

DISPOSITION: Pending

COMMITTEE: Senate Appropriations Committee

HEARING: 08/12/2013 10:00 am

SUMMARY:

Relates to liability for hazardous substance removal or remedial actions. Requires the Department of Toxic Substances Control and the Regional Water Quality Board to adopt and post cleanup guidelines for the taking of a removal or remedial action. Requires a local redevelopment agency to submit a plan for approval before taking action and to provide an opportunity for the public and other agencies to participate in decisions regarding the plan. Immunizes a local agency from liability under specified laws.

STATUS:

07/03/2013 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (7-0)

Subject: Redevelopment

AB 488

AUTHOR: Williams [D]

TITLE: Recycling: Household Batteries

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/19/2013

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 battery is approved. Relates to a plan collection rate. Requires the payment of a plan review fee. Authorizes a producer civil action.

STATUS:

05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

NOTES: DCD supports; consistent with Platform; sending letter of support

AB 531

AUTHOR: Frazier [D]

TITLE: Driver's Licenses: Veteran Designation

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/20/2013

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.

STATUS:

05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
NOTES: BOS supported on 04.16.13

AB 537

AUTHOR: Bonta [D]
TITLE: Meyers-Milias-Brown Act: Impasse Procedures
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
LAST AMEND: 06/17/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:
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, authorizes either party to make such request. Provides the 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.

STATUS:

06/24/2013 From SENATE Committee on PUBLIC EMPLOYMENT AND
RETIREMENT: Do pass to Committee on APPROPRIATIONS. (3-2)
NOTES: BOS took "oppose" on 5.21.13

AB 564

AUTHOR: Mullin [D]
TITLE: Community Redevelopment: Successor Agencies
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
LAST AMEND: 03/12/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 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:

06/26/2013 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass
to Committee on APPROPRIATIONS. (7-0)
Subject: Redevelopment

AB 583

AUTHOR: Gomez [D]
TITLE: County Free Public Libraries: Withdrawal
FISCAL COMMITTEE: no

URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
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.

STATUS:
 06/20/2013 In SENATE. Read second time. To third reading.

AB 616

AUTHOR: Bocanegra [D]
TITLE: Local Public Employee Organizations: Dispute: Panels
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
LAST AMEND: 06/17/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:

Relates to local public employee organizations. Requires an organization request for submit a dispute to a factfinding panel to be in writing. Provides if either party disputes that a genuine impasse has been reached, the issue of whether the impasse exists may be submitted to the Public Employees Relations Board for resolution before the dispute is submitted to a factfinding panel. Authorizes each party to select a person to serve as its member of the factfinding panels.

STATUS:
 06/24/2013 From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS. (3-2)
NOTES: BOS took "oppose" on 5.21.13

AB 635

AUTHOR: Ammiano [D]
TITLE: Drug Overdose Treatment: Liability
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
LAST AMEND: 06/24/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
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.

STATUS:
 06/24/2013 In SENATE. Read second time and amended. To third reading.
NOTES: Legislation Committee opposed on staff recommendation

AB 662

AUTHOR: Atkins [D]
TITLE: Local Government: Infrastructure Financing Districts
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013

LAST AMEND: 06/11/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:

Deletes a prohibition on the inclusion of redevelopment project areas in infrastructure financing districts. Relates to the dissolution of redevelopment and community development agencies and designation of successor agencies. Authorizes a successor agency to enter into contracts, make land use decisions, and administer certain projects if the project will not commit new tax funds or affect the flow of tax increment to taxing agencies. Relates to obligation payments. Regards highway improvement contracts.

STATUS:

06/11/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Subject: Redevelopment

AB 683

AUTHOR: Mullin [D]
TITLE: Local Government: Fines and Penalties: Assessments
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013
LAST AMEND: 05/28/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
SUMMARY:

Authorizes a city, county, city and county, or special district to, after notice and public hearing, specially assess any fines or penalties not paid after demand by the city, county, city and county or district against real property owned by the person owing those fines or penalties, where the fines or penalties are related to ordinance violation on the real property upon which the fines or penalties would be specially assessed, and the ordinance violations constitute a threat to public health and safety.

STATUS:

07/09/2013 In SENATE. Read second time. To third reading.

NOTES: Recommend support to Leg Com

AB 720

AUTHOR: Skinner [D]
TITLE: Inmates: Health Care Enrollment
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013
LAST AMEND: 07/09/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:

Requires the board of supervisors in each county to designate an entity to assist certain jail inmates to apply for a health insurance affordability program. Provides that such inmates who are currently enrolled in the Medi-Cal program shall not be terminated from the program due to their detention, unless required by federal law or they become otherwise ineligible. Requires the establishment of a process to enable counties to obtain federal financial participation for these provisions.

STATUS:

07/09/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

NOTES: BOS supported on 5.21.13

Position: Support

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| AB 728 | AUTHOR: Muratsuchi [D] TITLE: Land Use: School Advertising Displays FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/21/2013 LAST AMEND: 03/19/2013 DISPOSITION: Pending LOCATION: Assembly Education Committee SUMMARY: Authorizes the governing board of a school district to render a city or county zoning ordinance that applies to an advertising display inapplicable to nonclassroom facilities when specified conditions are met. STATUS: 04/03/2013 In ASSEMBLY Committee on EDUCATION: Not heard. |
| AB 741 | AUTHOR: Brown [D] TITLE: Local Government Finance: Tax Equity Formula FISCAL COMMITTEE: yes URGENCY CLAUSE: yes INTRODUCED: 02/21/2013 DISPOSITION: Pending LOCATION: Assembly Local Government Committee SUMMARY: Increases the allocation of property tax revenues under a new Tax Equity Allocation formula for qualifying cities. STATUS: 03/11/2013 To ASSEMBLY Committee on LOCAL GOVERNMENT. NOTES: BOS took Oppose on 4.23.13 |
| AB 748 | AUTHOR: Eggman [D] TITLE: Judgments Against the State: Interest FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/21/2013 LAST AMEND: 07/08/2013 DISPOSITION: Pending COMMITTEE: Senate Appropriations Committee HEARING: 08/12/2013 10:00 am SUMMARY: Provides interest accrues in a tax or fee claim against a public entity that results in a judgement against the public entity at a specified rate. Provide that when the judgement becomes enforceable interest accrues at a specified rate. Provides that interest on a tax judgment or settlement for the payment of moneys against the state commences to accrue 180 days from the date of the final judgment or settlement and accrues at a specified percentage rate. STATUS: 07/08/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. NOTES: BOS supported on 04.16.13 |
| AB 763 | AUTHOR: Buchanan [D] TITLE: Aquatic Invasive Plants: Control and Eradication FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/21/2013 LAST AMEND: 07/02/2013 |

DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:
Designates the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other state, local, and federal agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. Provides required actions by specified agencies regarding aquatic plants. Requires risk assessment to specify if the aquatic plant is considered to be invasive.

STATUS:
07/02/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
NOTES: Consistent w Platform. Sending SUPPORT letter. BOS supported 05.21.13

AB 803 **AUTHOR:** Gomez [D]
TITLE: Water Recycling Act of 2013
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013
LAST AMEND: 06/19/2013
DISPOSITION: Pending
LOCATION: Senate Second Reading File
SUMMARY:
Creates the Water Recycling Act of 2013. Authorizes compliance with effluent limitations and any other permit or waste discharge requirements for the release or discharge of advanced treated purified water that meets certain conditions. Requires certain notification prior to any discharge being allowed. Requires a cemetery supplied with disinfected tertiary recycled water that installs a hose bib in a public access area to post visible signage and labeling indicating that the water is nonpotable.

STATUS:
07/03/2013 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS. (9-0)
NOTES: Consistent with Platform; sending letter of support
Position: Support

AB 920 **AUTHOR:** Ting [D]
TITLE: Property Taxation: Tax Bill Information
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/07/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
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.

STATUS:
05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
NOTES: Monitoring

AB 935 **AUTHOR:** Frazier [D]
TITLE: Bay Area Water Transportation Authority: Members
FISCAL COMMITTEE: yes

URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/25/2013
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
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.

STATUS:

05/23/2013 To SENATE Committee on TRANSPORTATION AND HOUSING.
NOTES: BOS supported on 05.14.13
Position: Support

AB 939

AUTHOR: Melendez [R]
TITLE: Pupil and School Personnel Health: Defibrillators
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 07/08/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 08/12/2013 10:00 am
SUMMARY:

Authorizes a public school to solicit and received nonstate funds to acquire and maintain an automatic external defibrillator; provides if a school decides to acquire and maintain, or continue to use an existing defibrillator, the school would be authorized and encouraged to comply with specified requirements. Provides the district and employees are not liable for civil damages for uses or nonuses of the equipment. Relates to the requirements of public and private K-12 principals regarding defibrillators.

STATUS:

07/08/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
NOTES: BOS supported on 5.21.13
Position: Support

AB 981

AUTHOR: Bloom [D]
TITLE: Redevelopment Dissolution
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
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:

05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
Subject: Redevelopment

AB 1014

AUTHOR: Williams [D]
TITLE: Green Tariff and Shared Renewal Program
FISCAL COMMITTEE: yes

URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/08/2013
DISPOSITION: Pending
LOCATION: Senate Rules Committee
SUMMARY:

Requires specified electrical corporations to file with the Public Utilities Commission an advice letter requesting the approval of a green tariff shared renewable program. Requires the Commission to approve the letter if the Commission finds that the proposed program is reasonable and consistent with specified findings. Requires the Commission to require that the program be administered in accordance with specified provisions.

STATUS:

06/03/2013 To SENATE Committee on RULES.

NOTES: Watch

AB 1051

AUTHOR: Bocanegra [D]
TITLE: Housing
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/08/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
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.

STATUS:

05/24/2013 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

AB 1080

AUTHOR: Alejo [D]
TITLE: Community Revitalization & Investment Authorities
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 07/02/2013
DISPOSITION: Pending
LOCATION: Senate Second Reading File
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:

07/09/2013 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS. (8-2)

Subject: Redevelopment

AB 1179

AUTHOR: Bocanegra [D]
TITLE: Regional Transport: Sustained Communities: Schools
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no

INTRODUCED: 02/22/2013
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.

STATUS:

04/10/2013 In ASSEMBLY Committee on LOCAL GOVERNMENT: Not heard.

AB 1207

AUTHOR: Brown [D]
TITLE: Community Development
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
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.
Subject: Redevelopment

AB 1229

AUTHOR: Atkins [D]
TITLE: Land Use: Zoning Regulations
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
DISPOSITION: Pending
LOCATION: Senate Third Reading File
SUMMARY:

Authorizes the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements.

STATUS:

07/08/2013 In SENATE. Read second time. To third reading.
NOTES: Recommend support to Leg Com

AB 1265

AUTHOR: Conway [R]
TITLE: Mental Health: Assisted Outpatient Treatment
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/01/2013
DISPOSITION: Pending
LOCATION: Assembly Judiciary Committee
SUMMARY:

Authorizes the court to order a person to obtain assisted outpatient treatment for an initial period not to exceed 12 months. Authorizes the professional staff of the agency or facility that provides intensive treatment pursuant to involuntary detention to evaluate whether the person meets the criteria for assisted outpatient treatment.

STATUS:

04/16/2013 In ASSEMBLY Committee on JUDICIARY: Failed passage.

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| | 04/16/2013 | In ASSEMBLY Committee on JUDICIARY: Reconsideration granted. |
| AB 1296 | AUTHOR: | Skinner [D] |
| | TITLE: | Firearms: Mentally Disordered Persons |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 02/22/2013 |
| | LAST AMEND: | 04/01/2013 |
| | DISPOSITION: | Pending |
| | LOCATION: | Assembly Appropriations Committee |
| | SUMMARY: | Amends existing law prohibiting a person who has been admitted to a facility as a result of a mental disorder, from owing, possessing, controlling, receiving, or purchasing a firearm for a specified time after release from the facility. Provides for an increase in the probationary time period. Requires reports to be made available to the Department of Justice in electronic format within a specified time. Relates to threats of violence against an identifiable victim. Provides for a hearing. |
| | STATUS: | |
| | 05/24/2013 | In ASSEMBLY Committee on APPROPRIATIONS: Held in committee. |
| | Subject: | Adult.Services |
| AB 1320 | AUTHOR: | Bloom [D] |
| | TITLE: | Redevelopment: Property Tax: Passthrough Payments |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 02/22/2013 |
| | LAST AMEND: | 04/10/2013 |
| | 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. |
| | STATUS: | |
| | 04/17/2013 | From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT. (7-0) |
| | Subject: | Redevelopment |
| CA ACA 3 | AUTHOR: | Campos [D] |
| | TITLE: | Local Government Finance: Public Safety Services |
| | FISCAL COMMITTEE: | no |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 01/22/2013 |
| | 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. |
| | STATUS: | |
| | 04/04/2013 | To ASSEMBLY Committees on LOCAL GOVERNMENT and APPROPRIATIONS. |
| | NOTES: | BOS supported 03.19.13 |

CA ACA 8 **AUTHOR:** Blumenfield [D]
TITLE: Local Government Financing: Voter Approval
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/13/2013
LAST AMEND: 04/04/2013
DISPOSITION: Pending
LOCATION: Senate Governance and Finance 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.
STATUS:
06/27/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
NOTES: To LEG COM for action in July

SB 1 **AUTHOR:** Steinberg [D]
TITLE: Sustainable Communities Investment Authority
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/03/2012
LAST AMEND: 05/02/2013
DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 08/14/2013 1:30 pm
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:
07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT. (5-2)
NOTES: Recommend support to Leg Com
Subject: Redevelopment

SB 13 **AUTHOR:** Beall [D]
TITLE: Public Employees' Retirement Benefits
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 12/03/2012
LAST AMEND: 02/06/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Corrects an erroneous cross-reference in the Public Employees' Pension Reform Act of 2013 regarding the Judges' Retirement System I and II defined benefit formula adoption. Amends the act regarding employers offering one of more defined benefit formulas to new safety members. Relates to contribution rates for defined pension plans. Repeals provisions regarding disability retirements.

Relates to state miscellaneous or industrial members contributions or service credit. Requires related regulations.

STATUS:

06/26/2013 From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Do pass to Committee on APPROPRIATIONS. (6-0)

NOTES:

PEPRA clean-up bill; to County Counsel for review

Subject:

Pension

SB 24

AUTHOR:

Walters [R]

TITLE:

Public Employees' Retirement: Benefit Plans

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

12/03/2012

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.

STATUS:

01/10/2013 To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.

Subject:

Pension

SB 33

AUTHOR:

Wolk [D]

TITLE:

Infrastructure Financing Districts: Voter Approval

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

12/03/2012

LAST AMEND:

03/06/2013

DISPOSITION:

Pending

LOCATION:

Assembly Second Reading File

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:

07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-5)
NOTES: DCD supports. Consistent with Platform. Sending letter of support to author.

Position:

Support

Subject:

Redevelopment

SB 40

AUTHOR:

Pavley [D]

TITLE:

Safe, Clean, and Reliable Drinking Water Supply Act

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

INTRODUCED:

12/10/2012

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.

STATUS:

01/31/2013 Re-referred to SENATE Committees on NATURAL RESOURCES AND WATER and RULES.

NOTES: Water Bond-- spot bill

SB 42

AUTHOR: Wolk [D]
TITLE: Clean, Secure Water Supply and Delta Recovery Act
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/11/2012
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.

STATUS:

01/10/2013 To SENATE Committee on NATURAL RESOURCES AND WATER.

NOTES: Senator Wolk's bond bill

SB 47

AUTHOR: Yee [D]
TITLE: Firearms: Assault Weapons
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/18/2012
LAST AMEND: 05/24/2013
DISPOSITION: Pending
LOCATION: Assembly Public Safety Committee
SUMMARY:

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.

STATUS:

06/17/2013 To ASSEMBLY Committee on PUBLIC SAFETY.

NOTES: Sent to SO, DA, PO for comment.

Subject: GunViolence

SB 53

AUTHOR: De Leon [D]
TITLE: Ammunition: Purchase Permits
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/20/2012
LAST AMEND: 06/27/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the Attorney General to maintain copies of ammunition purchase permits, ammunition transactions and ammunition vendor licenses. Requires an ammunition purchaser to be authorized by the Department of Justice. Provides the date when only a licensed ammunition vendor may sell

ammunition. Provides licensure procedures. Provides an exemption. Requires verification of identity. Relates to ammunition sales location requirements. Exempts gun shows or events. Relates to the Prohibited Armed Persons File.

STATUS:

07/02/2013 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)

NOTES: BOS supported on 5.21.13

Subject: GunViolence

SB 54

AUTHOR: Hancock [D]

TITLE: Retirement: County Employees

FISCAL COMMITTEE: no

URGENCY CLAUSE: yes

INTRODUCED: 12/21/2012

LAST AMEND: 02/13/2013

DISPOSITION: Pending

LOCATION: Assembly Public Employees, Retirement and Social Security Committee

SUMMARY:

Authorizes the Alameda County Board of Supervisors to adopt a resolution that would provide service retirement allowances based on a specified formula for general members hired after approval of the resolution.

STATUS:

02/28/2013 To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.

Subject: Pension

SB 60

AUTHOR: Wright [D]

TITLE: Crime Victims: Human Trafficking

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 01/07/2013

LAST AMEND: 05/28/2013

DISPOSITION: Pending

LOCATION: Assembly Second Reading File

SUMMARY:

Includes victims of human trafficking within the definition of crimes that are eligible for compensation under the State Victim Compensation and Government Claims Board from the Restitution Fund. Deletes inoperative provisions that authorized reimbursement of child care expenses from the fund until a specified date.

STATUS:

07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar. (17-0)

Subject: Adult.Services

SB 108

AUTHOR: Yee [D]

TITLE: Firearms

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 01/14/2013

LAST AMEND: 06/27/2013

DISPOSITION: Pending

LOCATION: Assembly Public Safety 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 criminal-related offense. Relates to the procedures regarding the loan of a firearm.

STATUS:

07/02/2013 In ASSEMBLY Committee on PUBLIC SAFETY: Not heard.

NOTES: BOS supported on 5.21.13

Subject: GunViolence

SB 133

AUTHOR: DeSaulnier [D]

TITLE: Redevelopment

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 01/28/2013

LAST AMEND: 06/10/2013

DISPOSITION: Pending

COMMITTEE: Assembly Local Government Committee

HEARING: 08/14/2013 1:30 pm

SUMMARY:

Amends the Community Redevelopment Law. Requires a redevelopment agency to include additional information relating to any major audit violations, any corrections of those violations, and planning and general administrative expenses of the Low and Moderate Income Housing Fund. Authorizes quality control reviews by the Controller and the publishing of those reviews. Requires audits of such agencies to ensure compliance with the law. Relates to funding for housing construction and/or rehabilitation.

STATUS:

07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT. (5-2)

NOTES: Sent to DCD for review

SB 135

AUTHOR: Padilla [D]

TITLE: Earthquake Early Warning System

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 01/28/2013

LAST AMEND: 05/24/2013

DISPOSITION: Pending

COMMITTEE: Assembly Governmental Organization Committee

HEARING: 08/07/2013 1:30 pm

SUMMARY:

Requires the Office of Emergency Services to develop a comprehensive statewide earthquake warning system in California and would require the system to include certain features, including the installation of field sensors.

STATUS:

06/14/2013 To ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION.

NOTES: Sent to Rick Kovar for review

SB 140

AUTHOR: Leno [D]

TITLE: Firearms: Prohibited Persons

FISCAL COMMITTEE: yes

URGENCY CLAUSE: yes

INTRODUCED: 01/29/2013

ENACTED: 05/01/2013

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 2

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:

05/01/2013 Signed by GOVERNOR.
 05/01/2013 Chaptered by Secretary of State. Chapter No. 2
NOTES: Not sent to BOS because Governor signed 05.01.13
Position: Support
Subject: GunViolence

SB 156

AUTHOR: Beall [D]
TITLE: Conservatorships And Guardianships: Attorney's Fees
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 01/31/2013
LAST AMEND: 06/19/2013
DISPOSITION: Pending
LOCATION: Senate Unfinished Business
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 award of specified litigation costs incurred by the guardian or conservator in defending the compensation in the petition, including attorney's fees under specified conditions.

STATUS:

06/27/2013 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE for concurrence. (78-0)
Subject: Adult.Services

SB 191

AUTHOR: Padilla [D]
TITLE: Emergency Medical Services
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/07/2013
LAST AMEND: 06/25/2013
DISPOSITION: Pending
LOCATION: Senate Unfinished Business
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. Makes technical, nonsubstantive changes to the provisions.

STATUS:

07/01/2013 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE for concurrence. (70-2)
NOTES: Sent letter of support 03.11.13

SB 199

AUTHOR: De Leon [D]
TITLE: Probation: Community Corrections
FISCAL COMMITTEE: no

URGENCY CLAUSE: no
INTRODUCED: 02/07/2013
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.

STATUS:
 04/23/2013 In SENATE Committee on PUBLIC SAFETY: Not heard.
NOTES: BOS took Oppose on 4.23.13

SB 225

AUTHOR: Emmerson [R]
TITLE: Imprisonment: Sentences Punishable in State Prison
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/11/2013
LAST AMEND: 04/01/2013
DISPOSITION: Pending
LOCATION: Senate Public Safety Committee
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.

STATUS:
 04/30/2013 In SENATE Committee on PUBLIC SAFETY: Not heard.

SB 254

AUTHOR: Hancock [D]
TITLE: Solid Waste: Used Mattresses: Recycling and Recovery
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/13/2013
LAST AMEND: 05/28/2013
DISPOSITION: Pending
COMMITTEE: Assembly Natural Resources Committee
HEARING: 08/12/2013 1:30 pm
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.

STATUS:
 06/14/2013 To ASSEMBLY Committee on NATURAL RESOURCES.
NOTES: Consistent w Platform. Sending SUPPORT letter

SB 279

AUTHOR: Hancock [D]
TITLE: San Francisco Bay Restoration Authority
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/14/2013
LAST AMEND: 06/14/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
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.

STATUS:

07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar. (17-0)

NOTES: BOS supported on 04.23.13

SB 283

AUTHOR: Hancock [D]
TITLE: CalFresh Eligibility
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/14/2013
LAST AMEND: 06/18/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
SUMMARY:

Authorizes 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 where the revocation results in incarceration. Authorizes the use of all-county letters or similar instructions..

STATUS:

07/02/2013 From ASSEMBLY Committee on HUMAN SERVICES: Do pass as amended to Committee on APPROPRIATIONS. (5-2)

NOTES: BOS supported on 04.16.13

SB 296

AUTHOR: Correa [D]
TITLE: County Veterans Service Officers
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/15/2013
LAST AMEND: 04/01/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
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.

STATUS:

05/23/2013 In SENATE Committee on APPROPRIATIONS: Held in committee.

NOTES: BOS supported on 04.16.13

SB 328

AUTHOR: Knight [R]
TITLE: Counties: Public Works Contracts
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/19/2013
LAST AMEND: 04/09/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
SUMMARY:

Authorizes a county to utilize construction manager at-risk construction contracts for the erection,

construction, alteration, repair, or improvement of any building owned or leased by the county. Provides that a construction manager at-risk contract may be awarded using the lowest responsible bidder or the best value method. Requires subcontractors not listed as partners, general partners, or association members be awarded certain work by the construction manager at-risk.

STATUS:

07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. To Consent Calendar. (17-0)

NOTES: BOS supported on 05.14.13

Position: Support

SB 341

AUTHOR: DeSaulnier [D]

TITLE: Redevelopment

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/20/2013

LAST AMEND: 05/30/2013

DISPOSITION: Pending

LOCATION: Assembly Appropriations Committee

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. Regards the use of funds in the Low and Moderate Income Housing Asset Fund shall be used in accordance with the Community Redevelopment Law. Authorizes the uses of income received by a housing successor. Requires the transfer of all non-used funds to the Multifamily Housing or Joe Serna Jr. Farmworker Housing Grant programs.

STATUS:

06/26/2013 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS. (9-0)

Subject: Redevelopment

SB 359

AUTHOR: Corbett [D]

TITLE: Environment: CEQA Exemption: Housing Projects

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/20/2013

LAST AMEND: 04/01/2013

DISPOSITION: Pending

COMMITTEE: Assembly Housing and Community Development Committee

HEARING: 08/12/2013 1:30 pm

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.

STATUS:

06/24/2013 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on HOUSING AND COMMUNITY DEVELOPMENT. (9-0)

NOTES: Sent to DCD for review

SB 374

AUTHOR: Steinberg [D]

TITLE: Firearms: Assault Weapons

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/20/2013

LAST AMEND: 05/28/2013

DISPOSITION: Pending
LOCATION: Assembly Public Safety Committee

SUMMARY:

Classifies a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds 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:

06/17/2013 To ASSEMBLY Committee on PUBLIC SAFETY.

NOTES: BOS supported on 5.21.13

Position: Support

Subject: GunViolence

SB 391

AUTHOR: DeSaulnier [D]

TITLE: State Homes and Jobs Act of 2013

FISCAL COMMITTEE: yes

URGENCY CLAUSE: yes

INTRODUCED: 02/20/2013

LAST AMEND: 05/20/2013

DISPOSITION: Pending

COMMITTEE: Assembly Housing and Community Development Committee

HEARING: 08/12/2013 1:30 pm

COMMITTEE: Assembly Labor and Employment Committee

HEARING: 08/14/2013 1:30 pm

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 a related fund. Provides that fund moneys expended for supporting affordable housing, administering housing programs and the cost of periodic audits. Requires prevailing wage monitoring and enforcement.

STATUS:

06/14/2013 To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and LABOR AND EMPLOYMENT.

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

Subject: Redevelopment

SB 396

AUTHOR: Hancock [D]

TITLE: Firearms: Magazine Capacity

FISCAL COMMITTEE: yes

URGENCY CLAUSE: no

INTRODUCED: 02/20/2013

LAST AMEND: 05/15/2013

DISPOSITION: Pending

LOCATION: Assembly Public Safety Committee

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. Provides punishment. Makes conforming changes to provisions that provide exemptions to that crime.

STATUS:

06/17/2013 To ASSEMBLY Committee on PUBLIC SAFETY.

NOTES: Sent to SO, DA, PO for comment

Subject: GunViolence

SB 405 **AUTHOR:** Padilla [D]
TITLE: Solid Waste: Single-Use Carryout Bags
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/20/2013
LAST AMEND: 05/24/2013
DISPOSITION: Pending
LOCATION: Senate Inactive File
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. Prohibits preemption by local ordinances after a date.
STATUS:
06/03/2013 In SENATE. From third reading. To Inactive File.
NOTES: DCD supports; consistent with Platform

SB 466 **AUTHOR:** DeSaulnier [D]
TITLE: California Institute for Criminal Justice Policy
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
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.
STATUS:
05/23/2013 In SENATE Committee on APPROPRIATIONS: Held in committee.

SB 470 **AUTHOR:** Wright [D]
TITLE: Community Development: Economic Opportunity
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/21/2013
LAST AMEND: 05/08/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
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. Revises the definition of agency in specified provisions. Authorizes the remedy or removal of a hazardous substances release.
STATUS:
07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass as amended to Committee on LOCAL GOVERNMENT. (5-2)
Subject: Redevelopment

SB 473 **AUTHOR:** Block [D]

| | | |
|--------|--------------------------|--|
| | TITLE: | Human Trafficking |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 02/21/2013 |
| | LAST AMEND: | 06/27/2013 |
| | DISPOSITION: | Pending |
| | LOCATION: | Assembly Appropriations Committee |
| | SUMMARY: | Adds pimping, pandering, and human trafficking as offenses that may be used to establish a pattern of criminal activity for specified purposes. Requires that any person convicted of a human trafficking offense or a specified sex trafficking offense where any part of the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary school, vocational, junior high, or high school during the hours that the school is open for classes or school-related programs. |
| | STATUS: | |
| | 07/03/2013 | In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File. |
| | NOTES: | Leg Com recommends support to BOS for 06.25.13 |
| SB 481 | AUTHOR: | Huff [R] |
| | TITLE: | California Public Employees Pension Reform Act of 2013 |
| | FISCAL COMMITTEE: | no |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 02/21/2013 |
| | DISPOSITION: | Pending |
| | LOCATION: | Senate Rules Committee |
| | SUMMARY: | Makes a nonsubstantive change to the California Public Employees' Pension Reform Act of 2013. |
| | STATUS: | |
| | 03/11/2013 | To SENATE Committee on RULES. |
| | NOTES: | two year bill |
| | Subject: | Pension |
| SB 483 | AUTHOR: | Jackson [D] |
| | TITLE: | Hazardous Materials: Business and Area Plans: Packaging |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 02/21/2013 |
| | LAST AMEND: | 07/01/2013 |
| | DISPOSITION: | Pending |
| | LOCATION: | Assembly Appropriations Committee |
| | SUMMARY: | Revises and recasts the hazardous materials area and business plan requirements. Requires a unified program agency enforce these requirements. Requires the inspection program that is part of the program to include the onsite inspections of businesses. Deletes the requirement to institute a data management system. Requires the program agency to provide to agencies that have certain shared responsibilities access to specified information. Relates to packaging containing regulated metals. |
| | STATUS: | |
| | 07/02/2013 | From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS. (6-0) |
| | NOTES: | BOS supported on 05.07.13 |
| | Position: | Support |
| SB 509 | AUTHOR: | DeSaulnier [D] |
| | TITLE: | State Health Benefit Exchange: Background Checks |
| | FISCAL COMMITTEE: | yes |

URGENCY CLAUSE: yes
INTRODUCED: 02/21/2013
ENACTED: 06/17/2013
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 10
SUMMARY:

Requires the State Health Benefit Exchange Executive Board to submit to the Department of Justice 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.

STATUS:

06/17/2013 Chaptered by Secretary of State. Chapter No. 10
Subject: Adult.Services

SB 519

AUTHOR: Emmerson [R]
TITLE: Special Elections
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 02/21/2013
LAST AMEND: 04/01/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:

Provides that expenses authorized and necessarily incurred on or after and before specified dates, for elections proclaimed by the Governor to fill a vacancy in the Office of Senator or Member of the Assembly, or to fill a vacancy in the Office of the United States Senator or Member of the United States Department of Representatives, shall be paid by the state.

STATUS:

05/23/2013 In SENATE Committee on APPROPRIATIONS: Held in committee.

SB 543

AUTHOR: Block [D]
TITLE: Petty Theft: Enhancements for Prior Convictions
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/10/2013
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Makes a conviction for theft, embezzlement, forgery, fraud, or identity theft, against an elder or dependent adult a qualifying offense for each of specified sentencing regimens.

STATUS:

07/02/2013 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)

Subject: Adult.Services

SB 585

AUTHOR: Steinberg [D]
TITLE: Mental Health: Mental Health Services Fund
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/13/2013
DISPOSITION: Pending

LOCATION: Assembly Appropriations Committee

SUMMARY:
 Establishes the Mental Health Services fund to fund specified county mental health programs, including programs funded under the Adult and Older Adult Mental Health System of Care Act. Establishes service standards that require that a service planning and delivery process provides for services that are client directed. Provides that any county that elects to implement Laura's Law may pay for services using funds distributed from various funds and/or accounts for which the Comptroller makes distributions.

STATUS:
 06/18/2013 From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS. (15-3)

SB 622 **AUTHOR:** Monning [D]
TITLE: Taxation: Sweetened Beverage Tax: Children
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/08/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:
 Imposes a tax on every distributor for the privilege of distributing in this state bottled sweetened beverages. Deposits all taxes in the Children's Health Promotion Fund for the purposes of statewide childhood obesity prevention activities and programs and to provide funds to either the University of California or the California State University to conduct a specified report. Requires specified entities to make rules and regulations and to provide procedural measures.

STATUS:
 05/23/2013 In SENATE Committee on APPROPRIATIONS: Held in committee.
NOTES: Supv. Gioia asked us to monitor

SB 628 **AUTHOR:** Beall [D]
TITLE: Infrastructure Financing: Transit Priority Projects
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 06/17/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
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. Requires a low-income housing replacement ordinance.

STATUS:
 07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass as amended. (4-2)
Subject: Redevelopment

SB 635 **AUTHOR:** Leno [D]
TITLE: Alcoholic Beverages: Hours of Sale
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/17/2013

DISPOSITION: Pending
LOCATION: Senate Governmental Organization Committee
SUMMARY:
 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.
STATUS:
 04/23/2013 In SENATE Committee on GOVERNMENTAL ORGANIZATION: Failed passage.
 04/23/2013 In SENATE Committee on GOVERNMENTAL ORGANIZATION: Reconsideration granted.
NOTES: BOS took "oppose" on 5.21.13

SB 644 **AUTHOR:** Cannella [R]
TITLE: Firearms: Felons in Possession: Serious Felonies
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/13/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:
 Amends existing law that provides that any person convicted of a felony under the laws of the United State, the State of California, or any other state and who owns, purchases, receives or has in possession or under custody or control any firearm is guilty of a felony and prescribes related punishment. Provides that the punishment for subsequent convictions of that felony would be increased.
STATUS:
 05/23/2013 In SENATE Committee on APPROPRIATIONS: Held in committee.
Subject: GunViolence

SB 647 **AUTHOR:** Wolk [D]
TITLE: County Retirement
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
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
STATUS:
 03/11/2013 To SENATE Committee on RULES.

SB 664 **AUTHOR:** Yee [D]
TITLE: Laura's Law
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/11/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:
 Relates to Laura's Law that regulates designated assisted outpatient treatment services, which a county

may choose to provide for its residents. Provides that a county would no longer be required to authorize the program by resolution and make certain findings to implement the program. Authorizes the county to limit the number of persons to whom it provides assisted outpatient treatment services.

STATUS:

05/13/2013 In SENATE Committee on APPROPRIATIONS: To Suspense File.

SB 684

AUTHOR: Hill [D]
TITLE: Advertising Displays: Redevelopment Agency Project Area
FISCAL COMMITTEE: yes
URGENCY CLAUSE: yes
INTRODUCED: 02/22/2013
LAST AMEND: 05/15/2013
DISPOSITION: Pending
COMMITTEE: Assembly Governmental Organization Committee
HEARING: 08/07/2013 1:30 pm
COMMITTEE: Assembly Housing and Community Development Committee
HEARING: 08/12/2013 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, if the display meets specified criteria. Authorizes the designating agency to request an extension not to exceed the expiration of the redevelopment project area.

STATUS:

06/10/2013 To ASSEMBLY Committees on GOVERNMENTAL ORGANIZATION and HOUSING AND COMMUNITY DEVELOPMENT.

Subject: Redevelopment

SB 727

AUTHOR: Jackson [D]
TITLE: Medical Waste: Pharmaceutical Product Stewardship
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 04/03/2013
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Requires the submission of 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.

STATUS:

05/01/2013 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.

NOTES: Consistent with Platform. Sending letter of support.

SB 731

AUTHOR: Steinberg [D]
TITLE: Environment: California Environmental Quality Act
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2013
LAST AMEND: 05/24/2013
DISPOSITION: Pending
LOCATION: Assembly Second Reading File

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.

STATUS:

07/01/2013 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on LOCAL GOVERNMENT. (6-1)

NOTES:

Catherine Kutsuris is monitoring

SB 735

AUTHOR:

Wolk [D]

TITLE:

Sacramento-San Joaquin Delta Reform Act

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/22/2013

LAST AMEND:

05/24/2013

DISPOSITION:

Pending

COMMITTEE:

Assembly Water, Parks and Wildlife Committee

HEARING:

08/13/2013 9:00 am

SUMMARY:

Amends existing law that establishes the Delta Stewardship Council to create a Delta management plan. Authorizes prescribed local entities to enter into a memorandum of understanding or other written agreement with the council and the Department of Fish and Wildlife regarding multispecies conservation plans that describes how the parties would ensure that multispecies conservation plans that have been adopted or are under development are consistent with the Delta Plan.

STATUS:

06/17/2013 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

NOTES:

Consistent w Platform. Sending SUPPORT letter

SB 804

AUTHOR:

Lara [D]

TITLE:

Solid Waste: Energy

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/22/2013

LAST AMEND:

06/25/2013

DISPOSITION:

Pending

LOCATION:

Assembly Second Reading File

SUMMARY:

Redefines biomass conversion to include in addition to controlled combustion, any other conversion technology. Defines composting to include decomposition of organic wastes in the presence of oxygen. Includes as a part of the diversion rate requirement, the diversion of solid waste through anaerobic digestion.

STATUS:

07/01/2013 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on ENVIRONMENTAL SAFETY & TOXIC

NOTES:

MATERIALS. (9-0)
Monitoring per DCD

CA SCA 4

AUTHOR:

Liu [D]

TITLE:

Local Government Transportation Project: Voter Approval

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

INTRODUCED:

12/03/2012

LAST AMEND:

05/21/2013

DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Proposes an amendment to the Constitution to provide the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a related proposition that includes certain requirements. 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 a identified capital project funded by specified revenues.

STATUS:
 07/09/2013 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard.

CA SCA 7

AUTHOR: Wolk [D]
TITLE: Public Libraries
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 12/03/2012
LAST AMEND: 02/26/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:

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.

STATUS:
 06/27/2013 Re-referred to SENATE Committee on APPROPRIATIONS.
NOTES: BOS supported on 03.19.13

CA SCA 8

AUTHOR: Corbett [D]
TITLE: Transportation Projects: Special Taxes: Voter Approval
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 12/14/2012
LAST AMEND: 05/21/2013
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
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 transportation projects requires the approval of 55% of its voters voting on the proposition, if the proposition includes certain requirements.

STATUS:
 07/09/2013 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard.

CA SCA 9

AUTHOR: Corbett [D]
TITLE: Local Government: Economic Development: Special Taxes
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 12/18/2012
LAST AMEND: 05/21/2013
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee

| | | |
|-----------|--------------------------|---|
| | 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, if the proposition contains specified requirements. |
| | STATUS: | |
| | 06/27/2013 | Re-referred to SENATE Committee on APPROPRIATIONS. |
| | Subject: | Redevelopment |
| CA SCA 11 | AUTHOR: | Hancock [D] |
| | TITLE: | Local Government: Special Taxes: Voter Approval |
| | FISCAL COMMITTEE: | no |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 01/25/2013 |
| | LAST AMEND: | 05/21/2013 |
| | DISPOSITION: | Pending |
| | LOCATION: | Senate Appropriations Committee |
| | SUMMARY: | |
| | | 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, if the proposition proposing the tax contains specified requirements. |
| | STATUS: | |
| | 06/27/2013 | Re-referred to SENATE Committee on APPROPRIATIONS. |
| AB 1 a | AUTHOR: | Perez J [D] |
| | TITLE: | Medi-Cal Eligibility: Expansion |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 01/28/2013 |
| | ENACTED: | 06/27/2013 |
| | DISPOSITION: | Enacted |
| | LOCATION: | Chaptered |
| | CHAPTER: | 3 |
| | SUMMARY: | |
| | | Extends the Medi-Cal eligibility to specified adults. Regards transitioning persons with a minimum income into Medi-Cal and the Affordable Care Act. Requires the State Health Benefit Exchange to implement a workflow transfer protocol in the customer service center. Authorizes individuals to select Medi-Cal managed care using a specified system. Regards semiannual status report requirements. Provides a redetermination time period. |
| | STATUS: | |
| | 06/27/2013 | Signed by GOVERNOR. |
| | 06/27/2013 | Chaptered by Secretary of State. Chapter No. 3 |
| AB 2 a | AUTHOR: | Pan [D] |
| | TITLE: | Health Care Coverage |
| | FISCAL COMMITTEE: | yes |
| | URGENCY CLAUSE: | no |
| | INTRODUCED: | 01/29/2013 |
| | ENACTED: | 05/09/2013 |
| | DISPOSITION: | Enacted |
| | LOCATION: | Chaptered |
| | CHAPTER: | 1 |
| | 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.

STATUS:

05/06/2013 *****To GOVERNOR.
 05/09/2013 Signed by GOVERNOR.
 05/09/2013 Chaptered by Secretary of State. Chapter No. 1

SB 1 a

AUTHOR: Hernandez E [D]
TITLE: Medi-Cal: Eligibility
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/28/2013
ENACTED: 06/27/2013
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 4
SUMMARY:

Extends the Medi-Cal eligibility to specified adults and former foster children. Revise the insurance affordability program application requirements. Requires the State Health Benefit Exchange to implement a workflow transfer protocol in the customer service center. Prescribes the authority to perform Medi-Cal eligibility determinations. Prescribes electronic verification of state residency requirements. Deletes the beneficiary semiannual status report requirements. Provides the redetermination time period.

STATUS:

06/27/2013 Signed by GOVERNOR.
 06/27/2013 Chaptered by Secretary of State. Chapter No. 4

SB 2 a

AUTHOR: Hernandez E [D]
TITLE: Health Care Coverage
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/28/2013
ENACTED: 05/09/2013
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 2
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.

STATUS:

05/09/2013 Signed by GOVERNOR.
 05/09/2013 Chaptered by Secretary of State. Chapter No. 2

Mark A. Peterson
District Attorney

OFFICE OF THE
CONTRA COSTA COUNTY
DISTRICT ATTORNEY
900 Ward Street
Martinez, California 94553

TO: David Twa, County Administrator/Board of Supervisor Legislation Committee

FROM: Mark A. Peterson, District Attorney

DATE: June 27, 2013

SUBJECT: Item #6: Consolidation of offices of Public Administrator and Public Guardian

The Public Administrator and the Public Guardian are two positions that protect and manage the estates of decedents and at-risk individuals who are unable to make decisions.

The **Public Administrator** administers the estates of persons who die with no will or without an appropriate person to act as an administrator; protects the decedent's property from waste, loss or theft; ensures the estate is administered according to the decedent's wishes; and may be appointed by the court because of a contested Will or other extraordinary situation. The services include thorough searches for next of kin, making appropriate arrangements for disposition of the body, identifying and protecting assets, notifying creditors and paying debts if the estate is solvent, paying the expenses of administration and distributing the balance of the estate to the decedent's heir or beneficiaries.

The **Public Guardian** serves as the legally appointed guardian or conservator for persons found by the Courts to be unable to take care of themselves or their assets—generally older, frail and vulnerable adults who are at risk or have been a victim of abuse or neglect. When a Public Guardian is appointed on a case the full range of fiduciary services is provided. Personal conservatorship services include: an initial assessment, creating a care plan, authorizing medical consents when the Court designates this power to the conservator, and authorizing placement in the least restrictive environment. Estate conservatorship services include: creating a financial plan, marshaling all assets, redirecting income to the Public Guardian, paying client expenses, managing investments, providing real and personal property management, selling assets in order to pay client expenses, and protecting the estate in tort actions when necessary.

Currently in Contra Costa County the Public Administrator function resides with the District Attorney's Office, while the Public Guardian function resides with the Health Services Department. Of 27 California Counties surveyed, only five continue to house the Public

Administrator within the District Attorney's Office. Many counties moved to separate the Public Administrator function from elected offices on January 1, 2010 per attached Government Code section 24011, and while some counties still have the Public Administrator function with the Sheriff-Coroner; many others have moved it to either the Social Services or Health Services department with the Public Guardian.

Because the Public Guardian assists the public by providing estate conservatorship services, frequently to older, frail adults; and the Public Administrator administers estates of persons who die without a will or without an appropriate person to act as an administrator, there would appear to be a natural nexus between these functions. Further, this is the type of service that the public might naturally look for in a health or social service department rather than a law enforcement agency. Therefore, the District Attorney's office is proposing that Contra Costa County also move to separate the Public Administrator function from elected offices and move it to the Health Services department to work in conjunction with the Public Guardian.

We propose legislation to amend Government Code Section 24011, so that our Board of Supervisors can consolidate the two aforementioned offices in the manner suggested. We propose a bill that reads as follows (the amendatory language we propose is in red, bold font):

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

SECTION 1. Section 24011 of the Government Code is amended to read:

Notwithstanding the provisions of Section 24009:

(a) The Boards of Supervisors of Amador County, Glenn County, Lake County, Lassen County, Madera County, Mendocino County, Monterey County, Napa County, Solano County, Sonoma County, Trinity County, Tuolumne County, **Contra Costa County**, and Ventura County may, by ordinance, provide that the public administrator shall be appointed by the board.

(b) The Boards of Supervisors of Lake County, Madera County, Mendocino County, Napa County, Trinity County, and Tuolumne County may appoint the same person to the offices of public administrator, veteran service officer, and public guardian. The Boards of Supervisors of Amador County, Glenn County, Kings County, Lassen County, Monterey County, Solano County, Sonoma County, **Contra Costa County**, and Ventura County, may, by ordinance, appoint the same person to the offices of public administrator and public guardian.

(c) The Boards of Supervisors of Amador County, Glenn County, Lake County, Lassen County, Madera County, Mendocino County, Napa County, Trinity County, **Contra Costa County**, and Tuolumne County may separate the consolidated offices of district attorney and public administrator at any time in order to make the appointments permitted by this section. Upon approval by the board of supervisors, the officer elected to these offices at any time may resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of district attorney.

(d) The Board of Supervisors of Ventura County may separate the consolidated office of public administrator from the office of treasurer, in order to make the appointment authorized by this section. Upon approval by the board of supervisors, the officer elected to these offices at any time may resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of treasurer.



**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: July 14, 2013

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

RECOMMENDATION

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

REPORT

Following the Fourth of July recess, lawmakers returned to the nation's capital to tackle a number of issues, including the **fiscal year 2014 budget** and a revised **Farm Bill**. On July 11, the House passed its fiscal year 2014 **Energy-Water (E&W)** spending measure, which would provide \$30.4 billion for programs under the purview of the Department of Energy, the Army Corps of Engineers, and the Bureau of Reclamation. The proposed funding level is \$2.9 billion less than the fiscal year 2013 enacted level and \$4.3 billion less than competing legislation (S 1245) in the Senate.

It should be noted that the House and Senate bills include report language relative to the Corps' **levee vegetation policy**. Specifically, the House language highlights the policy's potential conflicts with requirements under the Endangered Species Act (ESA). It also encourages the Corps to maximize collaboration with non-federal interests, including project sponsors and the agricultural community, and to give serious consideration to their concerns and proposals regarding flexibility, regional considerations, financial impacts, and decision criteria.

The Senate measure states that the Corps' initial research indicates that minimal data exists on the scientific relationship between woody vegetation and levees. The language also urges the Corps to continue to conduct additional research on the topic and encourages the agency to clarify how it will apply ESA considerations in its final vegetation policy. Senator Dianne Feinstein (D-CA), who chairs the Senate E&W Appropriations Subcommittee, championed the aforementioned language.

The House and Senate Appropriations Committees also approved the week of June 24 their respective fiscal year 2014 **Transportation-Housing and Urban Development (T-HUD)** Appropriations bill. The House legislation (HR 2610), in total, would provide \$44.1 billion in discretionary spending, or a reduction of \$7.7 billion below the fiscal year 2013 enacted level.

The Senate bill (S 1243), on the other hand, would provide \$54 billion for T-HUD programs, or \$2.3 billion more than the fiscal year 2013 enacted level.

The federal-aid highway program obligation level provided one area of agreement for the two chambers, as both bills would fund the program at \$41 billion, or the same level of funding authorized under MAP-21. This represents an increase of \$557 million over the fiscal year 2013 level.

The Senate bill also would provide \$550 million for the TIGER grant program, which is designed to support significant transportation projects in a wide variety of modes, including highways and bridges, public transportation, passenger and freight railroads, and port infrastructure. The House version of the legislation, on the other hand, does not include funding for TIGER grants and would rescind \$237 million in fiscal year 2013 funds.

In addition, the Senate bill includes \$500 million for bridge projects across the country. The funding would be distributed through a competitive process, with the Department of Transportation required to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural areas.

In the area of housing and community development, the bill would cut a number of programs, including the **Community Development Block Grant (CDBG)** formula program. The House measure would fund the program at \$1.64 billion, or a \$1.31 billion cut. The proposed funding level represents a roughly 45 percent reduction in CDBG spending. In contrast, the Senate bill would boost funding for CDBG by nearly seven percent to \$3.15 billion.

The House has now approved four of its 12 fiscal year 2014 spending measures, and the Appropriations Committee has advanced six of the bills. Across Capitol Hill, the full Senate has yet to consider any of the 12 measures, but the Appropriations Committee has approved six of the spending bills for the next fiscal year.

In other news, House Republicans met this week to discuss next steps on **immigration reform** now that the Senate has passed comprehensive legislation (S 744). GOP leaders have essentially declared the Senate bill dead on arrival, and Speaker John Boehner (R-OH) has made it clear on a number of occasions that the House will not consider the upper chamber's bill. Furthermore, the speaker has indicated that the House will abide by the so-called "Hastert Rule," meaning that any potential legislation will not be considered unless it has the support of more than half the GOP conference.

For its part, the House Judiciary Committee has approved a series of individual bills that tackle different issues in the immigration debate including legislation (HR 1773) that would create a new temporary agricultural guest-worker program, a bill (HR 1772) that would expand E-Verify nationwide, and another measure (HR 2131) that would increase the number of visas available for high-skilled workers. Additionally, and as previously reported, the committee on June 18 approved along party lines legislation (HR 2278) that would give local governments more authority over immigration enforcement.

On the Farm Bill reauthorization front, the House on July 11 narrowly passed a revised package (HR 2642) that mirrors the legislation that the full House amended in late June, but excludes all

of the nutrition programs that many Republicans oppose. GOP leaders have pledged to put the nutrition title, including provisions relative to the Supplemental Nutrition Assistance Program, in a separate bill; however, it is unclear when the House would take action on it. It should be noted that the revised agriculture title does not include an expiration date, so these provisions would become the new permanent law.

Finally, 138 bipartisan lawmakers - including 23 members of the California delegation - sent a letter this week to House leadership expressing opposition to any proposal that would cap or eliminate the deduction for **municipal bond interest**. It should be noted that there is currently no legislation pending in Congress that would change the tax treatment of municipal bonds. However, as lawmakers continue to search for ways to reduce the deficit, the correspondence requests that municipal bonds be taken off the table.