



Memorandum

TO: PUBLIC SAFETY, FINANCE AND
STRATEGIC SUPPORT COMMITTEE

FROM: Betsy Shotwell

SUBJECT: LEGISLATIVE UPDATE

DATE: 3-05-07

Approved

Ray Wines

Date

3/6/07

RECOMMENDATION

Accept the staff memorandum and attached 2007 State Legislative Bill Matrix dated March 2, 2007, concerning recently introduced State legislation in the area of public safety, and strategic services including fiscal related measures.

BACKGROUND

Included in the Public Safety, Finance and Strategic Support Committee workplan for 2007 is the request for a Legislative Update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

ANALYSIS

The 2007-2008 State Legislative session convened in Sacramento on January 3, and the deadline for bills to be introduced in the State Legislature was February 23. Proposed legislation included in the attached matrix reflects bills introduced in Sacramento in the areas of public safety, strategic services and fiscal related measures. In addition, staff is reviewing newly introduced legislation which will be added to this matrix. These measures will be referred to the relevant City departments for review, analysis and possible recommendations to the City Council for official City positions.

OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

PSFSS COMMITTEE

March 5, 2007

RE: Legislative Update

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- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This document will be posted on the City's website for the March 15, 2007 Public Safety, Finance and Strategic Support Committee meeting where Council and the public have the opportunity to comment.

COORDINATION

This memorandum was coordinated with the City's Legislative Representative in Sacramento and the City Attorney's Office.

POLICY ALIGNMENT

The measures identified in the attached bill matrix will be reviewed based on the City of San Jose's 2007 Legislative Guidelines and Priorities adopted by the City Council on January 30, 2007 for possible City positions.

BUDGET REFERENCE

Not applicable.



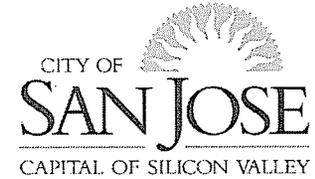
BETSY SHOTWELL

Director, Intergovernmental Relations

Contact: For more information contact Betsy Shotwell, Director of Intergovernmental Relations at 408-535-8250

Attachment A: March 6, 2007 State Legislative Bill Matrix

**Office of Intergovernmental Relations
Sacramento Legislative Office
2007 Legislative Matrix
2007- 2008 (First Year) State Legislative Session
March 6, 2007**



Attachment A

For additional information, contact Office of Intergovernmental Relations, Betsy Shotwell at (408) 535-8270 or betsy.shotwell@sanjoseca.gov
Or Roxanne Miller at (916) 443-3946 or sjlegsac@pacbell.net

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Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
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IV. PUBLIC SAFETY

1. Law Enforcement And The Courts			
AB 81 (Torricon) Child Protection: Safe Surrender.	Amends existing law designating certain locations as safe-surrender sites. Provides that those provisions apply to children of a certain age. Permits a city to designate a safe-surrender site. Designates any fire station with a paramedic on duty as a safe-surrender site. Provides for liability. Provides an awareness campaign toll-free telephone number and competitive grants to county social service agencies.	Yes	Introduced 12/4/06 Referred to Assembly Committees on Public Safety, and Judiciary.
AB 117 (Beall) Traffic Offenses: Additional Assessment: Traffic Safety.	Provides that a county may elect to levy an additional assessment upon each base fine, not including other penalty assessments, fees or additions, imposed and collected by the county for an offense involving the unsafe operation of motor vehicles upon the highway in violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code. Requires that the collected assessments be deposited in a Traffic Safety Committee Network Fund.	No	Introduced 1/9/07 Referred to Assembly Committees on Transportation, and Public Safety.
AB 148 (Alarcon) Sex Offenders.	Removes the prohibition against using information relating to sex offenders disclosed on the Internet website for purposes relating to housing or accommodation, and authorizes that a lessor of residential real property may refuse to provide housing to, or evict, a sex offender whose residence address is on the website. Provides that a lessor may inform other residents of that residential property that a person whose residence address is made available on the website also resides in the property.	Yes	Introduced 1/17/07 Referred to Assembly Committee on Public Safety.
AB 301 (Soto) Criminal Street Gangs: Statewide Prevention.	Creates the position of the California Gang Prevention Director within the Department of Justice who would be responsible for coordinating gang prevention efforts statewide. Requires the Attorney General to request funding for the position as part of the annual budget process and makes appointment to the position contingent on obtaining funding.	Yes	Introduced 2/9/07 Referred to Assembly Committee on Public Safety.
AB 325 (Nava) Peace Officers: Recruitment.	Creates the Peace Officer Recruitment and Retention Commission to develop a pilot project administered by the commission that will develop, coordinate and implement advertising, recruitment and retention programs for peace officers in counties specified by the commission.	Yes	Introduced 2/13/07 Referred to Assembly Committee on Public Safety.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 413 (Ruskin) Alcoholic Beverages: Licenses.	Relates to existing law under which an applicant for a retail license to sell alcoholic beverages is required to mail a notification of the application to every resident of real property within a 500-foot radius of the premises. Expands the notification requirement to include instances of a change in ownership of the retail license. Requires the applicant to mail notifications to residents and owners of property via certified mail.	Yes	Introduced 2/16/07 Referred to Assembly Committee on Governmental Organization.
AB 430 (Benoit) Vehicles: Speed Contests and Reckless Driving.	Includes one or both of the crimes of reckless driving or engaging in motor vehicle speed contests within the scope of various existing statutes including, among others, provisions relating to time limits for destruction of court records, and exceptions to requirements that insurance companies not raise premium rates where the insured or applicant has been convicted of a traffic violation while driving an employer's vehicle during the course of employment.	Yes	Introduced 2/16/07
AB 468 (Ruskin) Vehicles: Abatement of Abandoned Vehicles.	Authorizes a county service authority to use registration fees, as well as the monies received from the Abandoned Vehicle Trust Fund, for the abatement and removal, or the disposal of abandoned vehicles.	Yes	Introduced 2/20/07 Referred to Assembly Committee on Transportation.
AB 635 (Duvall) Peace Officers: Circumstance in Aggravation.	Amends existing law which provides that the fact that the victim of an attempted life term crime was a peace officer shall be considered a circumstance in aggravation of the crime in imposing a sentence. Adds community college and school district police to the list of peace officers in that provision.	Yes	Introduced 2/21/07 Referred to Assembly Committee on Public Safety.
SB 67 (Perata) Vehicles: Speed Contests and Reckless Driving.	Extends provisions regarding motor vehicle removal and seizure to persons engaged in reckless driving on a highway or an off-street parking facility, or an exhibition of speed on a highway. Requires the impounding agency to release the vehicle to the registered owner prior to the conclusion of the impoundment period if the owner was neither the driver nor a passenger of the vehicle at the time of the alleged violation, or was unaware that the vehicle was being used in the activities.	Yes	Introduced 1/17/07 Referred to Senate Committee on Public Safety.
SB 209 (Runner) Crimes: Proposition 83.	Provides that it is the intent of the Legislature to adopt implementation language for Proposition 83, relating to sex offenders.	No	Introduced 2/8/07 Referred to Senate Committee on Rules.
SB 266 (Steinberg) Motor Vehicle Speed Contest: Forfeiture	Amends existing law that makes a motor vehicle speed contest subject to a one-day to 30-day impoundment. Allows a county or city to adopt an ordinance providing for declaring those vehicles a nuisance subject to forfeiture and specifies provisions the ordinance must contain.	Yes	Introduced 2/15/07 Referred to Senate Committee on Public Safety.
SB 271 (Cedillo) Criminal Street Gangs: Injunctions.	Amends law which allows the Attorney General to maintain an action for money damages on behalf of a community injured as a result of a nuisance created by gang activity. Allows the district attorney or city attorney of cities with populations over 375,000 to maintain the action for money damages.	No	Introduced 2/15/07 Referred to Senate Committee on Public Safety.
SB 279 (Yee) State Highways: Public Nuisance.	Provides that any vehicle or structure parked or placed wholly or partly within any state highway for the primary purpose of sale, or to sell from, is a nuisance that may be immediately removed by the department or the local law enforcement agency.	No	Introduced 2/15/07 Referred to Senate Committee on Transportation and Housing.
SB 390 (Runner) Juveniles: Conditions of Probation and Parole.	Requires, as a condition of probation for a minor within the jurisdiction of the juvenile court by reason of commission of a gang-related offense, or as a condition of parole for an adult or minor committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by reason of the commission of a gang-related offense, that the person wear an electronic monitoring device, remain at his or her legal residence with specified exceptions.	Yes	Introduced 2/21/07 Referred to Senate Committee on Public Safety.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
2. Public Health And Safety (including fire protection, flood control, emergency services, healthcare, drug and alcohol programs.)			
SB 5 (Machado) Flood Management.	Makes legislative findings and declarations regarding the necessity of developing a comprehensive integrated flood policy and flood management program that addresses all aspects of flood management, clarifying the roles and responsibilities of the state, local flood management agencies, cities and counties, developers, and property owners as part of an integrated flood policy, and integrating the flood-related funding authorized by specified bond acts with the integrated flood policy and flood management.	No	Introduced 12/4/06 Referred to Senate Committee on Rules.
SB 323 (Kehoe) Telecommunications: Broadband Report.	Requires the Public Utilities Commission, by January 1, 2009, and by January 1 of each year through 2013, to report to the Legislature on the availability of two-way broadband telecommunications access in the state.	Yes	Introduced 2/16/07 Referred to Senate Committee on Energy, Utilities and Communications.
SB 349 (Perata) Health Care Coverage.	Declares the intent of the Legislature to implement comprehensive reforms of the health care coverage system.	No	Introduced 2/20/07 Referred to Senate Committee on Rules.
SB 426 (Kehoe) Emergency Services: Access and Functional Needs Coordination.	Requires the Director of Emergency Services to create the position of Deputy Director for Access and Functional Needs Coordination within the Office of Emergency Services, who shall be responsible for creating an access and functional needs state plan, and performing specified duties with respect to the oversight and implementation of emergency preparedness and response activities related to persons with functional limitations.	Yes	Introduced 2/21/07 Referred to Senate Committee on Governmental Organization.
SB 450 (Oropeza) Alcoholic Beverages: Licenses: Local Government Review: Signs.	Authorizes the Department of Alcoholic Beverage Control to extend the 30-day period for license transfer for a period not exceeding an additional 20 days if a proper written request is made by any entity or official receiving the required notification. Requires a licensee to display a sign stating the contact information for local law enforcement and the department's district office, for purposes of reporting potential violations by the licensee.	Yes	Introduced 2/21/07 Referred to Senate Committee on Governmental Organization.

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V. STRATEGIC SUPPORT

1. Elections, Political Reform, Officers, Conflict of Interest, Public Records			
AB 583 (Hancock) Political Reform Act: Clean Money and Fair Elections Act.	Enacts the Clean Money and Fair Elections Act. Authorizes eligible candidates to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. Imposes primary responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission. Creates the Clean Money Fund.	Yes	Introduced 2/21/07
2. Employer-Employee Relations, (Includes, unemployment insurance, personnel, retirement and workers' compensation)			
AB 166 (Bass) Public Safety Personnel: Presumption: Infections.	Relates to existing law which defines injury in the case of state and local firefighting and law enforcement personnel, for purposes of workers' compensation. Expands the scope of this provision to include any methicillin resistant staphylococcus (MSRA) or Staph/MSRA skin infection.	Yes	Introduced 1/22/07 Referred to Assembly Committee on Insurance.
AB 220 (Bass) Firefighters.	Enacts the Firefighters Procedural Bill of Rights Act to prescribe various rights of firefighters, including a firefighter who is a paramedic or emergency medical technician. Prescribes the rights related to, among others, political activity, interrogation, punitive action and administrative appeals.	Yes	Introduced 1/29/07 Referred to Assembly Committee on Public Employees, Retirement and Social Security.
AB 275 (Soto) Public Employees: Retirement: Disability.	Relates to the Public Employees' Retirement Law which provides a formula for calculating the retirement allowance for a local safety member for industrial disability. Provides for a different method for calculating the disability retirement allowance of specified local safety members.	Yes	Introduced 2/9/07 Referred to Assembly Committee on Public Employees, Retirement and Social Security.
SB 352 (Padilla) Workers' Compensation: Medical Treatment.	Relates to medical treatment utilization schedules, to be provided to an injured employee. Exempts limits on chiropractic, occupational therapy and physical therapy visits for specified employees of a sheriff's office or police or fire department, peace officers and active firefighters.	Yes	Introduced 2/20/07 Referred to Senate Committee on Labor and Industrial Relations.
3. Fiscal Issues And Taxation			
AB 83 (Lieber) Property Tax Administration: PARE Program.	Establishes the State-County Property Assessment and Revenue for Education Funding Program under which a county that enacts a specified resolution and meets certain conditions. Receives moneys for specified property tax administration purposes. Specifies that funds received under the program would be under the administrative control of the county auditor, but the county assessor would direct the expenditure of these funds. Urgency.	Yes	Introduced 12/6/06 Referred to Assembly Committee on Local Government.
AB 120 (Laird) 2007-08 Budget.	Makes appropriations for support of state government for the 2007-08 fiscal year. Urgency.	Yes	Introduced 1/10/07 Referred to Assembly Committee on Budget.
AB 274 (Coto) Taxation: Credit: Brownfield Cleanup.	Relates to the Personal Income and Corporation Tax Law, which authorizes a credit against taxes for a qualified "brownfield" property owner for specified taxable years in an amount equal to the costs paid or incurred to clean up polluted brownfield property to a satisfactory level, as evidenced by a written certification of completion.	Yes	Introduced 2/9/07 Referred to Assembly Committee on Revenue and Taxation.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
AB 373 (Wolk) Local Government: Mello-Roos Community Facilities Act.	Amends the Mello-Roos Community Facilities Act to include a statement of the priority that various kinds of public facilities have for financing recreational program services, library services, maintenance services for schoolsites and structures, and the operation and maintenance of museums and cultural facilities. Revises vote requirements to provide that a vote on a special tax be levied on such services. Authorizes community facilities districts for lighting and open space.	No	Introduced 2/15/07
SB 49 (Migden) Local Government: Financial Assistance: Sports Franchises.	Prohibits a local agency or redevelopment agency from providing financial assistance to a sports stadium project that involves the relocation of a professional sports franchise from the territorial jurisdiction of one local agency to another within the same market area. Provides that this prohibition does not apply to local agency financial assistance in the construction of public improvements that serve all or a portion of the jurisdiction of the local agency.	No	Introduced 1/3/07; amended 2/22/07 Referred to Senate Committee on Local Government. OPPOSE
SB 54 (Ducheny) 2007-08 Budget.	Makes appropriations for support of state government for the 2007-08 fiscal year. Urgency.	Yes	Introduced 1/10/07 Referred to Senate Committee on Budget and Fiscal Review.
SB 264 (Alquist) Transactions and Use Taxes: Santa Clara Valley Transportation Authority	Revises the Santa Clara Valley Transportation Authority Act; conforms the voter approval requirements set forth in the CA Constitution; and authorizes the Santa Clara Valley Transportation Authority to impose a transactions and use tax.	No	Introduced 2/14/07 Referred to Senate Committees on Transportation and Housing, and Revenue and Taxation.
SB 297 (Romero) Alcoholic Beverages Taxation.	Relates to taxes imposed in lieu of all county, municipal or district taxes on the sale of beer, wine or distilled spirits. Provides an exemption by authorizing the board of supervisors of a county, subject to conditions that include voter approval, to levy a tax on the privilege of consuming beer, wine and distilled spirits, purchased in a retail sale for consumption on the premises.	Yes	Introduced 2/15/07 Referred to Senate Committees on Governmental Organization, and Revenue and Taxation.
SB 359 (Runner) Sales and Use Taxes: Exemptions.	Exempts those state tax gross receipts in excess of \$1.88 per gallon derived from the sale in, and the storage use, use, or other consumption in this state of, fuel and petroleum products sold to or purchased by an air common carrier on a domestic flight.	Yes	Introduced 2/20/07 Referred to Senate Committee on Revenue and Taxation.
SB 360 (Negrete McLeod) Local Government: Capital Investment Incentive	Repeals existing law authorizing the governing body of a county, city, or city and county to pay capital investment incentive amounts to a requesting proponent of a qualified manufacturing facility. Authorizes a city, special district, or school district to pay to the county, city, or city and county similar amounts.	No	Introduced 2/20/07 Referred to Senate Committee on Local Government.
SB 380 (Kehoe) Cable and Video Service.	Corrects several erroneous cross-references and makes other nonsubstantive changes to the Digital Infrastructure and Video Competition Act which establishes a procedure for the issuance of state franchises for the provision of video service, administered by the Public Utilities Commission.	No	Introduced 2/21/07 Referred to Senate Committee on Energy, Utilities and Communications.
SCA 5 (McClintock) State and Local Government Finance: Voter Approval.	Proposes an amendment to the Constitution to establish, for purposes of both state and local taxation, a constitutional definition of a "tax" as any monetary exaction imposed by a governmental entity, with some exclusions. Recasts the definition of a special tax as a tax whose revenues are required by law.	Yes	Introduced 1/30/07 Referred to Senate Committees on Natural Resources and Water; Elections, Reapportionment and Constitutional Amendments; and Appropriations.

Bill Number (Author) Subject	Description	Fiscal	Status/ City Position
SCA 6 (McClintock) General Obligation Bonds: Proceeds of Sale.	Proposes a constitutional amendment that requires the proceeds from the sale of any general obligation bond approved by the voters for issuance pursuant to certain provisions be expended only for the costs of construction or acquisition of tangible physical property that has an expected useful life at least equal to the length of time in which the bonds that are sold to finance that construction or acquisition will reach maturity.	Yes	Introduced 2/20/07 Referred to Senate Committee on Governmental Organization.
4. Public Liability And Insurance			
AB 70 (Jones) Flood Liability.	Provides that liability for property damage or personal injury shall rest jointly with all state and local public entities that participate in the design, construction, operation or maintenance of a flood control project when it fails to function as intended and causes damage in areas historically subject for flooding. Provides the state is entitled to right of contribution against any local entity whose actions, or failure to act, contributes to the failure and a judgment has been entered against the state.	Yes	Introduced 12/4/06; amended 2/21/07 Referred to Assembly Committee on Judiciary
5. Public Works And Infrastructure (Includes contracts)			
SB 46 (Perata) Housing and Emergency Shelter Trust Fund Act.	Makes technical, nonsubstantive changes to the Housing and Emergency Shelter Trust Fund Act of 2006, which authorizes the issuance of bonds to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.	No	Introduced 12/22/06 Referred to Senate Committee on Rules
SB 47 (Perata) Transportation Bonds.	States the intent of the Legislature to enact provisions governing project eligibility, matching fund requirements, and the application process relative to allocation of bond proceeds of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, to the State-Local Partnership Program.	No	Introduced 12/22/06 Referred to Senate Committee on Rules.
SB 59 (Cogdill) Reliable Water Supply Bond Act of 2008.	Enacts the Reliable Water Supply Bond Act which, if approved by the voters, would authorize, for purposes of financing a water supply program, the issuance of \$3.95 billion in bonds.	Yes	Introduced 1/11/07 Referred to Senate Committee on Natural Resources and Water.
SB 233 (Cox) Public Contracts: Design-Build Contracting.	Amends existing law which defines a project as the construction of a building and the improvements directly related to the construction of a building. Changes the definition of project to mean the construction of public improvements, except for streets, roads and bridges.	No	Introduced 2/14/07 Referred to Senate Committee on Local Government.