



Memorandum

**TO: PUBLIC SAFETY, FINANCE &
STRATEGIC SUPPORT COMMITTEE**

**FROM: Betsy Shotwell
Roxanne Miller**

**SUBJECT: REPORT ON KEY LEGISLATIVE
ITEMS**

DATE: April 12, 2012

Approved

Date

4/12/12

RECOMMENDATION

Accept the staff memorandum dated April 12, 2012, concerning pending State legislation in the Public Safety, Finance and Strategic Support City Service Areas.

BACKGROUND

Included in the Public Safety, Finance and Strategic Support Committee work plan for 2012 is the request for a legislative update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

ANALYSIS – PENDING 2011 STATE LEGISLATION

The 2012 Legislative Session convened in Sacramento for the second half of the 2011-12 Legislative Session on January 5, 2012. The deadline for bills to be introduced in the Legislative Session was February 24, 2012. So far during the 2011-12 Legislative Session a total of 4,266 bills and constitutional amendments have been introduced and 1,050 bills have passed with 753 signed and 125 vetoed by the Governor. The next major bill deadline in the Legislature is April 29, which is the last day for policy committees to meet and report out fiscal bills to the Appropriations Committees of the Assembly or Senate, followed by the June 1 deadline for all bills to pass committees and move to the Assembly or Senate Floor. The last day for bills to pass out of their house of origin is June 1 and move over for consideration in the other house. The last day for any bill to pass is August 31. The last day for the Governor to sign or veto bills passed by the Legislature is September 30. Bills enacted on or before October 1 take effect January 1, 2013. Bills with an urgency clause can go into effective immediately upon signature or an otherwise specified date. The 2011-12 Legislative Session will adjourn *sine die* at midnight on November 30. The 2013-14 Regular Session convenes on December 3.

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The following is a list of bills introduced in 2012 or carry-over from the 2011 Session in the City's Public Safety, Finance, and Strategic Support City Services Areas and includes both bills San Jose has taken a position on, as well as, a partial list of bills of particular interest to the City. The list also includes bills that we have introduced in 2011 and were carried over to the 2012 Session. All legislation is continually reviewed by IGR and other City departments for new amendments, and significant bills are brought forward to the Rules Committee and the City Council for consideration and adoption of City positions.

Public Safety – Law Enforcement and the Courts.

SB 1067 (LaMalfa) - Peace Officers: Interstate Corporations.

Amends existing law concerning interstate cooperation of peace officers to include any regularly employed law enforcement officer within the State of Oregon, Nevada or Arizona and a California peace officers, and with regard to reciprocal operational agreements, and expands the scope to include the head of an authorized California law enforcement agency and authorized representatives of law enforcement agencies. (Fiscal)

Status: In Senate Public Safety Committee.

Amended: N/A

SB 1330 (Simitian) – Vehicles: License Plate Recognition Technology.

Relates to license plate data captured by license plate recognition (LPR) technology. Requires a law enforcement agency that obtains data pursuant to the search warrant to notify the person whose information is disclosed that his or her records have been obtained. Authorize a person whose information is sold or disclosed to bring a civil action.

Status: In Senate Judiciary Committee.

Amended: 3/29/2012

SB 1351 (Rubio) – Peace Officers.

Relates to existing law governing the scope and authority of Peace Officers. Provides that a peace officer also includes a correctional officer who is employed by a city, county, or city and county which operates a facility that provides housing for inmates sentenced to county correctional facilities, who has the authority and responsibility for maintaining custody or inmates sentences to or housed in that facility and who performs tasks related to the operation of that facility. (Non-fiscal)

Status: On Senate Floor, Third Reading.

Amended: 3/27/12

AB 801 (Swanson) – Code Enforcement Officers.

Deletes certain references to illegal dumping enforcement officers in existing law. Authorizes a code enforcement officer to exercise the powers of arrest of a peace officer in the manner specified in existing law. (Non-fiscal)

Status: In Senate Public Safety Committee

Amended: 1/11/2012

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AB 2182 (Torres) – Airport: Firearms: Arrest.

Requires a peace officer to arrest a person for violating the provisions of law prohibiting the carrying of concealed firearms when the offense occurs within an airport. Bans a person who is subsequently found guilty from entering the airport, and makes it a misdemeanor to enter the airport where the offense occurred. (Fiscal)

Status: In Assembly Public Safety Committee.

Amended: N/A

AB 2312 (Ammiano) – Controlled Substances.

Authorizes qualified patients and specified persons to cultivate, acquire, process, possess, transport, sell and distribute marijuana for medical purposes from being subject to criminal action if they are in compliance with registration requirements. Relates to the production of a false physician's recommendation. Establishes the Medical Marijuana Regulation and Control Act and a related enforcement board. Provides the procedures and requirements for registered dispensaries. Authorizes a related use tax. (Fiscal)

Status: In Assembly Public Safety and Health Committees.

Amended: N/A

AB 2465(Campos) – Medical Marijuana: Identification Cards.

Makes it mandatory for qualified patient or primary caregiver to hold an identification card to engage in the medical use of marijuana. Requires a medical marijuana cooperative, collective, dispensary, operation, establishment, or provider to have available at all times a copy of the identification card for each person to whom medical marijuana is provided. (Fiscal)

Status: Referred to Assembly Public Safety and Health Committees

Amended: N/A

Public Health and Safety.

AB 403 (Campos) – Public Drinking Water Standards: Hexavalent Chromium.

Requires the Department of Public Health to post its progress on the establishment of a primary drinking water standard for hexavalent chromium on the department's Internet Website. Includes the adoption of a primary drinking water standard for hexavalent chromium among the proposed regulations relating to maximum contaminant levels for primary or secondary water standards that are subject to a review by the Department of Finance of not more than 90 days. (Fiscal)

Status: On Senate Floor, To Inactive File.

Amended: 7/12/2011

AB 1897 (Campos) – Land Use: General Plan: Healthy Food Element.

Amends the Planning and Zoning law that requires that a city or county general plan consist of various elements. Requires that the general plan include a healthy food element that meets certain requirements. (Fiscal)

Status: In Assembly Local Government Committee

Amended: 3/12/2012

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AB 1991 (Smyth) – Child Care: Exemption from Licensure: Public Recreation

Exempts from licensure, under the Child Day Care Facilities Act, certain public recreation programs operated as prescribed for kindergarten and grades 1 to 12. (Fiscal)

Status: In Assembly Human Services Committee.

Amended: N/A

SB 1436 (Lowenthal) – Automated External Defibrillators.

Extends indefinitely existing law authorizing the Emergency Medical Services Authority to establish minimum training and other standards for the use of automated external defibrillators and generally provides immunity from civil damages in connection with AED's.

Status: Referred to Senate Health and Judiciary Committees.

Amended: N/A

Strategic Support – Elections, Political Reform, Officers, Conflict of Interest, and Public Records

SB 1003 (Yee) – Local Government : Open Meetings.

Amends the Ralph M. Brown Act regarding open meetings. Authorizes the district attorney or any interested person to file an action to determine the applicability of the act to past actions of the legislative body. States the intent of the legislature that this requirement is intended to supersede the decision of the California Court of Appeal in McKee v. Tulare County Board of Supervisors in an unpublished opinion. (Non-fiscal)

Status: In Senate Governance and Finance Committee

Amended: N/A

SB 1110 (Rubio) – Public Records.

Authorizes a state or local agency to charge a fee to cover the direct costs of duplication of a public record including personnel costs. Authorizes a state or local agency to collect a deposit from an entity or individual requesting records prior to engaging in the collection of the records. (Fiscal)

Status: In Senate Judiciary Committee.

Amended: N/A

AB 1590 (Campos) – Local Government Meetings: Legislative Body Definition.

Amends the Ralph M. Brown Act. Modifies the definition of the term legislative body to include as a board, an assessment appeals board which may meet in closed session as specified by another provision of existing law. (Fiscal)

Status: In Assembly Local Government Committee.

Amended: 3/29/2012

AB 1648 (Brownley) – Political Reform Act of 1974: Advertisements.

Amends the Political Reform Act of 1974. Requires that a candidate or ballot measure appearing in the slate mailer be designated by an asterisk if the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer has received payment to include the candidate or ballot measure in the slate mailer. Also amends provisions related to media and mailed political advertisement disclosures. (Fiscal)

Status: In Assembly Re-referred to Appropriations Committee

Amended: 2/19/2012

AB 2455 (Campos) – Identity Theft: Local Agencies.

Amends existing law to require any state office, officer, or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security system following a discovery or notification of the breach to any resident whose personal information was, or is reasonably believed to have been acquired by an unauthorized person. Expands the disclosure requirement to apply to a breach of data that is owned or licensed by a local agency.

(Fiscal)

Status: In Assembly Judiciary Committee

Amended: 3/21/2012

AB 253 (Smyth) – Local Agencies: Accounting.

Requires the Controller to prescribe uniform accounting procedures that are applicable only to specified types of special districts, subject to the provisions of the bill. Requires the Controller to prescribe uniform accounting procedures for cities, subject to specified criteria, in collaboration with the Committee on City Accounting Procedures which would be created by this bill. (Fiscal)

Status: In Senate Governance and Finance Committee.

Amended: 6/27/2011.

SB 186 (Kehoe) – The Controller.

Authorizes the Controller to exercise discretionary authority to perform an audit or investigation of any county, city, special district, joint powers authority, or redevelopment agency. Expands existing law, providing that if reports are not made in a specified manner or if there is reason to believe that reports are false, an investigation may be made and a copy of the results transmitted to the grand jury of the county. The bill would also include a special district, joint powers authority, or redevelopment agency. (Fiscal)

Status: Failed in Assembly Local Government Committee. Reconsideration granted.

Amended: 5/31/2011.

Strategic Support – Employer-Employee Relations.

SB 27 (Simitian) – Public Retirement: Final Compensation: Computation.

Amends the State Teachers' Retirement Law. Revises the definition of creditable compensation. Prohibits certain members who elect to receive a lump-sum benefit payment from receiving that sum until a specified number of days have elapsed. Excludes compensation for certain substitute employees from a post-retirement compensation limitation. Requires an employer participating in the Public Employees' Retirement System to notify the Board of Administration of certain changes. (Fiscal)

Status: In Assembly Appropriations Committee to Suspense File.

Amended: 8/15/2011.

SB 827 (Simitian) - Public Employee' Retirement.

Declares the intent of the Legislature to convene a conference committee to craft responsible, comprehensive legislation to reform state and local pension systems in a manner that reflects both the legitimate needs of public employees and the fiscal circumstance of state and local government. AB 340 (Furutani) is the companion Assembly bill in the Jt. Conference Committee. (Fiscal)

Status: Pending in Joint Legislative Conference Committee

Amended: 9/7/2011

SB 987 (Negrete McLeod) – Public Employees Retirement.

Provides that all references to spouse, surviving spouse, or marriage in the Public Employee's Retirement Law provisions apply equally to a domestic partner or domestic partnership and all rights and responsibilities shall be granted equally thereto. Clarifies the definition of leave of absence shall include absence because of illness or injury that arose out of and in the employment, and would authorize the purchase of service credit following an employer-approved uncompensated leave of absence. (Fiscal)

Status: In Senate Public Employment and Retirement Committee

Amended: 3/29/2012

Strategic Support – Fiscal Issues and Taxation.

AB 232 (V. Perez) – Economic Development: Enterprise Zones.

Provides that the purposes of the Enterprise Zone Act are to help stabilize local communities, alleviate poverty, and enhance the state's economic prosperity through the implementation of public and privately funded programs and services that stimulate business and industrial growth in the depressed areas of the state. Deletes a provision regarding zone size limitations. Adds to the list of zone funding sources. Authorizes an expansion for noncommercial land. Relates to audits and workforce development. (Fiscal)

Status: In Senate, Referred to Transportation and Housing Committee. **Amended:** 1/4/2012.

AB 485 (Ma) – Local Planning: Transit Village Development Districts.

Requires a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing and rental units. Amends other provisions applicable to infrastructure financing districts and the issuance of bonds by those districts. (Fiscal)

Status: In Senate, From Third Reading to Inactive File.

Amended: 6/29/11

AB 1411 (Perez V) – Economic Development Enterprise Zones.

Amends the Enterprise Zone Act. Revises various definitions for purposes of the act. Modifies specified requirements for designing and administering enterprise zones, local agency military base recovery areas, and geographically targeted economic development areas collectively.

Imposes new requirements on the Department of Housing and Community Development with respect to the Enterprise Zone Program and modifies the department's and the Franchise Tax Board's reporting requirements. (Fiscal)

Status: In Senate Appropriations Committee.

Amended: 8/15/2011

AB 1585 (Perez J) – Post-Redevelopment.

Amends and clarifies provisions of AB 1X 26 relating to the dissolution redevelopment. Modifies the scope of the term “enforceable obligation.” Modifies provisions relating to the transfer of housing funds and responsibilities associated with the dissolved redevelopment agencies. Provides that loan agreements entered into between an agency and the city, county or city and county are deemed to be enforceable obligations. Provides that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency be transferred to specified entities. Urgency clause (Fiscal)

Status: Passed Assembly, In Senate Rules pending assignment to Committee

Amended: 3/21/2012

City Position: Support

AB 2540 (Gatto) – Sales and Use Taxes: Services: Income Taxes: Exclusion.

Expands the Sales and Use Tax Law to impose a tax on the gross receipts from the sales in this state, or the storage, use, or consumption in this state of specified services. Requires all taxes, interest, and penalties imposed and all other required to be paid be remitted and deposited in the same manner as required by the law. Relates to the taxation of services under a contract.

Excludes, under the Personal Income Tax law, a percentage of the business income of a taxpayer.

Status: In Assembly Revenue and Taxation Committee.

Amended: 3/7/2012

ACA 4 (Blumenfield) – Local Government Financing: Voter Approval.

Would place a measure on the ballot to amend the State Constitution to allow a city, county, city and county, or special district, as defined to incur bonded indebtedness in the form of general obligation bonds to fund public improvements and facilities with 55% approval of the voters in that city, county or special district.. (Fiscal)

Status: In Assembly, On Third Reading, To Inactive File **Amended:** N/A

City Position: Support

ACA 23 (Perea) – Local government transportation projects: special taxes; voter approval.

Would place a measure on the ballot to amend the State Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition. (Fiscal)

Status: In Assembly Rules, pending referral to Committee.

Amended: N/A

SB 214 (Wolk) – Infrastructure Financing Districts: Voter Approval.

Eliminates the requirement of voter approval to issue bonds to finance infrastructure facilities and authorizes the legislative body to create an infrastructure financing district, adopt a financing plan, and issue the bonds by resolutions. Specifies that the date on which the district would cease to exist would not be more than 40 years from the date on which the legislative body adopted the resolution adopting the infrastructure financing plan. (Fiscal)

Status: On Senate Floor , Inactive File

Amended: 1/21/11.

SB 986 (Dutton) – Redevelopment: Bond Proceeds.

Provides that all bond proceeds that were generated by a former Redevelopment Agency shall be deemed to be encumbered. Prohibits a successor agency from remitting these proceeds to the county auditor-controller. Requires that the proceeds of bonds issued by former redevelopment agency must be used by the successor agency for the purposes for which the bonds were sold pursuant to an enforceable obligation that was entered into either by the former agency or its successor agency by December 14, 2014. (Fiscal)

Status: In Senate Governance and Finance Committee.

Amended: N/A

SB 1151 (Steinberg) – Long Range Asset Management Plan.

Relates to dissolved redevelopment agencies, community development agencies and the designation of successor agencies. This bill would provide that the asset disposition and transfer Provisions applicable to dissolved redevelopment and community development agencies do not apply to a jurisdiction in which a Community Development and Housing Authority (authority) has been formed by August 1, 2012. Establishes a Sustainable Economic Development and Housing Trust Fund to serve as a repository of the unencumbered balances and assets of the former redevelopment agency. Requires an authority to prepare a long range asset management plan that governs the disposition and ongoing use of the fund.. Requires an authority to submit the plan to the Department of Finance. (Fiscal)

Status: In Senate Governance and Finance Committee.

Amended: 3/29/2012

SB 1156 (Steinberg) – Community Development & Housing Joint Powers Authority.

Authorizes the legislative body of the city and county representing the geographic territory covering the area served by a former redevelopment agency to elect to form a Community Development and Housing Joint Powers Authority (authority) *after July 1, 2012, and to carry out the provisions of the Community Redevelopment Law.* Authorizes the authority to adopt a redevelopment plan for a project area including plans for tax increment financing provided specified mitigation and land use plans have been adopted. Retains the Low and Moderate Income Housing Fund. Authorizes the authority to enter into agreements to facilitate career and technical education. (Fiscal)

Status: In Senate Governance and Finance Committee.

Amended: N/A

Strategic Support – Public Liability and Insurance.

AB 328 (Smyth) – Inverse Condemnation: Comparative Fault.

Amends an existing law that prohibits the taking of private property without the payment of just compensation and permits a person to maintain an action in the inverse condemnation for the purpose of obtaining compensation for a taking. Applies the doctrine of comparative fault to inverse condemnation actions. Requires a court or arbitrator to reduce the compensation paid to a plaintiff in direct proportion to his or her percentage of fault in the damaging of property that constitutes a taking. (Fiscal)

Status: Passed Assembly, In Senate Judiciary Committee. .

Amended: N/A

Strategic Support – Public Works, Telecommunications and Infrastructure.

AB 1627 (Dickinson) – Environmental Quality: Building Standards.

Prohibits a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with building design and construction standards and energy and water conservation design standards. Enacts the healthy Neighborhood Act of 2012. Requires the Energy Commission to prescribe standards reducing vehicle miles traveled by occupants of a building that would be applicable to new residential and non-residential buildings. (Fiscal)

Status: To Assembly Business, Professions and Consumer Protection and Natural Resources Committees. **Amended:** N/A

AB 2231 (Fuentes) – Sidewalks: Repairs.

Requires a city, county, or city and county to repair any sidewalk out of repair or pending reconstruction if that sidewalk is owner by the local entity, or if the repairs are required as a result of damage caused by plants or trees. Provides that, if the local entity fails to carry out the repairs, the local entity shall be liable for any injury resulting from the failure to repair. Prohibits a city, county, or city and county from imposing a specified assessment against a private property owner. Makes these provisions applicable to charter cities.

(Fiscal)

Status: In Assembly Local Government Committee.

Amended: N/A

AB 2559 (Buchanan) – Natural Gas Pipelines: Pipeline Integrity.

Requires the Public Utilities Commission to ensure that a city, county, or city and county is provided notice by a gas corporation whenever a pipeline integrity management plan may result in the corporation undertaking pipeline inspection, remediation, or replacement work is likely to require action by the city, county to approve or facilitate work. Requires the city, county or city and county expedite any permitting or other necessary actions. (Fiscal)

Status: In Assembly Utilities and Commerce Committee.

Amended: N/A

SB 829 (Rubio) – Public Contracts: Project Labor Agreements.

Provides that if a charter provision, initiative, or ordinance of a charter city prohibits the governing board's consideration of a project labor agreement that includes specified taxpayer protection provisions for some or all of the constructions projects to be awarded by the city, state funding or financial assistance may not be used to support any construction projects awarded by the city.

(Fiscal)

Status: In Assembly, on Third Reading.

Amended: 3/14/2012

SB 964 (Wright) State Water Resources Control Board

Provides that the exemption for the adoption of regulations for the issuance, denial or revocation of specified waste discharge requirements and permits shall not apply to any general permits or waivers issued under state law or the federal National Pollutant Discharge Elimination System, thereby requiring the State Water Resources Control Board and the regional water quality control boards to comply with provisions that require the adoption of regulations under those circumstances. (Fiscal)

Status: In Senate Environmental Quality Committee.

Amended: 3/8/2012

PUBLIC 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.)**
- 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, and Notice in appropriate newspapers.)**

This document will be posted on the City's website for the April 19, 2012 Public Safety, Finance and Strategic Support Committee, where the Council and the public will have the opportunity to comment.

EVALUATION AND FOLLOW-UP

The City Council will be informed as to the status of these measures as part of the regular Intergovernmental Relations legislative updates.

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COORDINATION

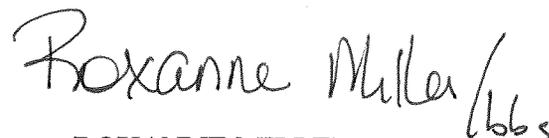
This memo was coordinated with the City's Legislative Representative in Sacramento and the City Attorney's Office.

POLICY ALIGNMENT

The measures and critical funding issues identified in the memorandum are based on the City of San José's 2012 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on December 13, 2011.



BETSY SHOTWELL
Director, Intergovernmental Relations
(408) 535-8270



ROXANNE MILLER
Legislative Representative
(916) 443-3946