

TO: Members, County of Santa Barbara Legislative Committee

FROM: Cliff Berg, Legislative Advocate  
Monica Miller, Legislative Advocate

RE: August 2015 State Update

DATE: September 8, 2015

The legislature is in the last few days of the first year of the legislative session. As we come to a close there remains many outstanding issues for the year which they hope to resolve. While they can work until Friday, September 11, 2015 the goal is to work late into the night and finish out early Friday morning. Keep in mind that this is the first year of the two-year session so any unresolved issues may be taken up next year, which is not ideal but an option if one should need it.

The Governor will have until October 11, 2015 to sign or veto any bills that land on his desk. Unless otherwise stated the measures become law on January 1, 2016, that are in the regular session. Any of the special session bills become law 90 days after they adjourn the special session.

There is almost a deal on the transportation session, which is detailed below.

The plan would generate \$3.6 billion annually while offering the type of regulatory relief Republicans want. That total falls billions short of the \$6 billion annually sought by the Fix Our Roads coalition that includes groups representing businesses, cities and counties.

An estimated \$1 billion a year in state money would come from an 11-cent excise tax on diesel and an increase in the gasoline tax by indexing it to inflation. Another \$2 billion would flow from a \$65-per-vehicle highway user fee.

But other funding sources in Brown's plan could appeal to them: \$500 million annually from California's cap-and-trade system of selling emissions permits, which Republicans have said should go to infrastructure repair. Another \$100 million would come from new "efficiencies" in the state transportation agency Caltrans, which Republicans have criticized as overstuffed. Governor Brown's plan also calls for regular reporting on the status of state highways and exemptions from the California Environmental Quality Act for infrastructure repairs. Various transportation programs would have their loans repaid more quickly via a \$879 million transfer from the rainy-day fund enacted last November through Proposition 2.

They are continuing to work on a deal regarding the Special Session related to Medi-Cal, but we are hearing they may drag both those sessions into the fall for further discussions.

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

AB 3 (Williams) This bill would express the intent of the Legislature to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District within the unincorporated area of Santa Barbara County. The substance of the bill has been amended into the measure and we understand that the county is reviewing the language currently in order to provide additional input and potentially take a position. The County is in support of the bill. The bill is sitting on the Senate floor waiting to be taken up, once it is heard it will need to go back to the Assembly for concurrence and then off to the Governor.

AB 35 (Chiu) This bill increases the amount of low-income housing tax credits (LIHTCs) the California Tax Credit Allocation Commission (CTCAC) can allocate for low-income housing; revises percentages; and establishes new categories. The County is in support of this bill. It is currently sitting in Senate Rules but we anticipate it will move to the Senate floor later this week.

AB 45 (Mullin) This bill is opposed by the County. The bill would mandate cities and counties that provide residential collection and disposal of solid waste to create a household hazardous waste (HHW) baseline and to meet an unspecified diversion requirement for HHW collection. The bill was opposed by many cities and counties. The bill is now a two-year bill, it will be taken up again in January.

AB 514 (Williams) This bill is the County sponsored bill which was introduced by Assembly Member Das Williams. This measure is an attempt to address the inadequacy of the current fines and penalties system for local governments. Under current law the violations are rather insignificant therefore people are not discouraging from violated them, we are hopeful that this will provide additional incentives to work with the locals to provide the best outcomes for our local communities. This bill is currently sitting on the Governor's desk awaiting his action.

AB 806 (Dodd) This bill was held in the Senate Governance and Finance Committee. The sponsor found another vehicle, AB 57 by Assembly Member Bill Quirk. This bill provides that a collocation or siting application for a wireless telecommunications facility is deemed approved if the city or county fails to approve or disapprove the application within the reasonable time periods specified in applicable decisions of the Federal Communications Commission, all required public notices have been provided regarding application, and the applicant has provided a notice to the city or county that the reasonable time period has lapsed. The County is opposed to this issue; the measure (AB 57) is sitting on the Governor's desk awaiting his signature.

AB 864 (Williams) The bill provides that pipelines in interstate service are under the jurisdiction of the Pipeline and Hazardous Materials Safety Administration. It provides for the protection of the waters of the United States from contamination through the Clean Water Act. Additionally, it addresses oil spills in the navigable waters of the United States through the creation of a comprehensive prevention, response, liability and compensation program through the Oil Pollution Act of 1990. The bill is sitting on the Senate floor waiting to be taken up, it is supported by the County.

AB 1335 (Atkins) This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations related to the need for establishing permanent, on-going sources of funding dedicated to affordable housing development. The bill would impose a fee of

\$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded,. Per each single transaction per single parcel of real property, not to exceed \$225. The bill is still sitting on the Assembly floor but we are told they expect to move it this year. The bill is supported by the County.

AB 2x15 (Eggman) please see SB 128 for more details.

SB 13 (Pavley) This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. The bill also state that if the department determines that all or part of a basin or subbasin is not being monitored, would require the department to determine whether there is sufficient interest in establishing a groundwater sustainability plan. The bill will also serve as a vehicle for any necessary clean-up to the major ground water bill package passed and signed into law in 2014. The County does not have a position on this bill, but we are watching it as it moves through the process. This bill was signed on September 3, 2015 by the Governor.

SB 122 (Jackson, Hill and Roth) This bill is a vehicle for potential CEQA reform. The bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. The bill would state the intent of the Legislature to enact legislation establishing an electronic database clearinghouse of notices and environmental document prepared pursuant to CEQA, establishing a public review period for a final environmental impact report, and relating to the record of proceedings for a project for which an environmental impact report is prepared pursuant to CEQA. This County is supporting the bill. The bill passed the Assembly Natural Resources Committee where it passed 7-1; it is now sitting on the Assembly Appropriations Suspense file, and will be taken up next year.

SB 128 (Wolk and Monning) The bill is the End of Options Act. It is modeled after a law in Oregon that allows a person who has received a life ending diagnosis to work with their physician to determine if they would like to option to end their life in their own manner. The bill is scheduled to be heard in the Assembly Health Committee, however was pulled and put over due to the lack of votes; the author's continue to work with the Committee in an effort to obtain those necessary votes. The bill is now a two-year bill, it will be taken up next year by the authors. The County is supporting the bill. However, SB 2x15 was introduced in the special session to address the court ruling stating that the Legislature must decide. The bill will be heard on the Assembly floor on September 8, 2015, then move to the Senate.

SB 233 (Hertzberg) AB 2503 (Perez) Chapter 687, 2010, established the "rigs to reefs" program when it passed. The current law passed with much consideration across the state and included relevant stakeholders and agencies to address the issues surrounding oil platforms remaining in the ocean off the coast of California. The County is opposed to SB 233 because we believe it is unnecessary. The measure is a two-year bill, sitting in the Assembly Appropriations Committee and will come up next year.

SB 295 (Jackson) This bill would increase inspections from biannual to annul for all intrastate pipeline operators, it allows for the inspection of federally regulated intrastate pipelines, and

increases the frequency of hydrostatic pipeline inspections. The bill is supported by the County; it is back from the Assembly and sitting on the Senate concurrence file waiting to be taken up this week.

SB 350 (DeLeon) This bill is one of the biggest issues that the Legislature plans to deal with this year. The bill has been negotiated with stakeholders since its introduction. The measure is supported by the County if the author does not take proposed amendments that would impact how the County utilizes its Community Choice Aggregation (CCA) programs. We are awaiting additional amendments and will keep staff updated. The bill is on the Assembly floor waiting to be taken up this week.

SB 414 (Jackson) This bill will increase oil response times and make them more effective and more environmentally friendly. It will require pipeline operators to contract with the local fishing vessels and crews for immediate oil spill response. It also requires the Office of Spill Prevention and Response (OSPR) to report to the Legislature on the best available technology for oil spill prevention and response and implement those standards. Finally, the bill will incentivize faster cleanup by only allowing penalty offsets for oil recovered within the first two weeks of a spill while also placing a ban on the use of chemical dispersants in state waters. The County is in support of this bill. It is on the Assembly Floor waiting to be taken up this week, it will then need to go back to the Senate for concurrence and then off to the Governor.

SB 658 (Hill) The County is supporting this measure. This bill revises the maintenance and training requirements for placement of automated external defibrillators (AEDs) in commercial buildings and K-12 schools that are conditions for obtaining qualified immunity from civil liability for the selection, installation, placement, and use of AEDs in those facilities. This bill was signed by the Governor on September 3, 2015.

SB 788 (McGuire) The County is supporting this measure. This bill eliminates the exception in the California Coastal Sanctuary Act of 1994 (AB 2444, O'Connell) (CCSA) that allows the State Lands Commission (Commission) to issue an offshore oil lease if state oil or gas deposits are being drained by wells on federal lands and the lease is in the best interests of the state. The bill is a two-year bill; it is sitting in the Assembly Appropriations Committee where it will be heard next year.

### Conclusion

These last few weeks we saw many leadership changes; Senator Jean Fuller (R-Bakersfield) is the new Republican leader in the Senate, replacing Senator Bob Huff (R-Diamond Bar). Assembly Member Chad Mayes (R-Yucca Valley) will come in as the Assembly Republican leader in January of 2016, replacing Assembly Member Kristine Olson (R-Modesto). Finally, Assembly Member Anthony Rendon (D-Lakewood) will take over as the Speaker of the Assembly in January 2016 replacing Speaker Toni Atkins (D-San Diego). While many of these leaders were placeholders, the replacements were surprises, however we look forward to working with the new leadership in the coming years ahead, keep in mind that the Assembly leaders are part of the 12 year class so they have the potential to have a big impact on the State. With the Legislature shutting down this week, the Governor will then have until October 11, 2015 to sign or veto any bills that land on his desk. As always, if you or your staff has any questions, please don't hesitate to contact us.