

TO: Members, County of Santa Barbara Legislative Committee

FROM: Cliff Berg, Legislative Advocate  
Kristina Gallagher

RE: October 2016 Update

DATE: November 1, 2016

Legislators have now returned to their districts for the Fall Recess. The General Election will be held on November 8<sup>th</sup>, and the 2017-18 Legislature will be sworn-in on the first week of December.

During the month of September, 789 bills went to the Governor, and he had until September 30<sup>th</sup> to sign or veto on any regular session bills, or they became law without his signature. This year, he vetoed a higher proportion of measures they sent to his desk, 159 of 1,059, or 15.01 percent, than he had rejected in any of his previous 13 years in the governorship.

The November election holds a particular significance for the County because Legislators will be in office under the new term limits based on the passage of Proposition 28 in 2012, which allows Members who were elected in 2012 and after to serve a total of 12 years in either or both houses, versus a maximum of six years in the Assembly and eight years in the Senate. This will change the dynamic of a mass transition in the Assembly every two years. It will allow Legislators in leadership positions to stay in them longer. Although the new term limits law will reduce the total amount of years allowed to serve in the Legislature from 14 to 12 years, they will however, now be able to serve all 12 years in the same house.

So, in 2016 we will still see many Members of the Legislature being termed out, but this will be the last large class under the old term limits law before Proposition 28 was passed. Now we will be seeing both many new elected members in the Legislature after the November election and new legislators serving for a longer period.

Assemblymembers that are termed out include: Beth Gaines (R-Roseville), Kristin Olsen (R-Modesto), Susan Bonilla (D-Concord), Richard Gordon (D-Palo Alto), Nora Campos (D-San Jose), Luis Alejo (D-East Monterey), Shannon Grove (R-Bakersfield), Katcho Achadjian (R-San Luis Obispo), Das Williams (D-Santa Barbara), Mike Gatto (D-Burbank), Roger Hernandez (D-West Covina), Don Wagner (R-Tustin), Brian Jones (R-East San Diego County), and Toni Atkins (D-Coastal San Diego).

Of course this is in particular significance for Santa Barbara County, since two of our three Legislators for Santa Barbara County are termed out, including Assemblymember Katcho Achadjian who had served the Northern part of the County since 2010, and Assemblymember Das Williams, who had also served the Santa Barbara County since 2010. He of course was elected in June to serve as one of the County's Supervisors. For Assemblymember Achadjian's seat, voters on November 8<sup>th</sup> will choose between Assembly Candidate Dawn Ortiz-Legg (D)

who received 44.8% of the primary vote and Jordan Cunningham (R) who received 37.2% in the June Primary. Meanwhile, Assembly Candidate Monique Limon (D) received 65.4% of the vote for Assemblymember William's seat in June and will most likely win the General Election. The early priority for the County will be to start briefing the newly elected Legislators on the Santa Barbara's County platform and its priorities.

A few interesting races next week include: Speaker Emeritus Atkins (D-Coastal San Diego), who had challenged incumbent Senator Marty Block (D-San Diego) in the 2016 June Primary, which resulted in the Senator ending a run for a second term and allowed Toni Atkins to proceed to the safe Democratic Senate seat. Meanwhile, Assemblymember Nora Campos (D-San Jose) is running against current Democratic Senator Jim Beall (D-San Jose), while Assemblyman Bill Dodd (D-Napa) is running against former Assemblywoman Mariko Yamada (D-Davis) for Lois Wolk's open seat, resulting in Dem on Dem races. Assemblyman Scott Wilk (R-Santa Clarita) is running for a vacant Senate seat due to the sudden death of Senator Sharon Runner (R-Lancaster), while Assemblywoman Ling Ling Chang (R-Yorba Linda) is running for the former Senator Minority Leader Bob Huff's seat, but facing a serious Democratic challenge.

The Senate has a large number of termed out Members including: Senator Lois Wolk (D-Napa), Loni Hancock (D-Oakland), Mark Leno (D-San Francisco), Carol Liu (D-Pasadena), Fran Pavley (D-Ventura County), Bob Huff (R-Fullerton/Diamond Bar) and Isadore Hall (D-South Bay), who is currently running for Congress.

The election will also be critical for partisan control of both houses, as Democrats try to unseat multiple Republican seats in order to regain their 2/3rds majorities, which would allow them to pass taxes, amend political spending laws and move measures to the ballot without Republican support. Democratic candidates are looking to unseat freshmen Republican Legislators in a number of districts including Assembly Candidate Cheryl Cook-Kallio (D) who is running against Assemblymember Catharine Baker (R) in a close race in Livermore, Assembly Candidate Abigail Medina (D) who is running against Assemblyman Marc Steinorth (R) in Rancho Cucamonga, Assembly Candidate Sharon Quirk-Silva (D) is running against Assemblymember Young Kim (R) in Fullerton, Assembly Candidate Sabrina Cervantes (D) is running against Assemblyman Eric Linder (R) in Corona, and Assembly Candidate Al Muratsuchi (D), who had previously served in the Legislature and is running against Assemblyman David Hadley (R) in Torrance, which is a rematch from two years ago.

Soon after the election both the Senate Democratic and Republican, and the Assembly Democratic and Republican Caucuses will gather for caucus meetings in order to go over election results.

The Legislators will be sworn-in on December 5<sup>th</sup>. The Legislature will reconvene on January 2<sup>nd</sup> to start the first year of the regular 2017-18 Session. The 2017 bill introduction deadline will be in late February, therefore any bills that the County wants to propose have to be introduced before then. Currently, the County is looking at reintroducing the former AB 514 that was carried by Assemblymember Das Williams, which would allow Counties to assess larger administrative fines for violations of county ordinances that govern building and safety, brush removal, grading, film permitting and zoning.

In January, the Governor will give his annual State of the State address and will release his 2017-18 budget that he is currently working on. The Legislators then will then begin their sub-committee budget process in order to review the Governor's proposed budget.

### **No Place Like Home**

The No Place Like Home program remains a subject of interest for the County. As reported previously, the financing portion of the bill indicates that the California Health Facilities Financing Authority (CHFFA) will sell the bonds and utilize MHSA funding to finance those costs, while the Department of Housing and Community Development (HCD) will receive the bond revenue and develop the guidelines for disbursing the money to the counties, as well as be held accountable for housing built. No Place Like Home divides potential bond funding into a competitive pot of \$1.8 billion and a non-competitive pot of \$200 million, which counties will compete for within their own population tier with Los Angeles being in a tier of their own. This program is currently in the development stage, and there is a preliminary timeline that the Department of Housing and Community Development has developed. Currently, the initial research and stakeholder outreach, as well as the development of an advisory committee has begun in the fall of 2016, going forward, the release of the framework and public comment will begin in the winter of 2016. In the spring of 2017, the Department will start to develop the guidelines for the program. We will keep the County updated as implementation develops.

### **Special Sessions**

#### **Transportation:**

Caltrans, the state's Transportation Department, maintains 50,000 lane-miles of highway and nearly 13,000 state-owned bridges. While the repair, maintenance and efficient operation of the state's highway system are vital to the state's continued economic growth, current funding fails to adequately fund this necessary work. The state's current fuel excise tax is sufficient to fund only \$2.3 billion of work—leaving \$5.7 billion in unfunded repairs each year.

As reported before, the Governor has called for a special session in order to address the outstanding issue of transportation funding which will remain an ongoing effort until the Legislature can settle on a transportation package which they can agree on. He proposed that the Legislature enact permanent and sustainable funding to maintain and repair the state's transportation and critical infrastructure, improve the state's key trade corridors and complement local infrastructure efforts.

The County is in support of Assemblymember Jim Frazier's and Senator Jim Beall's joint transportation funding and reform proposal, which is in the form of SB X1-1 and SB X1-26. In order to pass, the legislation would have to receive support from the Senate and Assembly Democratic caucuses and some Republicans in order to meet the 2/3<sup>rd</sup>s vote requirement for new

taxes. The proposal would allow cities and counties to share over \$2.5 billion in new local streets and roads revenue on an annual basis, along with one-time revenues of \$351.5 million in transportation loan repayments.

As reported before, the Legislature has not reached a deal on the transportation special session, but we are informed that both houses of the legislature are working towards a deal that could be voted on most likely on November 10<sup>th</sup> or after the November 8<sup>th</sup> General Election. The legislation has to be voted on before November 30<sup>th</sup>.

We are continuing to monitor the negotiations and discussions during the interim recess, as well as evaluating them to see if they are a workable solution for the County staff. We have communicated the County's support for a package multiple times and will continue to keep the board updated as this discussion continues to unfold.

### **Bills of Interest to the County**

AB 1564 (Williams) This bill will require the Office of Emergency Services (Cal OES), the California Highway Patrol (CHP), and county coordinators to review the states routing of 911 calls. The bill passed the Senate Appropriations Committee 10-0 on August 1<sup>st</sup>, and continued to pass the Senate Floor 38-0. The Senate amendments were concurred in by the Assembly on August 22<sup>nd</sup> and the bill was approved by the Governor on August 30<sup>th</sup> to become law. The County was in support of the bill.

AB 1825 (Gordon/Maienschein) This bill will provide more local control and allow shelters to follow best practices to assess dogs upon entering them. Under current law the label of "vicious dog" is automatically applied to dogs seized under the penal code. Many dogs that are seized under this section, such as from a breeder that is connected to animal fighting, do not pose a risk and are perfectly safe for future adoption. The bill passed the Senate third reading on June 30<sup>th</sup> and was approved by the Governor on July 25<sup>th</sup> to become law. The County was in support of this bill.

AB 1853 (Cooper) The county was in opposition to the bill. The bill would have reduced local control by allowing retirement systems operation under CERL to operate independently from its respective county without an input from the county Board of Supervisors. The Governor vetoed the bill on September 23rd, explaining that the bill is too far-reaching, and a more collaborative approach would better serve the public interest.

AB 2501 (Bloom) Initially, the bill would have restricted information that local jurisdictions could request from developers and would have imposed shorter timelines for review and approval of density bonus applications. Although the bill was approved by the Governor, the Author took amendments that eliminated the arbitrary timeline for review and does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concerns, waivers or reduction of development standards and parking ratios. The County opposed the bill.

AB 2616 (Burke) The bill originally would have added three additional Coastal Commission Members to work directly on issues with communities that are burdened by high levels of pollution, but Senate amendments eliminated the increase in the Commission membership and instead specified that one of the Governor's existing appointees be required to work directly with communities in the state that are most burdened by high levels of pollution and issues of environmental justice. The Governor approved the bill on September 24<sup>th</sup>. The County has had already changed their position to support.

AB 2729 (Williams) The county supported this bill. In large, this bill will increase idle oil and gas well fees and indemnity bonds to provide a disincentive for operators to maintain large numbers of idle wells. Currently, there is not a high incentive for operators to terminate their abandoned wells and this could cause potential danger to life, health or natural resources, this bill will increase fees to provide incentive to close the wells. The bill was approved by the Governor on September 9<sup>th</sup> to become law.

SB 122 (Jackson, Hill and Roth) This bill was a vehicle for potential CEQA reform. The bill will require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. The bill will state the intent of the Legislature to enact legislation establishing an electronic database clearinghouse of notices and environmental document prepared pursuant to CEQA, establishing a public review period for a final environmental impact report, and relating to the record of proceedings for a project for which an environmental impact report is prepared pursuant to CEQA. This bill was on the Assembly Suspense File since 2015, and had passed out of Assembly Appropriations 11-3 on August 12<sup>th</sup>, 2016. The bill was concurred in Assembly Amendments in the Senate, and was approved by the Governor on September 22<sup>nd</sup> to become law. The County supported the bill.

SB 233 (Hertzberg) AB 2503 (Perez) Chapter 687, 2010, established a program under which an offshore oil platform owner is allowed to partially remove a platform, leaving behind some of the underwater structure for marine habitat, known as the "rigs to reefs" program. The California Marine Resources Legacy Act passed with much consideration across the state and included relevant stakeholders and agencies to address the issues surrounding oil platforms remaining in the ocean off the coast of California. SB 233 would have modified the California Marine Resources Legacy Act regarding the application process to allow the partial removal of an offshore oil structure. The County was opposed to SB 233 due to being unnecessary. The measure was a two-year bill, and had been sitting in the Assembly Appropriations Committee since 2015. The bill was held in Assembly Suspense, and is dead for the year.

SB 867 (Roth) This bill will allow the Richie Pediatric Trauma Fund to continue past its sunset date of January 1, 2017. This bill authorizes a county to continue to establish an EMS Fund to be used to reimburse physicians and hospitals for patients who do not make payment for emergency medical services, which would allow the County's Public Health Department to continue to distribute pediatric trauma funds to support local pediatric trauma services. The County was in

support of this bill. The bill passed the Senate and was approved by the Governor on August 19<sup>th</sup> to become law.

SB 968 (Monning) The County was in support of the bill. The bill will require PG&E to submit to the California Public Utilities Commission an assessment of the adverse economic impacts that could occur in the San Luis Obispo County region if the Diablo Canyon Nuclear Power Plant were to shut down. The bill was approved by the Governor on September 26<sup>th</sup>.

SB 958 (Lara) The County of Los Angeles reached out to the County to request a letter for a veto of the bill. The bill will establish a 14-member Citizens Redistricting Commission in the County of Los Angeles, which would be in charge of adjusting the boundary lines of the districts of the Board of Supervisors in accordance with specified criteria. The County of LA and CSAC were in opposition to the bill, stating that the bill represents a decrease of local control. The bill was approved by the Governor on September 28<sup>th</sup>.

SB 1229 (Jackson) This bill will establish a duty of care for pharmacies that host secure drug take-back bins for prescription and over the counter drugs that are left over from treatment or have expired. The County supported the bill. The bill was approved by the Governor on August 29<sup>th</sup> to become law.

SB 788 (McGuire) This bill would have eliminated the exception in the California Coastal Sanctuary Act of 1994 (AB 2444, O'Connell) (CCSA) that allows the State Lands Commission (Commission) to issue an offshore oil lease if state oil or gas deposits are being drained by wells on federal lands and the lease is in the best interests of the state. The bill was a two-year bill and unfortunately was held on the Assembly Suspense file. The County supported the measure.

AB X1-26 (Frazier) and SB X1-1 (Beall) The County is in strong support of the transportation funding that will provide infrastructure funding to maintain and improve local streets, roads and state highways. The legislation is currently in special session and both Houses of the Legislature are working toward a compromise, they are able to come back to Sacramento at any point between now and November 30<sup>th</sup> to vote on the issue.

### **November Ballot Measures**

#### **Marijuana Legalization – PROP 64**

*Summary:* The campaign is supported by Lt. Gov. Gavin Newsom and funded by billionaire activist Sean Parker. The ballot would legalize marijuana under state law for use by adults 21 or older, and designate state agencies to license and regulate the marijuana industry. It would also impose state excise tax of 15% on retail sales of marijuana.

#### **Revenue Bonds – PROP 53**

*Summary:* As stated in the Sacramento Bee, this ballot would pose a threat to Governor Jerry Brown's plan to build two tunnels to divert water beneath the Sacramento-San Joaquin Delta to the south, this initiative would require voter approval before the state could issue revenue bonds

for any project costing more than \$2 billion. The initiative is backed by Dean Cortopassi, a wealthy Stockton-area farmer, and supported by the Howard Jarvis Taxpayers Association. The measure is opposed by Governor Brown, state business and labor groups and by the California Democratic Party.

### **Repeal of the Death Penalty – PROP 62**

*Summary:* The measure would repeal the death penalty and making life without the possibility of parole the maximum punishment for murder, and applies to persons already sentenced to death. The ballot also increases a portion of life inmates' wages that may be applied to victim restitution.

*NOTE: There is another death penalty related measure - Prop 66, that will appear on the November 8<sup>th</sup> ballot. If both of the measures pass, the one with the most "YES" votes would supersede the other.*

### **Death Penalty Procedures: speed-up – PROP 66**

*Summary:* The ballot would change procedures governing state court appeals and challenges to death sentences and designates the superior court for initial petitions and limits successive petitions. It would also establish a time frame for state court death penalty review.

As stated by the Sacramento Bee, California has not executed an inmate since 2006 due to being stalled by legal challenges to its lethal drug cocktail. Former professional football player Kermit Alexander, whose relatives were murdered three decades ago by a man now on death row, is tired of it. Backed by law enforcement groups, he is pushing an initiative that would speed up the death penalty by putting the California Supreme Court in charge of an expedited appeals process.

### **Bilingual Education – PROP 58**

*Summary:* The ballot would preserve the requirement that public school ensures students obtain English language proficiency, and requires that school districts to solicit parent/community input in developing language acquisition programs. It would authorize school districts to establish dual language immersion programs for both native and non-native English speakers.

As stated in the Sacramento Bee, in 1998, California voters passed a proposition banning public schools from teaching English learners primarily in their native language. Now Sen. Ricardo Lara, D-Bell Gardens, wants to repeal sections of that initiative and bring back bilingual programs, which supporters argue is just as effective at educating students as moving them into full-time English instruction right away. The measure was placed on the ballot by the Legislature's majority Democrats, over the objections of original proponents like Silicon Valley software entrepreneur Ron Unz, who mounted a brief run for U.S. Senate this year to bring attention to the effort.

### **Ammunition Restrictions – PROP 63**

*Summary:* The ballot measure by Lt. Governor Gavin Newsom would prohibit the possession of large-capacity ammunition magazines and would require most individuals to pass a background check and obtain authorization from the California Department of Justice to purchase ammunition.

Although, Senator De Leon's Bill, SB 1235, which is now chaptered, allows a section of the ballot measure to be amended and repealed, specifically the section that would inspect prospective ammunition buyers in advance through the Department of Justice background checks to Senator De Leon's version that would use an existing database of people that are prohibited from owning guns at the point of sale.

### **Income Tax Increase - PROP 55**

*Summary:* Extends the temporary personal income tax increases enacted in 2012 by 12 years on earnings over \$250,000 for funding education and health care programs. It is supported by the California Teachers Association, Service Employees International Union and California Association of Hospitals and Health Systems. The California Chamber of Commerce opposes the measure.

### **Tobacco Tax – PROP 56**

*Summary:* The proposal raises taxes on cigarettes by \$2.00 per pack, with equivalent increase on other tobacco products and electronic cigarettes containing nicotine.

As stated in the Sacramento Bee, with the industry still reeling from a historic set of anti-smoking laws, a coalition of labor unions, medical associations, health advocates and one billionaire environmentalist are taking another shot at tobacco. The industry has mounted well-funded opposition campaigns in defeating past tax increase efforts, but this time will face far deeper-pocketed foes.

### **Plastic Bag Referendum – PROP 67**

*Summary:* The ballot measure would approve a statute that prohibits grocery and other stores from providing customers single-use plastic or paper carryout bags but permits sale of recycled paper bags or reusable bags.

### **Carryout Bags - Charges - PROP 65**

*Summary:* Redirects money collected by grocery and certain other retail stores through mandate sale of carryout bags. The measure requires stores to deposit bag sale proceeds into a special fund to support specified environmental projects.

As stated in the Sacramento Bee, Grocers call this measure the big plastic's revenge, while the industry says it's simply creating good public policy. Whatever the motive, the plastic bag industry has coupled the referendum to overturn a statewide bag ban with a ballot measure to divert profits from bag sales away from grocers and into an environmental fund.

### **Citizens United – PROP 59**

*Summary:* As stated in the Sacramento Bee, this is a measure with no legal force, this question asks voters whether elected officials should "use all of their constitutional authority," including proposing an amendment to the U.S. Constitution, to reverse the U.S. Supreme Court's controversial Citizens United decision on campaign financing. That court ruling held that First Amendment free-speech protections prohibit limiting independent campaign expenditures by corporations and labor unions. The measure was placed on the ballot by the Democratic-controlled Legislature, with many Republicans opposed.

### **Drug Price Caps – PROP 61**

*Summary:* The measure would support regulating drug prices by requiring state agencies to pay the same prices that the U.S. Department of Veterans Affairs pays for prescription drugs.

As stated in the Sacramento Bee, the initiative would prevent the California government from spending more on a prescription drug than the lowest price paid by the U.S. Department of Veterans Affairs. Michael Weinstein, head of the sponsoring AIDS Healthcare Foundation, believes it will immediately lower drug prices for some Californians, then have what the campaign calls a “cascade effect” on prices broadly. Critics, led by drug manufacturers, are prepared to mount a well-funded opposition campaign. They say it excludes the vast majority of residents, will lead to more bureaucracy, and ultimately do little to lower prices for anyone.

### **Condoms – PROP 60**

*Summary:* The ballot in November will ask the people of California if the state should require the use of condoms and other protective measures during the filming of pornographic films, as well as requiring pornography producers to pay for certain health requirements and checkups.

As stated in the Sacramento Bee, the central question is, is porn safe for performers? Its proponent, AIDS Healthcare Foundation head Weinstein, points to repeated instances over the last decade of performers testing HIV-positive. The film industry insists those transmissions occurred outside of regulated shoots and argues its suggested protocol of regular testing has worked well. Mandating condoms, opponents warn, would drive shoots underground or out of state.

### **Criminal justice – PROP 57**

*Summary:* As stated in the Sacramento Bee, in a sweeping effort to reduce prison crowding and ease effects of California’s fixed-term sentencing standards, the initiative would make some nonviolent felons eligible for early parole and give the Department of Corrections and Rehabilitation authority to award credits for good behavior. The initiative is backed by Governor Jerry Brown, who signed – and later came to regret – more rigid sentencing standards when he was governor before, from 1975 to 1983. Governor Brown has millions in his campaign account, but it remains unclear how much opponents, led by the California District Attorneys Association, can muster.

### **School construction bonds – PROP 51**

*Summary:* The initiative would authorize \$9 billion in general obligation bonds for new construction and modernization of K-12 public school facilities, charter schools and vocational education facilities, and California Community Colleges facilities.

As stated in the Sacramento Bee, developers, school builders and school officials led the campaign to put the bond issue before voters after multiple attempts to do the same in the Legislature failed to advance. Brown, who has sought to minimize the state’s involvement in local school construction, has criticized the measure. But supporters say it would meet a crucial need for more state school construction money and prevent steep hikes in local fees on new homes to make up the difference.

### **Hospital fees – PROP 52**

*Summary:* The measure would support requiring voter approval to change the dedicated use of certain fees from hospitals used to draw matching federal money and fund Medi-Cal services. The initiative was designed to require a two-thirds majority vote of the Legislature to end the hospital fee program.

As state in the Sacramento Bee, seven years after lawmakers first approved the charge; the measure would lock into place the quality assurance fee on hospitals. Supported by hospital groups, the fee saves the state general fund several hundred million dollars annually as well as helps pull down several billion dollars in federal money that helps pay for Medi-Cal and other programs. Last month, lawmakers voted to extend the fee another year. Supporters, led by the California Hospital Association, say they want the ballot measure to eliminate any questions about the fee's future. There is no opposition.

#### **Legislative transparency – PROP 54**

*Summary:* This measure would prohibit the legislature from passing any bill until it has been in print and published for 72 hours prior to the vote. The measure also requires the Legislature to post videos of all of its proceedings.

#### **Conclusion**

The Legislature may return to Sacramento for one day after the November 8<sup>th</sup> election on November 10<sup>th</sup> when they vote on a transportation package in the special session. The new Legislative Session will begin the first week of December when Legislators are sworn-in and take office after the November elections.

We will continue to work with staff on transportation negotiations and keep the committee and Board updated. As always, should you or your staff have any questions, please don't hesitate to let us know.