

Date: November 5, 2021

To: State Legislation Committee

From: Thomas B. Modica, City Manager 

Subject: **Year End 2021 State Legislative Report**

Attached for your information is a comprehensive report on the 2021 State Legislative year from the City's contracted legislative advocates, Arc Strategies. This report summarizes key policy issues and provides a final status update on bills the City supported, opposed, and watched throughout the year.

If you have any questions, please contact Tyler Bonanno-Curley, Manager of Government Affairs, at Tyler.Curley@longbeach.gov or at (562) 570-5715.

ATTACHMENT

CC: MAYOR AND MEMBERS OF THE CITY COUNCIL
CHARLES PARKIN, CITY ATTORNEY
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LINDA F. TATUM, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
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REBECCA G. GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER
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ARC STRATEGIES



City of Long Beach

LEGISLATIVE HIGHLIGHTS 2021/22 Legislative Session

October 26, 2021

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This report provides an overview of the first year of the 2021/22 State Legislative session and specific issues and legislation of interest for the City of Long Beach (City). The report is broken down into key issue areas, with a synopsis of major actions taken by the Legislature with relevance to the City's legislative agenda.

The legislative year was met with unprecedented issues facing California following last year's effects of COVID-19. We continue to endure the worldwide health pandemic while bouncing back from a state budget deficit of roughly \$54 billion in 2020. We have also seen monumental civil advocacy for public safety reform and some of the most destructive wildfires California has experienced. California ended the fiscal year with \$87 billion in surplus and ended the legislative session with the passage and signing of 917 bills as COVID-19 continued to significantly alter the Legislative process. For instance, the State Legislature prolonged recesses to protect members and staff from COVID-19 exposure, most lobbying efforts were conducted virtually during hearing committees through teleconferencing capability, and one on one advocacy was typically conducted via zoom meetings, conference calls and text messages. Lastly, due to the upended legislative calendar and upon request of the Senate Pro-Tempore and Assembly Speaker, members of the Legislature reduced their bill packages by nearly 75 percent – a 12 bill maximum per member.

As such, detailed below are particular bills of interest to the City, their current status and the impact they might have on municipal affairs.

Legislative Overview

Despite shifted focus toward the pandemic, wildfire mitigation and civil justice reform, the

Legislature and Governor remained steadfast to address the State’s housing and homeless crises. Based on the Legislature’s prioritization and reduction of bills this year, we can surmise that the State will continue to aggressively push a political agenda that attempts to address these issues for the foreseeable future. We can also anticipate that the Legislature will attempt to revive statewide proposals having significant impacts on the business community that failed passage this year.

Summary of Major Policy Issues

COVID-19 RELIEF

AB 15 (Chiu) COVID-19 relief: tenancy: Tenant Stabilization Act of 2021.

Would extend the definition of “COVID-19 rental debt” as unpaid rent or any other unpaid financial obligation of a tenant that came due between March 1, 2020, and December 31, 2021. The bill would also extend the repeal date of the act to January 1, 2026. The bill would make other conforming changes to align with these extended dates. By extending the repeal date of the act, the bill would expand the crime of perjury and create a state-mandated local program. Although the bill did not pass during this legislative session, on June 25th the State took separate action to extend the evictions moratorium through September 30, 2021, in hopes of a more robust economic turnaround by that time.

LBC Position: Support through the Big City Mayors Coalition
Status: 2-year

AB 61 (Gabriel) Business Pandemic Relief

This bill would authorize the Department of Alcoholic Beverage Control to permit licenses to expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization (TCA). It would extend the period of time during which the COVID-19 TCA is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. It would make these provisions effective only until July 1, 2024.

LBC Position: Watch Closely
Status: Chaptered

AB 654 (Reyes) COVID-19: exposure: notification

The California Occupational Safety and Health Act of 1973 authorizes the Division of Occupational Safety and Health to prohibit the performance of an operation or process, or entry into that place of employment when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with COVID-19, so as to constitute an imminent hazard to employees. Current law requires that the prohibition be issued in a manner so as not to materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power or water. Current law requires that these provisions not prevent the entry or use, with the division’s knowledge and permission, for the sole purpose of eliminating the dangerous conditions. This bill would add the

delivery of renewable natural gas to the list of utilities that the division's prohibitions are not allowed to materially interrupt.

LBC Position: Watch Closely
Status: Chaptered

HOUSING AND HOMELESSNESS

As noted above, the debate surrounding California's housing and homelessness crisis continued to intensify in the new year, and a bevy of bills have taken aim at the growing problem.

Three key pieces of legislation, SB 8, SB 9 and SB 10 were signed by Governor Newsom on September 16, 2021, signaling an emphatic focus on the issue and a desired expediency for resolution.

The housing package will expand housing production, streamlining housing permitting, increasing density, addressing climate change and promoting construction near transportation and employment hubs.

These statute changes are intended to create a more accessible housing market for lower-income residents, and are projected to create over 84,000 new affordable homes, including over 44,000 new housing units and treatment beds for people exiting homelessness.

Below are the bills of importance regarding housing and homelessness, with an emphasis on those that have direct impacts on the City.

AB 491 (Ward) Housing: affordable and market rate units

The bill would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.

LBC Position: Support
Status: Chaptered

ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the

proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

LBC Position: Support
Status: Asm Local Gov Cmte

SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites.

Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

LBC Position: Support
Status: 2-year

SB 679 (Kamlager) Los Angeles County: affordable housing.

Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the Los Angeles County Regional Housing Finance Act, would establish the Los Angeles County Affordable Housing Solutions Agency and would state that the agency's purpose is to increase the supply of affordable housing in Los Angeles County by providing for significantly enhanced funding and technical assistance at a regional level for renter protections, affordable housing preservation, and new affordable housing production, as specified.

LBC Position: Support
Status: 2-year

AB 215 (Chiu) Planning and Zoning Law: housing element: violations.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local

government's housing element, as specified.

LBC Position: Watch Closely

Status: Chaptered

AB 500 (Ward) Local planning: coastal development: streamlined permitting.

The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

LBC Position: Watch Closely

Status: 2-Year

AB 602 (Grayson) Development fees: impact fee nexus study.

Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

LBC Position: Watch Closely

Status: Chaptered

AB 816 (Chiu) Homelessness: Housing Trust Fund: housing projects.

Current federal law requires the Secretary of the United States Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low-income families, including homeless families, and home ownership for extremely low and very low-income families. Current law requires the department to collaborate with the California Housing Finance Agency to develop an allocation

plan to demonstrate how the funds will be distributed, based on the priority housing needs identified in the state’s consolidated plan, and to convene a stakeholder process to inform the development of the plan. Current law requires the allocation plan and program guidelines to prioritize projects based on enumerated factors such as the extent to which project rents are affordable. The department is required to submit this plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committees 30 days after receipt of the federal funds. This bill would require the department to prioritize funding for projects that serve people experiencing homelessness, to the extent that a sufficient number of projects exist.

LBC Position: Watch Closely

Status: Chaptered

AB 838 (Friedman) State Housing Law: enforcement response to complaints.

This bill would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

LBC Position: Watch Closely

Status: Chaptered

AB 989 (Gabriel) Housing Accountability Act: appeals: Office of Housing Appeals.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

LBC Position: Watch Closely

Status: 2-Year

AB 1174 (Grayson) Planning and zoning: housing: development application modifications,

approvals, and subsequent permits.

The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, that the development and the site on which it is located satisfy specified location, urbanization, and zoning requirements. Current law provides that a development approved pursuant to the streamlined, ministerial approval process is valid indefinitely if specified requirements are met, and otherwise is valid, except as provided, for 3 years from the date of the final action establishing that approval and remains valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Current law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development. Current law defines “affordable rent” for purposes of this streamlined, ministerial approval process. This bill would clarify the requirements that must be met for an approved development to be valid indefinitely.

LBC Position: Watch Closely
Status: Chaptered

AB 1401 (Friedman) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

This bill would prohibit a public agency in a county with a population of 600,000 or more from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within 1/2 mile, as specified, of public transit, as defined. The bill would prohibit a public agency in a city with of 75,000 or more located in a county with a population of less than 600,000 from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the project is located within 1/4 mile, as specified, of public transit, as defined. The bill would create authorizations in this regard for a city or a county to which these prohibitions do not apply.

LBC Position: Watch Closely
Status: 2-Year

SB 1 (Atkins) Coastal resources: seal level rise.

The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as

provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.

LBC Position: Watch
Status: Chaptered

SB 8 (Skinner) Housing Crisis Act of 2019.

This bill would clarify, for various purposes of the Housing Crisis Act of 2019, that “housing development project” includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law, except that the clarification does not affect a project for which an application was submitted to the city, county, or city and county before January 1, 2022.

LBC Position: Watch Closely
Status: Chaptered

SB 9 (Atkins) Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

LBC Position: Watch Closely
Status: Chaptered

SB 10 (Wiener) Planning and zoning: housing development: density.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction’s General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill

would prohibit an ordinance adopted under these provisions from superseding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

LBC Position: Watch Closely
Status: Chaptered

SB 418 (Laird) Sea level rise planning: database.

Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update biannually, and post on an internet website a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. Current law further requires that various public agencies and private entities provide to the agency, on a biannual basis, sea level rise planning information, as defined, that is under the control or jurisdiction of the public agencies or private entities, and requires the agency to determine the information necessary for inclusion in the database, as prescribed. Current law repeals these provisions on January 1, 2023. This bill would extend the sunset date for the above provisions until January 1, 2028.

LBC Position: Watch
Status: 2-year

SB 477 (Wiener) General Plan: annual report.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

LBC Position: Watch Closely
Status: Vetoed

SB 478 (Wiener) Planning and zoning law: housing development projects.

The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing

development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

LBC Position: Watch Closely
Status: Chaptered

SB 765 (Stern) Accessory dwelling units: setbacks.

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

LBC Position: Watch Closely
Status: 2-year

PUBLIC SAFETY

In the realm of public safety, the 2021-22 Legislative Session began much like the two previous years before it— a plethora of law enforcement reform bills introduced, many of which being highly untenable, but voraciously debated.

Key proposals centered around officer decertification, use of force, positional asphyxia, minimum age and education requirements, sanctuary state laws, kinetic weapon use, gang enhancements, trial procedure, media access, bail reform and more. In a vacuum, these bills would have presented difficult operational circumstances for local agencies, and if passed together, the reforms would have created a wholly unworkable situation for law enforcement officers across the State.

As a result, many law enforcement organizations were forced to oppose a wide swathe of legislation, either outright killing detrimental bills or working with author's offices and stakeholders to amend certain provisions to a feasible degree.

Below is a list of the more prominent bills related to public safety in the first half of the 2021-22 Legislative Session.

AB 118 (Kamlager) Department of Social Services: C.R.I.S.E.S. Grant Pilot Program

This bill would enact the Community Response Initiative to Strengthen Emergency Systems Act, or the C.R.I.S.E.S. Act, for purposes of creating, implementing, and evaluating the C.R.I.S.E.S.

Grant Pilot Program, which the act would establish. The bill would require the department to administer the program if appropriate funding is made available to the department. The bill would require the department to award grants to qualified grantees, which include city, county, and tribal departments of social services, disability services, health services, public health, or behavioral health, based on grant eligibility criteria developed in partnership with a stakeholder workgroup.

LBC Position: Support
Status: Chaptered

AB 48 (Gonzalez, Lorena) Law enforcement: use of force.

This bill would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

LBC Position: Watch
Status: Chaptered

AB 89 (Jones-Sawyer) Peace officers: minimum qualifications.

Current law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

LBC Position: Watch
Status: Chaptered

AB 333 (Kamlager) Participation in a criminal street gang: enhanced sentence.

Current law makes it a crime, punishable as either a misdemeanor or a felony, to actively participate in a criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity and to actively promote, further, or assist in felonious criminal conduct by members of that gang. This bill would also require that the crimes committed to form a pattern of criminal gang activity have commonly benefited a criminal street gang and that

the common benefit from the offenses be more than reputational, as specified. The bill would remove looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. The bill would prohibit the use of the currently charged crime to prove the pattern of criminal gang activity.

LBC Position: Watch
Status: Chaptered

AB 490 (Gipson) Law enforcement agency policies: arrests: positional asphyxia.

This bill would prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. By requiring local agencies to amend use of force policies, this bill would impose a state-mandated local program.

LBC Position: Watch
Status: Chaptered

AB 937 (Carrillo) Immigration enforcement.

The California Values Act, prohibits a California law enforcement agency from providing a person's release date, or responding to a request for notification of a release date, unless that information is available to the public, and prohibits the transfer of an individual to immigration authorities, as specified, unless the person has been convicted of specified crimes or arrested for a serious or violent felony. This bill would prohibit any state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose, as specified. The bill would additionally prohibit state or local agencies or courts from using immigration status as a factor to deny or to recommend denial of probation or participation in any diversion, rehabilitation, mental health program, or placement in a credit-earning program or class, or to determine custodial classification level, to deny mandatory supervision, or to lengthen the portion of supervision served in custody.

LBC Position: Watch
Status: 2-year

SB 2 (Bradford) Peace officers: certification: civil rights.

Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public

entities employing peace officers or custodial officers sued under the act.

LBC Position: Watch

Status: Chaptered

SB 16 (Skinner) Peace officers: release of records.

Current law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Current law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Current law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified. This bill would make a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure.

LBC Position: Watch

Status: Chaptered

SB 81 (Skinner) Sentencing: dismissal of enhancements.

Current law generally authorizes a court to dismiss an action or to strike or dismiss an enhancement in the furtherance of justice. This bill would, except as specified, require a court to dismiss an enhancement if it is in the furtherance of justice to do so. The bill would require a court to consider and afford great weight to evidence offered by the defendant to prove that specified mitigating circumstances are present. The bill would provide that proof of the presence of one or more specified mitigating circumstances weighs greatly in favor of dismissing an enhancement, unless the court finds that dismissal would endanger public safety, as defined.

LBC Position: Watch

Status: Chaptered

SB 98 (McGuire) Public peace: media access.

This bill would, if peace officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public.

LBC Position: Watch
Status: Chaptered

SB 262 (Hertzberg) Bail.

Current law requires the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail, as specified, and requires the superior court judges, when adopting that schedule, to consider the seriousness of the offense charged and assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, as specified. This bill would instead require the Judicial Council to, starting January 1, 2023, prepare, adopt, and annually revise a statewide bail schedule. The bill would require the Judicial Council, when adopting that schedule, to consider the seriousness of the offense charged and input from stakeholders, experts, and other interested parties. The bill would require the court, prior to setting bail, to consider whether nonfinancial conditions will reasonably protect the public and the victim and reasonably assure the arrestee’s presence at trial.

LBC Position: Watch
Status: 2-year

HAZARD PAY

There were many efforts made at the local level to pass “hazard pay” or “hero pay” ordinances this year, as the City of Long Beach did, due to the continued threat of the COVID-19 pandemic. These local ordinances require employers to pay additional wages to essential workers, as is defined in those ordinances.

The State Legislature attempted a last-minute policy change by requiring the State, through the Controller, to provide a one-time payment of \$1,500 to essential workers.¹

VACCINE MANDATES, LIABILITIES & PAID SICK LEAVE

Labor advocates and business groups attempted a late session push to alleviate liability of employers who require proof of vaccines of their employees. Among those negotiations were considerations to extend the State’s paid sick leave requirements which were passed last year during the height of the COVID-19 pandemic.

¹ As proscribed by the proposal: (3) “Critical infrastructure industry sectors” shall include the following:

- (A) Health care workers, including workers that provide patient transportation;
- (B) Workers at farms, food production and processing facilities, grocery stores, drug stores and and restaurants;
- (C) Janitors, maintenance workers, and sanitation workers;
- (D) Truck drivers, transit staff, food and package delivery drivers, airport workers, and warehouse workers;
- (E) Childcare workers, educators, and classified school staff;
- (F) Workers at hotels and commercial lodging facilities;
- (G) Workers manufacturing healthcare products such as personal protective equipment and paper products; and
- (H) Employees of a state, local, special district or Tribal government with the exception of law enforcement officers
- (I) Employees of a public or private gas, electric, or water utility company
- (J) Employees of the University of California, California State University, and Community College systems.

AB 1102 by Assembly Member Low was identified as the vehicle for those changes in statute. These efforts were stalled due to the lack of support from legislators towards the end of session.

There have been discussions with Assembly Leadership to resurrect those negotiations and possibly introduce a new bill in January of 2022.

OTHER BILLS OF INTEREST

DIGITAL INCLUSION

AB 1425 (Gipson) California Advanced Services Fund: Broadband Public Housing Account.

Would, beginning January 1, 2022, transfer \$25,000,000 to the Broadband Public Housing Account for providing grants to finance projects, as specified, to connect a broadband network that offers free broadband services to residents of publicly subsidized multiunit housing complexes and other low-income communities if the commission determines that sufficient funds are available for that purpose. The bill would establish that the goal of the Broadband Public Housing Account is to provide connectivity to all residents of publicly subsidized multiunit housing by 2025 or as soon as practicable thereafter. If the collection of the surcharge for the CASF program is extended beyond the 2022 calendar year, the bill would transfer annually \$25,000,000 to the Broadband Public Housing Account, if the Public Utilities Commission determines that sufficient funds are available for that purpose, until the goal of the fund is achieved or until the collection of the surcharge is terminated, whichever occurs earlier.

LBC Position: Support
Status: 2-year

SB 4 (Gonzalez) Communications: California Advanced Services Fund

This bill would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

LBC Position: Support
Status: Chaptered

SB 556 (Dodd) Street light poles, traffic signal poles: small wireless facilities attachments

This bill would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, as provided. The bill would authorize a local government or local publicly owned electric utility to

condition access to its street light poles or traffic signal poles on reasonable terms and conditions, including reasonable aesthetic and safety standards.

LBC Position: Oppose
Status: Vetoed

SB 743 (Bradford) Housing developments: broadband adoption: grant program.

Would, upon appropriation by the Legislature, would require the Public Utilities Commission to establish a grant program to fund broadband adoption, digital literacy, and computer equipment for eligible publicly supported communities, low-income mobilehome parks, and farmworker housing, as defined. The bill would require the commission to award grants to eligible publicly supported communities, low-income mobilehome parks, and farmworker housing for the purpose of providing either one-time or both funding for computer equipment and to establish computer labs, and ongoing funding for broadband service and digital literacy programs.

LBC Position: Support
Status: 2-year

AB 14 (Aguiar Curry) Communications: California Advanced Services Fund: Deaf and Disabled Telecommunications Program: Surcharges

This bill (in tandem with SB 4 below) authorizes the CA Public Utilities Commission to continue imposing an existing surcharge through December 31, 2032. It prioritizes the deployment of broadband infrastructure in unserved and underserved communities through the California Advanced Services Fund.

LBC Position: Watch Closely
Status: Chaptered

SB 28 (Caballero) Digital Infrastructure and Video Competition Act of 2006: deployment data

The Digital Infrastructure and Video Competition Act of 2006, establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems, administered by the Public Utilities Commission. The act provides that the holder of a state franchise is not a public utility as a result of providing video service and does not provide the commission with authority to regulate the rates, terms, and conditions of video service except as explicitly set forth in the act. The act requires a franchise holder to annually report to the commission regarding the availability of and subscriptions to broadband and video service, as specified. This bill would repeal the requirement that franchise holders annually report regarding the availability of and subscriptions to broadband and video service.

LBC Position: Watch Closely
Status: Chaptered

SB 341 (McGuire) Telecommunication Services: Outages

This bill would require each provider of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and would require the Office of Emergency Services, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would authorize the office to provide the commission with all of the information provided to it as part of a telecommunications service provider's community isolation outage notification and require the office to aggregate that data and post that aggregated data on its internet website.

LBC Position: Watch Closely
Status: Chaptered

TRANSPORTATION

AB 43 (Friedman): Traffic safety

This bill would allow cities greater flexibility when calculating speed limits along the most dangerous sections of roadway under certain circumstances.

LBC Position: Support
Status: Chaptered

AB 773 (Nazarian) Street closures and designations

This bill would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

LBC Position: Support
Status: Chaptered

SB 640 (Becker) Transportation financing: jointly funded projects

Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those

funds. This bill would authorize cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of those funds, as specified.

LBC Position: Support
Status: Chaptered

PUBLIC HEALTH

AB 97 (Nazarian) Health care coverage: insulin affordability.

Would prohibit a health care service plan contract or a health disability insurance policy, as specified, issued, amended, delivered, or renewed on or after January 1, 2022, from imposing a deductible on an insulin prescription drug, except as specified for a high deductible health plan, as defined. Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

LBC Position: Support
Status: 2-year

AB 240 (Rodriguez) Local health department workforce assessment.

This bill would require the State Department of Public Health to contract with an appropriate and qualified entity to conduct an evaluation of the adequacy of the local health department infrastructure and to make recommendations for future staffing, workforce needs, and resources, in order to accurately and adequately fund local public health. The bill would exempt the department from specific provisions relating to public contracting with regard to this requirement. The bill would require the department to report the findings and recommendations of the evaluation to the appropriate policy and fiscal committees of the Legislature on or before July 1, 2024. The bill would also require the department to convene an advisory group, composed of representatives from public, private, and tribal entities, as specified, to provide input on the selection of the entity that would conduct the evaluation.

LBC Position: Support
Status: 2-year

AB 1400 (Kalra) Guaranteed Health Care for All.

The Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Current law provides for the regulation of health insurers by the Department of Insurance. Current law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill, the California Guaranteed Health Care for All Act, would create the California Guaranteed Health Care for All program, or CalCare, to provide comprehensive universal single-payer health care coverage and a health care cost control system for the benefit of all residents of the state.

LBC Position: Support
Status: 2-year

AB 237 (Gray) Public employment: Unfair practices: health protection

Under current law, the Public Employment Relations Board (PERB) has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. This bill, the Public Employee Health Protection Act, would make it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike.

LBC Position: Watch Closely
Status: Chaptered

AB 389 (Grayson) Ambulance Services

The Prehospital Emergency Medical Care Personnel Act authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, if a competitive process is utilized to select the provider of the services pursuant to the plan, except as specified. This bill would specify that a county is authorized to contract for emergency ambulance services with a fire agency, as defined, that will provide those services, in whole or in part, through a written subcontract with a private ambulance service.

LBC Position: Watch Closely
Status: Chaptered

SB 60 (Glazer) Residential Short-Term Rental Ordinances: Health and Safety Infractions: Maximum Fines

Current law sets specific monetary limits on the fines that may be imposed by city or county authorities for any violation of local building and safety codes that is an infraction, as prescribed. Current law requires a city or county levying fines pursuant to these provisions to establish a process for granting a hardship waiver in certain cases. This bill would, notwithstanding those provisions and with certain exceptions, raise the maximum fines for violation of an ordinance relating to a residential short-term rental, as defined, that is an infraction and poses a threat to health or safety, to \$1,500 for a first violation, \$3,000 for a 2nd violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation. The bill would make these violations subject to the process for granting a hardship waiver.

LBC Position: Watch Closely
Status: Chaptered

ENVIRONMENT

AB 353 (O'Donnell) Oil revenue: Oil Trust Fund.

Current law requires the Controller to transfer certain oil-revenue-related moneys to the Oil Trust Fund. Current law requires the State Lands Commission to expend the money in the fund to finance the costs of well abandonment, pipeline removal, facility removal, remediation, and other costs associated with removal of oil and gas facilities from the Long Beach tidelands. Current law prohibits the total amount deposited in the fund from exceeding \$300,000,000 and requires all interest earned on money in the fund after the balance in the fund totals \$300,000,000 to be transferred to the General Fund. This bill would delete the provisions relating to the limit on the total amount deposited in the fund. By increasing the amount of money that may be deposited into a continuously appropriated fund, this bill would make an appropriation.

LBC Position: Support
Status: 2-year

AB 585 (Rivas) Climate change: Extreme Heat and Community Resilience Program

This bill would establish the Extreme Heat and Community Resilience Program for the purpose of coordinating state efforts and supporting local and regional efforts to mitigate the impacts of, and reduce the public health risks of, extreme heat and the urban heat island effect, and would require the Office of Planning and Research to administer the program through the Integrated Climate Adaptation and Resiliency Program.

LBC Position: Support
Status: 2-Year

AB 962 (Kamlager) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers.

The California Beverage Container Recycling and Litter Reduction Act requires the Department of Resources Recycling and Recovery to certify processors and requires certified processors to comply with specified requirements for operation, including, among others, taking the actions necessary and approved by the department to cancel containers to render them unfit for redemption. A violation of the act is an infraction. This bill would authorize the department to authorize a processor to satisfy that cancellation requirement by washing a reusable beverage container or transferring a reusable beverage container for subsequent washing to a processor approved by the department. The bill would authorize the department to certify additional models of processors that are determined necessary to implement that provision and would require, by January 1, 2024, the of Resources Recycling and Recovery to adopt by regulation the requirements and standards for the certification and operation of those processors, as specified.

LBC Position: Support
Status: Chaptered

AB 1201 (Ting) Solid waste: products: labeling: compostability and biodegradability.

Current law authorizes the Director of Resources Recycling and Recovery to issue guidelines for determining whether a plastic product is not compliant with these labeling requirements, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers. Current law defines “plastic product” for these purposes to mean a product made of plastic, whether alone or in combination with other material. This bill would repeal that definition of “plastic product” and replace certain references to “plastic product” in those and related provisions with “product,” which includes, but is not limited to, a consumer product, as defined, a package or packaging component, a thin plastic sheet film product, and a food or beverage container.

LBC Position: Support

Status: Chaptered

SB 289 (Newman) Recycling: batteries and battery-embedded products

Would make the Rechargeable Battery Recycling Act of 2006 and the Cell Phone Recycling Act of 2004 inoperative as of June 30, 2025, and would repeal those acts as of January 1, 2026. The bill would enact the Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2021, which would require producers, as defined, either individually or through the creation of one or more stewardship organizations, to establish a stewardship program for batteries and battery-embedded products.

LBC Position: Support

Status: 2-year

SB 343 (Allen) Environmental advertising: recycling symbol: recyclability: products and packaging

Current law declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products and that, for consumers to have accurate and useful information about the environmental impact of plastic products, environmental marketing claims should adhere to uniform and recognized standards. This bill would further declare that it is the public policy of the state that claims related to the recyclability of a product or packaging be truthful and that consumers deserve accurate and useful information related to how to properly handle the end of life of a product or packaging.

LBC Position: Support

Status: Chaptered

SB 619 (Laird) Organic waste: reduction regulations: local jurisdiction compliance

Current law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Current law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Current law requires the Department of Resources Recycling and Recovery,

in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply, as prescribed.

LBC Position: Support
Status: Chaptered

SB 635 (Gonzalez) Cleanup activities on state highways, rights-of-way, off ramps, and homeless encampments.

Current law establishes the Department of Transportation and vests it with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Current law authorizes the department to establish maintenance programs related to highway cleanup, as specified. Current law establishes the Independent Office of Audits and Investigation within the department, whose director has the title of Inspector General. Current law requires the office to ensure that the department, and external entities that receive state and federal transportation funds from the department, are spending those funds efficiently, effectively, economically, and in compliance with applicable state and federal requirements. This bill would require the department to coordinate cleanup activities related to state highways, rights-of-way, off ramps, and homeless encampments on department-owned property and solicit information from, and coordinate with, other agencies about highway cleanup activities, as specified. The bill would also require the department to submit a specified report of cleanup activities to the Legislature on or before January 1, 2023.

LBC Position: Support
Status: 2-year

AB 332 (Committee on Environmental Safety and Toxic Materials) Hazardous waste: treated wood waste: management standards

Current law, as part of the hazardous waste control laws, requires the Department of Toxic Substances Control to regulate the management and handling of hazardous waste. Under current law, certain wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act of 1976, as amended, is exempt from the hazardous waste control laws, if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the landfill meets other specified requirements. A violation of the state's hazardous waste control laws, including a regulation adopted pursuant to those laws, is a crime. This bill would require a person managing treated wood waste to comply with the hazardous waste control laws or the management standards established in the bill, including standards for the reuse, storage, treatment, transportation, tracking, identification, and disposal of treated wood waste, as provided.

LBC Position: Watch Closely

Status: Chaptered

ECONOMIC DEVELOPMENT

AB 106 (Salas) Regions Rise Grant Program.

Would establish the Regions Rise Grant Program within the Office of Planning and Research for the purpose of supporting inclusive, cross-jurisdictional, and innovative engagement processes that lead to inclusive strategies to address barriers and challenges confronting communities in creating economic prosperity for all. The bill would define “region” as a geographic area composed of one or more counties and cities that form a functional economy.

LBC Position: Support

Status: 2-year

AB 221 (Santiago) Emergency food assistance

Would require the State Department of Social Services to provide a food assistance benefit to low-income California residents, regardless of immigration status, by contracting with nonprofit entities, as defined, to issue the food assistance benefit in the form of prepaid cards. The bill would require the department to procure the prepaid cards to administer the food assistance benefit and to ensure the availability of those prepaid cards to nonprofit entities, as specified. The bill would require participating nonprofit entities to maintain specified records. The bill would require the department and nonprofit entities to distribute all of the food assistance benefits by July 1, 2023. The bill would authorize the department to implement, interpret, or make specific these provisions without taking regulatory action.

LBC Position: Support

Status: 2-year

AB 1177 (Santiago) California Public Banking Option Act.

The CalSavers Retirement Savings Trust Act, creates in state government the CalSavers Retirement Savings Board and requires the board to, among other things, design and implement the CalSavers Retirement Savings Program. This bill, the California Public Banking Option Act, until January 1, 2032, would require the Treasurer to convene, on or before September 1, 2022, the CalAccount Blue Ribbon Commission to be composed of certain members, including the Treasurer or the Treasurer’s designee.

LBC Position: Support

Status: Chaptered

AB 1338 (Low) Public social services programs: financial assistance demonstration and research programs.

Current law requires the State Department of Social Services to administer various public social services programs, including the California Work Opportunity and Responsibility to Kids

(CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals, and the CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. This bill would require the department to develop a process to register any organization or entity that issues financial assistance through a program in the state, and to make public on its internet website a list of those organizations or entities that have registered to issue financial assistance.

LBC Position: Support
Status: 2-year

SB 603 (Bradford) Cannabis license deferral and waiver fee program: tax credit

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) required a state licensing authority, on or before January 1, 2021, to develop and implement a program to provide a deferral or waiver for an application fee, a licensing fee, or a renewal fee for a needs-based applicant or needs-based licensee, as specified. Current law made the operation of those provisions contingent upon an appropriation in the annual Budget Act or another statute for purposes of those provisions. This bill would remove the above-mentioned date, thereby requiring a state licensing authority to develop and implement that fee deferral or waiver program upon an appropriation in the annual Budget Act or another statute for that purpose.

LBC Position: Support
Status: 2-year

AB 758 (Nazarian) Marks-Roos Local Bond Pooling Act of 1985: electric utilities: rate reduction bond

The Marks-Roos Local Bond Pooling Act of 1985 authorizes certain joint powers authorities, upon application by a local agency that owns and operates a publicly owned utility, defined to mean certain utilities furnishing water or wastewater service to not less than 25,000 retail customers, to issue rate reduction bonds to finance utility projects, as defined, subject to certain requirements. Under the act, these rate reduction bonds are secured by a pledge of utility project property, and the joint powers authority issuing the bonds may impose on, and collect from, customers of the publicly owned utility a utility project charge to finance the bonds, as provided. This bill would expand the definition of a publicly owned utility for these purposes to include a local publicly owned electric utility, as defined. The bill would authorize an authority to issue rate reduction bonds to finance or refinance utility projects for the provision of generation, transmission, or distribution of electrical service.

LBC Position: Watch Closely
Status: Chaptered

EMERGENCY SERVICES

AB 934 (Cooley) Public buildings: shelter in place: guidelines

This bill would, no later than March 1, 2022, require the Department of General Services to prepare and submit to the Joint Rules Committee a report summarizing current building safety guidelines of the Federal Emergency Management Agency, or similar building safety guidelines, relating to the integration of shelter-in-place facilities in public buildings.

LBC Position: Watch Closely
Status: Chaptered

AB 1403 (Levine) Emergency Services

The California Emergency Services Act authorizes the Governor to proclaim a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor to exercise certain powers in response to that emergency. Current law defines the term “state of emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a “deenergization event,” defined as a planned power outage, as specified, within those conditions constituting a state of emergency.

LBC Position: Watch Closely
Status: Vetoed

SB 52 (Dodd) State of Emergency: Local Emergency: Planned Power Outages

This bill would define a 'deenergization event' as a planned power outage, as specified, and would make a deenergization event one of those conditions constituting a local emergency, with prescribed limitations.

LBC Position: Watch Closely
Status: Chaptered

EMPLOYMENT

SB 270 (Durazo) Public Employment: Labor Relations: Employee Information

Current, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. This bill, commencing July 1, 2022, would authorize an exclusive representative to file a charge of an unfair labor practice with the board, as specified, alleging a violation of the above-described requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged

violation and that the public employer fails to cure the violation, as specified. The bill would limit a public employer's opportunity to cure certain violations.

LBC Position: Watch Closely
Status: Chaptered

SB 278 (Leyva) Public Employees' Retirement System: disallowed compensation: benefit adjustments

The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation. This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation.

LBC Position: Watch Closely
Status: Chaptered

SB 284 (Stern) Workers' Compensation: Firefighters and Peace Officers: Post-traumatic Stress

Current law, under the workers' compensation system, provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services, among other officers.

LBC Position: Watch Closely
Status: 2-Year

LOCAL GOVERNMENT OPERATIONS

AB 339 (Lee) Local government: open and public meetings

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

LBC Position: Watch Closely
Status: Vetoed

AB 361 (Rivas) Open meetings: state and local agencies: teleconferences

This bill would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

LBC Position: Watch Closely
Status: Chaptered

AB 602 (Grayson) Development Fees: Impact Fee Nexus Study

Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

LBC Position: Watch Closely
Status: Chaptered

SB 323 (Caballero) Local Government: Water or Sewer Service: Legal Actions

Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the

service for which the fee is charged, unless voter approval is obtained. Existing law provides that a local agency levying a new water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. Except as provided, this bill would require any judicial action or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.

LBC Position: Watch Closely
Status: Chaptered

SB 590 (Allen) 2022 Statewide Primary Election: Terms of Office

Current law, Chapter 111 of the Statutes of 2020, moved the date of the statewide direct primary election in even-numbered years in which there is no presidential primary election from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in June. Current law authorizes elections for certain local offices to be held on the day of the statewide direct primary election. This bill would extend any term of office set to expire in March or April 2022, where the next scheduled regular election for that office has been consolidated with the 2022 statewide primary election, until the certification of election results from the 2022 statewide primary election.

LBC Position: Watch Closely
Status: Chaptered

SB 780 (Cortese) Local Finance: Public Investment Authorities

Current law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of community-wide significance. Current law provides for the membership of the governing body of the district, referred to as the public financing authority. This bill would authorize the legislative bodies, as defined, to appoint an alternate member to the public financing authority who may serve and vote in place of a member who is absent or disqualifies themselves from participating in a meeting of the authority. If a district has more than 3 participating affected taxing entities, the bill would authorize the legislative bodies of the taxing entities to, upon agreement, appoint only one member of their respective legislative bodies, and one alternate member, in addition to the public members.

LBC Position: Watch Closely
Status: Chaptered

SB 792 (Glazer) Sales and Use Tax: Returns: Online Transactions: Local Jurisdiction Schedule

Current law authorizes the Department of Tax and Fee Administration to require the filing of reports by any person or class of persons with information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the use tax, as specified. Current law requires a retailer or purchaser subject to the sales and use tax to file, on or before the last day of the month following each quarterly period, a return for the preceding quarterly period. This bill, for reporting periods beginning on or after January 1, 2022, would require a qualified retailer, defined as a retailer whose annual qualified sales of tangible personal property transacted online exceeded \$50,000,000 for the previous calendar year, to include with each tax return a schedule that reports for each local jurisdiction the gross receipts from the qualified sale of tangible personal property shipped or delivered to a purchaser in that jurisdiction.

LBC Position: Watch Closely
Status: Vetoed

MISCELLANEOUS

AB 847 (Quirk) Electrically conductive balloons.

Current law requires a person who manufactures a balloon in this state that is constructed of electrically conductive material to permanently mark each balloon with, among other things, a statement warning about the dangerous risk of fire if the balloon comes in contact with an electrical power line. Current law also imposes specified requirements on a person who sells or distributes a balloon constructed of electrically conductive material that is filled with a gas lighter than air, including prohibiting the person from attaching the balloon to an electrically conductive object. This bill would make these provisions inoperative on September 1, 2026.

LBC Position: Support
Status: 2-year

SB 17 (Pan) Office of Racial Equity.

Would, until January 1, 2029, establish in state government an Office of Racial Equity, an independent public entity not affiliated with an agency or department, governed by a Racial Equity Advisory and Accountability Council. The bill would authorize the council to hire an executive director to organize, administer, and manage the operations of the office. The bill would task the office with coordinating, analyzing, developing, evaluating, and recommending strategies for advancing racial equity across state agencies, departments, and the office of the Governor. The bill would require the office, in consultation with state agencies, departments, and public stakeholders, as appropriate, to develop a statewide Racial Equity Framework that includes a strategic plan with policy and inclusive practice recommendations, guidelines, goals, and benchmarks to reduce racial inequities, promote racial equity, and address individual, institutional, and structural racism.

LBC Position: Support
Status: 2-year

SB 277 (Archuleta) Fireworks: dangerous fireworks: seizure: management

Would expand the definition of a dangerous firework to include any firework that contains lead and lead compounds and hexachlorobenzene, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program.

LBC Position: Support
Status: 2-year

SB 285 (McGuire) California Tourism Recovery Act.

The California Tourism and Marketing Act, establishes a nonprofit mutual benefit corporation named the California Travel and Tourism Commission under the direction of a board of commissioners composed of 37 members, including the Director of the Governor’s Office of Business and Economic Development. This bill, the California Tourism Recovery Act, would require the commission to, upon a determination by the State Department of Public Health that it is safe to resume travel in California, implement a strategic media and jobs recovery campaign known as the “Calling All Californians” program for the purpose of reversing the impact of the COVID-19 pandemic on the travel and tourism industry in California, as specified.

LBC Position: Support
Status: 2-year

SB 452 (Gonzalez) State government: Immigrant and Refugee Affairs Agency: Office of Immigrant and Refugee Affairs.

Current law designates 8 agencies in state government and requires the secretary of an agency to be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. Current law further requires the secretary of an agency to, among other duties, continually seek to improve the organization structure, the operating policies, and the management information systems of each department, office, or other unit. This bill would, until January 1, 2029, establish the Immigrant and Refugee Affairs Agency as an agency within state government, to be headed by a secretary who is appointed by the Governor and subject to Senate confirmation. The bill would specify that the purpose of the agency is to reduce obstacles and enhance immigrant integration, as defined, into the social, cultural, economic, and civic life of the state.

LBC Position: Support
Status: 2-year

AB 970 (McCarty) Planning and Zoning: Electric Vehicle Charging Stations: Permit Application

Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.

LBC Position: Watch Closely
Status: Chaptered

SB 314 (Wiener) Alcoholic Beverages

Current law authorizes the issuance of a caterer's permit, upon application to the Department of Alcoholic Beverage Control, to a licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans 'club license, that authorizes the holder of the permit to sell alcoholic beverages at specified locations and events, including, among others, conventions, sporting events, and trade exhibits. Under existing law, licensees are required to first obtain consent from the department for sales of alcoholic beverages at each event in the form of a catering or event authorization. This bill would prohibit the issuance of a catering authorization for use at any one premises for more than 36 events in one calendar year, except as specified.

LBC Position: Watch Closely
Status: Chaptered