

# LEGISLATIVE REPORT

A COMPILATION OF 2016 STATUTES



LEGISLATIVE BRIEFING

November 7, 2016 Webinar

# League of California Cities<sup>®</sup> 2016 Legislative Report

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Publications Department  
1400 K Street, Suite 400  
Sacramento, CA 95814

Publications: Phone: (916) 658-8200  
Fax: (916) 658-8240  
[www.cacities.org](http://www.cacities.org)

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In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *CACities Advocate* and *Western City* magazine.

# Legislative Report

2016

Please note: Legislation marked with an asterisk (\*) has been identified as high priority by League staff.

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## Glossary of Terms

ABC	Alcohol Beverage Control
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
APPS	Armed Prohibited Persons System
ARB	Air Resources Board
BOE	State Board of Equalization
BPH	Board of Parole Hearings
BSCC	Board of State and Community Corrections
CalEPA	California Environmental Protection Agency
CalHFA	California Housing Finance Agency
CalPERS	California Public Employees Retirements System
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	Department of Transportation
CASp	Certified Access Specialist
CDCR	California Department of Corrections and Rehabilitation
CDE	California Department of Education
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFD	Community Facilities District
CHFFA	California Health Facilities Financing Authority
CHP	California Highway Patrol
CPRA	California Public Records Act
CRIA	Community Revitalization and Investment Authority
CTC	California Transportation Commission
CURES	Controlled Substance Utilization Review and Evaluation System
CVRA	California Voting Rights Act of 2001
DHCS	Department of Health Care Services
DIR	Department of Industrial Relations
DMV	Department of Motor Vehicles
DOJ	Department of Justice
DPH	Department of Public Health
DPR	Department of Parks and Recreation
DSH	Department of State Hospitals
DSS	Department of Social Services
DTSC	Department of Toxic Substances
DWC	Division of Workers' Compensation
DWR	Department of Water Resources
EIFD	Enhanced Infrastructure Financing District
EIR	Environmental Impact Report
EMS	Emergency Medical Services
FEHA	Fair Employment Housing Act
FPPC	Fair Political Practices Commission
FTB	Franchise Tax Board
GGRF	Greenhouse Gas Reduction Fund



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GHG	Greenhouse Gas
GO-Biz	Governor's Office of Business and Economic Development
HCD	Department of Housing and Community Development
HIV	Human Immunodeficiency Virus
HSRA	High-Speed Rail Authority
IOU	Investor Owned Utilities
JPA	Joint Powers Authority
LAFCO	Local Agency Formation Commission
LC	California Labor Commissioner
LCTOP	Low Carbon Transit Operations Program
LEA	Local Education Agency
MOU	Memorandum of Understanding
OES	Office of Emergency Services
PEPRA	Public Employees' Pension Reform Act of 2013
POST	Peace Officers Standards and Training
PRCS	Post Release Community Supervision
PUC	Public Utilities Commission
SOS	Secretary of State
SWRCB	State Water Resources Control Board
TNC	Transportation Network Companies
USC	University of Southern California
VBM	Vote By Mail Ballot
VLF	Vehicle License Fee

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## 2016 Legislative Year in Review

Success in California politics can be difficult to define, so perspectives on the 2016 legislative year vary. Those who value a stable and disciplined state budget are pleased because the Governor again held the line on new spending proposals and squirreled away excess revenue into the reserve fund. Advocates for aggressive efforts to reduce greenhouse gas (GHG) emissions savored victory with the passage of SB 32 (Pavley, Chapter 249, Statutes of 2016), which ratchets up state goals. Labor interests scored major wins, increasing the minimum wage to \$15 per hour and requiring overtime for farmworkers. A \$2 billion financing plan to help house mentally ill homeless individuals, which the League supported, also succeeded.

Yet other major items remain undone: The goalposts for achieving a major transportation funding package continue to move; the vacuum created in affordable housing funds by the loss of redevelopment remains unfilled; and questions linger about the future prospects of high-speed rail, the Delta tunnels and the cap and trade program. Still, despite another chaotic legislative session, city officials can be satisfied that the League of California Cities® helped hold the line to preserve local control, revenue and flexibility and made progress in several key areas.

### Legislative Changes

Term limits continue to cause change in the Capitol as more legislators, now able to serve a total of 12 years in either house, enter office.

In the Assembly, the transition is now complete. In the final hours of the 2016 session, there were many heartfelt goodbyes and accolades given to termied-out members subject to six-year limits. This cleared the way for two new leaders — Assembly Speaker Anthony Rendon (D-Lakewood), eligible to serve until 2024, and Assembly Republican Leader Chad Mayes (R-Yucca Valley), eligible to serve until 2026 — who are positioned to bring longer-term operational and policy stability to their houses.

In the Senate, a similar transition is occurring at a slower pace. Seven of the nine open seats are expected to be filled by former Assembly Members, such as former Speaker Toni Atkins (D-San Diego), where they remain eligible, under the former term limits, to serve up to eight years in the Senate. Established leaders such as Senators Mark Leno, Loni Hancock, Lois Wolk, Bob Huff, Carol Liu and others have now left office. And more change is on the way in the 2017–18 session because Senate Republican Leader Jean Fuller (R-Bakersfield) and President Pro Tempore Senator Kevin de León (D-Los Angeles) both term out in 2018.

### New Legislative Interactions with Ballot Measures

Recent legislation affecting the state initiative process injected new dynamics affecting ballot measures. Those who think 17 measures were too many for the November ballot can thank SB 202 (Pavley, Chapter 558, Statutes of 2011), which required initiative

measures to appear only on statewide general election ballots. And SB 1253 (Steinberg, Chapter 697, Statutes of 2014) created new opportunities for the Legislature to interact with and leverage the initiative process. Prior to this legislation, legislators were simply bystanders in the initiative process. The Legislature could only hold hearings on initiatives that had qualified for the ballot. These were token efforts with no real political effect; however, SB 1253 changed that. Now, after 25 percent of the required signatures are gathered, the Secretary of State (SOS) notifies the Legislature, which may begin the committee hearing process. This allows for early interaction between the Legislature and ballot proponents prior to an initiative qualifying; proponents also may pull a measure off the ballot within established timeframes.

The Legislature's new role surfaced during the 2016 session in debates over raising the minimum wage, the school bond and a legislative transparency measure. With respect to the minimum wage, labor groups had competing proposals headed for the November ballot, and the Governor was concerned about the impacts of a wage increase on the state's General Fund. Labor groups had leverage because the initiatives polled well. This dynamic resulted in the Governor agreeing to an alternative approach to raise the minimum wage via legislation and labor groups pulling their initiatives. Some legislators attempted to use this process to leverage the proponents of the school bond, Proposition 51, to agree to a refocused and smaller bond, but — due to the political strength of the proponents' coalition — there was insufficient legislative support. The Democrats also proposed alternatives to the proponents of Prop. 54, a measure focused on increasing legislative transparency, which failed to succeed when Republicans refused to go along.

Even with these interactions, the Legislature did not appear to use the leverage provided by SB 1253 to its full potential, perhaps due to its newness, leadership changes and other distractions. Going forward, however, it may be a different story. With some lessons learned in 2016, look for the Legislature to exercise its new influence over initiative proponents more aggressively next time around.

## **Budget**

Those looking for drama around the state budget — like past stories of members locked in the chambers and sleeping on desks — will be disappointed. Over the past few years, the budget has become quite predictable. In January, with revenues up over past projections, the Governor played the contrarian, using historical graphs showing the crazy red-ink days of the past. He said he would not seek new spending expansions and that the state needed to increase its reserves for the eventual downturn. He outlined all the state's spending commitments, including some recently enacted by the Legislature, and said they need to be paid for. Republicans generally supported this approach, while Democrats engaged in a long process of analyzing and questioning the Governor's numbers, arguing that there was more money than he said and advocating for spending on numerous priorities. But by June 15, after some back-and-forth negotiations, the Governor got what he wanted on spending and boosting the reserves, and everyone left for a month-long summer recess.

The roots of this dynamic are based on two things. First, the Governor is determined to preserve his legacy of cleaning up the past budget mess and leaving office with the state's improved fiscal condition intact. Second, legislators lost most of their leverage over a governor with the passage of Prop. 25 (2010). In terms of legislative power, Prop. 25 was a two-edged sword—it authorized a majority-vote budget but also required legislators to forfeit their salary for every day the budget is late. In prior battles, a legislator's pay was just "suspended" until legislators agreed on a budget; they could drag things out and still recoup all their pay. Now they lose it permanently, which makes a big difference.

At \$122.5 billion, the 2016 budget was the largest in California's 166-year history. Nevertheless, the political tone was positive. Although Republicans opposed the budget bill, arguing that it was too big and that the state is not prepared for the next economic downturn, the floor debates were good-natured and trailer bills passed with bipartisan support. The Governor achieved his objectives with a \$2 billion boost for the state's rainy day reserve and other agreements that limit new and ongoing spending. Democrats secured an additional \$100 million for child care and preschool programs; a funding mechanism to build housing for the homeless (a proposal the League strongly supported) by dedicating some Prop. 63 (2004) mental health funds to secure a \$2 billion revenue bond; the repeal of the monetary limit on welfare payments for people who have more children while collecting welfare; and an investment in clean drinking water.

Overall, the budget agreement was good news for cities. It included \$20 million for local law enforcement grants that did not come easily. A lobbying effort conducted in partnership with the California Police Chiefs headed off an effort to reduce or eliminate these funds, which will be used to focus on improving interactions with the homeless and other high-risk populations. The budget also allocated cap-and-trade funds totaling \$1.2 billion, of which \$400 million went to affordable housing sustainable communities and other allocations to transit, high-speed rail and natural resources program. The Governor rejected a proposal by Assembly Democrats for \$1.3 billion for affordable housing, then countered in the May Revise with a "by right" proposal that would limit public engagement, design and environmental review over certain housing projects in exchange for one-time \$400 million for affordable housing construction. Labor organizations, environmental groups, and cities opposed the loss of public engagement and environmental review, and the Legislature did not include it as part of the budget.

## **Transportation**

When 2016 began, prospects were bright for reaching agreement on a transportation funding package — legislators had various proposals, the Governor's special session was still in effect and everyone agreed the problem needed to be solved. Nevertheless, the session ended in August with nothing having been accomplished, but not due to a lack of effort. The League and other stakeholders in the Fix Our Roads Coalition participated in numerous meetings, press conferences, legislative briefings and social media campaigns as the months passed. The excuses for legislative inaction changed

as other priorities eclipsed transportation funding — first, it was straightening out the managed care organization tax issue, then it was the minimum wage agreement, then the budget, then limitations on access to ammunition and guns, then the summer recess.

In August, however, some progress occurred when the chairs of the Senate and Assembly Transportation Committees, Sen. Jim Beall (D-San Jose) and Assembly Member Jim Frazier (D-Oakley), introduced legislation into the special session on Transportation that would generate \$7.4 billion annually for the state's transportation network. This total includes \$2.5 billion for local streets and roads. Supported by the League, SBx1 1 (Beall) and ABx1 26 (Frazier) mirror each other and offer a balanced approach to funding road maintenance and repair coupled with significant reforms. Although the Legislature adjourned the 2015–16 regular session, the special session continues until Nov. 30, giving legislators an opportunity to return to the Capitol to work on transportation funding in what would be known as a “lame duck” session.

Despite the work ahead to accomplish the goal of increasing funds for transportation, it is important to recognize the significant progress that has been made. Legislative leaders and Gov. Jerry Brown have acknowledged the deteriorated conditions of local streets and roads; a special session remains in effect and the respective policy chairs have outlined a \$7.4 billion annual funding package; plus a press spotlight increases pressure on the Legislature and Governor to reach agreement. The Fix Our Roads Coalition, which the League co-founded, remains focused on working with legislators and stakeholders to pass a workable and sustainable transportation funding package. Cities should stay engaged on transportation issues and watch for updates from the League.

## **Housing**

What a difference a few years make in boom-and-bust California. Seven years ago unemployment was double-digit, and many homeowners were “upside down” on equity. Short sales and foreclosures were everywhere. Prices were discounted up to 40 percent, which made purchasing a home “affordable” for many households. Since then, however, prices skyrocketed as the state recovered from the recession — especially in coastal areas where a high-tech job boom created bidding wars for well-paid employees jockeying to live in the best locations. But in other regions the realities are much different. In the Central Valley and Inland Empire, housing affordability remains more realistic and reflects a less robust economy, higher unemployment rates and a slower recovery from the foreclosure crisis.

The massive withdrawal of funding for affordable housing contributed to this affordability crisis. With the elimination of redevelopment agencies, local agencies lost over \$5 billion for affordable housing since 2011 — with no significant source of ongoing affordable housing funding on the horizon. The proceeds of the state housing bond from a decade ago are also gone. Compounding these factors, the federal government has been backing out of funding affordable housing since the 1980s. Despite the state

budget flourishing in recent years due to infusions of income tax, no significant funds (other than some cap-and-trade dollars) have been allocated for affordable housing.

The League appreciates the leadership of Senator Jim Beall (D-San Jose) and Assembly Member David Chiu (D-San Francisco) as chairs of the Senate and Assembly Housing Committees, who have been advocating for affordable housing funding. Assembly Member Chiu championed a \$300 million expansion in state housing tax credits and led his caucus in an effort to secure a one-time allocation of \$1.3 billion in state surplus budget funds. Senator Beall proposed a \$3 billion housing bond. Former Speaker Toni Atkins (D-San Diego) proposed that half of the state's savings from eliminating redevelopment should go to affordable housing.

Regrettably all these efforts supported by the League stalled, and the last half of the session was spent sparring over the Governor's "by right" housing proposal, which proposed to limit public engagement, design and environmental review related to housing projects with minimal amounts of affordable housing. Given concerns in the Legislature over such an aggressive effort to undermine state environmental policies, laws and public input — and strong opposition from labor, environmental groups, and the League — the effort failed to gain traction.

One bright spot in affordable housing was the passage of the No Place Like Home measure led by President Pro Tempore Kevin de León (D-Los Angeles), which earmarks a portion of Prop. 63 (2004) mental health dollars to fund a \$2 billion revenue bond to help house homeless mentally ill people. The League recognized Senator de León as its Legislator of the Year for his efforts.

Other legislators focused on tinkering with various aspects of local planning and land use, including tightening laws affecting litigation over denied projects, another set of changes to Density Bonus Law, housing elements and second units. While the League was able to secure amendments to get to a neutral position on most of these measures, it remained opposed to SB 1069 (Wieckowski, Chapter 720, Statutes of 2016), which undercut local parking requirements associated with second units.

As the state prepares for another robust discussion of affordable housing in 2017, cities should be prepared to play continued defense against efforts to dictate land use from the state level and erode the role of community-based planning. Hopefully, some of the incentive-based concepts the League floated in 2016 will gather momentum, such as:

- Establishing a state revolving fund that can be used to update specific plans and complete upfront environmental reviews on targeted housing sites adjacent to transit and areas consistent with SB 375 (Steinberg, Chapter 728, Statutes of 2008). Such a process would allow for full community engagement and environmental analysis. Following that, development of those parcels would be expedited via laws already on the books;
- Rewarding local agencies that approve higher density housing in designated areas by helping it "pencil out" against service costs by shifting 10 percent of the

increased property tax accruing from the approved development to the approving city or county;

- Developing a state-local matching funding program for infill development-related infrastructure that more adequately fills the gaps in urban renewal tools left by the loss of redevelopment; and
- Establishing a real, substantial and ongoing source of affordable housing funding.

## Environmental Issues

2016 was all about greenhouse gas reduction and the cap-and-trade program. Environmental groups celebrated a major victory when an agreement was forged to increase the state greenhouse gas (GHG) reduction goals. Though cap-and-trade funds were allocated, the future of the program remains uncertain.

After a similar effort stalled on the Assembly floor in 2015, a compromise was reached as SB 32 (Pavley, Chapter 249, Statutes of 2016) and AB 197 (E. Garcia, Chapter 250, Statutes of 2016) cleared final legislative hurdles in the face of strong opposition from business groups, oil companies and agricultural interests.

- SB 32 provides the California Air Resources Board (ARB) with authority to limit statewide GHG emissions equivalent to at least 40 percent below 1990 levels by 2030. However, SB 32 does not explicitly extend the cap-and-trade program. The Governor attempted to insert last-minute amendments into SB 32 to clarify that the program shall continue beyond 2020, but was unsuccessful; and
- AB 197 establishes a new Joint Legislative Committee on Climate Change Policies to provide ongoing, permanent oversight of the implementation of the state's climate policies and the Greenhouse Gas Reduction Fund. The committee comprises at least three Senators and three Assembly Members. The bill also made substantial changes to ARB by imposing six-year term limits on voting members and adding two members of the Legislature as nonvoting *ex officio* members, one appointed by each house.

Uncertainty continues about the future of the cap-and-trade program in light of a radical decline in revenues from recent auctions and a pending court case that challenges the legitimacy of the funds absent a legislative two-thirds vote. At a press conference announcing the passage of SB 32 and AB 197, journalists asked Governor Brown about the fate of the cap-and-trade program. The Governor said SB 32, which empowers ARB to force GHG emitters to take action or face penalties, provides leverage to lawmakers to reach a deal with opponents of the cap-and-trade program who would prefer such a program over more rigorous regulations to reduce pollution. In answering the question, the Governor warned, "They're going to plead for a market system."

With SB 32's aggressive reduction goals now in place, major regulatory battles and debates over their economic impacts can be expected in 2017 as the tension increases between these goals and practical and fiscal realities. The outcomes of the November 2016 election will also add to the dynamics. If the Democrats win enough seats to



regain a two-thirds supermajority, it is more likely that the uncertainty around the cap-and-trade program will be resolved by the Legislature approving it as a tax.

Though disputes continue over the program's overall fate, the Legislature succeeded in allocating \$900 million in discretionary funds that had accumulated over a two-year period and passed AB 2722 (Burke, Chapter 371, Statutes of 2016), a measure establishing the programmatic framework for the new Transformative Climate Communities Program (TCCP), which received funding from the cap-and-trade expenditure program. The TCCP is very similar to a program that the League, the California State Association of Counties, the Local Government Commission and others advocated for during the past three years. The purpose of the TCCP is to provide funding to develop and implement neighborhood-level climate community plans that include multiple, coordinated GHG reduction projects that provide local economic, environmental and health benefits to disadvantaged communities. The Governor also signed AB 1550 (Gomez, Chapter 365, Statutes of 2016), which increases to 35 percent the amount of cap-and-trade auction proceeds that must be spent in disadvantaged or low-income communities, and SB 1383 (Lara, Chapter 395, Statutes of 2016) which establishes more workable timelines, than otherwise expected to be proposed by ARB, for addressing short-lived climate pollutants emitted from organics in landfills.

Two League-opposed measures in related areas ended well after massive lobbying efforts. AB 2693 (Dababneh, Chapter 618, Statutes of 2016) sought to eliminate the senior lien status of Property Assessed Clean Energy (PACE) loans; it was converted into a League-supported measure enhancing existing consumer protections and disclosures. SB 1387 (de León) proposed adding additional state appointees to the regional South Coast Air Quality Management District board, which would have undermined the role of local officials serving on the board. The measure stalled on the Assembly floor.

### **League Initiatives in Other Areas**

Other issues important to cities in 2016 also occupied the attention of city officials and League lobbyists.

**Elections and Voting.** The League's efforts — to develop additional options and protections for communities concerned with rampant litigation filed by attorneys alleging violations of the California Voting Rights Act (CVRA) — finally bore fruit. This followed several years of battles over legislation authored by Assembly Member Roger Hernández (D-West Covina), which attempted to mandate that cities over 100,000 population shift from "at large" to district-based election systems. This year, however, the Governor's signature on AB 2220 (Cooper, Chapter 751, Statutes of 2016), a League-sponsored measure, finishes the work started with the passage of last year's SB 493 (Canella, Chapter 735, Statutes of 2015), which the League also helped shape. AB 2220 provides cities, except those limited by their charters, with the option of switching to districts by ordinance rather than incurring the delays, uncertainties and exorbitant legal fees associated with waiting for the next election. This flexibility is

similar to options already available to school districts and community colleges facing CVRA challenges. After months of negotiations, the League also successfully secured amendments to AB 350 (Alejo, Chapter 737, Statutes of 2016) that provide “notice and cure” protections from exorbitant legal fees for communities facing CVRA challenges – the amendments also place a hard cap on legal fees that can be incurred by cities. The League applauds Governor Brown, Assembly Members Luis Alejo and Jim Cooper and the wide range of stakeholders who helped forge agreement on these measures.

**Economic Development.** Continued progress on economic development unfolded with the Governor’s signature on AB 2492 (Alejo and E. Garcia, Chapter 524, Statutes of 2016) and AB 806 (Dodd and Frazier, Chapter 503, Statutes of 2016). AB 2492 makes several improvements to last year’s AB 2 (Alejo and E. Garcia, Chapter 319, Statutes of 2016), which authorized the creation of the Community Revitalization and Investment Authorities (CRIA) and restored redevelopment authority to local agencies to assist lower-income and deteriorated areas within a community. AB 806 provides additional flexibility to local communities seeking to expand economic development and clarifies that loan, lease and sale agreements and property acquisition are included in the range of options a community may employ to advance economic development; it also allows acquired properties to be disposed of for “fair reuse value.” Regrettably, the Governor vetoed AB 2728 (Atkins), which attempted to extend the sunset date of and make other changes to the California Organized Investment Network (COIN) program that offers tax credits to insurance companies investing in lower-income communities. The League also appreciates the work of Assembly Member Eduardo Garcia (D-Coachella) to expand investment opportunities for lower income communities through his continued efforts to create a California New Markets Tax Credit program and extend the sunset date and increase funding for the COIN program via his AB 2647.

**Employee Relations.** Given the significant influence of labor organizations in the Capitol, employee relations policy is always a busy area of activity. League priorities included stopping additional mandates and proposals that increased costs or eroded local flexibility. Though many bills were introduced, concerns were often addressed by collaborative efforts to obtain necessary amendments or by working with coalitions of other public and private employer groups to provide solid information on local costs and policy impacts to decision-makers in the Legislature and Governor’s office. This strategy resulted in the most troublesome proposals being neutralized with amendments, stopped in committee or vetoed.

Significant energy was expended on issues related to the U.S. Supreme Court’s 4-4 ruling in the controversial *Friedrichs v. California Teachers Association*, which challenged the collection of “fair share” or “compulsory” union fees from nonunion employees. Organized labor responded with AB 2835 (Cooper), co-authored by Democratic leaders. The measure was amended in June and would have required that all public employer labor organizations be allowed 30 minutes of paid time to organize new hires. The League and its public employer counterparts strongly opposed the effort. Aside from the loss of local control, concerns included logistical challenges, the estimated \$350 million dollars annually that the measure would have shifted to the

state, and mandates on local governments and school districts. City engagement, including city participation in the League's data collection surveys, played a critical role in educating and informing legislators. This measure stalled on the Senate floor on the final day of the legislative session.

Because of the bills' potential to increase costs for struggling local agencies, the League appreciated the Governor's vetoes of SB 897 (Roth), which would have expanded use of paid disability leave for certain public safety workers (often referred to as "4850 time") for an additional year; AB 1643 (Gonzalez), which would have removed the "apportionment" process for certain non-industrial work injuries; and SB 654 (Jackson), which would have expanded the California Family Rights Act for public and private entities of 20 (instead of 50) employees or more. The Governor signed a helpful measure aimed at decreasing fraud in the worker's compensation system, AB 1244 (Gray, Chapter 852, Statutes of 2016).

**Public Works and Other Transportation Issues.** While the League directed its main energy at the effort to secure additional transportation funds, local control had to be protected in several areas. AB 2586 (Gatto) attempted to dictate various aspects of local parking management. While the measure was amended to remove various provisions, the bill that went to the Governor still had flawed provisions that included micromanaging street sweeping and prohibiting localities from offering incentives for private parking enforcement. The League figured prominently in the effort to convince the Governor to veto the bill. AB 650 (Low), revised several times during the final days of the legislative session, sought to level the playing field between transportation network companies and taxis by limiting local authority over taxi regulation in various ways; the League lobbied in opposition to it and appreciates the Governor's veto of the measure. A disappointment was the Governor's signature on AB 626 (Chiu, Chapter 810, Statutes of 2016), which establishes a complex claims resolution process with various timelines and requires mediation when meet-and-confers do not resolve disputes.

**Public Safety.** After the passage of last year's comprehensive Medical Cannabis Regulation and Safety Act, many proposals were introduced in 2016 to "clarify" different aspects. The League was very active defending provisions important to local government and urging restraint because the regulatory process was barely underway and the voters' November decision on Prop. 64, the Adult Use of Marijuana Act, would have many implications. Some cleanup advanced, however, including the League-supported AB 2679 (Cooley, Chapter 828, Statutes of 2016), which expands research activities to include motor skills and provides interim guidance on manufacturing processes.

In other areas, debates over law enforcement relations with communities featured prominently in legislative discussions. Though some aggressive proposals stalled, the Governor signed AB 2298 (Weber, Chapter 752, Statutes of 2016), which requires notification for adults listed on the primary law enforcement gang database. More activity is expected on the gang database issue next year, notably a potential oversight

entity. Other measures limited judicial discretion cases in the wake of a high-profile case involving a Stanford student, moved toward a uniform standard for rape kits, and put additional protections in place for human trafficking victims. The League opposed AB 1217 (Daly, Chapter 504, Statutes of 2016) over the precedent of state interference in governance of local joint powers authorities by codifying a rule adopted by the Orange County Fire Authority Board.

**Drones.** As drone usage increases for commercial, mapping, surveillance and hobbyist purposes, so do the controversies as local governments attempt to respond to issues ranging from privacy and noise to interfering with public safety. In June, the FAA rejected pre-emption of state and local drone regulation laws and ordinances, stating that “certain legal aspects concerning small UAS (unmanned aircraft systems) use may be best addressed at the state or local level.” In the Capitol, proposals ranged from efforts limiting local control to enhancing regulation.

In April, amendments were added to AB 2320 (Calderon and Low) to pre-empt local governments from enacting ordinances regulating drones. The legislation was supported by lobbyists for DJI, a Chinese drone manufacturer reputed to have the largest market share of the industry in the United States. That provision, however, was forced out in the Assembly Local Government Committee following vigorous opposition from the League and the California Police Chiefs Association. Later in the session, amendments were floated attempting to enact a moratorium on local regulation until an industry-dominated working group drafted a model ordinance, but the League and Police Chiefs were successful in rebuffing this effort.

The drone industry succeeded in stopping several regulatory measures. Of the minor measures that made it to the Governor’s desk, all were vetoed except SB 807 (Gaines, Chapter 834, Statutes of 2016), sponsored by the League and the California Police Chiefs, which provides stronger immunity for local agency first responders who damage or destroy a drone that interferes with their emergency operations, and AB 1680 (Rodriguez, Chapter 817, Statutes of 2016), which imposes misdemeanor penalties for using a drone to interfere with emergency personnel. 2016 largely ended in a stalemate between local government and the industry, but the battles over drone issues are expected to intensify as powerful economic interests with products and services seek to clear the airspace of local regulation.

**Transparency, Open Data and Cybersecurity.** Policy-makers are struggling with how to balance open-government policies with increased demands for access to government data, while protecting privacy and avoiding disclosures that could reveal public safety vulnerabilities. Last year, after significant legislative discussion and lobbying, two principal bills were signed AB 169 (Maienschein, Chapter 737, Statutes of 2015) establishes several standards for information that is described by local agencies on their websites as “open data,” and SB 272 (Hertzberg, Chapter 795, Statutes of 2015) requires local agencies to disclose the software application or computer system that the local agency uses to maintain various information. This year, local agencies focused on implementing those laws, but other related legislation was enacted. After public

agencies started receiving phony bills based on information pulled from their websites, the Legislature enacted SB 441 (Wolk, Chapter 477, Statutes of 2016) exempting from disclosure any identification number, alphanumeric character or other unique identifying code used by a public agency to identify vendors or contractors unless the identification number, alphanumeric character or other unique identifying code is used in a public bidding or an audit involving the public agency.

On other matters, the Governor signed AB 1787 (Gomez, Chapter 507, Statutes of 2016) requiring agencies with time limits for public comment to provide at least twice the allotted time to non-English speakers using interpreters, unless simultaneous translation equipment is used. Complying with public records requests was made a bit easier with the passage of AB 2853 (Gatto, Chapter 275, Statutes of 2016), which allows a public agency to comply with certain disclosure requirements by posting any public record on its website and directing members of the public to the location where it is posted. The Governor vetoed AB 779 (Garcia), which was opposed by the League; the bill would have required a comprehensive and duplicative report on the components of elected official compensation.

**Short-Term Residential Rentals.** The proliferation of web-based vacation rental websites as part of the “sharing economy” has provided more options for the traveling public and offered increased income potential for homeowners. Such changes, however, have produced a new set of problems that includes losing rental housing stock, undermining the quality of life in residential neighborhoods and creating challenges in collecting transient occupancy tax (TOT). Many communities are updating ordinances and revising methods to better identify these units and collect associated revenue. A working group formed by the League in 2013 ultimately concluded that locals were better off working through the issues locally rather than seeking state action. Legislative action centered around several bills by Senator Mike McGuire (D-Healdsburg).

SB 593 (McGuire), supported by the League because it preserved local authority by allowing local agencies to “opt in” to a regulatory framework that would provide enhanced revenue collection and access to data, died on the Senate Floor in January in the face of industry opposition. Later in the year, the Senator offered alternative industry-supported proposals, SB 1102 and SB 133, which would have established a statewide audit program, governed by the State Controller’s Office, to review TOT revenues collected for units offered by online short-term rental platforms. The League and a coalition of counties, hotels and hotel workers’ unions opposed the measures based on a variety of concerns ranging from state incursions into local revenue to restricted access to data that limited land use enforcement and other issues. Though legislative stalemate occurred on these issues, local efforts to adjust to this new industry continue to improve. Updated ordinances and techniques are being developed, and new technologies allow local agencies to more easily identify units being rented to ensure they are collecting and remitting TOT and complying with other local requirements.

**Stormwater.** California's stringent water quality laws, coupled with the drought, have highlighted the need for local agencies to have more viable ways of funding the removal of garbage and toxins from stormwater before it flows into streams, rivers and the ocean. Most of the challenges associated with this issue relate to interpretations of Prop. 218 (2006), which excludes "water, sewer and refuse collection" from its more restrictive provisions, but which the courts have interpreted as not excluding "stormwater." The recent *San Juan Capistrano* decision by the California Supreme Court ruled that water agencies were prohibited from establishing increased rate tiers as a deterrent for excessive water use. Early in 2016, the League, California Association of Counties and the Association of California Water Agencies drafted an alternative process for financing water infrastructure as a proposed ballot measure, but later discontinued the effort when internal polling cast doubts about its potential viability. Later in the year, Senator Hertzberg's SB 1298 proposed a revised definition of "sewer" under Prop. 218 implementation statutes, but he ultimately opted to not move the measure. The Governor signed AB 2594 (Gordon, Chapter 526, Statutes of 2016), which clarifies that a public entity that captures stormwater before the water reaches a natural channel may use the captured water. Renewed legislative efforts to improve finance options to clean up stormwater are expected in 2017.

**Homelessness.** With local officials and state legislators increasingly concerned about perceived increases in homeless individuals living on the streets, the League opted to get ahead of the issue after the 2015 session by forming a small working group of key city staff and elected officials to help identify what cities were doing and the tools and resources they needed. Later, in mid-November, when the League's leadership identified homelessness as part of its 2016 strategic priorities on housing, policy development efforts on homelessness were already underway. This effort also contributed to documents, developed by the League's Public Affairs staff that provided legislators positive information about what cities were doing on the issue and what they needed. All of this activity helped better position the League for a volatile legislative year.

The League successfully defeated several attempts to advance aggressive proposals to remove local control while supporting various pieces of legislation that helped address the issue, such as Senator de León's No Place Like Home measure that will result in \$2 billion in additional affordable housing resources targeting one of California cities' most difficult problems: helping provide shelter and assistance to homeless, mentally ill individuals via the construction of 10,000 new housing units, accompanied by services.

The League and the California State Association of Counties formed a joint Homeless Task Force in fall 2016 that will identify best practices, promote city-county collaborative efforts and recommend policy changes that can help local agencies address homeless issues.

**Future of City Formation.** Governor Brown vetoed SB 817 (Roth), the latest in a repeated effort to restore funding stability to four recently incorporated cities in Riverside County. The veto continues the funding challenges for these cities created by SB 89

(Chapter 35, Statutes of 2011), which diverted critical Vehicle License Fee (VLF) revenues away from newly incorporated cities and compounded the challenges facing future incorporations. The issues raised by SB 817 also touch on larger policy issues. When SB 89 was adopted as part of the response to the budget crisis in 2011, it undermined the economic viability of future incorporations.

The typical pattern of city formation has involved pockets of development that begin in unincorporated areas, followed, at some point, by the residents pursuing city formation to better manage their community. From a state policy perspective, neglecting this issue is not without consequences, because city formation furthers compact growth. Once cities are established, their future growth is regulated by local agency formation commission (LAFCO) policies. In contrast, unincorporated development patterns are typically less dense and not regulated by LAFCO. The League looks forward to establishing a dialogue with the Administration to further discuss the role of new city formation in the state's future and new cities' contributions to sustainable development patterns and local quality of life.

### **Governor's Final Actions**

The Governor closed out the 2016 session on Sept. 30 by signing and vetoing legislation sent to him by the Legislature. The news was mostly positive for cities, with the Governor agreeing with the League's position 76 percent of the time, signing 25 of League's 31 requested signatures and vetoing seven of 11 requests.

Major positive outcomes for the League this year included his signature on several bills helping improve implementation and reduce legal costs associated with implementing the Voting Rights Act, including AB 2220 (Cooper) and AB 350 (Alejo); helpful economic development bills AB 2492 (Alejo and E. Garcia) and AB 806 (Dodd and Frazier), and two budget trailer bills implementing the No Place Like Home homeless-assistance measure. He also vetoed numerous bills that would have undermined local authority over issues such as parking, in AB 2586 (Gatto), and taxis in AB 650 (Low), and other measures proposing to expand worker's compensation benefits. Disappointments included the Governor's signature on SB 1069 (Wieckowski), which restricts a local agency's ability to impose requirements on second units (now named "accessory dwelling units") and AB 626 (Chiu) regarding construction claim resolution processes.

### **Issues for 2017**

The 2017 legislative session will bring both certainties and unknowns. Certainties include a continued policy discussion on how to address the state's needs for more affordable housing and, while there remains the possibility of a "lame-duck" session, likely a continued effort to craft a transportation package. There will be fallout from the November elections, depending on the results of 17 ballot measures and whether legislative Democrats regain two-thirds supermajorities. Other action will occur on the regulatory front with efforts to implement increased GHG reduction goals at ARB, the

rollout of medical marijuana regulation, homeless housing funds and efforts to restore the economic reliability of the state's recycling programs.

Unknown elements in 2017 include the state budget. State revenues depend heavily on income tax and particularly the fortunes of the wealthy. The stock market has shown signs of instability, indicating that the recent multiyear gains may be slowing. At some point the Governor's concerns about preparing the state finances to withstand a recession will be realized.

Whatever comes, the League will continue advocating for resources and partnerships with local agencies, other organizations, the business community and the state to assist cities in responding to urgent needs, providing vital services and enhancing the quality of life for their residents. The League remains a staunch advocate for the benefits of local control and flexibility.



## I. Administrative Services

### A. California Public Records Act (CPRA)

#### **AB 1546 (Olsen). Vital Records.**

##### **Chapter 255, Statutes of 2016 (Urgency)**

This measure authorizes a local registrar to release birth and death record indices to the county recorder within its jurisdiction for purposes of the preparation or maintenance of the indices of the county recorder. This measure extends the application of access restrictions applicable to confidential portions of certificates of live birth to confidential birth record indices.

#### **\*AB 2843 (Chau). Public Records. Employee Contact Information.**

##### **Chapter 830, Statutes of 2016**

This measure modernizes and expands existing provisions within the CPRA that permit disclosure of an employee's contact information such as a home telephone number or address to a recognized employee organization to include a cellular telephone number and birthdate. Additionally, it expands this provision to cover all public employees.

#### **\*AB 2853 (Gatto). Public Records.**

##### **Chapter 275, Statutes of 2016**

This measure authorizes a public agency that posts a public record on its website to refer a member of the public that requests to inspect the public record to the public agency's website where the public record is posted. It requires, if a member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the website where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public.

#### **\*SB 441 (Wolk). California Public Records Act. Exemptions.**

##### **Chapter 477, Statutes of 2016**

This measure exempts from disclosure under the CPRA any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor that is used in a public bidding or an audit involving the public agency.

### B. California Voting Rights Act (CVRA)

#### **\*AB 278 (Hernández). Municipal Elections.**

##### **Chapter 736, Statutes of 2016**

This measure allows local agencies who choose to switch to district-based elections through the ballot measure process to begin the public engagement process after the ballot measure has been passed by the voters. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**\*AB 350 (Alejo). District-Based Municipal Elections. Preapproval Hearings.  
Chapter 737, Statutes of 2016**

This measure provides a notice and cure period for cities using the ordinance process to switch to district-based elections. It also provides direction to cities regarding the specific public engagement process during district-based election conversion. (*The League has prepared a comprehensive summary of this measure in Appendix A of this document.*)

**\*AB 2220 (Cooper). Elections in Cities. By or From Districts.  
Chapter 751, Statutes of 2016**

This measure allows cities over 100,000 in population to convert to district-based elections through the ordinance process. (*The League has prepared a comprehensive summary of this measure in Appendix A of this document.*)

### **C. Elections**

**AB 1494 (Levine). Voting. Marked Ballots.  
Chapter 813, Statutes of 2016**

This measure clarifies that a voter may voluntarily disclose how he or she voted if that voluntary act does not violate any other law.

**AB 1921 (Gonzalez). Elections. Vote by Mail Ballots.  
Chapter 820, Statutes of 2016**

This measure allows voters to designate a person of their own choosing to return a completed vote by mail ballot (VBM) to the proper drop-off location or post office. This measure also prohibits a designated person from receiving any form of compensation based on the number of ballots that person returns.

**AB 1970 (Low). Elections. Vote by Mail and Provisional Ballots.  
Chapter 821, Statutes of 2016**

This measure requires the Secretary of State (SOS) to promulgate regulations to establish guidelines for county elections officials relating to the processing of VBM and provisional ballots.

**AB 2010 (Ridley-Thomas). Voter's Pamphlet. Electronic Candidate Statement.  
Chapter 128, Statutes of 2016**

This measure authorizes a governing body of a local agency to permit a candidate for nonpartisan elective office in the local agency to prepare a written statement for electronic distribution if the elections official who is conducting the election permits electronic distribution of a candidate's statement. It also requires the statement to be posted on the website of the elections official; permits the statement to be included in a voter's pamphlet that is electronically distributed; and prohibits the statement from being included in a voter's pamphlet that is printed and mailed to voters.

**AB 2021 (Ridley-Thomas). Election Process. Public Observation. International Observers.****Chapter 822, Statutes of 2016**

This measure allows an international election observer to be provided uniform and nondiscriminatory access to all stages of the election process that are open to the public, including the public review period for the certification of a ballot marking system, the processing and counting of VBM ballots, the canvassing of ballots, and the recounting of ballots. This measure strictly prohibits an international elections observer from interfering in any aspect of the election process as listed above.

**AB 2071 (Harper). Vote by Mail Ballots.****Chapter 225, Statutes of 2016**

This measure, for the purpose of VBM ballots, defines "bona fide mail delivery company" to mean a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item. Current law permits that a VBM ballot is considered timely cast if it is received by the voter's election official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day if a specified requirement is met.

**AB 2252 (Ting). Elections. Remote Accessible Vote by Mail.****Chapter 75, Statutes of 2016**

This measure establishes the framework whereby a voter with disabilities would be able to electronically receive and mark his or her VBM ballot using a remote accessible VBM system, similar to what is in current practice for members of the military to make voting more streamlined and accessible. It also renames a "ballot marking system" as a "remote accessible vote by mail system." In addition, the measure also defines a "remote accessible vote by mail system" as a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic ballot VBM remotely, outside a polling location, for a voter with disabilities.

**AB 2911 (Comm. on Elections and Redistricting). Voting. Voter Information Guides.****Chapter 422, Statutes of 2016**

This measure standardizes terms in the Elections Code used to refer to the county and state voter information guides. Specifically, it deletes the terms "sample ballot," "ballot pamphlet," "voter's pamphlet," "voter pamphlet," "state ballot pamphlet," and "statewide voter pamphlet," and replaces them with "state voter information guide" or "county voter information guide," as appropriate.

**\*SB 450 (Allen). Elections. Vote by Mail and Mail Ballot Elections.****Chapter 832, Statutes of 2016**

This measure permits counties to conduct elections in which every voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election. It provides a staggered

implementation date until January 1, 2020, specifically for the County of Los Angeles. This measure will sunset on January 1, 2022.

**\*SB 1108 (Allen). Elections. State and Local Reapportionment.  
Chapter 784, Statutes of 2016**

This measure permits a general law city to establish a commission charged with adjusting the boundaries of city council districts after each decennial federal census. It allows the governing body to establish either a commission which has the authority to adjust district boundaries or an advisory commission. This measure is fully permissive.

***D. Fair Political Practices Commission (FPPC)***

**SB 1107 (Allen). Political Reform Act of 1974.  
Chapter 837, Statutes of 2016**

This measure permits state and local governmental entities to establish public campaign financing programs for candidates for elective office. It also states that an officeholder who is convicted of a felony involving bribery, embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit those crimes, may use funds held by the officeholder's candidate controlled committee only to pay outstanding campaign debts, expenses, and returning contributions. This measure requires the officeholder, six months after conviction for one of the aforementioned felonies becomes final, to forfeit any remaining campaign funds and requires the funds to be deposited in the general fund. This measure is fully permissive.

***E. Privacy, Technology and Transparency***

**AB 884 (Gordon). Legislature. Legislative Information. Public Use.  
Chapter 441, Statutes of 2016 (Urgency)**

This measure repeals current provisions in law that prohibits a television signal generated by the State Assembly from being used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors. This measure also clarifies that any legislative materials provided electronically can be used for these purposes.

**AB 1787 (Gomez). Open Meetings. Public Comments. Translations.  
Chapter 507, Statutes of 2016**

This measure states that if a local legislative body limits the time for public comment, the legislative body must provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body. This provision is waived if the governing body utilizes a simultaneous translation equipment system to allow the body to hear the translated public testimony simultaneously.

**\*AB 2257 (Maienschein). Local Agency Meetings. Online Posting.  
Chapter 265, Statutes of 2016**

This measure requires an online posting of an agenda for a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has a website. The agenda must be posted on the local agency's primary website homepage accessible through a prominent, direct link.

**AB 2296 (Low). Digital Signatures.  
Chapter 144, Statutes of 2016**

This measure expresses the intent of the Legislature to clarify that a digital signature may be used to satisfy the requirements of an electronic signature under the Uniform Electronic Transactions Act (UETA). This measure, for purposes of the UETA, provides that an electronic signature includes a digital signature under specified described provisions of the Government Code and that a digital signature under those provisions is a type of an electronic signature as set forth in the UETA.

**AB 2828 (Chau). Personal Information. Privacy Breach.  
Chapter 337, Statutes of 2016**

This measure requires any agency that owns or licenses computerized data that includes personal information to disclose a breach of security of the system to any California resident whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Additionally, it requires that the agency notify the resident if the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person.

**\*SB 1436 (Bates). Local Agency Meetings. Local Agency Executive Compensation. Oral Report.  
Chapter 175, Statutes of 2016**

This measure requires the legislative body of a local agency to orally report a recommendation prior to taking final action on the compensation of a local agency executive during an open meeting. This measure does not affect the public's right under the CPRA to inspect or request copy records associated with executive compensation.

## ***F. General Administration***

**AB 2636 (Linder). Certified Copies of Marriage, Birth, and Death Certificates.  
Electronic Application.  
Chapter 527, Statutes of 2016**

This measure allows an official, if an electronic request for a certified copy of a birth, death, or marriage record is made, to accept an electronic verification of identity of the applicant using a remote identity proofing process, or a notarized statement of identity, to ensure the applicant is authorized under law to receive that record. It also states that agencies must meet certain state and federal encryption and network security standards in order to utilize this process. This measure will sunset on January 1, 2021.

**AB 2761 (Low). Marriage.****Chapter 528, Statutes of 2016**

This measure permits a former member of the Legislature, constitutional officer of this state or a former member of Congress from this state to solemnize a marriage. It eliminates the requirement that before a county supervisor, mayor or city clerk of a charter city, as provided, may solemnize a marriage he or she must first obtain and review from the county clerk all available instructions for marriage solemnization.

**ACR 95 (Mathis). American Flag.****Resolutions Chapter 115**

This measure declares that the American flag is an inseparable part of California's rich history, tradition, and culture, that it represents the values of freedom and liberty, and calls upon the state and local governments to prohibit any government entity in the state from banning the American flag from public property.

## II. Community Services

### *A. Tobacco Control*

#### **AB 2770 (Nazarian). Cigarette and Tobacco Licensing. Fees and Funding. Chapter 699, Statutes of 2016**

This measure restates that the Board of Equalization (BOE) is required to report back to the Legislature no later than January 1, 2019, regarding the adequacy of funding for the Cigarette and Tobacco Products Licensing Act of 2003. This measure, on or after July 1, 2019, prohibits revenues derived from the taxes imposed upon the distribution of cigarettes and tobacco products be appropriated to the BOE.

#### **ABX2 11 (Nazarian). Cigarette and Tobacco Licensing. Fees and Funding. Chapter 6, Statutes of 2016, Second Extraordinary Session**

This measure revises the Cigarette and Tobacco Products Licensing Act of 2003 to change the retailer license fee from a \$100 one-time fee to a \$265 annual fee, and increases the distributor and wholesaler license fee from \$1,000 to \$1,200. This measure requires BOE to report back to the Legislature, no later than January 1, 2019, regarding the adequacy of funding for the Cigarette and Tobacco Products Licensing Act of 2003.

#### **\*SB 977 (Pan). Tobacco. Youth Sports Events. Chapter 537, Statutes of 2016**

This measure prohibits a person located in the same park or facility where a youth sports event is taking place from using a tobacco product, including electronic cigarettes, within 250 feet of the youth sports event. It makes a violation an infraction punishable by a fine of \$250 for each violation. This measure also makes the use of tobacco on private property subject to those prohibitions. This measure clarifies that it does not preempt the authority of any county, city, or city and county to regulate the use of a tobacco product around a youth sports event. Any county, city, or city and county may enforce any ordinance adopted before January 1, 2017, or may adopt and enforce a new regulation that is more restrictive than this section, on and after January 1, 2017.

#### **\*SBX2 5 (Leno). Electronic Cigarettes. Chapter 7, Statutes of 2016, Second Extraordinary Session**

This measure recasts and broadens the definition of "tobacco product" in current law to include electronic cigarettes; extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes; extends current licensing requirements for manufacturers, importers, distributors, wholesalers, and retailers of tobacco products to electronic cigarettes; and requires electronic cigarette cartridges to be child-resistant.

**\*SBX2 7 (Hernandez). Tobacco Products. Minimum Legal Age.  
Chapter 8, Statutes of 2016, Second Extraordinary Session**

This measure increases the minimum legal age to purchase or consume tobacco from 18 to 21 and makes additional conforming changes to restrictions and enforcement mechanisms in current law.

***B. Homelessness***

**AB 38 (Eggman). Mental Health. Early Diagnosis and Preventive Treatment.  
Chapter 547, Statutes of 2016**

This measure establishes the Early Diagnosis and Preventive Treatment Program Fund to assist private and federal funding to flow to a pilot program operated by the University of California that provides a comprehensive mental health delivery system and early intervention in psychosis. This measure sunsets on January 1, 2023.

**AB 168 (Maienschein). Mental Health. Community-Based Services.  
Chapter 283, Statutes of 2016**

This measure expands the reporting requirements for the Department of Health Care Services (DHCS) if California is chosen to participate in a federal pilot program through the Protecting Access to Medicare Act in which the state's federal share of costs for outpatient behavioral health care for individuals with severe mental illness or serious emotional disturbances will be increased to 65 percent, thus lowering the costs to the state and freeing up county funds. New reporting requirements include the amount of additional funding each county will receive, the proposed uses of the funds, and a description of the improved partnerships between certified community behavioral health clinics and veterans organizations, primary care providers, health plans, educational agencies, and other organizations that the demonstration program includes.

**AB 801 (Bloom). Postsecondary Education. Success For Homeless Youth In  
Higher Education Act.**

**Chapter 432, Statutes of 2016**

This measure, until January 1, 2020, requires the California State University and each community college district, and requests the University of California to grant priority registration for enrollment to homeless youth.

**\*AB 1567 (Campos). Before and After School Programs. Enrollment Fees.  
Homeless and Foster Youth. Snacks or Meals.**

**Chapter 399, Statutes of 2016**

This measure, beginning on July 1, 2017, provides homeless students and students who are in foster care priority for enrolling in before and after school programs associated with the After School Education and Safety Program (ASES). It also prohibits a program that charges family fees from charging a fee to a family of a homeless or foster care student.



**AB 1568 (Bonta). Medi-Cal. Demonstration Project.****Chapter 42, Statutes of 2016 (Urgency)**

This measure establishes the Whole Person Care pilot program as a component of the Medi-Cal 2020 demonstration project in the DHCS. The program allows counties, Medi-Cal managed care plans, and community providers an opportunity to establish a new model for integrated care delivery that incorporates health care needs, behavioral needs, and social support (such as housing) for the state's most high-risk, high-utilizing populations. The program will be funded by federal funding specified for this purpose and matching funds from the participating agencies.

**\*AB 1618 (Comm. on Budget). Mental Health Services. No Place Like Home.****Chapter 43, Statutes of 2016**

This measure creates the No Place Like Home Program, which distributes \$2 billion dollars among counties as deferred payment loans to finance capital costs of permanent supportive housing for persons who are eligible for services under Proposition 63 (2004) and are homeless, chronically homeless, or at risk of chronic homelessness. The Legislature intends that that the loans will not have to be repaid. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**\*AB 1622 (Comm. on Budget). Budget Act of 2016.****Chapter 44, Statutes of 2016**

This measure includes \$10 million to provide transitional housing or shelter facilities for homeless veterans and \$10 million to expand the Homeless Youth and Exploitation Program at the Office of Emergency Services.

**\*AB 1628 (Comm. on Budget). No Place Like Home Program. Financing.****Chapter 322, Statutes of 2016**

This measure outlines the bond financing and mechanics of how it will be taken from Prop. 63 (2004) revenues. This measure facilitates and authorize the issuance of bonds by the California Health Facilities Financing Authority (CHFFA) for the purposes of establishing a loan program for counties to develop and administer permanent supported housing for homeless. It establishes a framework for the provision of housing through authorized service contract address loans to be made by CHFFA for supportive housing; specifies the use of funds for projects across the state; and provides administrative structure for the program. Additionally, this measure provides direct funding from this program for the few cities that currently provide mental health services and are already eligible for Prop. 63 funding.

**AB 1789 (Santiago). Personal Income Taxes. Voluntary Contributions. School Supplies for Homeless Children Fund.****Chapter 447, Statutes of 2016**

This measure extends the sunset date for the School Supplies for Homeless Children Fund until January 1, 2022. The Fund receives revenue from a tax check-off that appears on state income tax forms.

**\*AB 1995 (Williams). Community Colleges. Homeless Students. Access to Shower Facilities.**

**Chapter 407, Statutes of 2016**

This measure requires a community college campus that has shower facilities for student use to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district.

**AB 2176 (Campos). Shelter Crisis. Emergency Bridge Housing Communities.**

**Chapter 691, Statutes of 2016**

This measure sets up a pilot program in the City of San Jose to operate an “emergency bridge housing community” that will provide housing for homeless persons in any new or existing facility during a city-declared shelter crisis. State and local housing, health, and safety standards for public facilities will be suspended for implementation of the pilot program. The community is required to provide supportive and self-sufficient development services, limit rents and service fees to an ability-to-pay formula, and have the ultimate goal of moving homeless persons to permanent housing as quickly as possible. The City of San Jose is required to provide annual reports to the legislature on the progress and results of the program. The program sunsets on January 1, 2022.

**SB 1068 (Leyva). Homeless Children and Youths. Local Education Agency Liaisons. Training Materials.**

**Chapter 538, Statutes of 2016**

This measure requires the California Department of Education (CDE) to provide specified informational and training materials to local education agency (LEA) liaisons for homeless youth, including resources available to schools to assist homeless children and youth.

**SB 1380 (Mitchell). Homeless Coordinating and Financing Council.**

**Chapter 847, Statutes of 2016**

This measure establishes the Homeless Coordinating and Financing Council to oversee implementation of the Housing First regulations and identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. It also requires any state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness to adopt guidelines and regulations to include Housing First policies no later than July 1, 2019. “Housing First” is defined as the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible.

### ***C. Parks and Recreation***

#### **AB 1557 (Mathis). School Facilities. Use by Nonprofit Youth Organizations. Recreational Youth Sports Leagues.**

##### **Chapter 120, Statutes of 2016**

This measure specifically allows a governing board of a school district to authorize the use of school facilities or grounds by a nonprofit organization, or by a club or an association organized to promote youth and school activities, that is a recreational youth sports league that charges participants an average of no more than \$60 per month.

#### **AB 2007 (McCarty). Youth Athletics. Youth Sports Organizations. Concussions or Other Head Injuries.**

##### **Chapter 516, Statutes of 2016**

This measure requires youth sports organizations, including those sponsored by businesses, nonprofit entities, and local government agencies to notify a parent or guardian of an athlete, 17 years of age or younger, that is suspected to have a concussion while participating in 27 specified sports. The athlete cannot return to play until cleared by a licensed health care provider. This measure also requires, on a yearly basis, a concussion and head injury information sheet be signed and returned by the athlete and athlete's parent or guardian before the athlete's initiating practice or competition.

#### **AB 2249 (Cooley). State Parks.**

##### **Chapter 413, Statutes of 2016**

This measure establishes the California Heritage Protection Act, which prohibits a concession contract from providing a contracting party with a trademark interest in the name or names associated with a state park.

#### **SB 1111 (Pavley). State Parks. Operating Agreements.**

##### **Chapter 540, Statutes of 2016**

This measure authorizes the Department of Parks and Recreation (DPR) to enter into a statewide agreement with a qualified nonprofit park support organization, and makes other changes relative to state park operating agreements. This measure will sunset on January 1, 2025.

### ***D. Miscellaneous***

#### **AB 1709 (Gallagher). Deaf or Hard of Hearing Individuals.**

##### **Chapter 94, Statutes of 2016**

This measure updates various codes referencing "deaf or hearing impaired" individuals by replacing existing references to "hearing impaired" with "hard-of-hearing." It also makes other technical and nonsubstantive changes to those codes.

**AB 1765 (Irwin). CaliforniaVolunteers. Nonprofit Public Benefit Corporation.**  
**Chapter 743, Statutes of 2016**

This measure authorizes CaliforniaVolunteers to form a nonprofit public benefit corporation to raise revenues and receive grants or other financial support from private or public sources. It requires that the nonprofit public benefit corporation or other entity use the financial support it receives solely for the governmental purposes approved by CaliforniaVolunteers for activities within the scope of authority of CaliforniaVolunteers.

**AB 1825 (Gordon). Vicious Dogs.**  
**Chapter 97, Statutes of 2016**

This measure deletes from the definition of vicious dog "a dog seized under criminal laws prohibiting dog-fighting whose owner has been convicted of a crime related to dog-fighting." Current law provides for the designation and disposition of certain categories of dogs as potentially dangerous or vicious dogs pursuant to a specified judicial process, and requires that designation to be included in the registration records of the dog.

**AB 2125 (Chiu). Healthy Nail Salon Recognition Program.**  
**Chapter 564, Statutes of 2016**

This measure requires the California Department of Toxic Substances Control (DTSC), by January 1, 2018, to publish guidelines for healthy nail salon recognition (HNSR) programs voluntarily implemented by local cities and counties. This measure requires DTSC to promote the HNSR guidelines and consult with the Division of Occupational Safety and Health, Department of Public Health and the State Board of Barbering and Cosmetology in developing the guidelines.

**AB 2269 (Waldron). Animal Shelters. Research Animals. Prohibitions.**  
**Chapter 568, Statutes of 2016**

This measure prohibits the sale or transfer of live animals from pounds and animal shelters to animal dealers or research facilities, and prohibits such facilities from receiving animals, for purposes of research, testing, or animal experiments. It also prohibits putting animals down for the purpose of transferring their remains to a research facility or animal shelter. Finally, it provides a civil penalty of a \$1,000 fine for any violations.

**AB 2505 (Quirk). Animals. Euthanasia.**  
**Chapter 105, Statutes of 2016**

This measure prohibits the use of carbon dioxide to euthanize an animal.

**AB 2635 (Comm. on Agriculture). Public Health. Food Access.**  
**Chapter 394, Statutes of 2016**

This measure extends the operation of the California Healthy Food Financing Initiative until July 1, 2023, and establishes a repeal date of January 1, 2024. The California Healthy Food Financing Initiative expands access to nutritious foods in underserved urban and rural communities and seeks to eliminate food deserts in California.

**ACR 124 (Calderon). Arts Council. 40<sup>th</sup> Anniversary.**  
**Resolutions Chapter 54**

This measure declares the importance of the arts to the state and the essential role of the Arts Council in promoting the arts throughout the state, and congratulates the Arts Council on 40 years of service to the state and honors the Art Council's rich history and celebrate a bright future for the arts in our state.

**\*AJR 44 (Holden). Municipal Separate Storm Sewer System Stormwater Permits.**  
**Federal Financial Support.**  
**Resolutions Chapter 145**

This measure urges the federal government to provide greater financial support for local agencies implementing a federal mandate to improve stormwater quality, including, but not limited to, by passing legislation strengthening the Clean Water State Revolving Fund and creating new grant programs to assist in funding stormwater projects.

**SB 945 (Monning). Pet Boarding Facilities.**  
**Chapter 364, Statutes of 2016**

This measure establishes procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet, and safety. It specifically authorizes a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility.

**SB 1212 (Hueso). 2-1-1 Information and Referral Network.**  
**Chapter 841, Statutes of 2016**

This measure states the intent of the Legislature to facilitate the expansion of 2-1-1 services into those counties in California where they are lacking and to support a comprehensive statewide database that will connect all callers to information and referrals they need. This measure additionally states the intent of the Legislature to facilitate access to disaster preparedness, response, and recovery information, and referral services, uniformly in the state, especially in hard-to-serve rural areas, through a universally available telephone service. This measure authorizes the California Public Utilities Commission (PUC) to expend up to \$1.5 million from the California Teleconnect Fund Administrative Committee to help close telephone service gaps in counties lacking access to 2-1-1 referral service, including implementation of a coordinated publicly owned database.

### III. Employee Relations

#### *A. Personnel and Labor Relations*

**AB 488 (Gonzalez). Employment Discrimination.**

**Chapter 683, Statutes of 2016**

This measure authorizes individuals employed under a special license in a nonprofit sheltered workshop or rehabilitation facility to bring an action under the Fair Employment and Housing Act (FEHA) for prohibited harassment or discrimination.

**\*AB 1661 (McCarty). Local Government. Sexual Harassment Prevention Training and Education.**

**Chapter 816, Statutes of 2016**

This measure expands upon current law that requires local government employees receive sexual harassment training by now requiring local agency officials to receive two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter.

**AB 1676 (Campos). Employers. Wage Discrimination.**

**Chapter 856, Statutes of 2016**

This measure clarifies that upon hiring an employee, prior salary history cannot, by itself, justify any disparity in compensation.

**AB 1843 (Stone). Applicants for Employment. Criminal History.**

**Chapter 686, Statutes of 2016**

This measure prohibits employers from asking an applicant for employment to disclose information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law, or seek or utilize any such information as a factor in determining any condition of employment.

**AB 1847 (Stone). Earned Income Tax Credit Information Act. California Earned Income Tax Credit.**

**Chapter 294, Statutes of 2016**

This measure requires employers, who under current law must notify their employees that they may qualify for the federal earned income tax credit, to also notify those same employees that they may qualify for the state earned income tax credit.

**\*AB 1978 (Gonzalez). Employment. Property Service Workers.**

**Chapter 373, Statutes of 2016**

This measure establishes various requirements for the janitorial industry and those employers who use janitorial subcontractors. Requirements include a fee based registration with the California Labor Commissioner (LC) before any work can take place. It defines an employer as any person or entity that employs at least one employee and one or more covered workers and that enters into contracts,

subcontracts, or franchise arrangements to provide janitorial services. Additionally, this measure requires the LC to establish guidelines and protections against workplace sexual violence and harassment.

**AB 2337 (Burke). Employment Protections. Victims of Domestic Violence, Sexual Assault or Stalking.**

**Chapter 355, Statutes of 2016**

This measure expands employer notice requirements for both public and private employers regarding domestic violence employee protections. It provides that an employer shall inform each employee of his or her rights established under current law protecting employees affected by domestic violence, by providing that information in writing to new employees upon hire and to other employees upon request. This measure requires the LC to develop a form that an employer may use to satisfy this notice requirement.

**AB 2535 (Ridley-Thomas). Employment Wages. Itemized Statements.**

**Chapter 77, Statutes of 2016**

This measure clarifies wage stub reporting requirements for exempt employees. It provides that an itemized wage statement shall not be required to show total hours worked by the employee if the employee's compensation is solely based on salary and the employee is lawfully exempt from payment of overtime.

**AB 2899 (Hernández). Minimum Wage Violations. Challenges.**

**Chapter 622, Statutes of 2016**

This measure allows the LC pursuant to a request issued by a local entity to issue a citation against an employer for a violation of any applicable local minimum wage law if the local entity has not already issued a citation. If the LC has issued a wage violation, the local agency is prohibited from issuing a citation against an employer for the same violation.

**\*SB 3 (Leno). Minimum Wage.**

**Chapter 4, Statutes of 2016**

This measure increases the state minimum wage, ultimately to \$15 per hour by January 1, 2022, indexes the minimum wage thereafter, and provides for paid sick days to providers of in-home supportive services (IHSS). This measure also provides for two potential "off-ramps" whereby the Governor can temporarily suspend a scheduled increase to the minimum wage if certain state general budgetary shortfalls arise. This measure preempts local minimum wage ordinances if the wage rate in that ordinance is lower than the state wage rate.

**SB 1001 (Mitchell). Employment. Unfair Practices.**

**Chapter 782, Statutes of 2016**

This measure prohibits an employer from requesting more or different employment authorization documents than are required under federal law. Additionally, this measure prohibits an employer from refusing to honor documents tendered that appear reasonably genuine. This measure also prohibits an employer from reinvestigating or

revivifying an incumbent employee's authorization to work. Violation of these provisions may result in a civil penalty of not more than \$10,000 per violation imposed by the LC.

**SB 1015 (Leyva). Domestic Work Employees. Labor Standards.**  
**Chapter 315, Statutes of 2016**

This measure deletes the repeal date of the Domestic Worker Bill of Rights. By extending the effect of the Domestic Worker Bill of Rights, the violation of which is a misdemeanor, this measure expands the definition of a crime, imposing a state-mandated local program.

**SB 1063 (Hall). Condition of Employment. Wage Differential. Race or Ethnicity.**  
**Chapter 866, Statutes of 2016**

This measure expands the Equal Pay Act (Jackson, Chapter 546, Statutes of 2015) to prohibit employers from paying employees a wage rate less than the rate paid to employees of a different race or ethnicity for substantially similar work. This measure mirrors the enforcement mechanism and penalties for wage rate discrimination based on gender and includes discrimination based on race or ethnicity.

**SB 1167 (Mendoza). Employment Safety. Indoor Workers. Heat Regulations.**  
**Chapter 839, Statutes of 2016**

This measure requires the Division of Occupational Safety and Health (DOSH) to propose to the California Occupational Health Safety (Cal/OSHA) Health Standards Board for review and adoption, a standard that minimizes heat-related illness and injury among workers working in indoor places of employment by January 1, 2019.

**SB 1342 (Mendoza). Wages. Investigations. Subpoenas.**  
**Chapter 115, Statutes of 2016**

This measure specifies that a legislative body of a city or county is authorized to delegate that body's authority to issue subpoenas and to report noncompliance thereof to the judge of the superior court of the county, to a county or city official or department head in order to enforce any local law or ordinance, including local wage laws.

## ***B. Public Employee Retirement System***

**AB 2028 (Cooper). Public Employees' Retirement. Involuntary Termination.**  
**Reinstatement.**  
**Chapter 794, Statutes of 2016**

This measure requires that a member of the California Public Employees' Retirement System (CalPERS) who is involuntarily terminated and is subsequently reinstated to employment pursuant to an administrative, arbitral, or judicial proceeding, receive all retirement benefits that they otherwise would have accrued had they not been terminated.



**AB 2375 (Comm. on Public Employees, Retirement, and Social Security). Public Employees' Retirement System. Omnibus Bill.****Chapter 415, Statutes of 2016**

This measure makes various technical and non-controversial changes to numerous sections of the Government Code governing CalPERS, eliminating and or correcting erroneous, duplicative or out dated code sections in order to maintain and ensure effective administration of the system.

**AB 2404 (Cooley). Public Employees' Retirement System. Optional Settlements.****Chapter 199, Statutes of 2016**

This measure eliminates and combines several of the optional retirement benefit settlements available to members of CalPERS, the Judges' Retirement System (JRS I), and the Judges' Retirement System II (JRS II) that retire on or after January 1, 2018, in order to simplify members' retirement choices and administration of these retirement systems.

**AB 2833 (Cooley). Public Investment Funds. Disclosures.****Chapter 361, Statutes of 2016**

This measure requires every public investment fund to require each alternative investment vehicle in which it invests to make specified disclosures regarding fees and expenses and to present the disclosed information in a report at a public meeting at least annually.

**SB 294 (Pan). Public Employment. Military Service Credit.****Chapter 707, Statutes of 2016**

This measure requires employers that participate in CalPERS to inform employees of the rights of returning veteran employees to receive CalPERS credit for their periods of active service and requires employers to provide veterans with the forms necessary to claim the service credit. It requires CalPERS to create a unique form that clearly states this is an employer-paid benefit and requires employers to also inform new employees who are veterans of their rights to purchase CalPERS service credit for their military service performed prior to CalPERS membership.

**SB 1203 (Hertzberg). Retirement Systems. Joint Powers Authorities. Benefit Formulas.****Chapter 729, Statutes of 2016**

This measure authorizes a joint powers authority (JPA) formed on or after January 1, 2013, as specified, to provide employees who transfer to the JPA the same defined benefit plan or formula that they received from their respective employer prior to the JPA's formation rather than the benefit required under the California Public Employees' Pension Reform Act of 2013 (PEPRA).

### ***C. Workers' Compensation***

#### **AB 908 (Gomez). Disability Compensation.**

##### **Chapter 5, Statutes of 2016**

This measure revises the formula for determining benefits available pursuant to unemployment compensation disability law and for the family temporary disability insurance program, for periods of disability commencing after January 1, 2018, but before January 1, 2022, to provide a weekly benefit amount minimum of \$50 and increase the wage replacement rate to specified percentages, but not to exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations pursuant to existing law.

#### **\*AB 1244 (Gray). Workers' Compensation.**

##### **Chapter 852, Statutes of 2016**

This measure requires the Administrative Director (AD) of the Division of Workers' Compensation (DWC) to suspend a medical service provider if he or she is convicted of workers' compensation fraud. Additionally, this measure requires that the director of Department of Health Care Services (DHCS) notify the AD if a medical provider is added to the Suspended or Ineligible Provider List.

#### **AB 2503 (Oberholte). Workers' Compensation. Utilization Review.**

##### **Chapter 885, Statutes of 2016**

This measure requires a treating physician to file requests for authorization of treatment with the appropriate entity, as set forth in regulations to be adopted by the AD of the DWC. This measure sunsets on January 1, 2018.

#### **SB 914 (Mendoza). Workers' Compensation. Medical Provider Networks.**

##### **Independent Medical Review.**

##### **Chapter 84, Statutes of 2016**

This measure deletes the authorization to use the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines during the Independent Medical Review (IMR) Process.

#### **\*SB 1160 (Mendoza). Workers' Compensation.**

##### **Chapter 868, Statutes of 2016**

This measure modifies the utilization review process in the workers' compensation system and addresses system fraud and frictional cost by reducing inappropriate lien filings. Among other provisions, it prohibits the assignment of liens to third parties, requires all liens to be filed in the name of the actual lienholder and automatically stays any lien for medical treatment and medical-legal services. This measure will sunset on January 1, 2018.

## ***D. Healthcare***

### **AB 565 (Cooley). Group Life Insurance. Required Provisions.**

#### **Chapter 440, Statutes of 2016**

This measure clarifies that, for those healthcare dependent children over the age of majority, the group policyholder would be authorized to elect coverage at age variations up to the limiting age. Current law defines a dependent for these purposes as including the employee's spouse and all children from birth until 26 years of age, or a child 26 years of age or older who is both incapable of self-sustaining employment by reason of intellectual disability or physical handicap and chiefly dependent upon the employee for support and maintenance.

### **AB 796 (Nazarian). Health Care Coverage. Autism and Pervasive Developmental Disorders.**

#### **Chapter 493, Statutes of 2016**

This measure deletes the January 1, 2017, sunset date in current law which requires every health care service plan contract and health insurance policy to provide coverage for behavioral health treatment for pervasive developmental disorder or autism. This measure defines "behavioral health treatment" to mean specific services provided by, among others, a qualified autism service professional supervised and employed by a qualified autism service provider.

### **SB 908 (Hernandez). Health Care Coverage. Premium Rate Change. Notice. Other Health Coverage.**

#### **Chapter 498, Statutes of 2016**

This measure requires health plans and health insurers to notify purchasers in the individual and small group market if premium rates have been determined unreasonable or unjustified. It requires health plans and health insurers for small group and individual markets, to file with the Department of Managed Health Care (DMHC) and California Department of Insurance (CDI), at least 60 days prior to implementing any rate change, and justification for rate change, so that the departments can review the information for unreasonable rate increases.

### **SB 923 (Hernandez). Health Care Coverage. Cost-Sharing Changes.**

#### **Chapter 192, Statutes of 2016**

This measure prohibits health care service plans and health insurance policies from changing cost-sharing requirements during a plan or policy year in the individual or small group markets.

### **SB 1135 (Monning). Health Care Coverage. Notice of Timely Access to Care.**

#### **Chapter 500, Statutes of 2016**

This measure requires a health plan contract or health insurance policy issued, renewed, or amended on or after July 1, 2017, to provide information to an enrollee or insured regarding the standards for timely access to care including information related to receipt of interpreter services in a timely manner, no less than annually.

**\*SB 1159 (Hernandez). California Health Care Cost. Quality and Equity Data Atlas. Chapter 727, Statutes of 2016**

This measure requires the California Health and Human Services Agency to research the options for developing a cost, quality, and equity transparency database that is consistent with the confidentiality of medical information in existing law.

***E. General Administration***

**AB 241 (Gordon). Bankruptcy. Retired Employees. Disclosure of Names and Mailing Addresses.**

**Chapter 252, Statutes of 2016**

This measure requires a local public entity to provide the name and mailing address of each retired employee or his or her beneficiary receiving the retired employee's retirement benefit, in list form, to any organization that is incorporated and qualified under specific state and federal laws for the purpose of representing retired employees or their beneficiaries as members of the organization in a neutral evaluation process, the declaration of a fiscal emergency and adoption of a resolution, or a bankruptcy proceeding. This provision is waived if the above beneficiary submits a written notice to the public agency stating they do not wish to have their information disclosed.

**SB 1005 (Jackson). Marriage.**

**Chapter 50, Statutes of 2016**

This measure replaces references to a "husband" or "wife" within all California code sections to "spouse". This measure defines "spouse" as including "registered domestic partner".

**SB 1360 (Bates). Local Government. Municipal Service Agreements. Law Enforcement Services.**

**Chapter 57, Statutes of 2016**

This measure requires a city that provides law enforcement services through its appropriate departments, boards, commissions, officers, or employees to another city pursuant to a contract or any other agreement authorized by statute to charge that city all costs associated in providing contracted law enforcement services, minus what the city reasonably determines are general overhead costs.

## IV. Environmental Quality

### ***A. California Environmental Quality Act (CEQA)***

#### **AB 291 (Atkins). Tribal Gaming. Compact Ratification. Chapter 284, Statutes of 2016 (Urgency)**

This measure ratifies the Tribal-State gaming compact between the State of California and the Barona Band of Mission Indians executed on June 22, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the California Environmental Quality Act (CEQA); and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or the Department of Transportation (Caltrans) from CEQA requirements.

#### **AB 466 (Brown). Tribal Gaming. Compact Ratification. Chapter 285, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the San Manuel Band of Mission Indians executed on August 16, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

#### **AB 629 (Gonzalez). Tribal Gaming. Compact Ratification. Chapter 160, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Pala Band of Mission Indians executed on May 6, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

#### **AB 1282 (Gray). Tribal gaming. Compact Ratification. Chapter 287, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California executed on June 28, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

#### **AB 1767 (Bigelow). Tribal Gaming. Compact Ratification. Chapter 291, Statutes of 2016 (Urgency)**

This measure ratifies the amended tribal-state gaming compact entered into between the State of California and the Jackson Rancheria Band of Miwuk Indians, executed on

June 22, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**AB 1977 (Wood). Tribal Gaming. Compact Amendment Ratification.**  
**Chapter 296, Statutes of 2016 (Urgency)**

This measure ratifies the amended tribal-state gaming compact entered between the State of California and the Yurok Tribe. Additionally, this measure provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA.

**AB 2358 (Gonzalez). Tribal Gaming. Compact Ratification.**  
**Chapter 298, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Pechanga Band of Luiseño Mission Indians and provides that execution of an intergovernmental agreement between the tribe and Caltrans, the on-reservation impacts of compliance with the compact, the sale of compact assets, and the operation of an off-track satellite wagering facility are not subject to CEQA in deference to tribal sovereignty.

**AB 2915 (E. Garcia). Tribal Gaming. Compact Ratification.**  
**Chapter 240, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Agua Caliente Band of Cahuilla Indians (Tribe) executed on August 4, 2016. In deference to tribal sovereignty, this measure provides that certain actions are not deemed projects for purposes of compliance with CEQA, except as expressly provided, and specifies that any CEQA exemptions shall not apply to cities, counties, cities and counties, or Caltrans.

**\*SB 122 (Jackson). California Environmental Quality Act. Record of Proceedings.**  
**Chapter 476, Statutes of 2016**

This measure requires a 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. This measure also requires the Governor's Office of Planning and Research to implement a public database of all environmental documents and notices required by CEQA.

**SB 187 (Hall). Tribal Gaming. Compact Ratification.**  
**Chapter 306, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Jamul Indian Village of California, executed on August 8, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided,

that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**SB 404 (de León). Tribal Gaming. Compact Ratification.**  
**Chapter 229, Statutes of 2016 (Urgency)**

This measure ratifies the Compact entered into between the State of California and the Viejas Band of Kumeyaay Indians (Tribe) executed on June 28, 2016. This measure supersedes the compact between the state and the Tribe that was ratified by SB 1356 (de León, Chapter 314, Statutes of 2014). In deference to tribal sovereignty, it provides that certain actions are not deemed projects for purposes of compliance with CEQA, except as expressly provided, and specifies that any CEQA exemptions shall not apply to cities, counties, cities and counties, or Caltrans.

**SB 734 (Galgiani). Environmental Quality. Jobs and Economic Improvement Through Environmental Leadership Act of 2011.**  
**Chapter 210, Statutes of 2016 (Urgency)**

This measure extends for two years the expedited CEQA judicial review procedures established by the Jobs and Economic Improvement through Environmental Leadership Act (Act). Under the Act, the Governor must certify a project prior to January 1, 2018, the project must be approved prior to January 1, 2019, and the Act sunsets on January 1, 2019. This measure also requires contractors and subcontractors to pay to all construction workers employed in the execution of the project at least the general prevailing rate of per diem wages.

**SB 1008 (Lara). California Environmental Quality Act. Los Angeles Regional Interoperable Communications System. Exemption.**  
**Chapter 588, Statutes of 2016**

This measure extends the CEQA exemption, until January 1, 2020, for the design, site acquisition, construction, operation or maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System, consisting of long-term evolution broadband for the mobile data system and a land mobile radio system.

**SB 1313 (Hall). Tribal gaming. Compact Ratification.**  
**Chapter 310, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Yocha Dehe Wintun Nation, executed on August 4, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

## ***B. Energy***

### **AB 33 (Quirk). Electrical Corporations. Energy storage Systems. Energy Storage Resources.**

#### **Chapter 680, Statutes of 2016**

This measure requires the Public Utilities Commission (PUC) to evaluate and analyze the potential for all types of long duration bulk energy storage resources to help integrate renewable generation into the electrical grid.

### **AB 1330 (Bloom). Energy Efficiency.**

#### **Chapter 812, Statutes of 2016**

This measure requires the PUC to ensure that there are sufficient moneys available for electrical and gas corporations to meet required efficiency targets. Current law requires the PUC to identify all potentially achievable cost-effective electricity and natural gas efficiency savings and to establish efficiency targets for electrical and gas corporations to achieve.

### **AB 1637 (Low). Energy. Greenhouse Gas Reduction.**

#### **Chapter 658, Statutes of 2016**

This measure doubles the annual funding authorization for the Self-Generation Incentive Program for three years (an additional \$83 million per year) and extends and revises the net energy metering program for fuel cells for five years for those that commence operation on or before December 31, 2021.

### **AB 1773 (Oberholte). Local Government Renewable Energy Self-Generation Program.**

#### **Chapter 659, Statutes of 2016**

This measure expands the Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program to allow participation by joint powers authority (JPA) that are public agencies located within the same county and within same electrical corporation service territory. The RES-BCT program allows a local governmental entity to operate a small renewable electricity generating facility in one location and have the utility credit the output of that facility against electricity the local government consumes at another location.

### **AB 1923 (Wood). Bioenergy Feed in Tariff.**

#### **Chapter 663, Statutes of 2016**

This measure, for the purposes of the bioenergy feed-in tariff, revises a generally applicable interconnection requirement for electric generation facilities, as specified. It also requires the PUC to direct the electrical corporations to authorize a bioenergy electric generation facility with an effective capacity of up to five megawatts to participate in the bioenergy feed-in tariff if the facility delivers no more than three megawatts to the grid at any time and complies with specified interconnection and payment requirements.



**AB 1937 (Gomez). Electricity Procurement.****Chapter 664, Statutes of 2016**

This measure requires an electric investor-owned utility (IOU) that bids for new gas-fired generation resources to consider, and give preference to, bids for resources that are not gas-fired generation resources located in communities that suffer from cumulative pollution burdens and directs the PUC to ensure IOU procurement plans include showings that the IOU contains this element.

**AB 2168 (Williams). Public Utilities Commission Audit Compliance Act of 2016.****Chapter 805, Statutes of 2016**

This measure revises PUC reporting requirements on inspections and audits and modifies current auditing requirements. It requires the PUC to develop a risk-based approach for periodically reviewing balancing accounts to ensure that ratepayer funds are used for allowable purposes and are supported by appropriate documentation.

**\*AB 2313 (Williams). Renewable Natural Gas. Monetary Incentive Program for Biomethane Projects. Pipeline Infrastructure.****Chapter 571, Statutes of 2016**

This measure increases ratepayer-funded incentive amounts from \$1.5 million to \$3 million to encourage development of nondairy cluster biomethane projects and directs the PUC to consider whether to allow additional ratepayer funds to be provided for the cost of infrastructure for biomethane to interconnect with the natural gas pipeline network. It increases ratepayer-funded incentives for dairy cluster biomethane projects to \$5 million.

**AB 2454 (Williams). Energy. Procurement Plans.****Chapter 826, Statutes of 2016**

This measure requires electrical corporations, in determining the availability of cost-effective, reliable, and feasible demand reduction resources, to consider the findings of the Demand Response Potential Study, which studied the potential benefits of altering energy usage in response to a particular event or time of day. This measure requires electrical corporations to meet any identified resource need through available renewable energy, energy storage, energy efficiency, and demand reductions that are cost effective, reliable, and feasible. This measure also requires the PUC to require electrical corporations to demonstrate fulfillment of this provision prior to approving a contract for any new or repowered gas-fired generation facility.

**AB 2561 (Irwin). Water Supply Planning. Projects. Photovoltaic or Wind Energy Generation Facility.****Chapter 669, Statutes of 2016 (Urgency)**

This measure extends an existing sunset which excludes photovoltaic or wind energy generation facilities from having to submit a water supply assessment, if the facility uses no more than 75 acre-feet of water annually, to January 1, 2018.

**\*AB 2693 (Dababneh). Financing Requirements. Property Assessed Clean Energy. Chapter 618, Statutes of 2016**

This measure creates the PACE Preservation and Consumer Protections Act by adding additional consumer protections and disclosures to California's existing Property Assessed Clean Energy (PACE) Program. It requires PACE contracts to include specified information. This measure provides three days for a property owner to cancel the contractual assessment.

**AB 2729 (Williams). Oil and Gas. Operations. Chapter 272, Statutes of 2016**

This measure limits the definition of "active observation well," and expands the definitions of "idle well" and "long-term idle well" by no longer excluding active observation wells from their definitions. It also increases idle oil and gas well fees and blanket indemnity bonds to provide a disincentive for operators to maintain large numbers of idle wells.

**AB 2756 (Thurmond). Oil and Gas Operations. Enforcement Actions. Chapter 274, Statutes of 2016**

This measure substantially revises the Division of Oil, Gas and Geothermal Resources civil penalty structure for violations and procedures for appeals of its orders among other changes related to its enforcement actions. It sets ranges of civil penalty amounts depending on whether the violation is a well stimulation violation, a major violation, or a minor violation.

**AB 2861 (Ting). Electricity. Distribution Grid Interconnection Dispute Resolution Process.**

**Chapter 672, Statutes of 2016**

This measure authorizes the PUC to establish an expedited distribution grid interconnection dispute resolution process to resolve disputes within 60 days, unless it determines more time is needed. This measure specifies the elements to be included in the dispute resolution process and requires the PUC to establish a technical panel, a review panel, and a public process for each dispute.

**AB 2868 (Gatto). Energy Storage.**

**Chapter 681, Statutes of 2016**

This measure requires the PUC, in consultation with the State Air Resources Board and the State Energy Resources Conservation and Development Commission, to direct the state's three largest electrical corporations to file applications for programs and investments to accelerate widespread deployment of distributed energy storage systems. This measure authorizes the PUC to approve, or modify and approve, programs and investments in distributed energy storage systems and requires the PUC to prioritize those programs and investments that provide distributed energy storage systems to public sector and low-income customers.

**SB 380 (Pavley). Natural Gas Storage. Moratorium.****Chapter 14, Statutes of 2016 (Urgency)**

This measure continues the moratorium on injection of natural gas at the Aliso Canyon gas storage facility until specified criteria, including testing, are met. This measure requires the feasibility of the storage facility to be addressed and requires the PUC, with input from others, to determine the amount of gas necessary at the facility for safety, regional reliability and to ensure just and reasonable rates. It also incorporates the Division of Oil, Gas and Geothermal Resources' announced comprehensive safety review criteria for well testing, revises and clarifies the PUC's obligations to assess energy reliability, specifies the use of a commission proceeding to address the feasibility of the Aliso Canyon gas storage facility and sunsets the bill's provisions on January 1, 2021.

**SB 887 (Pavley). Natural Gas Storage Wells.****Chapter 673, Statutes of 2016**

This measure requires the operator of a gas storage well, before January 1, 2018, to have commenced a mechanical integrity testing regime specified by the Division of Oil, Gas, and Geothermal Resources and requires the division to promulgate regulations that establish standards for all gas storage wells. This measure requires the division to determine by regulation what constitutes a reportable leak from a gas storage well and the timeframe for reporting those leaks.

**SB 968 (Monning). Diablo Canyon Units 1 and 2 Powerplant.****Chapter 674, Statutes of 2016 (Urgency)**

This measure requires the PUC to ensure that an economic assessment conducted by an independent third party be completed by no later than July 1, 2018. The assessment shall consider the adverse and beneficial economic impacts, and net economic effects, that could occur, and of potential ways for the state and local jurisdictions to mitigate the adverse economic impact, if the Diablo Canyon powerplant were to temporarily or permanently shut down.

**SB 1028 (Hill). Electrical Corporations. Local Publicly Owned Electric Utilities.****Electrical Cooperatives. Wildfire Mitigation Plans.****Chapter 598, Statutes of 2016**

This measure requires each electrical corporation, local publicly owned electric utility, and electrical cooperative to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. It requires each electrical corporation to annually prepare a wildfire mitigation plan. In addition, this measure requires the PUC to review and provide comment on an electrical corporation's wildfire mitigation plan.

**SB 1207 (Hueso). Energy. Conservation. Financial Assistance.****Chapter 675, Statutes of 2016**

This measure extends the existing Energy Conservation Assistance Account (ECAA) program. The ECAA provides loans to local governments for energy efficiency improvements, and since 1979, has lent over \$220 million to local governments. This

measure extends the sunset date on the ECAA program from January 1, 2018, to January 1, 2028. This measure also authorizes the California Energy Commission (CEC) to pledge collateral to secure the bonds issued by the California Infrastructure and Economic Development Bank (IBank) to support the California Lending for Energy and Environmental Needs Center (CLEEN Center).

**SB 1393 (de León). Energy Efficiency and Pollution Reduction.**

**Chapter 677, Statutes of 2016**

This measure makes several technical, clarifying and substantive changes to the existing statute created by the Clean Energy and Pollution Reduction Act of 2015 (SB 350 (de León), Chapter 547, Statutes of 2015). It explicitly adds the AB 32 (Nuñez, Chapter 488, Statutes of 2006) environmental justice advisory committee to the entities from which the CEC and ARB must receive input when completing their studies on barriers to low-income and disadvantaged communities.

**SB 1414 (Wolk). Energy.**

**Chapter 678, Statutes of 2016**

This measure directs the CEC to approve a plan that will promote the installation of central air conditioning and heat pumps in compliance with Part 6 of Title 24 of the California Code of Regulations, and authorizes the CEC to adopt regulations consistent with the approved plan. This measure also prohibits an IOU from paying out a rebate or incentive for energy efficiency upgrades unless the recipient proves closure of regulatory permitting and compliance with any requirements of the state's building standards for energy efficiency.

**SB 1422 (Glazer). Public Utilities and Other Service Suppliers. Collection of Local Taxes.**

**Chapter 156, Statutes of 2016**

This measure clarifies that cable service providers are included in the definition for other service providers, pursuant to existing law, which limits the liabilities and responsibilities of public utilities and other service providers collecting a utility user tax in the event that that a local agency may be imposing the tax on consumers improperly.

**SB 1425 (Pavley). Water-Energy Nexus Registry.**

**Chapter 596, Statutes 2016**

This measure requires the California Environmental Protection Agency (CalEPA) to develop and administer a registry of greenhouse gas (GHG) emissions resulting from the water-energy nexus using the best available data.

### ***C. Hazardous Waste***

**AB 1419 (Eggman). Hazardous Waste. Cathode Ray Tube Glass.**

**Chapter 445, Statutes of 2016**

This measure provides that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceeds the total threshold limit concentration only for

barium is not a waste and is not subject to regulation by the Department of Toxic Substances Control (DTSC) as a hazardous waste if that panel glass meets certain requirements.

**AB 2891 (Comm. on Environmental Safety and Toxic Material). Hazardous Waste. Funding.**

**Chapter 704, Statutes of 2016**

This measure eliminates statutory formulas that inform how much the annual Budget Act appropriates to the DTSC for federal Superfund site and state-only orphan site cleanup and operations and maintenance (O&M) costs. This measure requires DTSC to estimate the funding needed to meet the state's obligation at those sites for cleanup and O&M and revises the state's statutory intent to provide funding suitable to meet the state's financial obligation under federal law.

**SB 1325 (de León). Hazardous Waste. Facilities. Postclosure Plans.**

**Chapter 676, Statutes of 2016**

This measure requires the DTSC to, on or before January 1, 2018, adopt regulations to impose post-closure plan requirements on the owner or operator of a hazardous waste facility through the issuance of an enforcement order, an enforceable agreement, or a post-closure permit. It deletes the January 1, 2009 sunset date which authorized DTSC to impose postclosure plan requirements through an enforcement order or an enforceable agreement.

### ***D. Solid Waste and Recycling***

**AB 655 (Quirk). Rendering. Inedible Kitchen Grease. Registration Fee. Additional Fees.**

**Chapter 286, Statutes of 2016**

This measure authorizes the Department of Food and Agriculture, in addition to the license fee, to charge each licensed renderer and collection center an additional annual fee of up to \$10,000 to cover the reasonable costs of administering provisions regulating renderers, collection centers, and transporters of inedible kitchen grease.

**AB 1005 (Gordon). California Beverage Container Recycling and Litter Reduction Act. Market Development Payments.**

**Chapter 442, Statutes of 2016**

This measure extends the sunset for plastic market development payments (PMDP) from 2017 to 2018. PMDP uses surplus redemption funds from the Beverage Container Recycling Fund to make payments of up to \$150 per ton to California-based processors and manufacturers that recycle and use post-consumer plastic beverage containers.

**AB 1103 (Dodd). Solid Waste Disposal. Self-Haulers.**

**Chapter 443, Statutes of 2016**

This measure adds self-haulers to the requirement that exporters, brokers, and transporters of recyclables or compost submit specified, periodic information to the

Department of Resources Recycling and Recovery (CalRecycle). This measure also requires CalRecycle to develop regulations to define "self-hauler."

**AB 1817 (M. Stone). Solid Waste. Garbage and Refuse Disposal Districts. Board of Directors.**

**Chapter 21, Statutes of 2016**

This measure authorizes a garbage disposal district board to provide, by ordinance or resolution, compensation to a member of the board in an amount not to exceed \$100 per day for each day of attendance at a meeting of the board. This measure allows a board director to receive that compensation for no more than six days in a calendar month.

**AB 1858 (Santiago). Automobile Dismantling. Task Force.**

**Chapter 449, Statutes of 2016**

This measure requires the Department of Motor Vehicles (DMV) to collaborate with the State Board of Equalization (BOE), the California Environmental Protection Agency (CalEPA), the DTSC, the State Water Resources Control Board, CalRecycle, and ARB to review and coordinate enforcement and compliance activity related to unlicensed automobile dismantling. This measure also requires DMV to submit a report to the Legislature by January 1, 2019.

**AB 2153 (C. Garcia). The Lead-Acid Battery Recycling Act of 2016.**

**Chapter 666, Statutes of 2016 (Urgency)**

This measure creates the Lead-Acid Battery Recycling Act and establishes several new fees on lead-acid batteries to fund lead contamination cleanup. This measure requires DTSC to report to the Legislature by February 1, 2018, and annually thereafter, on the status of the Lead-Acid Battery Cleanup Fund and DTSC's progress to implement use of the funds.

**AB 2396 (McCarty). Solid Waste. Annual Reporting.**

**Chapter 466, Statutes of 2016**

This measure requires state agencies to include information relating to commercial recycling and organic waste recycling in their annual report to CalRecycle. These reporting requirements are similar to those imposed on local governments.

**AB 2530 (Gordon). Recycling. Beverage Containers.**

**Chapter 861, Statutes of 2016**

This measure, beginning March 1, 2018, requires a manufacturer of a beverage sold in a plastic beverage container, subject to the California Redemption Value, to annually report to CalRecycle the amount of virgin plastic and postconsumer recycled plastic used by the manufacturer for plastic beverage containers.

**AB 2812 (Gordon). Solid Waste. Recycling. State Agencies and Large State Facilities.****Chapter 530, Statutes of 2016**

This measure requires CalRecycle, on or before July 1, 2017, to develop guidance for collecting and recycling recyclable materials in office buildings of state agencies and large state facilities, except buildings and facilities of community college districts or their campuses. This measure requires that a covered state agency and large state facility, on and after July 1, 2018, provide adequate receptacles, signage, education, and staffing, and arrange for recycling services for each office building of the state agency or large state facility.

**\*SB 423 (Bates). Surplus Household Consumer Product Waste. Management.****Chapter 771, Statutes of 2016**

This measure requires DTSC to convene a Retail Waste Working Group to consider and make findings and recommendations relating to requirements for the management of surplus household consumer products, waste reduction opportunities for those products, and waste management requirements. This measure requires the working group to report these findings and recommendations to the Legislature by June 1, 2017.

**SB 970 (Leyva). Greenhouse Gas Reduction Fund. Grant Program. Recyclable Materials.****Chapter 365, Statutes of 2016**

This measure requires CalRecycle, in awarding a grant for organics composting or anaerobic digestion, to consider, among other things, the amount of GHG emissions reductions that may result from the project and the amount of organic material that may be diverted from landfills as a result of the project. It also requires CalRecycle to consider how the project may benefit disadvantaged communities.

**\*SB 1229 (Jackson). Home-Generated Pharmaceutical Waste. Secure Drug Take-Back Bins.****Chapter 238, Statutes of 2016**

This measure provides certain collectors that are authorized under federal law to engage in drug take-back collection with limited protection from civil and criminal liability (or "qualified immunity") for any injury or harm that results from a collector maintaining a secure drug take-back bin on its premises, provided that the collector, not for compensation, acts in good faith to take specified steps to ensure the health and safety of consumers and employees and the proper disposal of the home-generated pharmaceutical waste contained in the secure drug take-back bin. This qualified immunity shall not apply in the case of personal injury or wrongful death which results from the collector's gross negligence or willful or wanton misconduct in maintaining a secure drug take-back bin.

## ***E. Water***

### **\*AB 1755 (Dodd). The Open and Transparent Water Data Act.**

#### **Chapter 506, Statutes of 2016**

This measure requires the Department of Water Resources (DWR), in consultation with the California Water Quality Monitoring Council (CWQMC), the State Water Resources Control Board (SWRCB), and the Department of Fish and Wildlife (DFW), to create, operate, and maintain a statewide integrated water data platform that, among other things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges.

### **AB 1928 (Campos). Water Efficiency. Landscape Irrigation Equipment.**

#### **Chapter 326, Statutes of 2016**

This measure extends the date from January 1, 2010, to January 1, 2019, by which the California Energy Commission (CEC) is required to adopt landscape irrigation equipment performance standards and labeling requirements. This measure prohibits the sale of new irrigation equipment on or after an effective date established by the CEC.

### **AB 2446 (Gordon). State Water Resources Control Board. Judicial Review.**

#### **Chapter 523, Statutes of 2016**

This measure expands the authority of the SWRCB, and to a lesser extent regional water boards, to issue or not issue a stay pending board proceedings, prohibits certain judicial challenges to water board decisions until after the administrative process has run its course, and clarifies two specified evidentiary requirements related to the Porter-Cologne Act.

### **AB 2480 (Bloom). Source Watersheds. Financing.**

#### **Chapter 695, Statutes of 2016**

This measure declares it to be state policy that source watersheds are recognized and defined as integral components of California's water infrastructure, and that maintenance and repair of source watersheds is eligible for the same forms of financing as other water collection and treatment infrastructure.

### **AB 2515 (Weber). Water Conservation in Landscaping Act. Model Water-Efficient Landscaping.**

#### **Chapter 576, Statutes of 2016**

This measure requires DWR, by January 1, 2020, and at least every three years thereafter, to update the Model Water-Efficient Landscape Ordinance or make a finding that an update to the model ordinance at that time is useful. It also requires DWR, upon updating the model ordinance, to submit the update to the California Building Standards Commission for consideration during the triennial revision process of the CalGreen Code.



**AB 2874 (Gaines). Groundwater Sustainability Agencies. Fees.****Chapter 139, Statutes of 2016**

This measure requires a groundwater sustainability agency to notify the Public Utilities Commission (PUC) before imposing or increasing a fee authorized by the Sustainable Groundwater Management Act relating to a groundwater basin that includes a water corporation regulated by the PUC.

**AB 2890 (Comm. on Environmental Safety and Toxic Material). Drinking Water and Wastewater Operator Certification Programs.****Chapter 305, Statutes of 2016**

This measure makes a number of statutory changes to better align the SWRCB's programs for certifying operators of wastewater treatment plants and drinking water treatment plants. It requires SWRCB to appoint an advisory committee to assist it in carrying out its responsibilities to examine and certify people to operate water treatment plants and water distribution systems. This measure also requires the advisory committee to review all proposed regulations and make recommendations to the SWRCB.

**SB 7 (Wolk). Housing. Water Meters. Multiunit Structures.****Chapter 623, Statutes of 2016**

This measure requires, as of January 1, 2018, that individual water meters, also called submeters, be installed on all new multifamily residential units or mixed commercial and multifamily units, and requires that landlords bill residents for the increment of water they use.

**\*SB 814 (Hill). Drought. Excessive Water Use. Urban Retail Water Suppliers.****Chapter 230, Statutes of 2016**

This measure, during prescribed drought conditions, prohibits excessive water use by a residential customer in a single-family residence or by a customer in a multiunit housing complex. This measure requires each urban retail water supplier to establish a method to identify and discourage excessive water use. This measure also authorizes, as a method to identify and discourage excessive water use, the establishment of a rate structure that includes block tiers, water budgets, or rate surcharges over and above base rates for excessive water use by residential customers.

**SB 953 (Lara). Central Basin Municipal Water District.****Chapter 426, Statutes of 2016**

This measure imposes numerous restrictions on the operation of the Central Basin Municipal Water District. It prohibits the Central Basin Municipal Water District from using sole source contracts. It requires the district to rebid a contract if the district significantly changes the scope of work of the contract. This measure also requires the general manager of the district to submit a quarterly report to the district's board detailing all of the district's contracts, contract amendments, and contract and amendment dollar amounts.

**SB 1112 (Cannella). Utilities. Water and Sewer System Corporations. Transactions.**

**Chapter 631, Statutes of 2016 (Urgency)**

This measure provides that if a water or sewer system corporation or an entity merging with or acquiring control of a water or sewer system corporation with less than 2,000 service connections fails to receive the PUC's approval before entering into any of the specified transactions valued at \$5 million or less, the transaction is voidable by the PUC until the commission either retroactively approves or conditionally approves the transaction. This measure also authorizes the PUC to delegate this approval authority to a specified division director.

**SB 1262 (Pavley). Water Supply Planning.**

**Chapter 594, Statutes of 2016**

This measure requires a city or county that determines a project is subject to CEQA to identify any water system whose service area includes the project site and any water system adjacent to the project site. It provides that hauled water is not a source of water for the purposes of a water supply assessment. This measure also revises requirements that new developments must meet in order to demonstrate that its water supply is sufficient to include consideration of provisions of the Sustainable Groundwater Management Act.

***F. Water – Drinking Water***

**AB 1180 (C. Garcia). Rates and Charges for Water Service. Payment Transaction Fees.**

**Chapter 254, Statutes of 2016**

This measure, until January 1, 2022, authorizes a water corporation with more than 10,000 service connections to seek PUC approval, through its general rate case application, to operate a pilot program designed to evaluate customer interest in, and utilization of, bill payment options, including, but not limited to, credit card, debit card, and prepaid card bill payment options, and to assess the cost-effectiveness of, and customer interests served by, customer access to those bill payment options. This measure limits the duration of a pilot program to the duration of the water corporation's rate case cycle.

**AB 2022 (Gordon). Advanced Purified Demonstration Water.**

**Chapter 408, Statutes of 2016**

This measure authorizes the operator of an advanced water purification facility to offer samples of purified water for educational purposes and to promote water recycling. This measure prohibits the advanced purified demonstration water in each bottle from exceeding eight ounces and prohibits that water from being distributed unless the water, among other requirements, meets or exceeds all federal and state drinking water standards.

**AB 2470 (Gonzalez). Municipal Water Districts. Water Service. Indian Tribes.**  
**Chapter 301, Statutes of 2016**

This measure, upon the request of an Indian tribe and the satisfaction of certain conditions, requires a water district to provide service of water at substantially the same terms applicable to the customers of the water district to an Indian tribe's lands that are not within a district.

**SB 552 (Wolk). Public Water Systems. Disadvantaged Communities.**  
**Consolidation or Extension of Service. Administrative and Managerial Services.**  
**Chapter 773, Statutes of 2016**

This measure authorizes SWRCB to order consolidation where a public water system or a state small water system is serving, rather than within, a disadvantaged community, and limits the authority of the SWRCB to order consolidation or extension of service to provide that authority only with regard to a disadvantaged community. This measure makes a community disadvantaged for these purposes if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company.

**SB 1263 (Wieckowski). Public Water Systems. Permits.**  
**Chapter 843, Statutes of 2016**

This measure requires a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the SWRCB at least six months before initiating construction of any water-related improvement. This measure requires the SWRCB to review permit applications for new water systems and authorizes SWRCB to deny a permit if it is found that the service area of the public water system can be served by one or more currently permitted public water systems.

**\*SB 1398 (Leyva). Public Water Systems. Lead User Service Lines.**  
**Chapter 731, Statutes of 2016**

This measure requires a public water system to compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system by July 1, 2018. It requires a public water system, after completing the inventory, to provide a timeline for replacement of known lead user service lines in the distribution system to the SWRCB.

**SB 1456 (Galgiani). Safe Drinking Water State Revolving Fund Law of 1997. Water Systems. Financing.**  
**Chapter 488, Statutes of 2016**

This measure allows costs incurred by a community water system or not-for-profit noncommunity water system for planning and preliminary engineering studies, project design, and construction to be funded under the Safe Drinking Water State Revolving Fund.

## ***G. Water – Quality***

### **AB 1842 (Levine). Water. Pollution. Fines.**

#### **Chapter 349, Statutes of 2016**

This measure imposes an additional civil penalty of not more than \$10 for each gallon or pound of material discharged into state waterways. It requires that the civil penalty be reduced for every gallon or pound of the illegally discharged material that is recovered and properly disposed of by the responsible party.

### **\*AB 2594 (Gordon). Stormwater Resources. Use of Captured Water.**

#### **Chapter 526, Statutes of 2016**

This measure allows a public entity that captures stormwater before the water reaches a natural channel to use the water. It requires the captured water to be used in accordance with a stormwater resource plan and only entitles use of water which augments water supplies and supports existing water rights.

### **SB 1260 (Allen). Stormwater. Municipalities. Online Resource Center.**

#### **Chapter 153, Statutes of 2016**

This measure requires the SWRCB to establish an online resource center that addresses measures available for municipalities to comply with municipal stormwater permit requirements.

## ***H. Air Quality***

### **AB 1685 (Gomez). Vehicular Air Pollution. Zero-Emission Vehicles. Civil Penalties.**

#### **Chapter 604, Statutes of 2016**

This measure updates civil penalties for violations of California Air Resources Board (ARB) regulations, orders, or rules, to bring penalty assessments into alignment with those of the United States Environmental Protection Agency. This measure establishes maximum penalties of up to \$37,500 per violation for certain violations.

## ***I. Climate Change***

### **\*AB 197 (E. Garcia). State Air Resources Board. Greenhouse Gases. Regulations.**

#### **Chapter 250, Statutes of 2016**

This measure adds two members of the Legislature to the ARB as ex officio, nonvoting members. It provides that the voting members of ARB are appointed for staggered 6-year terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office. It also creates the Joint Legislative Committee on Climate Change Policies (JLCCCP). The JLCCCP is comprised of three Senators and three Assembly members and will make recommendations concerning the state's programs, policies, and investments related to climate change. This measure requires ARB to annually appear before the JLCCCP to

present an informal report on GHG emissions, criteria pollutants, and toxic air contaminants from all sectors covered by the AB 32 Scoping Plan.

**AB 1110 (Ting). Greenhouse Gases Emissions Intensity Reporting. Retail Electricity Suppliers.**

**Chapter 656, Statutes of 2016**

This measure requires the California Energy Commission (CEC), in consultation with ARB, to adopt a methodology for the calculation of GHG emissions intensity for each purchase of electricity by a retail supplier to serve its retail customers. This measure requires a retail supplier, including an electrical corporation, local publicly owned electric utility, electric service provider, and community choice aggregator, to also disclose both the GHG emissions intensity of any electricity portfolio offered to its retail customers and the CEC's calculation of the GHG emissions intensity associated with all statewide retail electricity sales.

**\*AB 1550 (Gomez). Greenhouse Gases. Investment Plan. Disadvantaged Communities.**

**Chapter 369, Statutes of 2016**

This measure requires the Greenhouse Gas Reduction Fund (GGRF) Investment Plan to allocate funds in the following manner:

- A minimum of 25 percent be spent on projects located within, and benefit individuals living in, disadvantaged communities;
- An additional minimum of five percent to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state; and,
- An additional minimum of five percent either to projects that benefit low-income households that are outside of, but within a one-half mile of, disadvantaged communities, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a one-half mile of, disadvantaged communities.

This measure uses CalEnviroScreen to determine disadvantaged communities and defines "Low-income households" as those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093.

**\*AB 2722 (Burke). Transformative Climate Communities Program.**

**Chapter 371, Statutes of 2016**

This measure creates the Transformative Climate Communities Program, administered by the Strategic Growth Council, to fund the development and implementation of neighborhood-level transformative climate community plans, that include GHG emissions reduction projects, which achieve local economic, environmental and health benefits for disadvantaged communities. The FY 2016-17 cap and trade expenditure plan included \$140 million to implement this measure.

**AB 2800 (Quirk). Climate Change. Infrastructure Planning.****Chapter 580, Statutes of 2016**

This measure, until July 1, 2020, requires state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining, and investing in state infrastructure. This measure, by July 1, 2017, and until July 1, 2020, requires the Natural Resources Agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering.

**\*SB 32 (Pavley). California Global Warming Solutions Act of 2006. Emissions Limit.****Chapter 249, Statutes of 2016**

This measure requires the ARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. This measure expands the GHG emission reduction targets established under AB 32 (Nuñez, Chapter 488, Statutes of 2006).

**SB 1030 (McGuire). Sonoma County Regional Climate Protection Authority.****Chapter 151, Statutes of 2016**

This measure removes the sunset date on the Sonoma County Regional Climate Protection Authority (RCPA), thus making the RCPA permanent. The RCPA develops, coordinates, and implements programs and policies to comply with the California Global Warming Solutions Act of 2006 and other federal or state mandates and programs designed to respond to GHG emissions and climate change.

**\*SB 1383 (Lara). Short-Lived Climate Pollutants. Methane Emissions. Dairy and Livestock. Organic Waste. Landfills.****Chapter 395, Statutes of 2016**

This measure requires the ARB to approve and implement the comprehensive short-lived climate pollutant strategy to achieve, from 2013 levels, a 40 percent reduction in methane, a 40 percent reduction in hydrofluorocarbon gases, and a 50 percent reduction in anthropogenic black carbon, by 2030. It requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with ARB, to adopt regulations to achieve the organics reduction targets. This measure states that methane emission reduction goals shall include targets to reduce the landfill disposal of organic waste 50 percent by 2020 and 75 percent by 2025 from the 2014 level.

**SB 1464 (de León). California Global Warming Solutions Act of 2006. Greenhouse Gas Emissions Reduction.****Chapter 679, Statutes of 2016**

This measure requires, in identifying priority programmatic investments, that the GGRF investment plan assess how proposed investments interact with current state regulations, policies, and programs, and evaluate if and how the proposed investments could be incorporated into existing programs.

## ***J. Miscellaneous***

### **AB 1362 (Gordon). San Mateo County Mosquito and Vector Control District. Board of Trustees. Appointment of Members.**

#### **Chapter 288, Statutes of 2016**

This measure authorizes a change in the appointment of the board of trustees of the San Mateo County Mosquito and Vector Control District. If a majority of the legislative bodies that include the city councils and board of supervisors in San Mateo adopt resolutions approving a reorganization and forward a copy of the resolution to the local agency formation commission, the measure requires the commission to adopt procedures for the reorganization of the board of trustees.

### **AB 1810 (Levine). California Seed Law. Exclusions. Noncommercial Seed Sharing.**

#### **Chapter 259, Statutes of 2016**

This measure excludes from the labeling requirements of the seed law seed distributed or received by noncommercial seed sharing activity. It would authorize the Secretary of Food and Agriculture to require any entity that conducts noncommercial seed sharing activity to provide notification of its activity on a form created by the secretary.

### **\*AB 2087 (Levine). Regional Conservation Investment Strategies.**

#### **Chapter 455, Statutes of 2016**

This measure establishes a pilot project, administered by the Department of Fish and Wildlife, for a regional conservation investment strategy program that identifies and prioritizes regional conservation through a science-based public process while also encouraging investments in conservation through advance mitigation. No more than eight regional strategies can be approved prior to January 1, 2020, and the program sunsets on that same date.

### **AB 2549 (Comm. on Water, Parks and Wildlife). Public Resources.**

#### **Chapter 201, Statutes of 2016**

This measure makes a number of changes to the Fish and Game Code. It extends the sunset date on existing law regarding invasive quagga and zebra mussels from 2017 to 2020. This measure repeals the sunset date on provisions of existing law establishing procedural rules for administrative hearings on listing petitions under the California Endangered Species Act, thus allowing the provisions to continue in effect. This measure also extends the date to January 1, 2018, by which the Department of Parks and Recreation, in consultation with the State Park and Recreation Commission, shall provide recommendations to the Legislature on ways to improve the state park planning process.

### **\*AB 2616 (Burke). California Coastal Commission. Environmental Justice.**

#### **Chapter 578, Statutes of 2016**

This measure requires one of the Governor's appointments to the Coastal Commission reside in, and work directly with, communities in the state that are disproportionately burdened by, and vulnerable to, high levels of pollution and issues of environmental justice. The Governor must appoint a member who meets these qualifications to a

vacant position from the appointments available no later than the fourth appointment available after January 1, 2017. It also allows the Coastal Commission to consider environmental justice or the equitable distribution of environmental benefits when acting on coastal development permits or an appeal to the commission.

**AB 2651 (Gomez). Greenway Easements.**  
**Chapter 471, Statutes of 2016 (Urgency)**

This measure makes clarifying changes to the Greenway Development and Sustainment Act that include expanding the definition of a greenway easement, requiring that a greenway reflect design standards that are consistent with plans and facilities for controlling the floodwater of rivers and their tributaries, and requiring that greenways be included in the land use element of a general plan rather than in the open-space element.

**\*SB 1000 (Leyva). Land Use. General Plans. Safety and Environmental Justice.**  
**Chapter 587, Statutes of 2016**

This measure requires that cities and counties develop an environmental justice element, or related goals, policies, and objectives integrated in other elements within the general plan, that identifies disadvantaged communities. This measure requires a city or county to adopt or review the environmental justice element, or its policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

**\*SB 1089 (Pavley). Wildlife Conservation Board.**  
**Chapter 481, Statutes of 2016**

This measure expands the composition of the Wildlife Conservation Board to include four public members to serve terms of four years each and requires one public member to be appointed by the Speaker of the Assembly, one public member to be appointed by the Senate Committee on Rules, and two public members to be appointed by the Governor. This measure requires the four public members appointed to the board to have demonstrated interest and expertise in land acquisition for conservation purposes, including but not limited to experience with activities that benefit disadvantaged communities.

**\*SB 1473 (Comm. on Natural Resources and Water). Natural Resources.**  
**Chapter 546, Statutes of 2016**

This measure makes technical changes to the Fish and Game Code based on recommendations submitted by the California Law Revision Commission. This measure also requires the Coastal Commission to meet at least 11 times per year with no more than 45 days between meetings. It requires a hearing on any coastal development permit application or an appeal to be set no later than 49 days after the date on which the application or appeal is filed with the commission.



## V. Housing, Community and Economic Development

### A. Housing and Finance

#### **\*AB 723 (Chiu). Housing. Finance.**

##### **Chapter 552, Statutes of 2016 (Urgency)**

This measure makes helpful changes to rules governing the allocation of Community Development Block Grant (CDBG) funds to small, “non-entitlement” cities and counties, which receive federal CDBG dollars via the state Department of Housing and Community Development (HCD) rather than directly from the federal government. It also expands eligibility requirements for loans awarded by the California Housing and Finance Agency (CalHFA). Specifically, this measure:

- Authorizes HCD to issue a Notice of Funding Availability (NOFA) under which the director of the department could determine that an applicant previously awarded funds is eligible to apply for, and receive, additional funds pursuant to the CDBG Program, without regard to whether the applicant has expended at least 50 percent of funds previously awarded; and
- Expands eligibility requirements for loans awarded by CalHFA to housing projects that provide units for households earning up to 80 percent of area median income. This change will make projects that are more economically feasible, and therefore more attractive to developers, eligible for the loan program.

#### **AB 1920 (Chau). California Tax Credit Allocation Committee. Low-Income Housing Credit. Fines.**

##### **Chapter 611, Statutes of 2016**

This measure allows the California Tax Credit Allocation Committee to levy fines for violations of the terms and conditions, the regulatory agreement, covenants, or program regulations for affordable housing developments that received low-income housing tax credits (LIHTC). Current law offers only limited remedies such as imposing negative points on future applications or bringing a lawsuit to seek compliance or receivership.

#### **AB 2031 (Bonta). Local Government. Affordable Housing. Financing.**

##### **Chapter 453, Statutes of 2016**

This measure allows a city or county that formed a redevelopment agency (RDA) to bond against the property tax revenues it receives as a result of redevelopment dissolution for affordable housing purposes without voter approval. In order to take advantage of this authorization, the RDA must have received its finding of completion from the Department of Finance.

#### **\*AB 2299 (Bloom). Land Use. Housing. 2<sup>nd</sup> Units.**

##### **Chapter 735, Statutes of 2016**

This measure renames “second units” as “accessory dwelling units” (ADUs), and makes significant changes to local authority to regulate these units. The measure nullifies current city ordinances that do not comply with the provisions outlined in the bill. (*The*

*League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**\*AB 2406 (Thurmond). Housing. Junior Accessory Dwelling Units.  
Chapter 755, Statutes of 2016 (Urgency)**

This measure allows a local agency to create an ordinance for junior accessory dwelling units (JADU) in single-family residential zones. JADUs are units that are no more than 500 square feet in size and contained entirely within a single-family residence. The unit may include separate sanitation facilities or may share the facilities with the existing structure. This measure is closely related to AB 2299 (Bloom, Chapter 735, Statutes of 2016) and SB 1069 (Wieckowski, Chapter 720, Statutes of 2016). *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**AB 2584 (Daly). Land Use. Housing Development.  
Chapter 420, Statutes of 2016**

This measure adds housing organizations to the list of people and organizations that can bring a legal action under the Housing Accountability Act against a local government that has disapproved a housing development.

**AB 2818 (Chiu). Property Taxation. Community Land Trust.  
Chapter 701, Statutes of 2016**

This measure requires the county assessor to consider, when valuing real property for property taxation purposes, private party affordability restrictions imposed on housing units and the land on which the units are situated under a contract that is a 99-year ground lease between a community land trust and the qualified owner of an owner-occupied single-family dwelling or an owner-occupied unit in a multifamily dwelling. This measure also requires that a finding be made by a relevant public agency or official that the restrictions serve the public interest to create and preserve the affordability of residential housing for low or moderate income households. This measure takes effect immediately as a tax levy and the state will not reimburse local agencies for property tax revenues lost through this measure.

**SB 866 (Roth). Veterans Housing.  
Chapter 535, Statutes of 2016**

This measure allows Proposition 41 bond funding to be used to create supportive housing for female veterans and their children who have suffered sexual abuse.

**SB 944 (Comm. on Transportation and Housing). Housing Omnibus.  
Chapter 714, Statutes of 2016**

This measure is the Housing Committee Omnibus bill that makes technical and non-controversial changes to sections of law relating to housing. Changes in the measure include:

- Clarifies that non-profits that operate mutual self-help homeownership programs are not acting as contractors and do not require a license from the State Contractor's License Board;

- Changes the time in which mobilehome park management must file a notice of disposal of an abandoned mobilehome with HCD from 10 days to 30 days after the date of sale;
- Gives HCD authority to draft guidelines for new procedures and forms to implement AB 999 (Daly, Chapter 376, Statutes of 2015) until final regulations are formally adopted;
- Corrects code references for the definition of “electric vehicle charging station” and “charging stations”;
- Eliminates conflicting methodology for HCD determination of regional housing need, specifically regarding population forecasts;
- Removes outdated building code requirements; and
- Moves \$1.1 million in unencumbered funds from the Emergency Homeless Assistance Program-Capital Development fund to the Multi-Family Housing Program.

**\*SB 1069 (Wieckowski). Land Use. Zoning.**

**Chapter 720, Statutes of 2016**

This measure renames “second units” as “accessory dwelling units” (ADUs), and makes significant changes to local authority to regulate these units. The measure nullifies current city ordinances that do not comply with the provisions outlined in the bill. (*The League has prepared a comprehensive summary of this measure in Appendix A of this document.*)

**SB 1413 (Leno). School Districts. Employee Housing.**

**Chapter 732, Statutes of 2016**

This measure authorizes a school district to establish and implement programs that address the housing needs of teachers and school district employees who face challenges in securing affordable housing. The purpose of this measure is to facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers and school district employees to allow teachers or school district employees to access and maintain housing stability.

## ***B. Homelessness***

**AB 38 (Eggman). Mental Health. Early Diagnosis and Preventive Treatment.**

**Chapter 547, Statutes of 2016**

This measure establishes the Early Diagnosis and Preventive Treatment Program Fund to assist private and federal funding to flow to a pilot program operated by the University of California that provides a comprehensive mental health delivery system and early intervention in psychosis. This measure sunsets on January 1, 2023.

**AB 1568 (Bonta). Medi-Cal. Demonstration Project.**

**Chapter 42, Statutes of 2016 (Urgency)**

This measure establishes the Whole Person Care pilot program as a component of the Medi-Cal 2020 demonstration project in the DHCS. The program allows counties, Medi-

Cal managed care plans, and community providers an opportunity to establish a new model for integrated care delivery that incorporates health care needs, behavioral needs, and social support (such as housing) for the state's most high-risk, high-utilizing populations. The program will be funded by federal funding specified for this purpose and matching funds from the participating agencies.

**\*AB 1618 (Comm. on Budget). Mental Health Services. No Place Like Home. Chapter 43, Statutes of 2016**

This measure creates the No Place Like Home Program, which distributes \$2 billion dollars among counties as deferred payment loans to finance capital costs of permanent supportive housing for persons who are eligible for services under Proposition 63 (2004) and are homeless, chronically homeless, or at risk of chronic homelessness. The Legislature intends that the loans will not have to be repaid. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**\*AB 1622 (Comm. on Budget). Budget Act of 2016. Chapter 44, Statutes of 2016**

This measure includes \$10 million to provide transitional housing or shelter facilities for homeless veterans and \$10 million to expand the Homeless Youth and Exploitation Program at the Office of Emergency Services.

**\*AB 1628 (Comm. on Budget). No Place Like Home Program. Financing. Chapter 322, Statutes of 2016**

This measure outlines the bond financing and mechanics of how it will be taken from Prop. 63 (2004) revenues. This measure facilitates and authorizes the issuance of bonds by the California Health Facilities Financing Authority (CHFFA) for the purposes of establishing a loan program for counties to develop and administer permanent supported housing for homeless. It establishes a framework for the provision of housing through authorized service contract address loans to be made by CHFFA for supportive housing; specifies the use of funds for projects across the state; and provides administrative structure for the program. Additionally, this measure provides direct funding from this program for the few cities that currently provide mental health services and are already eligible for Prop. 63(2004) funding.

**AB 2176 (Campos). Shelter Crisis. Emergency Bridge Housing Communities. Chapter 691, Statutes of 2016**

This measure sets up a pilot program in the City of San Jose to operate an "emergency bridge housing community" that will provide housing for homeless persons in any new or existing facility during a city-declared shelter crisis. State and local housing, health, and safety standards for public facilities will be suspended for implementation of the pilot program. The community is required to provide supportive and self-sufficient development services, limit rents and service fees to an ability-to-pay formula, and have the ultimate goal of moving homeless persons to permanent housing as quickly as possible. The City of San Jose is required to provide annual reports to the legislature on the progress and results of the program. The program sunsets on January 1, 2022.

**SB 1380 (Mitchell). Homeless Coordinating and Financing Council.****Chapter 847, Statutes of 2016**

This measure establishes the Homeless Coordinating and Financing Council to oversee implementation of the Housing First regulations and identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. It also requires any state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness to adopt guidelines and regulations to include Housing First policies no later than July 1, 2019. "Housing First" is defined as the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible.

***C. Land Use/Planning*****\*AB 1550 (Gomez). Greenhouse Gases. Investment Plan. Disadvantaged Communities.****Chapter 369, Statutes of 2016**

This measure requires the Greenhouse Gas Reduction Fund (GGRF) Investment Plan to allocate funds in the following manner:

- A minimum of 25 percent be spent on projects located within, and benefit individuals living in, disadvantaged communities;
- An additional minimum of five percent to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state; and
- An additional minimum of five percent either to projects that benefit low-income households that are outside of, but within a one-half mile of, disadvantaged communities, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a one-half mile of, disadvantaged communities.

This measure uses CalEnviroScreen to determine disadvantaged communities and defines "Low-income households" as those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093.

**\*AB 1934 (Santiago). Planning and Zoning. Development Bonuses. Mixed-Use Projects.****Chapter 747, Statutes of 2016**

This measure requires a local agency to provide a development bonus when a commercial developer enters into an agreement with a housing developer for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing. In order to be eligible, the project must be within

one-half mile of a major transit stop and in close proximity to public amenities including schools and employment centers. The measure sunsets on January 1, 2022.

**\*AB 2087 (Levine). Regional Conservation Investment Strategies.**

**Chapter 455, Statutes of 2016**

This measure establishes a pilot project, administered by the Department of Fish and Wildlife, for a regional conservation investment strategy program that identifies and prioritizes regional conservation through a science-based public process while also encouraging investments in conservation through advance mitigation. No more than eight regional strategies can be approved prior to January 1, 2020, and the program sunsets on that same date.

**AB 2180 (Ting). Land Use. Development Project Review.**

**Chapter 566, Statutes of 2016**

This measure shortens the review process timeline in the Permit Streamlining Act for approval of development projects that are either residential units only or mixed-use developments in which the non-residential uses are less than 50 percent of the total square footage and are limited to neighborhood commercial uses. If an Environmental Impact Report (EIR) is prepared, the lead agency must act on the development within 120 days of the EIR certification. Once a lead agency approves a project, the responsible agency must act within 90 days of the lead agency's approval or within 90 days of the date an application has been received and accepted as complete by the responsible agency, whichever time is longer.

**\*AB 2208 (Santiago). Local Planning. Housing Element. Inventory of Land for Residential Development.**

**Chapter 460, Statutes of 2016**

This measure expands the definition of "land suitable for residential development," as it relates to the Housing Element, to include the airspace above sites owned or leased by a city or county.

**\*AB 2442 (Holden). Density Bonuses.**

**Chapter 756, Statutes of 2016**

This measure requires a local agency to grant a density bonus to a housing developer that agrees to set aside at least 10 percent of a housing development for transitional foster youth, disabled veterans, or homeless persons. The units must be subject to a recorded affordability restriction of 55 years and be provided as very low-income units.

**\*AB 2501 (Bloom). Housing. Density Bonuses.**

**Chapter 758, Statutes of 2016**

This measure makes a variety of technical and process changes to density bonus law including:

- Prohibits local agencies from requiring an additional report or study that is not otherwise required by state law. This does not prohibit local agencies from requiring reasonable documentation to establish eligibility for a requested density bonus;

- Requires local agencies to adopt procedures and timelines for processing a density bonus application, and to provide a list of all documents and information required with a density bonus;
- Requires local agencies to notify the applicant for a density bonus whether the application is complete;
- Adds authority for a local agency to deny a concession or incentive if it does not result in identifiable and actual cost reductions;
- Requires the local agency to bear the burden of proof for the denial of a requested concession or incentive; and
- Adds mixed use developments to the definition of “housing development”.

**\*AB 2556 (Nazarian). Density Bonuses.**

**Chapter 761, Statutes of 2016**

This measure provides a process for determining the number and type of affordable housing units necessary for density bonus eligibility for projects where a proposed development is replacing affordable housing units and requires that the units be replaced in compliance with the jurisdiction’s rent or price control ordinance.

**AB 2651 (Gomez). Greenway Easements.**

**Chapter 471, Statutes of 2016 (Urgency)**

This measure makes clarifying changes to the Greenway Development and Sustainment Act that include expanding the definition of a greenway easement, requiring that a greenway reflect design standards that are consistent with plans and facilities for controlling the floodwater of rivers and their tributaries, and requiring that greenways be included in the land use element of a general plan rather than in the open-space element.

**\*AB 2685 (Lopez). Housing Elements. Adoption.**

**Chapter 271, Statutes of 2016**

This measure requires planning agency staff to compile public comments regarding a proposed housing element and provide the comments to each member of the city council or board of supervisors.

**\*AB 2722 (Burke). Transformative Climate Communities Program.**

**Chapter 371, Statutes of 2016**

This measure creates the Transformative Climate Communities Program, administered by the Strategic Growth Council, to fund the development and implementation of neighborhood-level transformative climate community plans, that include GHG emissions reduction projects, which achieve local economic, environmental and health benefits for disadvantaged communities. The FY 2016-17 cap and trade expenditure plan included \$140 million to implement this measure.

**SB 7 (Wolk). Housing. Water Meters. Multiunit Structures.**

**Chapter 623, Statutes of 2016**

This measure requires, as of January 1, 2018, that individual water meters, also called submeters, be installed on all new multifamily residential units or mixed commercial and

multifamily units, and requires that landlords bill residents for the increment of water they use.

**\*SB 1000 (Leyva). Land Use. General Plans. Safety and Environmental Justice. Chapter 587, Statutes of 2016**

This measure requires that cities and counties develop an environmental justice element, or related goals, policies, and objectives integrated in other elements within the general plan, that identifies disadvantaged communities. This measure requires a city or county to adopt or review the environmental justice element, or its policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

**SB 1128 (Glazer). Commute Benefit Policies. Chapter 483, Statutes of 2016**

This measure makes permanent a program in the San Francisco Bay Area that allows the Metropolitan Transportation Commission and the Bay Area Air Quality Management District to jointly adopt an ordinance requiring covered employers within a specified area to provide certain commute benefits with the goal of reducing single-occupant vehicle trips. The program impacts any employer for which an average of 50 or more employees per week perform work for compensation within the area covered by the ordinance.

**SB 1262 (Pavley). Water Supply Planning. Chapter 594, Statutes of 2016**

This measure requires a city or county that determines a project is subject to CEQA to identify any water system whose service area includes the project site and any water system adjacent to the project site. It provides that hauled water is not a source of water for the purposes of a water supply assessment. This measure also revises requirements that new developments must meet in order to demonstrate that its water supply is sufficient to include consideration of provisions of the Sustainable Groundwater Management Act.

### ***D. Local Agency Formation Commissions***

**AB 2032 (Linder). Change of Organization. Cities. Disincorporation. Chapter 163, Statutes of 2016**

In case of a city disincorporation, this measure directs the successor agency's governing body to wind up the disincorporated city's affairs, rather than requiring the county board of supervisors to do so. It also expands the information required in a fiscal analysis prepared by a Local Agency Formation Commission (LAFCO) when a city disincorporates. The fiscal analysis must now include all current and long-term liabilities, including debt obligations, of the city proposed for disincorporation and the funds available to discharge those liabilities and the potential financing mechanisms available to meet those obligations. The city's written statement of liabilities must also include the



amount of any assessment due to the city, and requires the tax collector to also collect any assessments due to the disincorporated city.

**AB 2910 (Comm. on Local Government). Local Government. Organization. Omnibus Bill.**

**Chapter 165, Statutes of 2016**

This measure makes the following changes to state laws affecting LAFCOs:

- Clarifies that the fiscal analysis required by SB 239 (Hertzberg, Chapter 763, Statutes of 2015) is not a “comprehensive fiscal analysis,” which is a specific term in the context of LAFCO proceedings;
- Corrects statutory language that describes LAFCO purposes to clarify that LAFCO does not directly provide services but instead encourages service providers to efficiently provide their services;
- Requires public members sitting on LAFCOs to be residents of the county of the appointing commission;
- Corrects a typographical error in the statute that governs city disincorporation and ensures that any unpaid assessments owed to a disincorporation city are tallied along with other financial obligations;
- Clarifies that LAFCOs’ ability to conduct an expedited dissolution process for special districts generally also applies to healthcare districts; and
- Exempts proposals for changes of organization that are initiated by the sole landowner in the affected area from having to file a Notice of Intent to Circulate Petition prior to circulation.

**SB 1266 (McGuire). Joint Exercise of Powers Act. Agreements. Filings.**

**Chapter 173, Statutes of 2016**

This measure requires any joint powers authority or agency (JPA) providing municipal services that files a joint powers agreement, or amendment to an agreement, to also file the agreement or amendment with the LAFCOs in the area. Any JPA not in compliance with the measure is prohibited from issuing bonds or incurring indebtedness. Any JPA that is already in existence must file their agreement and amendments to the LAFCOs no later than July 1, 2017.

## ***E. Community and Economic Development***

**\*AB 806 (Dodd and Frazier). Community Development. Economic Opportunity.**

**Chapter 503, Statutes of 2016**

This measure provides additional flexibility to local communities seeking to expand economic development. This measure authorizes a city, county, or city and county, with the approval of its legislative body by resolution after a public hearing, to acquire, sell, or lease property in furtherance of the creation of an economic opportunity. Additionally, this measure:

- Clarifies that loan, lease and sale agreements and property acquisition are included in the range of options a community may employ to advance economic development;

- Clarifies that cities and counties may make loans to rehabilitate commercial buildings and structures when financial assistance is found to be necessary for the economic feasibility of a project, and clarifies that such decisions must be approved after a public hearing with appropriate loan repayment terms and other safeguards;
- Expands a provision that has operated well for the disposal of city/county acquired property from former redevelopment properties for “fair re-use value,” so that all other communities can use these options to acquire and dispose of other properties to create economic opportunities; and
- Specifies that the provisions of the measure shall be an alternative to any authority of a city, county, or city and county to create an economic opportunity or to acquire, sell, or lease property for economic development, found in the Constitution, state law, local ordinance, or charter.

**AB 1033 (E. Garcia). Economic Impact Assessment. Small Business Definition.**  
**Chapter 346, Statutes of 2016**

This measure authorizes a state agency, when preparing an economic impact assessment, to use a standardized definition of small business to determine the number of small businesses within the economy, a specific industry sector, or geographic region, and defines "small business" for that purpose as a business that is independently owned and operated, not dominant in its field of operation, and has fewer than 100 employees. This measure will result in more accurate and easily comparable data on small businesses across the state.

**\*AB 1348 (Irwin). State Clearinghouse.**  
**Chapter 444, Statutes of 2016**

This measure establishes a federal grant administrator within the State Clearinghouse office to work with representatives from state and local government, nonprofit organizations, foundations, institutions of higher learning, and other interested parties on applying for and managing federal grants. The federal grant administrator will serve as the state’s primary point of contact for information on federal grants related to community, economic, and local development.

**AB 1666 (Brough). Community Facilities Districts. Reports.**  
**Chapter 93, Statutes of 2016**

This measure requires the annual report of a Community Facilities Districts’ (CFD) activities and finances, if requested to prepare, to be displayed prominently on the website of the legislative body, if the body has a website, within seven months after the last day of each fiscal year of the district, and requires a copy be sent to the California Debt and Investment Advisory Commission and the state Controller.

**AB 2492 (Alejo). Community Revitalization.**  
**Chapter 524, Statutes of 2016**

This measure makes several additional improvements to last year’s AB 2 (Alejo and E. Garcia, Chapter 319, Statutes of 2015), which authorized the creation of Community Revitalization and Investment Authorities (CRIA), and restored redevelopment authority

to local agencies to assist poor and deteriorated areas within a community. Specifically, it makes the following improvements to CRIA law:

- Clarifies the ways to calculate employment and crime data, based on input from the Employment Development Department and Department of Justice;
- Authorizes CRIA's to access several additional forms of financing that are available to Enhanced Infrastructure Financing Districts;
- Allows countywide and citywide income data to be used when designating areas, in addition to statewide income data; and
- Allows census tracts and blocks within disadvantaged community identified by the state Cal Enviro Screen to use the tool.

*(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

**AB 2618 (Nazarian). Community Facilities Districts. Powers.**

**Chapter 796, Statutes of 2016**

This measure authorizes a Mello-Roos Community Facilities District (CFD), formed through an alternate procedure which allows private property owners to pay Mello-Roos special taxes to finance energy improvements on their properties, to also finance seismic safety improvements necessary for compliance with seismic safety standards or regulations.

**AB 2664 (Irwin). University of California. Innovation and Entrepreneurship Expansion.**

**Chapter 862, Statutes of 2016**

This measure requires the University of California (UC) to make one-time expenditures on economic development activities, using the \$22 million General Fund provided in the Budget Act of 2016, to expand or accelerate economic development in the state in ways that support innovation and entrepreneurship. Each of the 10 UC campuses will receive funds to expend in their surrounding communities.

**AB 2797 (Chiu). City and County of San Francisco. Mission Bay South Project. Redevelopment Plan.**

**Chapter 529, Statutes of 2016**

This measure authorizes the Port of San Francisco to loan nontrust lease revenues to cover the infrastructure costs for the development of Seawall Lot 337. This measure also requires the State Lands Commission to provide oversight of the Port's lending activity in Seawall Lot 337.

**AB 2900 (Comm. on Jobs, Economic Development, and the Economy). Income Taxation. Credits. California Competes Tax Credit Committee. GO-Biz.**

**Chapter 582, Statutes of 2016**

This measure expands the reporting requirements of the California Competes Tax Credit Program, which is administered through the Governor's Office of Business and Economic Development (GO-Biz), to include the following information:

- The primary location of the facility/facilities for which the taxpayer is applying for credits. The primary location shall be listed by city or, in the case of unincorporated areas, by county;
- Information that identifies each tax credit award that was given a priority for being located in a high unemployment or poverty area; and
- Information that identifies each tax credit award that is being counted toward the requirement that each fiscal year, 25 percent of the aggregate amount of credits allocated are required to be reserved for small business.

**ACR 166 (Chiu). California Travel and Tourism Month.**

**Resolutions Chapter 58**

This resolution proclaims the month of May, beginning in 2016 and each following year, as California Travel and Tourism Month to celebrate tourism's positive impact on California's economy and quality of life.

**\*SB 820 (Hertzberg). Hazardous Materials. California Land Reuse and Revitalization Act of 2004.**

**Chapter 166, Statutes of 2016**

This measure extends the sunset date for the California Land Reuse and Revitalization Act of 2004 (CLRRA) from January 1, 2017 to January 1, 2027. The CLRRA encourages the clean-up of hazardous waste and revitalization of brownfields across California by providing liability protection to innocent and prospective landowners for previously occurring contamination for which they were not responsible.

**SB 837 (Comm. on Budget and Fiscal Review). State Government.**

**Chapter 32, Statutes of 2016**

This measure, among other things, establishes the Emergency Solutions Grant Program to be administered by Department of Housing and Community Development. Funds may be allocated as grants to qualified subrecipients to engage homeless persons and families living on the street, operate homeless shelters, rapidly rehouse homeless individuals and families, and prevent families from becoming homeless. It also consolidates remaining funds in several existing homebuyer down payment assistance programs into the Home Purchase Assistance Fund operated by the California Housing Finance Agency. The measure also expands the financial impact of the Low Income Housing Tax Credit Program by allowing an affordable housing developer to sell credits to an investor without admitting them to an ownership partnership. This change will increase the financial value of the existing credits for private investors via a structure that avoids increasing the investor's federal tax liability. *A full summary of this budget trailer bill can be found in the Revenue & Taxation section.*

**SB 936 (Hertzberg). California Small Business Expansion Fund. Corporate Guarantees.**

**Chapter 713, Statutes of 2016**

This measure indefinitely reduces the required reserve leverage ratio of the California Small Business Expansion Fund (Fund), administered by GO-Biz, which funds the

California Small Business Loan Guarantee Program (SBLGP), from 20 percent to 10 percent. The reserve level change will make more funds available for small businesses and bring the SBLGP ratio in line with the federal ten percent ratio requirement for the federal State Small Business Credit Initiative.

The measure also increases the maximum amount of guarantee liability outstanding at any one time in the California Small Business Expansion Fund (Expansion Fund) from five to 10 times the amount of funds on deposit, plus any receivables due from funds loaned from the expansion fund to another fund in state government.

**SB 1207 (Hueso). Energy. Conservation. Financial Assistance.**

**Chapter 675, Statutes of 2016**

This measure extends the existing Energy Conservation Assistance Account (ECAA) program. The ECAA provides loans to local governments for energy efficiency improvements, and since 1979, has lent over \$220 million to local governments. This bill extends the sunset date on the ECAA program from January 1, 2018, to January 1, 2028. This measure also authorizes the California Energy Commission (CEC) to pledge collateral to secure the bonds issued by the California Infrastructure and Economic Development Bank (IBank) to support the California Lending for Energy and Environmental Needs Center (CLEEN Center).

***F. Disability Access***

**AB 54 (Olsen). Disability Access. Construction-Related Accessibility Claims. Demand Letters.**

**Chapter 872, Statutes of 2016**

This measure requires that information on a demand or complaint regarding accessibility be provided in a standard format to allow for better compilation of the information. This is a follow up measure to AB 1521 (Comm. on Judiciary, Chapter 755, Statutes of 2015), which requires attorneys in disability access cases to notify the Commission on Disability Access of any judgment, settlement, or dismissal of the claim or claims. The Commission has received approximately 300 documents in the past year.

**AB 2093 (Steinorth). Disability Access.**

**Chapter 379, Statutes of 2016 (Urgency)**

This measure requires commercial property owners or lessors to state on every lease form or rental agreement whether or not the premises have been inspected by a Certified Access Specialist (CASp), and provide the lessee or tenant with a current inspection certificate and/or report if the premises have been issued an inspection report indicating that they meet applicable standards. If the premises have not been issued a disability access inspection certificate, a statement must be included on the lease form or rental agreement stating that the property owner may not prohibit a CASp inspection of the subject premises and that the parties must mutually agree on the arrangements to have the premises certified. It establishes a presumption that making

repairs or modifications necessary to correct violations of construction-related accessibility standards is the responsibility of the commercial property owner or lessor unless otherwise agreed upon by the parties to the lease or rental agreement.

**\*SB 269 (Roth). Disability Access.  
Chapter 13, Statutes of 2016 (Urgency)**

This measure provides small businesses 120 days from the date of a CASp inspection to fix violations before being subject to liability under the federal Americans with Disabilities Act of 1990 (ADA). It also provides small businesses 15 days from receiving notice of a technical violation, such as the lack of exterior sign or faded, chipped, or damaged paint in an otherwise fully compliant parking space, to correct the issue. In addition, this measure creates a tax incentive program for businesses to correct violations.

In order to expedite the correction of a violation or alleged violation, this measure requires that project applications must be expedited if the applicant provides a copy of the disability access inspection certificate provided by a CASp, the project is necessary to address a violation or alleged violation, and the project plans have been reviewed by a CASp for compliance with all construction related accessibility standards. It also requires cities to provide materials relating to the requirements of the federal Americans with Disabilities Act of 1990 (ADA) to a development permit applicant. The materials may be developed by the local agency or by the California Commission on Disability Access.

### ***G. Common Interest Developments***

**AB 1963 (Calderon). Common Interest Developments. Construction Defects.  
Chapter 71, Statutes of 2016**

This measure extends the sunset date for a requirement that a homeowner association in a common interest development of more than 20 units follow a pre-litigation dispute resolution procedure before commencing a design or construction defect action against a builder, developer, or general contractor. The sunset date is extended from July 1, 2017, to July 1, 2024.

**AB 2362 (Chu). Common Interest Developments. Pesticide Application.  
Chapter 330, Statutes of 2016**

This measure requires a common interest development association to provide notice to an owner and/or tenant if pesticide is to be applied without a licensed pest control operator to a residence or common area in the development.

**SB 918 (Vidak). Common Interest Developments.  
Chapter 780, Statutes of 2016**

This measure requires a homeowners association to verify the addresses to which notices from the association are to be delivered on an annual basis.

## ***H. Landlord-Tenant***

### **AB 551 (Nazarian). Rental Property. Bed Bugs.**

#### **Chapter 599, Statutes of 2016**

This measure prescribes the responsibilities of landlords regarding the treatment and control of bedbugs. It requires landlords to provide information on bed bugs to prospective tenants and notice information resulting from a pest control inspection within two business days. Landlords will be prevented from showing, renting, or leasing a vacant dwelling unit if a known bed bug infestation exists.

### **AB 2819 (Chiu). Unlawful Detainer Proceedings.**

#### **Chapter 336, Statutes of 2016**

This measure changes the requirements for unsealing court records in eviction cases. Under current law, court records are sealed for 60 days or unless a landlord prevails, whichever is less. Under this measure, court records will remain sealed indefinitely unless the landlord prevails.

## ***I. Mobilehomes***

### **AB 587 (Chau). Mobilehomes. Payments. Nonpayment or Late Payments.**

#### **Chapter 396, Statutes of 2016**

This measure creates a tax abatement program for mobilehome owners who cannot transfer title into their names due to delinquent taxes and fees that may have been incurred by prior owners. The program ends on January 1, 2020.

## ***J. Miscellaneous***

### **AB 73 (Waldron). Real Property. Disclosure.**

#### **Chapter 548, Statutes of 2016 (Urgency)**

This measure provides that the owner of real property, his or her agent, or an agent of a transferee of real property is not required to disclose that an occupant of the property was living with human immunodeficiency virus (HIV) or died from AIDS-related complications.

### **AB 1142 (Gray). Mining and Geology. Surface Mining.**

#### **Chapter 7, Statutes of 2016**

This measure includes major revisions to the Surface Mining and Reclamation Act. For cities, changes involve their role as lead agency and include the following:

- Requires lead agencies to certify that the proposed reclamation plan is complete and compliant with applicable statutes and regulations;
- Allows the Department of Conservation (DOC) to make a determination of incompleteness and remand the reclamation plan back to the lead agency for improvements prior to approval;

- Prohibits a financial assurance mechanism to be released without the consent of the lead agency and DOC;
- Clarifies how a lead agency may cause the forfeiture of the financial assurance mechanism when an operator is financially incapable of completing reclamation in accordance with its approved reclamation plan;
- Allows a lead agency employee to conduct inspections of surface mining operations conducted by the lead agency;
- Changes the timeframe in which a lead agency must provide notice of an impending inspection and how often inspections must occur;
- Requires the lead agency to outline an intended plan of action to remedy violations noted in the inspection report; and
- Allows the lead agency to assess administrative penalties on operators who do not pay annual reporting fees.

AB 1142 is the companion measure to SB 209 (Pavley, Chapter 8, Statutes of 2016).

**\*AB 2194 (Salas). California Massage Therapy Council. Business of Massage. Chapter 411, Statutes of 2016**

This measure makes various changes to state law governing the business of massage therapy:

- Extends the sunset date for the California Massage Therapy Council (CAMTC) by four years until January 1, 2021;
- Clarifies that CAMTC can take disciplinary action against a person who is an applicant for certification in addition to those already certified and clarifies the decision to discipline can be based on a written statement or declaration made under penalty of perjury;
- Prohibits cities and counties from requiring a massage establishment to have a shower or bath;
- Clarifies that cities and counties can impose only reasonable and necessary fees; and
- Clarifies that cities and counties cannot require an already certified person to submit to another background check.

This measure also includes intent language for local governments to give strong consideration to establishing a registration program that grants local governments the ability to either suspend or revoke a registration of a massage business for specific violations.

**AB 2780 (Holden). Fair Employment and Housing Council. Membership. Length of Terms.**

**Chapter 188, Statutes of 2016**

This measure staggers the terms for members of the Fair Employment and Housing Council in order to provide institutional continuity. Under current law, the terms for all seven members expire simultaneously every four years.



**SB 209 (Pavley). Surface Mining. Financial Assurances. Reclamation Plans.  
Chapter 8, Statutes of 2016**

This measure includes major revisions to the Surface Mining and Reclamation Act that include the following:

- Increases the maximum reporting fee for any single mining operation from \$4,000 to \$10,000 and increases the cap on the overall reporting fees from \$3.5 million at \$8 million annually;
- Commits the fees collected to cover the review of reclamation plans, financial assurances, and the training of local government mine inspectors; and
- Allows local governments to inspect county-owned borrow pits every two years instead of annually.

SB 209 is the companion measure to AB 1142 (Gray, Chapter 7, Statutes of 2016).

**SB 1092 (Monning). Advertising. Internet Private Residence Rental Listings.  
Notice.****Chapter 113, Statutes of 2016**

This measure requires the operator of a hosting platform, such as AirBNB, VRBO, and Homeaway, to provide a notice recommending that a person check their homeowners' or renters' insurance policies for appropriate coverage before listing their residence for short-term rental on the platform website.

**SB 1150 (Leno). Mortgages and Deeds of Trusts. Mortgage Servicers. Successors in Interest.****Chapter 838, Statutes of 2016**

This measure requires mortgage servicers to provide key information to widows, widowers, and other survivors about outstanding mortgages previously held by the deceased borrowers; requires servicers to allow these survivors to apply to assume those mortgages and to apply and be considered for foreclosure prevention alternatives in connection with those mortgages; and provides judicial enforcement mechanisms to compel servicers to comply with the bill's provisions. This measure sunsets on January 1, 2020.

## **VI. Public Safety**

### ***A. 911/Telecommunications and Emergency Response***

#### **AB 1217 (Daly). Orange County Fire Authority.**

##### **Chapter 504, Statutes of 2016**

This measure codifies a decision previously made by the Orange County Fire Authority, a joint powers authority, specifically that members of its board of directors are prohibited from appointing alternates.

#### **AB 1564 (Williams). 911 Emergency Response System.**

##### **Chapter 241, Statutes of 2016**

This measure requires the Governor's Office of Emergency Services (OES), working in conjunction with the California Highway Patrol and county coordinators, to review the state's 911 Emergency Response System and ensure the most efficient routing of cell phone calls to the 911 system. This measure also requires an annual statewide comprehensive review to achieve this objective, and requires OES to coordinate its activities with wireless carriers to verify that all cell phone sector routing decisions are implemented.

#### **AB 1719 (Rodriguez). Pupil Instruction. Cardiopulmonary Resuscitation.**

##### **Chapter 556, Statutes of 2016**

This measure, beginning with the 2018-19 school year, requires school districts and charter schools that require a health education course for graduation, include within that curriculum instruction on compression-only cardiopulmonary resuscitation.

#### **AB 1769 (Rodriguez). 911 Emergency System. Nuisance Communications.**

##### **Chapter 96, Statutes of 2016**

This measure expands existing law, which provides that a "nuisance call" to the 911 system is a misdemeanor, subject to specific fines, by making the same prohibitions and penalties applicable to calls made with or from other electronic communications devices.

#### **AB 1980 (Irwin). Memorial to California Firefighters. Modifications.**

##### **Chapter 688, Statutes of 2016**

This measure authorizes the California Fire Foundation and the Department of General Services to prepare a plan for modifications to the existing memorial on the State Capitol grounds.

#### **AB 2311 (Brown). Emergency Services. Access and Functional Needs in Emergencies.**

##### **Chapter 520, Statutes of 2016**

This measure requires each county, including a city and county, to integrate access and functional needs into its emergency plan, including plans for taking shelter or evacuating

an area during an emergency. Additionally, it requires each political subdivision, including cities, to address in the context of its emergency plan the following:

- Emergency communications, including the integration of interpreters, translators, including sign language specialists, and assistive technology, including but not limited to closed caption technology for the hearing impaired;
- Emergency evacuation, including identification of transportation and other resources that are compliant with the Americans with Disabilities Act of 1990 for those dependent on public transportation; and
- Emergency sheltering, including ensuring that designated shelters are compliant with the Americans with Disabilities Act of 1990, or can be made compliant with modification, and that showers and bathrooms are fully accessible to all occupants.

**AB 2394 (E. Garcia). Medi-Cal. Non-Medical Transportation.**  
**Chapter 615, Statutes of 2016**

This measure requires Medi-Cal to cover non-medical transportation (NMT) to get a beneficiary to a location where he or she can obtain covered Medi-Cal services, starting on July 1, 2017, or the effective date of any necessary approvals, whichever is later. It provides that NMT includes at a minimum, round trip transportation for a beneficiary to obtain covered Medi-Cal services by passenger car, taxi, or any other form of public or private conveyance, as well as mileage reimbursement when the conveyance is a private vehicle arranged by the beneficiary. It requires the Department of Health Care Services to seek any necessary federal approvals for implementation, and requires the NMT to be provided for a beneficiary who can attest that other available resources have been exhausted.

**ACR 171 (Rodriguez). Emergency Medical Services Week.**  
**Resolutions Chapter 86**

This resolution proclaims the week of May 15-21, 2016, as Emergency Medical Services Week. It makes a series of legislative findings pertaining to emergency medical services (EMS) and EMS providers.

**AJR 42 (Dodd). Transport by Rail of Flammable and Combustible Liquids.**  
**Resolutions Chapter 152**

This measure urges the U.S. Department of Transportation, Department of Energy, and the Office of Management and Budget to expedite the rulemaking and implementation processes for federal safety regulations governing the transport by rail of flammable and combustible liquids, including crude oil, and also urges the President and the Congress of the United States to pass specified federal legislation mandating public safety measures regulating transport by rail of those liquids.

**SB 888 (Allen). Gas Corporations. Emergency Management. Leak Mitigation.**  
**Chapter 536, Statutes of 2016**

This measure establishes the California Office of Emergency Services as the lead agency for emergency response to a leak of natural gas from a natural gas storage facility. It also requires the monies in the Gas Storage Facility Leak Mitigation Account

to be expended for specified purposes, including direct emissions reductions, greenhouse gas reduction, reduction in methane emissions in the agriculture and waste sectors, and decreasing reliance on fossil fuels.

**SB 1121 (Leno). Privacy. Electronic Communications.**  
**Chapter 541, Statutes of 2016**

This measure amends the Electronic Communications Privacy Act (ECPA) as follows:

- Provides that emergency responders may access location information from a device making a 911 call without being subject to additional limitations or requirements;
- Provides that electronic communications information provided by prisons, jails, or juvenile detention facilities is not subject to mandatory deletion after 90 days if all parties to the communication were informed that the facility may disclose the information;
- Provides that notice in an emergency must be provided within three court days, not three calendar days;
- Brings the ECPA notice provisions into conformity with the statute for tracking warrants;
- Creates an exemption from the ECPA for persons on parole and Post-Release Community Supervision, or pre-trial release; and
- Clarifies that nothing in this measure limits the authority of the California Public Utilities Commission or the California Energy Commission to obtain any energy or water supply or consumption information.

***B. Code Enforcement***

**AB 1874 (Wood). Structural Pest Control.**  
**Chapter 181, Statutes of 2016**

This measure promotes adequate supervision in the field of structural pest control by requiring a licensed qualifying manager to be physically present at the licensee's principal office or branch office location for at least nine days out of every consecutive three months. It further requires that the hours of supervision be documented and provided to the Structural Pest Control Board upon request.

**\*AB 2228 (Cooley). Code Enforcement. Training Standards.**  
**Chapter 246, Statutes of 2016**

This measure requires the California Association of Code Enforcement Officers to establish non-mandatory uniform training standards for code enforcement officers in California, addressing liability concerns for cities and personal safety issues that have placed these officers at risk.

### ***C. Unmanned Aircraft Systems/Drones***

#### **\*AB 1680 (Rodriguez). Crimes. Emergency Personnel.**

##### **Chapter 817, Statutes of 2016**

This measure adds the use of a drone to existing provisions of law prohibiting interference with or impeding of specified emergency personnel in the performance of their duties while responding to an emergency. In so doing, this measure provides that the use of a drone to interfere with any public officer, peace officer, or emergency medical technician constitutes a misdemeanor.

#### **\*SB 807 (T. Gaines). Unmanned Aircraft Systems.**

##### **Chapter 834, Statutes of 2016**

This measure provides complete immunity to local agency first responders if they should damage or destroy a drone that interferes with their emergency operations. This measure confers immunity that is limited to the damage or destruction of the drone itself, and will not extend to any resulting secondary damage caused by a crash of a drone.

#### **SJR 18 (Wolk). Small Unmanned Aircraft Systems.**

##### **Resolutions Chapter 43**

This resolution requests the President of the United States and the United States Secretary of Transportation to allow for the operation of small unmanned aircraft systems by farmers and rangeland managers pursuant to emergency rules adopted by the administration.

### ***D. Firearms/Weapons***

#### **AB 857 (Cooper). Firearms. Identifying Information.**

##### **Chapter 60, Statutes of 2016**

This measure requires, as of July 1, 2018, that a person who manufactures or assembles a firearm to apply for and obtain from the Department of Justice (DOJ) a unique serial number or other identifying mark prior to the manufacture or assembly, and to affix the serial number or unique identifier to the firearm within 10 days of assembly.

It requires that the individual applying for the serial number must demonstrate compliance with applicable state laws, including but not limited to possession of a valid firearm safety certificate, or handgun safety certificate. This measure also requires that any person owning a firearm that does not bear a serial number that has been assigned to it, to obtain a unique serial number or other identifying mark by January 1, 2019.

#### **\*AB 1135 (Levine). Firearms. Assault Weapons.**

##### **Chapter 40, Statutes of 2016**

This measure closes a loophole under existing law dealing with assault weapons whose magazines can be quickly and easily ejected, providing for rapid reloading. Existing law

prohibits assault weapons with detachable magazines, and defines such weapons as those that do not require a tool to separate the magazine from the receiver of the weapon. Weapons that do require a tool are not covered by the ban. Manufacturers of assault weapons sold in California evaded this regulation by devising a mechanism that would eject a magazine from a weapon once pressure is applied to it with a tool, or the nose of a bullet, the so-called “bullet button.” This measure closes that loophole to ensure that such weapons are covered by the existing assault weapon ban.

**AB 1511 (Santiago). Firearms. Lending.**

**Chapter 41, Statutes of 2016**

This measure regulates the loaning of firearms by requiring the person loaning the firearm to be the registered owner. This measure provides that infrequent loan of firearms may only be made to family members, as defined.

**AB 1695 (Bonta). False Reports of Stolen Firearms.**

**Chapter 47, Statutes of 2016**

This measure expands existing misdemeanor penalties to apply to filing a false report of a stolen firearm with a law enforcement entity, and additionally imposes a 10-year ban on firearm ownership against those convicted of the offense. This measure provides for misdemeanor penalties for violation of the 10-year ban on ownership.

**AB 1798 (Cooper). Firearms. Imitation Firearms. Gun-Shaped Phone Cases.**

**Chapter 198, Statutes of 2016**

This measure specifies that an imitation firearm includes a cell phone case that is substantially similar in coloration and overall appearance to a firearm, and would lead a reasonable person to perceive that the case is in fact a firearm. This effectively brings cell phone cases that fit this definition within the scope of a prohibition under what was previously current law, against the manufacture, receipt, or transport of imitation firearms, or related commerce – unless specified physical changes are made to the imitation firearm to make it appear more toy-like.

**AB 1999 (Achadjian). Prohibited Armed Persons File. Initial Review.**

**Chapter 638, Statutes of 2016**

This measure requires the DOJ to complete an initial review of a match in the Armed Prohibited Persons System (APPS) within seven days of the match being placed in the queue. This measure also requires the department to periodically reassess whether it can complete reviews of APPS matches more efficiently.

**AB 2165 (Bonta). Firearms. Prohibitions. Exemptions.**

**Chapter 640, Statutes of 2016**

This measure exempts several agencies and their peace officers from the prohibition related to the purchase or sale of unsafe handguns, defined as any pistol, revolver, or other firearm capable of being concealed upon the person, which also lacks various safety mechanisms, and also fails to pass specified tests.

**AB 2361 (Santiago). Peace Officers. Independent Institutions of Higher Education. Security Officers.****Chapter 356, Statutes of 2016**

This measure authorizes security guards employed by the University of Southern California (USC) to be deputized or appointed by the local sheriff or chief of police as peace officers while enforcing the law on the USC campus and surrounding university property. It provides that individuals so deputized must have completed the basic training course offered by the Commission on Peace Officer Standards and Training (POST) for deputy sheriffs and police officers. This measure also requires that USC and the relevant law enforcement agency must enter into a memorandum of understanding. This measure provides that persons appointed as peace officers shall have the full authority which that status confers throughout the state, so long as they are performing their assigned duties, but that their primary duty is to enforce the law on the USC campus and the area within one mile of its grounds. Finally, this measure provides that any motor vehicle owned by USC that is specifically designated for use by persons appointed as peace officers shall be considered emergency vehicles for any purpose within the institution's jurisdiction.

**\*AB 2510 (Linder). Firearms. License to Carry Concealed. Uniform License.****Chapter 645, Statutes of 2016**

This measure requires the Attorney General to develop a license to carry a concealed weapon (CCW), with uniform information and criteria, that may be used as evidence of proof of licensure throughout the state. This measure addresses the difficulty arising from the fact that the current CCW license is not easily carried on one's person, and has given rise to the need for sheriffs in some counties to issue a separate county identification card, compelling many licensees to carry both documents.

**\*SB 869 (Hill). Firearms. Securing Handguns in Vehicles.****Chapter 651, Statutes of 2016**

This measure requires any person, when leaving their handgun in a motor vehicle, to secure it by locking it in the trunk of the vehicle, or in a locked container, and by placing the container out of plain view. It clarifies that its provisions do not supersede any local ordinance that regulates the storage of handguns in unattended vehicles, if the ordinance was in effect prior to the effective date of this measure.

**\*SB 880 (Hall). Firearms. Assault Weapons.****Chapter 48, Statutes of 2016**

This measure alters the definition of the terms "assault weapon" and "fixed magazine" to close the bullet button loophole (see discussion of the bullet button in the summary of AB 1135 (Levine, Chapter 40, Statutes of 2016)). In addition, this measure requires the registration of weapons that were not previously covered, under the new definition. This measure contains the following additional provisions:

- Exempts persons who possessed an assault weapon prior to January 1, 2017, if specified conditions are met;

- Requires any person who lawfully possessed an assault weapon from January 1, 2001 to December 31, 2016, and that weapon does not have a fixed magazine, to register the firearm with the DOJ before January 1, 2018;
- Permits the DOJ to increase the \$20 registration fee, as long as it does not exceed the reasonable processing costs of the DOJ;
- Requires registrations to be submitted electronically via the Internet;
- Requires the registration to contain specified information, including but not limited to a description of the firearm that identifies it uniquely, and specified information about the registrant;
- Permits the DOJ to charge an additional fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department; and
- Requires the DOJ to adopt regulations for the purpose of implementing these provisions and exempt these regulations from the Administrative Procedure Act.

**\*SB 1235 (de León). Ammunition.**

**Chapter 55, Statutes of 2016**

This measure regulates purchase and sale of ammunition, and repeals similar provisions in the Safety for All Initiative of 2016 (Prop. 63) should it be approved by the voters. Specifically, this measure requires DOJ to maintain databases on ammunition vendors and ammunition transactions, and imposes misdemeanor penalties for related violations, including a maximum fine of \$1,000 for acts facilitating transfer of a firearm to a person prohibited by law from firearm ownership. This measure also requires all commercial ammunition sales to occur through licensed vendors and approved by DOJ.

**SB 1446 (Hancock). Firearms. Magazine Capacity.**

**Chapter 58, Statutes of 2016**

This measure prohibits the possession of large-capacity magazines, with specified exceptions. It creates an infraction for possession of high-capacity magazine (over 10 rounds), with fines ranging from \$100 for the first offense to \$500 for the third and subsequent offenses. This measure also requires those who legally own such magazines to dispose of them by July 1, 2017 by destroying them, surrendering them to a law enforcement agency for destruction, or by means of a sale to a licensed firearms dealer.

**SJR 20 (Hall). Gun Violence Research.**

**Resolutions Chapter 82**

This resolution urges the United States Congress to lift an existing prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health, and to appropriate funds for the purpose of conducting that research.



## ***E. Criminal Justice, Criminal Procedure, and Corrections***

### **AB 701 (C. Garcia). Sex Crimes. Rape.**

#### **Chapter 848, Statutes of 2016**

This measure provides that the Legislature finds and declares that all forms of non-consensual sexual assault may be considered rape for purposes of determining the gravity of the offense and the support of survivors.

### **AB 813 (Gonzalez). Criminal Procedure. Post-conviction Relief.**

#### **Chapter 739, Statutes of 2016**

This measure provides that a person no longer imprisoned may prosecute a motion to vacate a conviction or sentence if either of the following criteria are satisfied:

- The conviction/sentence is legally invalid due to prejudicial error damaging the moving party's ability to understand, defend against, or knowingly accept the adverse actual or potential immigration consequences of a plea of guilty or no contest; or
- Newly discovered evidence of the moving party's actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

### **AB 898 (Gonzalez). Parole Suitability. Notice**

#### **Chapter 161, Statutes of 2016**

This measure requires whether the Board of Parole Hearings (BPH) within the California Department of Corrections and Rehabilitation, or the department itself, when an inmate convicted of the murder of a firefighter becomes eligible for a parole suitability hearing, to provide written notice to the department that employed the deceased firefighter. The notice must comply with other related existing notification requirements in that it must be at least 30 days prior to the date the BPH meets to review and consider that inmate's parole eligibility.

### **AB 920 (Gipson). Jails. County Inmate Welfare Funds.**

#### **Chapter 178, Statutes of 2016 (Urgency)**

This measure expands the allowable uses of the monies in the Inmate Welfare Fund in the counties of Alameda, Kern, Los Angeles, Marin, Napa, Orange, Sacramento, San Bernardino, San Francisco, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, and Ventura. It authorizes in each county, the sheriff or other official responsible for operating the jail, to expend funds to assist inmates with the re-entry process up to 30 days after their release. Authorized expenditures include work placement, counseling, obtaining proper identification, education and housing. This measure specifies that expenditures are not to be used to pay for services that the sheriff or the county are required to provide, and shall be used only to supplement existing services.

**AB 1241 (Calderon). Crimes. Audiovisual Work. Recording.****Chapter 657, Statutes of 2016**

This measure requires a sentencing court to impose a mandatory minimum fine of at least \$1,000 for a second or subsequent conviction of audio or video piracy.

**AB 1272 (Grove). Criminal Procedure. Trial Schedule Conflicts.****Chapter 91, Statutes of 2016**

This measure requires a court, in scheduling trial for a specified offense, to make reasonable efforts to avoid scheduling a case involving a crime committed against a person with a developmental disability on a date when the prosecutor has another trial set. It expands an existing provision of law that applies this same rule to alleged crimes including murder, child abuse, domestic violence, certain sex offenses and stalking. Under existing law, the unavailability of a prosecutor on a proposed trial date for the above offenses constitutes good cause, justifying a continuance of at least 10 days.

**AB 1597 (M. Stone). County Jails. Performance Milestone Credits.****Chapter 36, Statutes of 2016**

This measure allows inmates in county jail, who have not yet been sentenced, to earn program credit reductions for successfully completing approved rehabilitation programs resulting in specific program performance objectives. It authorizes credits awarded prior to sentencing to be applied to a sentence for which the person was awaiting sentencing at the time the credits were awarded. This measure also provides that evidence that an inmate participated in or attempted to participate in any approved rehabilitation program is not an admission of guilt, nor is it admissible in any proceeding.

**AB 1654 (Santiago). Student Safety. Crime Reporting.****Chapter 222, Statutes of 2016**

This measure expands existing audit requirements regarding the reporting of crime statistics by California postsecondary educational institutions. Specifically, it requires audits performed by the State Auditor to include an evaluation of institutional compliance with state law governing crime reporting. This measure also requires such audits to include an evaluation of individual institutions' development and implementation of student safety policies and procedures.

**AB 1671 (Gomez). Confidential Communications. Disclosure.****Chapter 855, Statutes of 2016**

This measure imposes misdemeanor penalties for the intentional disclosure or distribution of the contents of a confidential communication with a health care provider, if that communication is illegally obtained. Specifically, it provides that such a violation shall be punishable by a fine of up to \$2,500, or imprisonment in either county jail or state prison not exceeding one year, or by both fine and imprisonment.

**AB 1678 (Santiago). Provision of Incident Reports to Victims.****Chapter 875, Statutes of 2016**

This measure requires state and local law enforcement agencies to provide, at no cost and within a specified timeframe, a copy of all incident reports and all incident report

face sheets to victims or representatives of the victims of sexual assault, stalking, human trafficking, and elder or dependent abuse. This measure also clarifies what information a victim's representative must present in order to obtain the incident report.

**AB 1682 (M. Stone). Settlement Agreements. Sex Offenses.**  
**Chapter 876, Statutes of 2016**

This measure prohibits, as a matter of public policy, the secret settlement of civil actions involving childhood sexual abuse and exploitation cases, as well as felony abuse cases such as sexual assault against an elder or dependent adult.

**AB 1703 (Santiago). Inmates. Medical Treatment.**  
**Chapter 65, Statutes of 2016**

This measure expands the definition of "immediate medical or hospital care" to include critical special medical procedures or treatment, including dialysis, which cannot be performed at a city or county jail.

**AB 1705 (Rodriguez). Jails. Searches.**  
**Chapter 162, Statutes of 2016**

This measure authorizes law enforcement entities to use a body scanner to search a person arrested for the commission of any misdemeanor or infraction and taken into custody. It also requires any agency using a body scanner to avoid knowingly using this technology on a pregnant woman. Finally, it requires any person within sight of the image depicting the body of the detainee to be of the same sex as the detainee, except for physicians or licensed medical personnel.

**\*AB 1744 (Cooper). Sexual Assault Forensic Medical Evidence Kit.**  
**Chapter 857, Statutes of 2016**

This measure requires the Bureau of Forensic Services within the DOJ, the California Association of Crime Laboratory Directors, and the California Association of Criminalists to work collaboratively with public crime laboratories and the California Clinical Forensic Medical Training Center, to develop a standardized sexual assault forensic medical evidence kit. It requires that the kit contain minimum basic components, to be used by all California jurisdictions.

**AB 1751 (Low). Secondhand Goods.**  
**Chapter 793, Statutes of 2016 (Urgency)**

This measure significantly revises the requirements for the implementation, maintenance, and reporting requirements of the California Pawn and Secondhand Dealer System (CAPPS) administered by the DOJ. Specifically, this measure revises the reporting requirements to mandate that every secondhand dealer or coin dealer report electronically on a daily basis, or no later than the next business day. It also revises the property description requirements and provides that a report submitted by a pawnbroker or secondhand dealer is deemed to have been accepted by the DOJ if a good faith effort has been made to supply all required information. It prohibits the DOJ from taking action in the form of emergency regulations affecting the implementation, operation, or maintenance of CAPPS, and makes several other conforming changes.

**AB 1906 (Melendez). Mental Health. Sexually Violent Predators.****Chapter 878, Statutes of 2016**

This measure requires the director of the Department of State Hospitals (DSH), upon a determination by the Board of Parole Hearings that an inmate serving a determinate sentence, or an individual whose parole has been revoked, is likely to be a sexually violent predator (SVP), to forward a request to a county that the county file a petition for the individual to be committed to the DSH for sexually violent predator treatment, no later than 20 days prior to the individual's scheduled release date. It also requires that if a 45-day hold has been placed on an individual who has been determined to be a SVP, delaying their release date, then the director shall forward the request that the petition be filed no later than 20 days prior to the expiration of the hold.

**\*AB 1909 (Lopez). Falsifying Evidence.****Chapter 879, Statutes of 2016**

This measure expands provisions of existing law that make it a felony for a peace officer to willfully and intentionally tamper with evidence, to also include acts by a prosecutor constituting the withholding of exculpatory evidence intentionally and in bad faith.

**AB 1924 (Low). Privacy. Electronic Communications.****Chapter 511, Statutes of 2016**

This measure allows pen registers or trap and trace devices (devices that can show what telephone numbers had called a specific telephone, identifying all incoming calls to that particular telephone) to be used for up to 60 days. In so doing, this measure provides an exemption from the Electronic Communications Privacy Act, which regulates the use of these devices. This measure also establishes a deadline of 3 days to provide notice to the identified target of a trap-and-trace order, or to the DOJ if no target has been identified.

**AB 1927 (Lackey). Criminal Procedure. Notice to Appear.****Chapter 19, Statutes of 2016**

This measure specifies that if a notice to appear in court is transmitted in electronic form, then the copy of the notice to appear issued to the arrested person need not include that person's signature, unless a signature version is specifically requested. It also provides that the notice to appear transmitted in electronic form must be signed by the arrestee, even if the copy of the notice to appear that is given to the arrestee does not include a signature.

**AB 1953 (Weber). Peace Officers. Civilian Complaints.****Chapter 99, Statutes of 2016**

This measure makes technical changes throughout the Penal, Vehicle and Government codes, replacing the term "citizen" with "civilian" to accurately reflect the term currently in use by law enforcement agencies to track complaints at the local, state and federal levels.

**AB 2057 (M. Stone). CalFresh. Victims of Domestic Violence.****Chapter 859, Statutes of 2016**

This measure requires the Department of Social Services to develop information on and provide expedited services for CalFresh benefits for victims of domestic violence. It also provides that individuals on a waiting list to get into a battered women's shelter who are currently part of a certified household that also contains the abuser, may apply for and if otherwise eligible, shall be entitled to expedited services of an additional allotment of CalFresh resources as a separate household.

**AB 2061 (Waldron). Supervised Population Workforce Training Grant Program.****Chapter 100, Statutes of 2016**

This measure establishes an additional priority category for applications to the Supervised Population Workforce Training Grant Program (SPWTGP) specific to applications including one or more employers who have demonstrated an interest in employing persons in the supervised population. It also expands the categories of final program assessment to include whether the SPWTGP provided training opportunities in areas related to work skills the ex-offenders learned while incarcerated.

**AB 2263 (Baker). Protection of Victims of Domestic Violence, Sexual Assault, or Stalking and Reproductive Health Care Service Providers. Address Confidentiality.****Chapter 881, Statutes of 2016**

This measure standardizes confidentiality protections for Safe at Home (SAH) program participants regardless of their status as victims (domestic violence, stalking, sexual assault), or their status as an employee, patient, or volunteer at a reproductive health care clinic. It improves the ability of local agencies to respond to requests for public records without disclosing the changed name or address of a victim of domestic violence, sexual assault, or stalking. This measure also permits any adult victim to apply via a community-based victims assistance program to have an address designated by the Secretary of State (SOS) as his or her substitute mailing address. This measure also requires the SOS to provide SAH program enrollees with information about how to protect their privacy on real property records.

**AB 2298 (Weber). Criminal Gangs.****Chapter 752, Statutes of 2016**

This measure expands the notice requirement in existing law mandating law enforcement agencies to notify the parents of minors whose names are added to the Cal Gang database, to also require that adults be given notice of their inclusion in the database as a suspected gang member, associate or affiliate. It provides an exception to the notice requirement if the person included in the database is the subject of a pending criminal investigation. This measure establishes new due process components to the operation of the database by providing that individuals added to the database may seek review within 90 days of receiving confirmation by a law enforcement agency of its decision to add them to the database, by filing an appeal directly to the Superior Court, and provides that any subsequent proceeding will be a civil matter.

**AB 2466 (Weber). Voting. Felons.****Chapter 757, Statutes of 2016**

This measure conforms state law to a recent Superior Court ruling in the case of *Scott v. Bowen*, in which the court found that individuals on post-release community supervision (PRCS), pursuant to Public Safety Realignment AB 109 (Comm. on Budget, Chapter 15, Statutes of 2011), and those on mandatory supervision, are eligible to vote under Section 2, Article II of the California Constitution.

**AB 2499 (Maienschein). Sexual Assault Evidence Kits.****Chapter 884, Statutes of 2016**

This measure requires the DOJ, on or before July 1, 2018, to establish, in consultation with law enforcement agencies and crime victims groups, a process by which victims of sexual assault may inquire about the location and any related information regarding their sexual assault evidence kits.

**AB 2524 (Irwin). OpenJustice Data Act of 2016.****Chapter 418, Statutes of 2016**

This measure requires the DOJ to make available to the public its mandatory criminal justice statistics reports via the OpenJustice web portal, and requires the reports to be updated at least twice yearly. These statistics include but are not limited to shootings, use of force incidents resulting in bodily injury or death, numbers and demographics involved, amount and nature of offenses, administrative actions taken by law enforcement, citizen complaints, and arrests for identity theft.

**AB 2590 (Weber). Sentencing. Restorative Justice.****Chapter 696, Statutes of 2016**

This measure finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. It directs the California Department of Corrections and Rehabilitation (CDCR) to develop a mission statement consistent with this bill's findings and declarations. This measure also extends, until January 1, 2022, the authority of courts to, at their discretion, impose appropriate terms that best serve the interests of justice.

**AB 2721 (Rodriguez). Elder and Dependent Adult Fraud. Informational Notice.****Chapter 80, Statutes of 2016**

This measure requires the DOJ to develop and distribute an informational notice that warns the public about elder and dependent adult fraud and provides information regarding how and where to file complaints. It also requires that the notice be made available on the Attorney General's website.

**\*AB 2765 (Weber). Proposition 47 Sentence Reduction.****Chapter 767, Statutes of 2016**

This measure eliminates the three-year deadline contained in Proposition 47 for individuals seeking sentence reductions related to prior felony convictions to file petitions for relief, and instead imposes a deadline of November 2, 2022. In addition, this measure authorizes filings subsequent to that date upon a showing of good cause.

**AB 2820 (Chiu). Crimes. Price Gouging. States of Emergency.**  
**Chapter 671, Statutes of 2016**

This measure revises the definitions of the terms “state of emergency” and “local emergency” for purposes of liability for criminal price gouging. Specifically, this measure revises both terms to mean a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor of California, or for which a local emergency has been declared by an official, board, or other governing body vested with the authority to make such a declaration in any city, county, or city and county in California. It also specifies that criminal price gouging includes activity relating to both towing services and rental of any housing with an initial lease of up to one year.

**AB 2839 (Thurmond). Criminal Penalties. Non-payment of Fines.**  
**Chapter 769, Statutes of 2016**

This measure clarifies that when a criminal defendant is ordered imprisoned for non-payment of a criminal fine that is a non-restitution matter, only the base fine is to be used in determining the term of imprisonment. It also prohibits the term of imprisonment imposed for non-payment of a fine from exceeding one day per \$125 of the base fine, and specifies that all days that a defendant is in custody shall count as a credit against the defendant’s term of imprisonment, or credited proportionally against any base fine, excluding base fines for restitution matters. Finally, this measure provides that any fees and assessments imposed against the base fine be reduced proportionally to the reduction of the base fine as a result of the custody credits.

**AB 2888 (Low). Sex Crimes. Mandatory Prison Sentence.**  
**Chapter 863, Statutes of 2016**

This measure restricts judicial discretion in specified sexual assault cases. Specifically, this measure prohibits a court from granting probation when it has been established that one of the following felony offenses has been committed:

- Rape, sodomy, forced oral copulation, or sexual penetration with a foreign object when the perpetrator uses an intoxicating or anesthetic substance;
- Rape, sodomy, or forced oral copulation when the victim is unconscious; and
- Sexual penetration by a foreign object when the victim submits under the false belief that the perpetrator committing the act is someone other than the accused, and is induced to hold that belief by pretense, concealment or artifice for which the accused is responsible.

**ACR 114 (Gallagher). Grand Jury Awareness Month.**  
**Resolutions Chapter 22**

This resolution proclaims the month of March 2016 as Grand Jury Awareness Month.

**ACR 132 (Atkins). V-Day.**  
**Resolutions Chapter 17**

This resolution proclaims February 14, 2016 as V-Day to encourage all Californians to become more aware about and prevent violence against women.

**ACR 139 (Thurmond). Child Abuse Prevention Month.****Resolutions Chapter 63**

This resolution acknowledges the month of April 2016 as Child Abuse Prevention Month, and encourages the people of the State of California to support youth-serving child abuse prevention activities in their communities and schools.

**ACR 140 (Oberholte). Don't Text and Drive Day.****Resolutions Chapter 64**

This resolution proclaims April 27, 2016 as Don't Text and Drive Day, and calls upon individuals, government agencies, schools, and others to promote awareness of the problem of texting and driving, and to support policies and programs reducing the incidence of texting while driving.

**SB 6 (Galgiani). Parole. Medical Parole. Compassionate Release.****Chapter 886, Statutes of 2016**

This measure provides that persons convicted of killing a police officer after January 1, 2016, are not eligible for medical parole or compassionate release. Specifically, this measure renders ineligible for medical parole or compassionate release any individual who kills a police officer under either of the following circumstances:

- First degree murder of a police officer killed in the line of duty, and there is evidence that the defendant knew or should have known that the victim was a police officer; or
- Intentional murder of a peace officer or former peace officer in retaliation for the performance of his duty.

**SB 266 (Block). Probation and Mandatory Supervision. Flash Incarceration.****Chapter 706, Statutes of 2016**

This measure allows a court to authorize the use of flash incarceration to detain an offender in county jail for a maximum of 10 days for a violation of the terms of his probation or mandatory supervision, if at the time of the granting of probation or the order for mandatory supervision, the court obtains from the defendant a waiver to a court hearing prior to the imposition of flash incarceration. It requires probation departments to develop a matrix of graduated responses, including flash incarceration, and requires a probation officer to specify a term of flash incarceration prior to its imposition. This measure also specifies an exemption for persons convicted of certain drug offenses, and prohibits the denial of probation for refusal to sign a waiver agreeing to flash incarceration. This measure will sunset on January 1, 2021.

**SB 420 (Huff). Prostitution.****Chapter 734, Statutes of 2016**

This measure re-defines the crime of prostitution and divides it into three separate offenses, as follows:

- The defendant agreed to receive compensation, received compensation, or solicited compensation in exchange for a lewd act;
- The defendant provided compensation, agreed to provide compensation, or solicited an adult to receive compensation in exchange for a lewd act; and



- The defendant provided compensation, or agreed to provide compensation, to a minor in exchange for a lewd act, regardless of which party made the initial solicitation.

**SB 448 (Hueso). Sex Offenders. Internet Identifiers.**

**Chapter 772, Statutes of 2016**

This measure amends Proposition 35 (2012), the Californians Against Sexual Exploitation Act. Beginning January 1, 2017, this measure requires any person convicted of a felony requiring registration as a sex offender, to register his or her Internet identifiers to law enforcement, if that person used the Internet to identify a victim or to commit human trafficking or child pornography offenses. It also expressly authorizes law enforcement agencies to use the information to investigate any sex crime, kidnapping or human trafficking offense.

**SB 759 (Anderson). Prisoners. Secured Housing Units.**

**Chapter 191, Statutes of 2016**

This measure restores the ability of inmates held in secured housing units to earn credit reductions from their term of confinement. The ability of prisoners housed in isolation to earn these credits was deleted from law by SBX3 18 (Ducheny, Chapter 28, Statutes of 2009), without public input or the usual legislative vetting. This measure requires the CDCR to establish related regulations, no later than July 1, 2017, to allow specified inmates to earn credit reductions from their term of confinement consistent with existing law.

**\*SB 813 (Leyva). Sex Offenses. Statute of Limitations.**

**Chapter 777, Statutes of 2016**

This measure eliminates the statute of limitations for several sex offenses, including rape, spousal rape, forcible sexual penetration, forcible sodomy, molestation of a child under age 14, continuous sexual abuse of a child under age 14, forcible oral copulation, and forcible sexual penetration. This measure clarifies that it applies to crimes committed on or after January 1, 2017, as well as crimes committed prior to that date for which the previous 10-year statute of limitations had not expired.

**SB 872 (Hall). Local Law Enforcement. Supplemental Services.**

**Chapter 362, Statutes of 2016**

This measure allows county boards of supervisors to contract on behalf of the sheriff of that county, and allows city councils to contract on behalf of the chief of police of that city, to provide supplemental law enforcement services to private schools, private colleges and private universities. It also specifies that those services may be provided by reserve peace officers. Lastly this measure clarifies that it does not prevent a University of California or California State University police department from contracting with the same private entities to provide law enforcement services.

**SB 877 (Pan). Reporting and Tracking of Violent Deaths.****Chapter 712, Statutes of 2016**

This measure requires the Department of Public Health (DPH) to establish and maintain the California Violent Death Electronic Reporting System and to collect data on violent deaths. This measure also requires DPH to post both a summary and analysis of the data on its website. This measure also expressly permits law enforcement agencies to report to DPH the circumstances surrounding all violent deaths, including information from toxicology reports, if it is available.

**SB 955 (Beall). State Hospital Commitment. Compassionate Release.****Chapter 715, Statutes of 2016**

This measure requires the director of the Department of State Hospitals (DSH) to release a patient from confinement, parole, or outpatient status, if the patient is terminally ill or permanently medically incapacitated, and if the conditions under which the patient is released do not pose a threat to public safety. This measure specifies the medical conditions constituting permanent medical incapacitation, and requires the DSH to develop implementing regulations.

**SB 1016 (Monning). Sentencing.****Chapter 887, Statutes of 2016**

This measure extends the sunset provisions under current law for specified basic sentencing provisions on the factors courts are mandated to consider, and procedures they are directed to follow in choosing to impose on a criminal defendant an upper, lower, or middle term of incarceration. This measure extends the sunset date from January 1, 2017, to January 1, 2022.

**SB 1054 (Pavley). Restitution Orders. Collection.****Chapter 718, Statutes of 2016**

This measure authorizes a county agency designated by the board of supervisors to collect restitution from a person who has been released from county jail without being subject to post-community release supervision or mandatory supervision. This measure also directs counties to coordinate their collection efforts with the Franchise Tax Board (FTB), and authorizes county collection agencies to deduct actual costs of collection, up to 10 percent, at the time of collection. Collection of restitution shall be performed in accord with the victim's preference, and prohibits the CDCR or a county from referring a restitution order to the FTB if a county agency has been designated to collect.

**SB 1084 (Hancock). Sentencing.****Chapter 867, Statutes of 2016**

This measure clarifies that a person convicted of a crime committed while the person was a minor, who was sentenced to life without possibility of parole (LWOP), can submit a petition for recall and resentencing after he or she has served 15 years of the sentence. It also provides that if a court finds by a preponderance of the evidence that one or more of the statements contained in the petition is true, the court shall recall the sentence previously ordered and convene a hearing to re-sentence the defendant. The

measure also clarifies that the defendant may submit another petition if the sentence is not recalled, or if the defendant is re-sentenced to LWOP.

**SB 1129 (Monning). Prostitution. Sanctions.**

**Chapter 724, Statutes of 2016**

This measure repeals statutory provisions imposing mandatory minimum prostitution jail terms for repeat offenders, including those who accept probation.

**SB 1130 (Wieckowski). False Advertising. Substantiation of Claims. County Counsel.**

**Chapter 38, Statutes of 2016**

This measure authorizes a county counsel to request official evidence of the facts on which advertising claims are based. It also authorizes a county counsel, upon failure of the advertiser to adequately respond to such a request within a reasonable amount of time, or if the county counsel has reason to believe the advertising claim is otherwise false or misleading to either:

- Seek immediate termination or modification of the claim by the aggrieved party; or
- To disseminate information (taking care to protect legitimate trade secrets), concerning the veracity of the claims, or why the claims are misleading, to consumers in the state.

**SB 1134 (Leno). Habeas Corpus. New Evidence. Motion to Vacate Judgment. Indemnity.**

**Chapter 785, Statutes of 2016**

This measure codifies a standard for habeas corpus petitions filed on the basis of new evidence by permitting a writ of habeas corpus to be prosecuted on the basis of new evidence, which would have more likely than not changed the outcome of the trial. This measure specifies that the new evidence must be discovered after the trial, and could not have been discovered prior to the trial.

**\*SB 1189 (Pan). Postmortem Examinations or Autopsies. Forensic Pathologists.**

**Chapter 787, Statutes of 2016**

This measure mandates that a forensic autopsy shall only be conducted by a licensed physician. It also requires all persons in the autopsy room to have current blood-borne pathogen training and personal protective equipment. This measure prohibits law enforcement personnel directly involved in the care and custody of an individual from being involved in any part of the postmortem examination, if the individual has died as a result of law enforcement activity. This measure also prohibits the same law enforcement personnel from being present in the autopsy room at the time of the autopsy.

**SB 1238 (Pan). Inmates. Biomedical Data.**

**Chapter 197, Statutes of 2016**

This measure clarifies that notwithstanding a prohibition in existing law on biomedical research on inmates in California's correctional facilities, records-based biomedical

research that does not involve interaction with human subjects is authorized. It also specifies that the use or disclosure of individually identifiable records can only occur upon the written consent of the prisoner, and that the relevant research advisory committee established under existing law approves of the use or disclosure.

**SB 1242 (Lara). Sentencing. Misdemeanors.**  
**Chapter 789, Statutes of 2016**

This measure makes retroactive a provision of existing law providing that every offense punishable by imprisonment in a county jail of up to one year shall be punishable by imprisonment in county jail for a period not exceeding 364 days. It applies this provision of law to all convictions occurring prior to January 1, 2015.

**\*SB 1311 (Glazer). Vehicles. Confidential Home Address.**  
**Chapter 889, Statutes of 2016**

This measure requires the DMV to discontinue treating a home address as confidential for a child or spouse of the following law enforcement officials, if that child or spouse has been convicted of a felony:

- An active or retired peace officer;
- A non-sworn police dispatcher;
- A non-sworn employee of a city police department, county sheriff's office, the California Highway Patrol, or a detention facility, who controls or supervises inmates or is required to have a prisoner in his or her care or custody; and
- A police or sheriff's department employee designated as being in a sensitive position.

**SB 1324 (Hancock). Crime Victims. Compensation for Pecuniary Loss.**  
**Chapter 730, Statutes of 2016**

This measure extends the sunset for allowing the Victim Compensation Board to reimburse crime victims for violence-peer-counseling services, from January 1, 2017 to January 1, 2019.

**SB 1330 (Galgiani). Missing Persons.**  
**Chapter 544, Statutes of 2016**

This measure clarifies that an "at-risk" missing person includes a person who is cognitively impaired or developmentally disabled for the purposes of issuing a "be on the lookout" bulletin. It also deletes the requirement that law enforcement agencies exhaust all available resources before activating a "Silver Alert" for a missing person.

**SB 1360 (Bates). Local Government. Municipal Service Agreements. Law Enforcement Services.**  
**Chapter 57, Statutes of 2016**

This measure requires a city that provides law enforcement services through its appropriate departments, boards, commissions, officers, or employees to another city pursuant to a contract or any other agreement authorized by statute to charge that city all costs associated in providing contracted law enforcement services, minus what the city reasonably determines are general overhead costs.

**\*SB 1389 (Glazer). Interrogation. Electronic Recordation.****Chapter 791, Statutes of 2016**

This measure requires the electronic recording of the interrogation of any person suspected of murder. It includes an exemption for interrogations not related to the commission of murder, even if the person is in custody on a charge of murder.

**SB 1474 (Comm. on Public Safety). Public Safety Omnibus.****Chapter 59, Statutes of 2016**

This measure enacts the following changes to California's criminal justice system:

- Deletes reference to the Sex Offender Tracking Program and the High Risk Sex Offender Tracking Program and replaces them with general references to the DOJ;
- Allows a district attorney to send a subpoena to a peace officer by electronic means;
- Provides that probation reports may be shared between probation agencies;
- Deletes the requirement that a police vehicle that is monitoring traffic be painted but continues to require the vehicle be a distinctive color;
- Updates the section related to the collection of evidence in sexual assault cases; and
- Makes a host of additional clarifying or technical changes.

**SCR 103 (Leyva). Teen Dating Violence Awareness and Prevention Month.****Resolutions Chapter 49**

This resolution proclaims the month of February 2016 as Teen Dating Violence Awareness and Prevention Month, and urges Californians to observe it with programs and activities that raise awareness about teen dating violence.

**SCR 123 (Jackson). Sexual Assault Awareness Month. Denim Day California.****Resolutions Chapter 37**

This resolution designates the month of April 2016 as Sexual Assault Awareness Month, and recognizes April 27, 2016 as Denim Day California.

***F. Human Trafficking*****AB 1276 (Santiago). Child Witnesses. Human Trafficking.****Chapter 635, Statutes of 2016**

This measure allows a minor age 15 or younger who is a victim of human trafficking to testify in court by means of closed-circuit television in criminal proceedings, if a court finds:

- Open court testimony would cause severe emotional distress;
- Defendant has issued threats of serious bodily injury against the minor or his/her family;
- Defendant caused great bodily injury to the minor during the commission of the offense;

- Defendant or his counsel behaved in a way that prevented completion of the minor's testimony during a hearing or trial; and
- Defendant used a deadly weapon during the commission of the offense.

**AB 1684 (M. Stone). Civil Actions. Human Trafficking.**

**Chapter 63, Statutes of 2016**

This measure provides the Department of Fair Employment and Housing with the authority to receive, investigate, and prosecute human trafficking complaints on behalf of victims, independent of any other remedy or procedure that may apply. It provides that any damages awarded in any such legal action shall be awarded to the person harmed by the human trafficking offense, but that attorney's fees shall be awarded to the department.

**AB 1761 (Weber). Human Trafficking. Victims. Affirmative Defense.**

**Chapter 636, Statutes of 2016**

This measure creates an affirmative defense for human trafficking victims to charges of non-serious, non-violent felonies. This measure allows a defendant to assert that he or she was coerced to commit the offense as a direct result of being a human trafficking victim at the time of the offense, and that the defendant had a reasonable fear of harm if he or she refused to commit the offense. With regard to a criminal action, expert testimony may be introduced by either the prosecution or the defense regarding the effect of human trafficking on human trafficking victims including the details of physical, emotional, or mental abuse.

**AB 2027 (Quirk). Victims of Crime. Non-Immigrant Status.**

**Chapter 749, Statutes of 2016**

This measure requires, upon the request of an immigrant victim of human trafficking, a certifying agency to certify victim cooperation on the applicable I-914 Application for Non-Immigrant Status, so that the victim may apply for a T-Visa to work and live temporarily in the United States, pursuant to the federal Victims of Trafficking and Violence Protection Act of 2000. It creates a rebuttable presumption that a victim is cooperative, if the victim has not refused to provide information and assistance requested by law enforcement. This measure also requires the certifying entity to process a Form I-914 within 90 days of the victim's request, unless the victim is a non-citizen and the subject of removal proceedings, in which case the requirement is shortened to within 14 days of the request.

**AB 2221 (C. Garcia). Criminal Procedure. Human Trafficking Victims.**

**Chapter 641, Statutes of 2016**

This measure requires that in a case involving a charge of human trafficking, a minor who is a victim of the human trafficking shall be provided assistance from the local county Victim Witness Assistance Center, if the minor requests it. It also clarifies that it does not require a local agency to operate a Victim Witness Assistance Center.

**\*AB 2498 (Bonta). Human Trafficking.****Chapter 644, Statutes of 2016**

This measure authorizes under the California Public Records Act the withholding of the names or images of a victim of human trafficking or of the victim's family, upon the victim's request, until such time as the investigation and any subsequent criminal prosecution is complete. Law enforcement agencies are prohibited from disclosing such information about a person who alleges he or she is a victim of human trafficking, or the person's immediate family, and allows disclosure only to specified persons or agencies. This measure also requires law enforcement agencies to orally inform a person who alleges to be a human trafficking victim of his or her right to have information as to their name, address, image, or that of immediate family members withheld and kept confidential. It defines "sex offense" in the Penal Code to include human trafficking and clarifies that a person forced to commit acts of prostitution because he or she was a human trafficking victim is a victim of a sex offense.

**SB 823 (Block). Criminal Procedure. Human Trafficking.****Chapter 650, Statutes of 2016**

This measure allows a person who was a victim of human trafficking to petition for dismissal of a conviction or juvenile adjudication, if the conviction or adjudication was for a non-violent offense committed as a direct result of being a human trafficking victim. It also allows the human trafficking victim in that instance to petition to have the arrest and court records for such an offense sealed. This measure also establishes substantive and procedural rules regarding the hearing for a petition for relief.

**SCR 88 (Runner). Human Trafficking Awareness Month.****Resolutions Chapter 3**

This resolution proclaims the month of January 2016 as Human Trafficking Awareness Month, and makes a series of related legislative findings.

***G. Juvenile Justice*****AB 1911 (Eggman). Dual Status Minors.****Chapter 637, Statutes of 2016**

This measure requires the Judicial Council to convene a committee of stakeholders to serve the needs of dependents and wards of the juvenile court. The committee must be composed of judges, social workers, probation officers, youth, education officials, attorneys and advocates in the juvenile justice and child welfare areas, as well as representatives of the DSS and child welfare agencies. It requires the committee to develop and report to the Legislature on a mechanism for comprehensive data and outcome tracking for youth in the juvenile justice and child welfare systems. DSS is required to modify the applicable case management system so that it will allow child welfare and juvenile justice departments to identify youth involved in both systems. This measure also requires the DSS to issue instructions to all counties explaining how to comprehensively and completely track youth in both systems.

**AB 1998 (Campos). Juveniles. Data Collection.****Chapter 880, Statutes of 2016**

This measure modifies the Supplemental Law Enforcement Services Account (SLESA) to require participating counties to submit reports to the Board of State and Community Corrections (BSCC) containing descriptions of the programs, strategies and system enhancements proposed for funding. The BSCC is required to compile the local reports and related expenditures made by each county and city and county, and report that information annually to the Legislature. This measure also requires the BSCC to prepare guidelines for counties regarding the appropriate method for disaggregating data concerning juvenile justice caseload, performance and outcome by race and ethnicity.

**AB 2813 (Bloom). Juvenile Offenders. Dual-Status Minors.****Chapter 646, Statutes of 2016**

This measure limits the circumstances under which a probation officer can detain a minor who has been taken into temporary custody. It narrows the circumstances under which a probation officer can detain a youth who is a dependent of the juvenile court, or is the subject of a petition to declare him or her a dependent of the court. Probation officers are required to immediately release minors who meet this definition into the custody of the child welfare system, or a foster parent or other caregiver, unless continued detention is a matter of immediate necessity.

**ACR 120 (M. Stone). Data Trusts. At-Risk Children.****Resolutions Chapter 97**

This resolution recognizes the Legislature's support of the development of safe and secure data sharing between public education, social service, and research entities through the Silicon Valley Regional Data Trust as it pertains to at-risk, foster, homeless, and justice-involved children and youth and their families, in order to better serve, protect, and improve the collective future of these Californians.

**SB 1004 (Hill). Young Adults. Deferred Entry of Judgment Pilot Program.****Chapter 865, Statutes of 2016**

This measure authorizes specified counties (Alameda, Butte, Napa, Nevada, and Santa Clara) to operate a deferred entry of judgment pilot program enabling certain convicted offenders who are young adults to serve time in juvenile hall rather than in county jail. It expressly excludes violent juvenile offenders and juveniles required to register as sex offenders from eligibility. Pilot counties must submit data to the Board of State and Community Corrections (BSCC), and requires the BSCC to conduct an evaluation. This measure will sunset on January 1, 2020.

**SB 1143 (Leno). Juveniles. Room Confinement.****Chapter 726, Statutes of 2016**

This measure, beginning January 1, 2018, places restrictions on the use of room confinement of minors or wards who are detained in a juvenile facility. Room confinement shall not be used unless other less restrictive options have been attempted and exhausted, unless those options pose a threat to the safety of any minor, ward, or



staff. Room confinement shall not be used as punishment, coercion, convenience, or retaliation by staff. This measure limits the period of room confinement to four hours unless there is appropriate documentation, including an individualized plan for re-integrating the minor or ward into the general population. This measure also provides that room confinement shall not be used if it compromises the mental or physical health of the minor or ward.

**\*SB 1322 (Mitchell). Commercial Sex Acts. Minors.  
Chapter 654, Statutes of 2016**

This measure provides that minors engaged in commercial sexual activity will not be arrested for the offense of prostitution. It directs law enforcement officers who encounter minors engaged in commercial sexual activity to report the conduct to county social services as abuse or neglect. This measure also provides that a commercially sexually exploited child may be adjudged a dependent child of the juvenile court and taken into custody to protect the minor's health or safety.

## ***H. Child Welfare***

**AB 1001 (Maienschein). Child Abuse. Reporting. Foster Agencies.  
Chapter 850, Statutes of 2016**

This measure requires the Department of Social Services (DSS), by July 1, 2017, to develop a notice containing a phone number to make complaints against a community care or child care facility, relative to the license, special permit, or certificate of a community care facility when the department finds that an administrator had violated mandated reporting laws. It also expands the definition of mandated reporter to include a board member of an organization, including a foster family agency, and prohibits an organization's internal policy from directing an employee to allow his supervisor to file or process a mandated report under any circumstances.

**AB 1067 (Gipson). Foster Children. Rights.  
Chapter 851, Statutes of 2016**

This measure requires the DSS to convene a working group to develop standardized information about the rights of all minors and non-minors in foster care, including whether or not to require the signature of a foster child verifying that he or she has been advised of and understands his or her rights. It also expands existing requirements about informing foster children of their right to do the following:

- Require the child's social worker or probation officer to provide information about the child's rights to the child's care provider;
- Require the child's social worker or probation officer to provide a written copy of the rights to the child;
- Require information on the child's rights to be provided at each placement change; and
- Require the child's social worker or probation officer to document in the child's case plan that he or she has informed the child of his or her rights, and provided the child with a written copy.

**AB 1639 (Maienschein). Pupil Health. The Eric Paredes Sudden Cardiac Arrest Prevention Act.**

**Chapter 792, Statutes of 2016**

This measure requires the Department of Education (DOE) to make available on its website specified guidelines and materials on the symptoms, risks and warning signs of sudden cardiac arrest. It also requires pupils and parents to sign related informational materials on the risk of cardiac arrest before participation in school athletic activities. This measure also requires training of school athletic coaches, and outlines requirements for action in the event a pupil displays specified symptoms.

**AB 1688 (Rodriguez). Dependent Children. Out-of-County Placement. Notice.**

**Chapter 605, Statutes of 2016**

This measure requires that a written notice be served on a foster child's attorney, and separately on a child 10 years of age or older, if a social worker will be placing the child outside the county. It also permits the child to object to the proposed placement. In so doing, the list of individuals required to receive notification of out of county placements is expanded.

**AB 1748 (Mayes). Pupils. Pupil Health. Opioid Antagonist.**

**Chapter 557, Statutes of 2016**

This measure authorizes pharmacies to furnish the drug naxalone hydrochloride (naxalone) or another opioid antagonist to a school district, county office of education, or charter school if it is exclusively furnished for use on-site at the local educational institution, and a physician or surgeon provides a written order specifying the quantity of naxalone or other opioid antagonist to be furnished. It is intended to facilitate the provision of emergency medical care to persons believed to be suffering from an opioid overdose. It requires local educational institutions receiving the drug to maintain records regarding its acquisition and disposition for at least three years. This measure also requires local educational institutions to monitor their supply of the drug and ensure its destruction once it has expired.

**AB 1849 (Gipson). Foster Youth. Transition to Independent Living. Health Insurance Coverage.**

**Chapter 609, Statutes of 2016**

This measure updates the Welfare and Institutions Code to conform to existing law mandating uninterrupted Medi-Cal coverage for foster youth, up to age 26.

**AB 1945 (M. Stone). Juveniles. Sealing of Records.**

**Chapter 858, Statutes of 2016**

This measure allows county child welfare agencies responsible for the supervision and placement of a minor or non-minor access to that juvenile's sealed court record, for the limited purpose of determining an appropriate placement of service.

**AB 1997 (M. Stone). Foster Care.****Chapter 612, Statutes of 2016**

This measure adopts changes to facilitate implementation of Continuum of Care Reform (CCR) recommendations enacted by AB 403 (Stone, Chapter 773, Statutes of 2015).

This measure's objective is to improve California's child welfare services system, including but not limited to the following areas: updated requirements for mental health certification of short-term residential therapeutic programs to improve mental health services delivered to children in such facilities, required payment of basic rate to families, and modifications of the Resource Family Approval process.

**AB 2083 (Chu). Interagency Child Death Review.****Chapter 297, Statutes of 2016**

This measure allows but does not require local agencies, at the request of an interagency child death review team, to disclose otherwise confidential information to facilitate an investigation into a child's death. It specifies that information disclosed to a child death review team shall remain confidential, and shall not be subject to disclosure or discovery by a third party under federal or state law unless otherwise required by law. Material that may be disclosed under this law includes written and oral information pertaining to a child's death, including medical and mental health information, data from child abuse reports and investigations (except for the identity of the person making the report), state summary criminal history information, reports by health practitioners regarding injuries from firearms or as a result of assault or abusive conduct, and records of in-home supportive services, unless disclosure is prohibited by federal law.

**AB 2246 (O'Donnell). Pupil Suicide Prevention Policies.****Chapter 642, Statutes of 2016**

This measure requires local educational agencies that serve students in grades seven to 12 to adopt policies on the prevention of student suicide. It also requires the DOE to develop and maintain a model suicide prevention policy.

**AB 2380 (Alejo). Defendants. Minor Children.****Chapter 882, Statutes of 2016**

This measure requires a court to provide a defendant charged with a felony who is, or whom the court deems to be, the sole custodial parent of one or more minor children, with the following:

- A Judicial Council form on guardianship;
- Information regarding power of attorney for a minor child; and
- Information regarding TrustLine background examinations.

This measure provides that a court may reasonably deem a defendant to be a sole custodial parent if the defendant states orally or in writing, that he or she has such status. It also permits, but does not require, the court to make a determination of sole custodial parenthood based on information other than the defendant's statement.

**AB 2417 (Cooley). Child Abuse Reporting.****Chapter 860, Statutes of 2016**

This measure prohibits DOJ from charging fees to Court Appointed Special Advocate programs who submit to DOJ fingerprint images and related information in connection with background checks of employment and volunteer candidates of child care facilities.

**AB 2767 (Lopez). Foster Care. Caregivers. Information.****Chapter 619, Statutes of 2016**

This measure amends the Welfare and Institutions Code to include a legislative finding that caregivers should have, among other basic contact information, the email addresses of the child's social worker, the social worker's supervisor, the child's attorney, and the child's court-appointed special advocate.

**AB 2845 (Williams). School Safety. Safe Place to Learn Act.****Chapter 621, Statutes of 2016**

This measure amends the Safe Place to Learn Act to require the DOE to augment its existing compliance monitoring activities by assessing whether local educational agencies have provided information to staff serving students in grades seven to 12 about resources related to bullying due to religious affiliation. The DOE is required to post on its Internet website a list of statewide resources, including community based organizations, that support students who have been subjected to school-based discrimination, harassment, intimidation, or bullying, on the basis of actual or perceived religious affiliation, nationality, race, or ethnicity.

**AB 2872 (Patterson). Children. Adoption.****Chapter 702, Statutes of 2016**

This measure clarifies that the investigation required as part of a step-parent adoption process, at the request of the party petitioning for adoption, may be completed by either a licensed social worker, or a therapist, or a private adoption agency. It specifies that if the petitioner makes such a request, then the petitioner is not required to pay any investigation fees. If the petitioner does not make such a request, then the court may collect an investigation fee, and has discretion to assign a probation officer, court investigator, or if so authorized by the county board of supervisors, the county welfare department, to complete the investigation. It also requires, at the request of the birth parent of a newborn, hospital personnel shall complete a Health Facility Minor Release Report, authorizing a hospital to release a minor to someone other than the parents, and to provide copies to the appropriate parties. This measure specifies that hospitals have no discretion to refuse to complete the report, even if the baby is not eligible for release at that time. Finally this measure authorizes court-appointed investigators to inspect a juvenile court case file, provided the investigator is acting within the course and scope of his investigative duties on an active case.

**ACR 179 (Cooley). Foster Care Month.****Resolutions Chapter 88**

This resolution declares the month of May 2016 as Foster Care Month, and makes a series of related legislative findings.

**SB 1064 (Hancock). Sexually Exploited Minors.****Chapter 653, Statutes of 2016**

This measure deletes the January 1, 2017, sunset date for the Sexually Exploited Minors Project in Alameda County, and makes it a permanent program.

**SB 1072 (Mendoza). School Bus Safety. Child Safety Alert System.****Chapter 721, Statutes of 2016**

This measure requires, no later than the beginning of the 2018-19 school year, school buses, other specified transport for students, and child care motor vehicles to be equipped with an operational child safety alert system which compel drivers to manually disarm or scan an alarm at the rear of the bus before exiting the bus. This measure requires instruction of school bus drivers on how to ensure that pupils are not left unattended, and requires the DMV to deny the issuance or renewal of a school bus driver certificate for a driver who has left a pupil unattended on a school bus. This measure also requires the California Highway Patrol to adopt regulations for child safety alert systems by January 1, 2018.

**SB 1336 (Jackson). Dependent Children. Investigation. Relatives.****Chapter 890, Statutes of 2016**

This measure requires that whenever a child is removed from the custody of a parent or guardian, juvenile courts to make a finding as to whether a social worker exercised due diligence in conducting his or her investigation to identify, locate, and notify a child's relatives, including both maternal and paternal relatives. This measure also requires that specific actions be taken, including efforts to contact all known relatives, and conducting an Internet search to locate those relatives identified as sources of support.

**SCR 140 (Cannella). Foster Care Awareness Month.****Resolutions Chapter 72**

This resolution acknowledges the month of May 2016 as Foster Care Awareness Month, and makes a series of related legislative findings.

## ***I. Immigration***

**AB 2027 (Quirk). Victims of Crime. Non-Immigrant Status.****Chapter 749, Statutes of 2016**

This measure requires, upon the request of an immigrant victim of human trafficking, a certifying agency to certify victim cooperation on the applicable I-914 Application for Non-Immigrant Status, so that the victim may apply for a T-Visa to work and live temporarily in the United States, pursuant to the federal Victims of Trafficking and Violence Protection Act of 2000. It creates a rebuttable presumption that a victim is cooperative, if the victim has not refused to provide information and assistance requested by law enforcement. This measure also requires the certifying entity to process a Form I-914 within 90 days of the victim's request, unless the victim is a non-citizen and the subject of removal proceedings, in which case the requirement is shortened to within 14 days of the request.

**AB 2159 (Gonzalez). Evidence. Immigration Status.****Chapter 132, Statutes of 2016**

This measure provides that in a civil action for personal injury or wrongful death, evidence of a person's immigration status shall not be admitted into evidence, nor shall discovery into a person's immigration status be permitted.

**\*AB 2792 (Bonta). Local Law Enforcement Agencies. Federal Immigration Policy Enforcement. ICE Access.****Chapter 768, Statutes of 2016**

This measure requires local law enforcement agencies, prior to the interview of an individual by the federal Immigration and Customs Enforcement (ICE) agency, to present the individual with a written consent form. It requires the consent form to be available in specified languages and include information describing the purpose of the interview, stating that it is voluntary, and the fact that the individual can decline to be interviewed. All records related to ICE access provided by local law enforcement agencies shall be public records for purposes of the California Public Records Act (CPRA), and the measure specifies in detail the nature of the information subject to disclosure under the CPRA.

## ***J. Judicial Process and Court Procedures***

**AB 1854 (Bloom). Bail. Attorney's Fees. Forfeited Bail.****Chapter 378, Statutes of 2016**

This measure restores funding for prosecutorial agencies, including city prosecutors' offices and county counsel offices, for costs incurred in successfully opposing a motion to vacate the forfeiture of bail. By specifically authorizing the recovery of attorney's fees resulting from this specific activity, this bill acts on a suggestion made by the Court of Appeal and provides important statutory clarification for some jurisdictions that currently do not allow such recovery. This measure therefore removes incentives under existing law for some county and local prosecutors to refuse to oppose bail forfeitures, resulting in a corresponding loss of revenue to those local governments.

**AB 2013 (Jones-Sawyer). Criminal Procedure. Arraignment Pilot Program.****Chapter 689, Statutes of 2016**

This measure creates a three-year pilot program in three counties to be determined by a committee consisting of appointees of the California Public Defenders Association, the California District Attorneys Association, and the Judicial Council. The pilot project requires a court, upon request by a defendant charged with a misdemeanor who is not in custody, to make a finding at the arraignment as to whether probable cause exists to believe that a public offense has been committed and that the defendant is guilty of that offense. There would be one appointee each from a small county (250,000 to 750,000 residents), a medium county (750,001 to 2,600,000 residents), and a large county (at least 2,600,001 residents). This measure directs that if the court finds that probable cause exists, it shall proceed with the defendant's calendared trial date – otherwise the complaint will be dismissed. This measure also requires the DOJ to report to the

legislative budget committees and relevant legislative policy committees on the number of instances that a determination of no probable cause on a misdemeanor led to a dismissal.

**AB 2295 (Baker). Restitution for Crimes.**

**Chapter 37, Statutes of 2016**

This measure brings statutory restitution provisions into conformity with a requirement in the California Constitution that each victim is entitled to restitution from the perpetrator of the crime in which the victim suffered a loss. This measure eliminates the authority of a court to order less than full restitution to the victim, based on the defendant's ability to pay under the aggravated white collar crime enhancement, or based on the defendant's ability to pay under the provisions for aggravated elder or dependent adult financial abuse. It also eliminates the discretion of a court to order less than full restitution when it finds compelling and extraordinary reasons for doing so.

**AB 2655 (Weber). Bail. Jurisdiction.**

**Chapter 79, Statutes of 2016**

This measure allows a court to extend the statutorily required forfeiture or return of bail for 90 days, if either the defendant or the prosecutor requests the extension, either in writing or in open court. This extension allows the prosecutor additional time to file a complaint in the matter for which the defendant was arrested, and extends the period during which the defendant is granted release on bail.

**SB 881 (Hertzberg). Vehicles. Violations. Payment of Fines and Bail.**

**Chapter 779, Statutes of 2016**

This measure modifies the traffic amnesty program, which is designed to assist individuals who have had their drivers' licenses suspended due to failure to pay traffic fines. It requires courts that file a certificate with the DMV indicating an individual's compliance with the requirements of the amnesty program to do so within 90 days. Courts in possession of related applications as of January 1, 2017, must issue and file certificates no later than March 31, 2017. This measure provides that for applications submitted on or before March 31, 2017, all terms related to the applicant's payment plan shall remain in effect after that date. Individuals must file a request with the court by March 31, 2017, in order to be eligible for amnesty.

**\*SB 1431 (Morrell). Service of Summons or Subpoena.**

**Chapter 88, Statutes of 2016**

This measure allows investigators employed by the office of a district attorney, public defender, county counsel, or city attorney to gain access to gated communities for the sole purpose of performing lawful service of process or service of subpoena, upon displaying a current drivers' license or other identification, and a badge or other confirmation that the individual is acting in his or her official capacity.

## ***K. Motor Vehicles/Road Safety***

### **AB 287 (Gordon). Vehicle Safety. Recalls.**

#### **Chapter 682, Statutes of 2016**

This measure enacts the Consumer Automotive Recall Safety Act which prohibits automobile dealers and car rental companies from loaning or renting cars beginning 48 hours after a manufacturer's recall, and until such time as the defect triggering the recall has been cured. It also authorizes the DMV to suspend a dealer's license for any violation of the Act, and requires the DMV to include in each vehicle registration renewal notice a recall disclosure statement, including a website auto owners can visit to determine whether their vehicle has been recalled and where to go to get the necessary repairs.

### **AB 516 (Mullin). Vehicles. Temporary License Plates.**

#### **Chapter 90, Statutes of 2016**

This measure requires, by January 1, 2019, the DMV to develop a system where car dealerships and retailers are required to electronically submit the report of sale/lease to the DMV, where the system is to produce a uniquely identified temporary license plate as developed by the DMV for the dealership to apply to the sold/leased vehicle.

### **AB 873 (Jones). Automotive Repair.**

#### **Chapter 849, Statutes of 2016**

This measure updates existing regulations on minor automotive repair which have not been amended since the Automotive Repair Act (violations of which are a crime) was enacted in 1971. This measure deletes from existing law the current list of minor automotive repairs that may be made to vehicles without registration, effective January 1, 2018. It also requires the Bureau of Automotive Repair to adopt new regulations defining such minor automotive repairs by that date, and provides that the director of the bureau may amend or repeal those regulations as necessary.

### **AB 1289 (Cooper). Transportation Network Companies. Participating Drivers. Penalties.**

#### **Chapter 740, Statutes of 2016**

This measure requires transportation network companies to conduct a local and national criminal background check for each of their participating drivers and prohibits them from ever contracting, employing, or retaining drivers that are registered sex offenders or convicted of certain violent felonies, or misdemeanor assault, domestic violence or driving under the influence of drugs or alcohol within the previous seven years. TNCs that fail to comply are subject to a penalty between \$1,000 and \$5,000 for each offense.

### **AB 1785 (Quirk). Vehicles. Use of Wireless Electronic Devices.**

#### **Chapter 660, Statutes of 2016**

This measure provides that a hand-held wireless telephone or electronic wireless communications device may be used while the driver is operating a motor vehicle, if the



device is mounted on or affixed to the vehicle's dashboard or center console in a manner that does not obstruct the driver's view of the road.

**AB 1829 (Levine). Vessels. Operation Under the Influence of Alcohol or Drugs. Chemical Testing.**

**Chapter 68, Statutes of 2016**

This bill requires that persons operating a mechanically propelled vessel who are stopped and arrested for boating under the influence, be informed that a criminal complaint may be filed against them. It requires they be informed that a warrant may be sought to obtain a blood sample, and that they have no right to have an attorney present during chemical testing.

**AB 2051 (O'Donnell). Rental Passenger Vehicles.**

**Chapter 183, Statutes of 2016**

This measure requires the disclosure of the existence and amount of additional mandatory charges where an entity other than a rental company, including a travel service, advertises for a vehicle. It clarifies that if the rental company provides the entity with the rental rate and mandatory charge information, the rental company is not responsible for the failure of that entity to make the required disclosure.

**AB 2232 (Oberholte). Court Records. Misdemeanors. Reckless Driving.**

**Chapter 74, Statutes of 2016**

This measure is a clean-up of AB 1352 (Levine, Chapter 274, Statutes of 2013), which governed retention of court records but contained a drafting error. This measure ensures that reckless driving convictions are retained on the same 10-year schedule as driving under the influence (DUI) convictions. Specifically, this measure reduces the time that a court retains a record of misdemeanor speed contest convictions from 10 years to five years, and increases the time that a court retains a record for misdemeanor reckless driving convictions from five years to 10 years.

**AB 2387 (Mullin). Vehicle Equipment. Supplemental Restraint System Components and Non-Functional Airbags.**

**Chapter 694, Statutes of 2016**

This measure defines "non-functional airbag" to mean an airbag subject to the prohibitions of federal law regarding repairs or recalls of airbags. It also adds an intent requirement to the existing prohibition on selling, installing, or re-installing in a vehicle any device causing the vehicle's diagnostic systems to fail to warn when the vehicle is equipped with a defective or counterfeit supplemental restraint system component (airbag), or when no airbag is installed.

**\*AB 2687 (Achadjian). Vehicles. Passenger for Hire. Driving Under the Influence.**

**Chapter 765, Statutes of 2016**

This measure imposes a more restrictive standard of legal intoxication than that under current law for drivers of vehicles who have a passenger for hire in the vehicle at the same time. Specifically, this measure lowers the legal threshold for impairment for such drivers from a blood alcohol level of 0.08 to 0.04, making it unlawful for the driver of a

vehicle containing a passenger for hire to operate that vehicle if his or her blood alcohol level is 0.04 or above.

**\*SB 1046 (Hill). Driving Under the Influence. Ignition Interlock Devices.  
Chapter 783, Statutes of 2016**

This measure is a statewide expansion of a four-county program, and requires all persons convicted of DUI offenses to install and maintain an Ignition Interlock Device, i.e. a breathalyzer, on their motor vehicle in order to obtain a restricted driver's license, or to have a driver's license reinstated.

### ***L. Alcoholic Beverages***

**AB 1322 (Daly). Alcoholic Beverages. Licenses. Beauty Salons and Barber Shops.  
Chapter 741, Statutes of 2016.**

This measure allows a beauty salon or barber shop to serve beer or wine to its customers without a license from the Department of Alcoholic Beverage Control (ABC), if four conditions are met:

- There is no extra charge for the alcohol;
- No more than 12 ounces of beer or 6 ounces of wine are offered to an individual client;
- The license of the establishment is in good standing with the State Board of Barbering and Cosmetology; and
- The alcohol is only served during business hours and in no case later than 10 p.m.

It also provides that it shall not be construed to limit the authority of a city or a city and county to restrict or limit the consumption of alcoholic beverages.

**AB 1554 (Irwin). Powdered Alcohol.  
Chapter 742, Statutes of 2016**

This measure prohibits the ABC from issuing a license to manufacture, distribute, or sell powdered alcohol. It defines powdered alcohol as an alcohol prepared or sold in a powder or crystalline form, used for human consumption either in that form, or when mixed with water or any other liquid to be reconstituted as an alcoholic beverage.

**AB 1670 (Dodd). Alcoholic Beverages. Licenses.  
Chapter 347, Statutes of 2016**

This measure authorizes the ABC to issue a maximum of five new licenses with Napa County over a one-year period, expiring on December 31, 2017, provided they are original on-sale general licenses for public eating establishments with sufficient seating capacity for at least 25 patrons.

**AB 2172 (Jones). Home Brewery Clubs. Competitions.****Chapter 565, Statutes of 2016**

This measure permits the removal and use of home brewed beer in connection with a home brewers club meeting or related competition held on the premises of an authorized licensee of the ABC.

**AB 2739 (Chiu). Department of Alcoholic Beverage Control. Special On-Sale General License. For-Profit Theater.****Chapter 187, Statutes of 2016**

This measure deletes a provision of existing law stating that a special on-sale general license for a for-profit theatre within the City and County of San Francisco to sell alcoholic beverages cannot be issued by ABC until any existing licenses for the premises of the theatre are cancelled.

**SB 683 (Wolk). Alcoholic Beverage Licenses. Non-profit Sales License.****Chapter 584, Statutes of 2016**

This measure grants the ABC control the authority to issue a special non-profit sales license to a non-profit mutual benefit corporation associated with the Department of Viticulture and Enology (cultivation of grapevines and the study of wine, respectively) at the University of California at Davis. This license will authorize the licensee to accept up to 20,000 gallons of wine per year produced by the university, give samples to other licensees, and sell it to consumers for consumption off the licensed premises.

**SB 819 (Huff). Powdered Alcohol.****Chapter 778, Statutes of 2016**

This measure prohibits the purchase, sale, distribution, manufacture, possession or use of powdered alcohol. It requires the ABC to revoke the license of any licensee who commits a violation of its provisions. This measure imposes infraction penalties for all other violators, including a fine of up to \$500. It defines powdered alcohol as an alcohol prepared or sold in a powder or crystalline form, used for human consumption either in that form, or when mixed with water or any other liquid to be reconstituted as an alcoholic beverage. This measure also expressly provides that the term "alcoholic beverage" does not include the term "powdered alcohol."

**SB 905 (Bates). Alcohol Beverage Control. Club Licenses.****Chapter 363, Statutes of 2016**

This measure authorizes the ABC to issue a club license to a non-profit umbrella organization consisting of multiple veterans organizations and established to provide a central meeting location, with resources and services for veterans, that does not discriminate or restrict membership.

**SB 1032 (Galgiani). Alcoholic Beverages. Coupons.****Chapter 194, Statutes of 2016**

This measure expands an existing prohibition on beer manufacturers and wholesalers from offering customer coupons, to also apply to wine producers, including winemakers,

winegrowers and wine blenders. This measure further prohibits licensed retailers from accepting or redeeming such coupons from non-retail licensees.

**SB 1285 (Leno). Alcoholic Beverages. Licenses.**

**Chapter 790, Statutes of 2016**

This measure authorizes, beginning January 1, 2017, the ABC to issue a maximum of five new original "neighborhood-restricted" special on-sale general licenses, for premises in specified neighborhoods of the City and County of San Francisco.

***M. Medical Marijuana***

**AB 21 (Wood). Medical Marijuana. Cultivation Licenses.**

**Chapter 1, Statutes of 2016 (Urgency)**

This measure repeals the March 1, 2016, deadline for local governments to enact medical marijuana cultivation ordinances or face state pre-emption of their regulatory authority in that area. This measure deletes language enshrining in statute the ability of local governments to regulate and ban various medical marijuana activities, and replaced it with language providing that state law does not prevent a city or county from exercising its police power under Article XI, Section 7 of the California Constitution.

**AB 821 (Gipson). Sales and Use Taxes. Administration. Payments. Dispensaries.**

**Chapter 811, Statutes of 2016**

This measure authorizes medical marijuana dispensaries to remit tax payments in a form other than by means of an electronic funds transfer.

**AB 2516 (Wood). Medical Cannabis. State Cultivator License Types. Specialty Cottage Type.**

**Chapter 827, Statutes of 2016**

This measure creates a "Type 1C" or "specialty cottage" medical cannabis cultivator license, which specifies that a Type 1C licensee can cultivate an area of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.

**\*AB 2679 (Cooley, Bonta, Jones-Sawyer, Lackey and Wood). Medical Marijuana. Regulation. Research.**

**Chapter 828, Statutes of 2016**

This measure expands the authorized research activities of the University of California's Marijuana Research Program to include motor skills. It provides interim guidance for what manufacturing processes are legal for marijuana-derived products under the Medical Cannabis Regulation and Safety Act, including legal forms of butane extraction. This measure provides that its provisions on manufacturing will expire one year after the Bureau of Medical Cannabis Regulation posts a notice on its Internet website announcing that state licensing authorities have begun issuing licenses.

**SB 139 (Galgiani). Controlled Substances.****Chapter 624, Statutes of 2016 (Urgency)**

This measure criminalizes possession of specified synthetic cannabinoids or stimulants. Specifically, it provides that a first offense for possession of such substances is an infraction; a second offense is either an infraction or a misdemeanor; and a third or subsequent offense is a misdemeanor. It also provides that a person charged with possession of such a drug is eligible for a pre-guilty plea education and treatment and education program, and adds several specified drugs or chemicals to the existing list of prohibited synthetic cannabinoids.

**SB 839 (Comm. on Budget and Fiscal Review). Public Resources.****Chapter 340, Statutes of 2016**

This measure contains a number of changes and appropriations related to Public Resources. One notable public safety provision is that it re-establishes local authority over regulating plants, crops, or seeds within a city's jurisdiction. This authority extends to the regulation of marijuana seeds. *A full summary of the busget trailer bill can be found in the Revenue & Taxation section.*

**\*SB 1036 (Hernandez). Controlled Substances. Synthetic Cannabinoids. Analogs.****Chapter 627, Statutes of 2016**

This measure criminalizes the possession, sale, transport and manufacture of an analog of a synthetic cannabinoid compound, also known as "spice." It also expands the definition of controlled substance analog to include "a substance the chemical structure of which is substantially similar to the chemical structure of" a synthetic cannabinoid compound.

## ***N. Gaming***

**AB 291 (Atkins). Tribal Gaming. Compact Ratification.****Chapter 284, Statutes of 2016 (Urgency)**

This measure ratifies the Tribal-State gaming compact between the State of California and the Barona Band of Mission Indians executed on June 22, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the California Environmental Quality Act (CEQA); and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or the Department of Transportation (Caltrans) from CEQA requirements.

**AB 466 (Brown). Tribal Gaming. Compact Ratification.****Chapter 285, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the San Manuel Band of Mission Indians executed on August 16, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly

provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**AB 629 (Gonzalez). Tribal Gaming. Compact Ratification.**  
**Chapter 160, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Pala Band of Mission Indians executed on May 6, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**AB 1282 (Gray). Tribal gaming. Compact Ratification.**  
**Chapter 287, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California executed on June 28, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**AB 1767 (Bigelow). Tribal Gaming. Compact Ratification.**  
**Chapter 291, Statutes of 2016 (Urgency)**

This measure ratifies the amended tribal-state gaming compact entered into between the State of California and the Jackson Rancheria Band of Miwuk Indians, executed on June 22, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**AB 1977 (Wood). Tribal Gaming. Compact Amendment Ratification.**  
**Chapter 296, Statutes of 2016 (Urgency)**

This measure ratifies the amended tribal-state gaming compact entered between the State of California and the Yurok Tribe. Additionally, this measure provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA.

**AB 2358 (Gonzalez). Tribal Gaming. Compact Ratification.**  
**Chapter 298, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Pechanga Band of Luiseño Mission Indians and provides that execution of an intergovernmental agreement between the tribe and Caltrans, the on-reservation impacts of compliance with the compact, the sale of compact assets, and the operation of an off-track satellite wagering facility are not subject to CEQA in deference to tribal sovereignty.

**AB 2914 (Comm. on Governmental Organization). Gaming. Indian Gaming Revenue Sharing Trust Fund.**  
**Chapter 110, Statutes of 2016**

This measure clarifies provisions in existing law pertaining to the Indian Gaming Revenue Sharing Trust Fund, and specifies that the purpose of the fund is to make distributions to eligible recipient Indian tribes.

**AB 2915 (E. Garcia). Tribal Gaming. Compact Ratification.**  
**Chapter 240, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Agua Caliente Band of Cahuilla Indians executed on August 4, 2016. In deference to tribal sovereignty, this measure provides that certain actions are not deemed projects for purposes of compliance with CEQA, except as expressly provided, and specifies that any CEQA exemptions shall not apply to cities, counties, cities and counties, or the Caltrans.

**SB 187 (Hall). Tribal Gaming. Compact Ratification.**  
**Chapter 306, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Jamul Indian Village of California, executed on August 8, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

**SB 404 (de León). Tribal Gaming. Compact Ratification.**  
**Chapter 229, Statutes of 2016 (Urgency)**

This measure ratifies the compact entered into between the State of California and the Viejas Band of Kumeyaay Indians executed on June 28, 2016. This measure supersedes the compact between the state and the Tribe that was ratified by SB 1356 (Chapter 314, Statutes of 2014). In deference to tribal sovereignty, it provides that certain actions are not deemed projects for purposes of compliance with CEQA, except as expressly provided, and specifies that any CEQA exemptions shall not apply to cities, counties, cities and counties, or Caltrans.

**SB 1313 (Hall). Tribal gaming. Compact Ratification.**  
**Chapter 310, Statutes of 2016 (Urgency)**

This measure ratifies the tribal-state gaming compact entered into between the State of California and the Yocha Dehe Wintun Nation, executed on August 4, 2016. This measure also provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of CEQA; and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or Caltrans from CEQA requirements.

## ***O. Animal Cruelty***

### **\*AB 797 (Steinorth). Motor Vehicles. Rescue or Provision of Care for Animal. Civil and Criminal Liability.**

#### **Chapter 554, Statutes of 2016**

This measure exempts individuals from civil and criminal liability for property damage or trespass to a motor vehicle, if the trespass or damage occurred while attempting to remove an animal from a vehicle to rescue it from immediate harm from heat, cold, inadequate ventilation, lack of food or water, or other circumstances likely to cause suffering, injury, or death to the animal. In order for the exemption to attach, the person must surrender the animal to law enforcement, animal control, or another emergency responder.

### **AB 2269 (Waldron). Animal Shelters. Research Animals. Prohibitions.**

#### **Chapter 568, Statutes of 2016**

This measure prohibits the sale or transfer of live animals from pounds and animal shelters to animal dealers or research facilities, and prohibits such facilities from receiving animals, for purposes of research, testing, or animal experiments. It also prohibits putting animals down for the purpose of transferring their remains to a research facility or animal shelter. Finally, it provides a civil penalty of a \$1,000 fine for any violations.

### **SB 1062 (Lara). Elephants. Prohibited Treatment.**

#### **Chapter 234, Statutes of 2016**

This measure prohibits, as of January 1, 2018, the use and the authorization by another of the use of a bullhook, pitchfork, baseball bat, or other specified devices designed to inflict pain to train or control an elephant. This measure specifies that violations will be subject to civil penalties under the Fish and Game Code.

### **SB 1200 (Jackson). Animal Cruelty. Criminal Statistics.**

#### **Chapter 237, Statutes of 2016**

This measure provides that the annual report published by the DOJ shall include information concerning arrests for violations of existing law prohibiting the killing of animals, or the intentional infliction of harm upon them.

## ***P. Controlled Substances***

### **SB 443 (Mitchell). Forfeiture. Assets. Controlled Substances.**

#### **Chapter 831, Statutes of 2016**

This measure requires a criminal conviction for unlawful manufacture or cultivation of a controlled substance before California law enforcement agencies can share in any proceeds of drug asset forfeiture resulting from joint federal-state task force cases. It creates exemptions from the conviction requirement for seizures of cash in excess of \$40,000, and for cases in which the defendant willfully fails to appear in court or is deceased. This measure prohibits referral or transfer by California law enforcement



agencies, or adoption by federal law enforcement authorities, of California law enforcement drug asset seizures, and requires additional data in the DOJ report on drug asset forfeiture for the state, each county, city, and city and county, including but not limited to: number of forfeiture actions initiated and administered by state and local law enforcement agencies; number of cases adopted by the federal government; number of cases initiated by joint federal-state action that were prosecuted under federal law; and the number of cases for which forfeiture was ordered or declared, value of the forfeited assets, amounts received, and the date of disbursement.

**SB 482 (Lara). Controlled Substances. CURES Database.**  
**Chapter 708, Statutes of 2016**

This measure requires any health care provider authorized to prescribe or administer a controlled substance to consult the Controlled Substances Utilization Review and Evaluation System (CURES) prior to prescribing a Schedule II, III or IV drug to a patient, for the first prescription, and at least once every four months thereafter if a particular substance remains part of the patient's ongoing treatment plan. This measure also provides for exemptions from the consultation requirement if there is an inability to access the system, a technical failure, or if the patient receives a non-refillable prescription for five days or less worth of a controlled substance following a surgical procedure.

**\*SB 1182 (Galgiani). Controlled Substances.**  
**Chapter 893, Statutes of 2016**

This measure clarifies the law on possession of specified controlled substances in the wake of Proposition 47 (2014). Specifically, this measure provides that possession of gamma hydroxybutyric acid (GHB), ketamine, or flunetrazipam (Rohypnol), with the intent to commit a sex crime, is a felony, punishable by a term in state prison of either 16 months, two years, or three years.

**\*SB 1229 (Jackson). Home-Generated Pharmaceutical Waste. Secure Drug Take-Back Bins.**  
**Chapter 238, Statutes of 2016**

This measure provides certain collectors that are authorized under federal law to engage in drug take-back collection with limited protection from civil and criminal liability (or "qualified immunity") for any injury or harm that results from a collector maintaining a secure drug take-back bin on its premises, provided that the collector, not for compensation, acts in good faith to take specified steps to ensure the health and safety of consumers and employees and the proper disposal of the home-generated pharmaceutical waste contained in the secure drug take-back bin. This qualified immunity shall not apply in the case of personal injury or wrongful death which results from the collector's gross negligence or willful or wanton misconduct in maintaining a secure drug take-back bin.

## ***Q. Mental Health***

### **AB 38 (Eggman). Mental Health. Early Diagnosis and Preventive Treatment.**

#### **Chapter 547, Statutes of 2016**

This measure establishes the Early Diagnosis and Preventive Treatment Program Fund to assist private and federal funding to flow to a pilot program operated by the University of California that provides a comprehensive mental health delivery system and early intervention in psychosis. This measure sunsets on January 1, 2023.

### **AB 59 (Waldron). Mental Health Services. Assisted Outpatient Treatment.**

#### **Chapter 251, Statutes of 2016**

This measure extends the sunset of the Assisted Outpatient Demonstration Project (Laura's Law) from January 1, 2017 to January 1, 2022. It deletes a requirement that the Department of Health Care Services submit a report and evaluation of the performance of all counties implementing any of the assisted outpatient treatment services authorized under Laura's Law. Laura's Law, which took effect in January 2003, permits counties to provide such services for people diagnosed with serious mental illness when a court determines that a person's recent history of hospitalizations or violent behavior, or non-compliance with voluntary treatment, indicates a likelihood of becoming dangerous or severely disabled without the court-ordered outpatient treatment.

### **AB 847 (Mullin). Mental Health. Community-Based Services.**

#### **Chapter 6, Statutes of 2016 (Urgency)**

This measure requires the Department of Health Care Services (DHCS) to develop a proposal to participate in demonstration programs administered federal Secretary of Health and Human Services to improve mental health services furnished by certified community behavioral health clinics to Med-Cal beneficiaries. This measure also appropriates \$1 million from the Mental Health Services Fund to develop a competitive program.

### **SB 1221 (Hertzberg). Firefighters. Interaction With Persons With Mental Disabilities.**

#### **Chapter 367, Statutes of 2016**

This measure directs the Commission on Peace Officer Standards and Training (POST) to make existing continuing education curriculum pertaining to law enforcement interaction with persons with mental disabilities available to the State Fire Marshal for revision tailored to firefighters.

## ***R. Miscellaneous***

### **AB 499 (Cooley). Insurance. Earthquake. Mandatory Offer.**

#### **Chapter 549, Statutes of 2016**

This measure provides that if an insurer, upon the renewal of an insurance policy, rider, or endorsement covering loss or damage resulting from an earthquake, alters the terms

and conditions, and they reduce or differ substantially from the coverage previously provided, then the insurer is required to provide the insured with both a renewal offer and a stand-alone document stating the changes in the terms and conditions.

**AB 2439 (Nazarian). HIV Testing.**

**Chapter 668, Statutes of 2016**

This measure creates a pilot project to be administered by the Department of Public Health (DPH) to assess and make recommendations regarding the effectiveness of the routine offering of a human immunodeficiency virus (HIV) test in the emergency department of a hospital. It specifies data to be collected by participating hospitals, and requires DPH to report to the Legislature on the pilot project by December 1, 2019.

**SB 438 (Hill). Earthquake Safety. Statewide Earthquake Early Warning Program and System.**

**Chapter 803, Statutes of 2016**

This measure establishes, within the California Offices of Emergency Services, the California Early Warning Advisory Board to support the development of a statewide early warning system for earthquakes. It requires the board to include seven voting and two non-voting members as follows:

- Secretary of the Natural Resources Agency;
- Secretary of the Department of Health and Human Services;
- Secretary of the Department of Transportation;
- Secretary of the Business, Consumer Services, and Housing agency;
- One member representing the utilities industry, to be appointed by the Governor;
- One member representing county government, appointed by the Senate Committee on Rules;
- The Chancellor of the California State University system or his representative, as a non-voting member; and
- The President of the University of California system or his representative, as a non-voting member

This measure also requires the board to comply with the Bagley-Keene Open Meeting Act, to serve without compensation, to consult with key stakeholders and relevant state agencies, and to advise the director on all aspects of the program, including but not limited to system operations, research and development, finance and investment, and training and education. This measure also requires the board to inform the public and provide the public an opportunity for input as to the development of the system. It designates the California Integrated Seismic Network with responsibility for developing an earthquake early warning alert and related system operations.

## VII. Revenue and Taxation

### *A. FY 2016-17 Budget Bills*

#### **AB 120 (Comm. on Budget). Budget Act of 2015.**

##### **Chapter 11, Statutes of 2016**

This measure appropriates \$16.3 million to cover unexpected expenses incurred by counties related to the June 7, 2016, primary elections.

#### **AB 133 (Comm. on Budget). Budget Act of 2015.**

##### **Chapter 2, Statutes of 2016**

This measure provides funds for early repayment of special fund loans, prepayment of retiree healthcare, wildlife recovery, and enrollment costs of students in the San Joaquin Valley Medical Program. Of particular interest to cities, the measure appropriates \$173 million to repay a loan from the Traffic Congestion Relief Fund: \$148 million for Local Traffic Congestion Relief Program projects, \$11 million for trade corridor improvements, \$9 million for Transit and Intercity Rail Capital Program, and \$5 million for the State Highway Operations and Preservation Program. These appropriations were made as part of the agreement on the Managed Care Organization tax reform package.

#### **AB 1602 (Comm. on Budget). Education.**

##### **Chapter 24, Statutes of 2016**

This measure makes various changes and appropriations to the community college, California State University and University of California systems. It also makes changes to the library system including:

- No longer reimbursing libraries for specified costs associated with interlibrary loans; and
- Deleting grants available to library systems that choose to consolidate.

#### **AB 1603 (Comm. on Budget). Public Social Services Omnibus.**

##### **Chapter 25, Statutes of 2016**

This measure makes various changes to social service programs including: repeals the Maximum Family Grant and increases the Maximum Aid Payment for CalWorks; establishes the Bringing Families Home to support families who are homeless and receiving child welfare services; repeals the once-in-a-lifetime ban for the Homeless Assistance Program (HAP); expands eligibility and increases rates for Aid to Families with Dependent Children–Foster Care; and establishes the Housing and Disability Income Advocacy Program that will assist the homeless in applying for disability benefits.

#### **AB 1606 (Comm. on Budget). Developmental Services.**

##### **Chapter 26, Statutes of 2016**

This measure makes various changes to developmental services, which includes expanding the reporting requirement for regional center vendors to include vendors that provide crisis services. It also requires regional center vendors to report any unexpected

or suspicious death; any allegation of sexual assault in which the alleged perpetrator is an employee, service provider, or contractor; and, any report to the local law enforcement agency involving abuse in which the alleged perpetrator is an employee, service provider, or contractor.

**AB 1607 (Comm. on Budget). Medi-Cal. Hospitals. Quality Assurance Fee.**  
**Chapter 27, Statutes of 2016**

This measure extends and continuously appropriates the Hospital Quality Assurance Fee through Jan. 1, 2018. The fee is used for several purposes including paying for health care coverage for children and making supplemental payments for certain services to private hospitals.

**\*AB 1613 (Comm. on Budget). Budget Act of 2016.**  
**Chapter 370, Statutes of 2016**

This measure includes the appropriations related to the legislative agreement on Cap and Trade. Specific appropriations include:

- \$135 million for the Transit and Intercity Rail Capital Program to fund essential local capital projects for bus and commuter rail;
- \$10 million for the Active Transportation Program to fund bicycle and pedestrian programs;
- \$133 million for the Clean Vehicle Rebate Program to assist with the purchase of clean vehicles;
- \$150 million for the Heavy Duty and Off-Road Investments to help develop and pilot cleaner industrial vehicles;
- \$80 million for the Enhanced Vehicle Fleet Modernization program to provide low income families help replacing old vehicles with new, cleaner vehicles;
- \$40 million to the Department of Resources Recycling and Recovery for waste diversion and greenhouse gas reduction financial assistance;
- \$140 million for the Transformative Climate Communities Program to fund a community-wide approach for disadvantage communities to implement an integrated transportation, housing, and green space development plan to reduce pollution, GHG emissions, and improve local communities;
- \$80 million for the Urban Greening Program to fund green spaces and parks in local communities;
- \$15 million for the Urban Forestry Program to assist disadvantaged communities with tree planting and care; and
- \$2 million for the Strategic Growth Council to assist disadvantage communities and local governments with developing climate action plans.

**\*AB 1618 (Comm. on Budget). Mental Health Services. No Place Like Home.**  
**Chapter 43, Statutes of 2016**

This measure creates the No Place Like Home Program, which distributes \$2 billion dollars among counties as deferred payment loans to finance capital costs of permanent supportive housing for persons who are eligible for services under Proposition 63 (2004) and are homeless, chronically homeless, or at risk of chronic homelessness. The

Legislature intends that that the loans will not have to be repaid. (*The League has prepared a comprehensive summary of this measure in Appendix A of this document.*)

**\*AB 1622 (Comm. on Budget). Budget Act of 2016.**

**Chapter 44, Statutes of 2016**

This measure includes \$10 million to provide transitional housing or shelter facilities for homeless veterans and \$10 million to expand the Homeless Youth and Exploitation Program at the Office of Emergency Services.

**AB 1623 (Comm. on Budget). Budget Act of 2016.**

**Chapter 318, Statutes of 2016**

This measure includes various clean-up provisions to the main budget bill (SB 826, Chapter 23, Statutes of 2016).

**AB 1624 (Comm. on Budget). Education.**

**Chapter 319, Statutes of 2016**

This measure includes a variety of changes to the previous budget bills related to K-12 and higher education.

**AB 1625 (Comm. on Budget). Human Services.**

**Chapter 320, Statutes of 2016**

Makes statutory changes related to the Health and Human Services portions of the budget bill and clarifying corrections to the Managed Care Organization tax reform package.

**AB 1627 (Comm. on Budget). State Employment: Memorandum of Understanding.**

**Bargain Unit 7.**

**Chapter 321, Statutes of 2016**

This measure provides legislative ratification for the memoranda of understanding (MOU) agreed to by the state and bargaining unit (BU) 7 represented exclusively by California Statewide Law Enforcement Association.

**\*AB 1628 (Comm. on Budget). No Place Like Home Program. Financing.**

**Chapter 322, Statutes of 2016**

This measure outlines the bond financing and mechanics of how it will be taken from Prop. 63 (2004) revenues. This measure facilitates and authorizes the issuance of bonds by the California Health Facilities Financing Authority (CHFFA) for the purposes of establishing a loan program for counties to develop and administer permanent supported housing for homeless. It establishes a framework for the provision of housing through authorized service contract address loans to be made by CHFFA for supportive housing; specifies the use of funds for projects across the state; and provides administrative structure for the program. Additionally, this measure provides direct funding from this program for the few cities that currently provide mental health services and are already eligible for Prop. 63 (2004) funding.

**AB 1630 (Comm. on Budget). State Employment.****Chapter 323, Statutes of 2016**

This measure provides legislative ratification for the MOU agreed to by the state and bargaining unit (BU) 2 represented by California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment (CASE).

**SB 93 (de León). Budget Act of 2015.****Chapter 9, Statutes of 2016**

This measure amends the Budget Act of 2015 to provide \$176.6 million to clean up the Exide Technologies facility in the City of Vernon. The now closed battery recycling facility has caused contamination of up to 10,000 properties in southeast Los Angeles, including residences, parks, and schools.

**SB 95 (Comm. on Budget and Fiscal Review). State Employees. Memorandum of Understanding.****Chapter 12, Statutes of 2016**

This measure provides legislative ratification for the MOU agreed to by the state and bargaining unit (BU) 6 represented exclusively by the California Correctional Peace Officers Association (CCPOA).

**\*SB 826 (Leno). Budget Act of 2016.****Chapter 23, Statutes of 2016**

This measure is the main 2016-17 Budget Bill and includes thousands of appropriations for programs throughout state government including the following:

- New Local Siting Grant Program for Corrections Re-Entry Facilities: \$25 million for this new program. See SB 837 (Chapter 32, Statutes of 2016) for additional information;
- Local Law Enforcement Grants: \$20 million for local government law enforcement grants for cities to increase positive outcomes between municipal law enforcement and high-risk populations. These grants must supplement, not supplant, existing funding. Sixty percent will go to departments employing 100 or fewer officers. The allocation schedule must give consideration to jurisdictions with high homeless populations and mental illness rates, departments lacking existing resources for these efforts, jurisdictions who wish to use the funding for co-deployment teams, which consist of peace officers with crisis intervention training and either a county mental health professional or social worker, and jurisdictions funding evidence-based programs that have been proven effective in improving interactions between law enforcement and high-risk populations. Funds can be used for: homeless outreach teams; crisis intervention training for officers; Gang Resistance Education and Training (GREAT); resources for drug endangered children; outreach to high-risk youth; youth diversion programs; and, gang and violence prevention programs;
- Armed Prohibited Persons System: \$5 million to contract with local law enforcement agencies to reduce the backlog of individuals who are in the Armed Prohibited Persons System (APPS) and who illegally possess firearms. The

program will focus on persons with mental illness and with domestic violence restraining orders; and

- State's Deferred Maintenance Projects: \$485 million provided to various state agencies for deferred maintenance projects.

**SB 827 (Comm. on Budget and Fiscal Review). Budget Act of 2015. Augmentation. Chapter 28, Statutes of 2016**

This measure provides allocations to cover shortfalls in various programs in FY 2015-16.

**SB 828 (Comm. on Budget and Fiscal Review). School Finance. Education Omnibus Trailer Bill. Chapter 29, Statutes of 2016**

This measure makes various changes and appropriations to child care, early education, and K-14 education, including \$9.5 million from the General Fund to establish a new grant program to improve access to, and the quality of, drinking water on K-12 school properties. The program is administered by the State Water Resources Control Board in consultation with the State Department of Education. Priority is given to schools in small disadvantaged communities, defined as "a municipality with a population of 20,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality encompassing 20,000 persons or less, with an annual median household income that is less than 80 percent of the statewide annual median household income." It also includes appropriations for K-14 education deferred maintenance, with at least \$23 million dedicated for that purpose at community colleges.

**SB 831 (Comm. on Budget and Fiscal Review). Monterey County Water Resources Agency. Lake Nacimiento and Lake San Antonio. Chapter 338, Statutes of 2016**

This measure appropriates \$10 million from the state General Fund for the Department of Water Resources to provide a grant to the Monterey County Water Resources Agency to construct a water conveyance between Lake Nacimiento and Lake San Antonio.

**SB 833 (Comm. on Budget and Fiscal Review). Health. Chapter 30, Statutes of 2016**

This measure makes various changes to health programs including:

- Requires a report on the impact on Medi-Cal from the termination of a \$4 penalty on vehicle violations to fund the Emergency Medical Air Transportation Act, which will expire on Jan. 1, 2018;
- Establishes a one-time grant program to expand mental health crisis services for children and youth; and
- Requires the Department of Public Health to award funding to local health departments, local government agencies, or on a competitive basis to community-based organizations and regional opioid prevention coalitions, to provide Naloxone to first responders and at-risk opioid users.



**SB 835 (Comm. on Budget and Fiscal Review). State Government.**  
**Chapter 344, Statutes of 2016**

This measure contains various clean-up provisions related to appropriations to state programs in the budget bill. These provisions include:

- Expands the definition of "human trafficking caseworker" for Human Trafficking Victims Assistance Fund to include an individual who is employed by a homeless service provider that services homeless children or youth and has completed a minimum of eight hours of training focused on victims of human trafficking;
- Excludes affordable housing units for veterans from the Constitutional requirement that a local jurisdiction must garner voter approval before any low rent housing project can be developed, constructed or acquired by a state public body; and
- Clarifies that Napa County is not required to submit a proposal to the Board of State and Community Corrections (BSCC) to receive the \$20 million set aside in SB 844 (Chapter 34, Statutes of 2016) for the Napa County Jail.

**SB 836 (Comm. on Budget and Fiscal Review). State Government.**  
**Chapter 31, Statutes of 2016**

This measure makes various changes to state programs including:

- Makes changes to the SB 90 state mandate claims reimbursement process related to the use of a reasonable reimbursement methodology (RRM). Specifically, a representative sample of claims data will have to be audited by the State Controller to be used in the development of any new RRM. A RRM developed through means other than claims data will not face the same requirement;
- Appropriates \$1.3 billion to replace or improve the State Capitol Annex building. Provides a CEQA exemption similar to those provided to entertainment and sports complexes over the past few years;
- Creates the State Project Infrastructure Fund to pay for the construction, improvement, or replacement of state office buildings that are in a state of disrepair; and
- Makes various technical changes to state contracting authority; to the composition and duties of the State Board of Optometry and optical companies; to elevator and amusement park rides permitting; and to work permits for minors in the entertainment industry.

**\*SB 837 (Comm. on Budget and Fiscal Review). State Government.**  
**Chapter 32, Statutes of 2016**

This measure includes the following items:

Medical Cannabis Regulation and Safety Act: Makes various changes to the Medical Cannabis Regulation Safety Act including:

- Name Changes: Changes Bureau of Medical Marijuana Regulation to Bureau of Medical Cannabis Regulation — BMMR is now BMCR; "Medical Marijuana Regulation and Safety Act" is now "Medical Cannabis Regulation and Safety

- Act;” changes phrase “medical marijuana” to “medical cannabis” throughout the statute; and adds the term “harvest batch” to the definitions section.
- General Changes to Regulatory Structure: Provides each licensing authority the discretion to adopt emergency regulations to implement the Act and gives each licensing authority the discretion to work with state and local law enforcement on investigation and enforcement duties.
  - Changes to Regulation of Licensees:
    - Adds failure to maintain safe conditions for inspection by a licensing authority and failure to comply with any operating procedure previously submitted to the licensing authority by the licensee to specified grounds for discipline of licensees;
    - Provides that licensing authorities may recover the costs of investigation and enforcement of a disciplinary proceeding;
    - A licensing authority has discretion to revoke a license when a local agency notifies the licensing authority that a licensee or applicant within its jurisdiction is in violation of state rules (including failure to comply with local ordinances), and the licensing authority upon investigation determines that the violation is ground for revocation of the license;
    - Requires all applicants for state licenses to provide proof of a bond to cover the costs of destruction of medical cannabis if necessary due to a violation of the licensing requirements;
    - Directs licensees to provide and deliver records to licensing authorities upon request;
    - Provides that cultivators may only transport medical cannabis from a cultivation site to either a manufacturer or a distributor;
    - Provides that manufacturers shall only transport medical cannabis from a cultivation site to a manufacturing site, between manufacturing sites, and between a manufacturing site and a distributor;
    - Adds and defines the unlawful activity of misbranding, which entails improper labeling of a product; and
    - Adds and defines an adulterated medical cannabis product, and provides that manufacture, sale, delivery or receipt of such a product is unlawful.
  - Changes to Regulatory Structure (Testing): In the case of manufactured products (cannabis edibles, ointments, oils, extracts, etc.), eliminates requirement for pre-manufacture testing. Requirement for post-manufacture testing remains. Also makes changes to the content of the certificate of analysis to be issued by testing labs;
  - Changes to the Regulatory Structure (Environment): Requires that all cultivation license applications shall identify the source of the water supply. Contains additional regulations regarding water use.
  - Changes to the Regulatory Structure (Edibles): Requires that all manufactured and edible cannabis products be sold in special child-resistant packaging;
  - Department of Consumer Affairs: Provides Gov. Jerry Brown the discretion to appoint a deputy chief and an assistant chief counsel. Specifies that both positions will serve at the pleasure of the Governor. Also adds licensing of testing

laboratories and developing of testing procedures to the Bureau's responsibilities; and

- Department of Food and Agriculture:
  - Provides the department authority to create additional licenses other than those already specified in the Act;
  - Specifies that the department is the lead agency on all questions of California Environmental Quality Act (CEQA) compliance and applicability to licensing of cannabis cultivation;
  - Adds the department to the consultation required between the State Water Resources Control Board and the Department of Fish and Wildlife to ensure that any water diversion does not adversely affect California's fish population; and
  - Provides that license fees shall cover the cost of administering the track and trace program managed by the department.
- Department of Public Health (DPH):
  - Directs the department to establish minimum security requirements for storage of medical cannabis at a manufacturing site;
  - Transfers responsibility for licensing of testing laboratories from DPH to BMCR within the Department of Consumer Affairs;
  - Directs the department to take charge of regulations governing the licensing of manufacturers;
  - Directs the department to provide assistance to the bureau in developing regulations, as requested;
  - Provides the department with specific regulatory tools (citations, abatement orders, and administrative fines); and
  - Authorizes the department to take specific actions in response to adulterated products, including but not limited to an embargo, a mandatory recall order, or supervision of the destruction of the product pursuant to a corrective action plan.
- Department of Pesticide Regulation: Directs the department to provide assistance to the bureau in developing regulations, as requested; and
- Department of Fish and Game: Empowers the department to adopt regulations for requirements for agreements related to cannabis cultivation.

New Local Siting Grant Program for Corrections Re-Entry Facilities: Establishes a \$25 million Community-Based Transitional-Housing Program which offers cities or counties which agree to site transitional housing connected with support services for recently released offenders with incentive grants of up to \$2 million, depending on the size of the facility.

Key features include:

- Competitive application process beginning Oct. 1, 2016, administered by Department of Finance;
- Additional funding for jurisdictions that site transitional housing and supportive service for ex-offenders released from county jail or state prison for a minimum of 10 years;

- As part of application process, the local agency must include a list of *“all permitted facilities...that in a residential setting, provide transitional housing services, psychological counseling, or cognitive behavioral therapy.”* This list must include the number of residents residing in each facility in their jurisdiction, including those on probation or parole. Presumably, state agencies must provide a local agency the information necessary to assemble this information;
- Requires portion of funds to be used to increase public safety around the facility and improve communication with neighbors;
- Sixty percent of the grant may be retained by the approving jurisdiction, and can be used for public safety enhancements, community outreach efforts, or any other community-based activities that the local agency believes will improve community relations or concerns with the facility. Forty percent of the funding must be shared with nonprofit facility operators to support start-up costs, service provision, security improvements, rehabilitative services and community outreach; and
- Participating local agencies and facility operators must submit annual reports, as specified.

Seismic Safety Improvements: Establishes the California Seismic Safety Capital Access Loan Program to cover losses on qualified loans up to \$250,000 to fund seismic improvements for residences and small businesses with a priority for “soft story” and unreinforced brick and concrete buildings. A variety of improvements are eligible for buildings determined by the local building code enforcement authority as hazardous and in danger of collapse during a catastrophic earthquake. The program will be administered by the California Pollution Control Financing Authority within the State Treasurer’s office.

Homelessness — Emergency Solutions Grant Program: Establishes the Emergency Solutions Grant Program to be administered by Department of Housing and Community Development. Funds may be allocated as grants to qualified subrecipients to engage homeless persons and families living on the street, operate homeless shelters, rapidly rehouse homeless individuals and families, and prevent families from becoming homeless.

Home Purchase Assistance Fund: Consolidates remaining funds in several existing homebuyer down payment assistance programs into the Home Purchase Assistance Fund operated by the California Housing Finance Agency.

Improvements to Low Income Housing Tax Credit Program: Expands the financial impact of the Low Income Housing Tax Credit Program by allowing an affordable housing developer to sell credits to an investor without admitting them to an ownership partnership. This change will increase the financial value of the existing credits for private investors via a structure that avoids increasing the investor’s federal tax liability.

Public Safety Communications: Establishes a fund to be administered by the Office of Emergency Services to pay for the costs of employing and compensating necessary

personnel, expenses such as operating or other expenses of the division, and costs associated with approved public safety communications projects, and to establish reserves.

**\*SB 838 (Comm. on Budget and Fiscal Review). Transportation.  
Chapter 339, Statutes of 2016**

This measure includes changes to transportation programs including:

- Increases the base Vehicle Registration Fee by \$10 (from \$46 to \$56) to address an ongoing operating shortfall in the Motor Vehicle Account, a fund that supports the state's administration and enforcement of laws regulating the operation or registration of vehicles. Also indexes for inflation the base VRF in future years;
- Requires the Controller to use historic formulas when allocating funds from the Public Transportation Account to transportation planning agencies and county transportation commissions while negotiations are happening on a new allocation formula. The Controller's office began using a new allocation formula in FY 2015-16 that has caused some instability and concerns;
- Removes the cap on the number of low-emission and energy efficient vehicles allowed to use high-occupancy vehicle lanes. Requires Caltrans to report on the degradation status of HOV lanes to the Legislature by Dec. 1, 2017;
- Operative Jan. 1, 2018, defines "Real ID driver's license or identification card" as a driver's license or identification card issued by a state that has been certified by the Department of Homeland Security;
- Prohibits the use of a bioptic telescopic or similar lens to meet the minimum visual acuity standards for receiving a DMV issued driver's license;
- Beginning Jan. 1, 2018, prohibits the DMV from issuing a driver's license to someone "when it is determined, by examination or other evidence, that the person is unable to safely operate a motor vehicle upon a highway";
- Reduces from 10 years to eight years the amount of time a one-time online or by mail renewal is valid for persons 62 years or older;
- Includes conforming language to meet federal requirements regarding motor carriers. Allows Caltrans to have motor carriers apply for a carrier identification number online, and requires motor carriers to first obtain an U.S. Department of Transportation number from the Federal Motor Carrier Safety Administration when applying for a California ID number; and
- Requires the DMV to pilot and evaluate the California New Motor Voter program to register voters to assist people who do not fully complete the voter registration process. Requires the DMV to report to the Joint Legislative Budget Committee the outcome of the pilot and any proposed process changes to successfully implement the program on Oct. 15, 2016, and Sept. 1, 2016 if the DMV is unable to implement any of the proposed changes. Appropriates \$3.888 million to the DMV for implementation of this program.

**SB 839 (Comm. on Budget and Fiscal Review). Public Resources.**  
**Chapter 340, Statutes of 2016**

This measure contains a number of changes and appropriations related to Public Resources. Notable provisions include:

- Establishes a new fee structure, based on project cost, for permits for voluntary habitat restoration projects;
- Re-establishes local authority over regulating plants, crops, or seeds within a city's jurisdiction;
- Allows the Secretary of the California Department of Food and Agriculture to declare a plant, seed, nursery stock, or crop as invasive;
- Requires the Department of Toxic Substance Control to revise the FY 2015-17 Priority Product Work Plan to include lead acid batteries for consideration and evaluation as a potential priority product;
- Allows the State Water Resources Control Board to adopt a new fee schedule to recover the cost incurred for the accreditation of environmental laboratories;
- Requires the California Public Utilities Commission to report to the budget committee of each house of the Legislature on the resources needed to develop a plan for tracking natural gas, and a recommendation for developing the plan, considering cost-effectiveness and efficacy;
- Requires the Air Resources Board to develop a model of fugitive and vented emissions of methane from natural gas infrastructure;
- Requires the Natural Resources Agency to annually submit a report to the Legislature and the Legislative Analyst's Office on the status of expenditures and projects funded with Prop. 1 (2014) Water Bond funds; and
- Requires the Natural Resources Agency to submit a report to the Legislature and the Legislative Analyst's Office regarding the state's response to the ongoing drought.

**SB 840 (Comm. on Budget and Fiscal Review). Public Resources. Energy.**  
**Chapter 341, Statutes of 2016**

This measure contains a number of changes and appropriations related to Public Resources/Energy. Notable provisions include:

- Requires the State Fire Marshal to submit a report to the Legislature regarding pipeline inspections and installation of emergency shutoff systems; and
- Requests that the California Council on Science and Technology undertake and complete a study analyzing the feasibility and challenges associated with injecting and using biomethane in existing pipeline infrastructure.

**SB 843 (Comm. on Budget and Fiscal Review). Public Safety.**  
**Chapter 33, Statutes of 2016**

This measure makes various changes to public safety programs as described below:

New Law Enforcement Assisted Diversion Program (LEAD): Creates a new grant program administered by the Board of State and Community Corrections (BSCC). The grants will be awarded to up to three local jurisdictions with the following goals:

- Improve public safety and reduce recidivism by increasing social services resources;
- Reduce law enforcement and court costs related to repeated incarceration;
- Provide intensive case management services with individually tailored intervention plan;
- Prioritize temporary and permanent housing including individual support services (this will not include usual conditions of drug or alcohol treatment, or abstinence from drugs/alcohol, in order to obtain services); and
- Use social services resources together with law enforcement to improve outcomes.

Grant recipients will be chosen using criteria set by the BSCC, but must include the jurisdiction's capacity and commitment to coordinate social services, law enforcement, and judicial system processes and the collection and maintenance of data regarding program effectiveness is essential for successful applicants.

Firearms — Transfer Fees: Authorizes the Department of Justice to increase the firearms transfer fees imposed on firearms purchasers or transferees, not to exceed any increase in the California Consumer Price Index. To the degree these funds are deposited into the Firearms Safety and Enforcement Special Fund, the trailer bill directs that the funds are used for maintenance and upgrading of equipment and services needed for firearms dealers to comply with existing law.

Trial Jury Selection and Management Act: Amends the Act to direct the Judicial Council to conduct a study on the reductions in peremptory challenges, and report to the public safety committees of both houses of the Legislature on or before Jan. 1, 2020. Effective Jan. 1, 2021, specifies that in capital criminal trials, peremptory challenges to potential jurors shall be set at 20 for the state and 20 for the defendant. In all other criminal trials, peremptory challenges to potential jurors shall be set at 10 for the state and 10 for the defendant. Provides that in joint trials where two or more defendants are jointly tried, the peremptory challenges shall be jointly exercised, but each defendant shall receive an additional five challenges, for a total of 20. The state shall have the same number, 20. For misdemeanors punishable by a term of 90 days or less, and for civil cases, both the state and the defendant shall have six peremptory challenges each.

Trial Court Trust Fund Reserve: Directs the Judicial Council to hold a reserve of \$10 million in the Trial Court Trust Fund to be available to trial courts for emergencies. Also directs Judicial Council to develop an application process for the emergency funds. Funding will be administered by the Judicial Council, and replenished annually from trial court base allocations.

Board of Juvenile Hearings: Changes the name of the Youthful Offender Parole Board to the Board of Juvenile Hearings, effective July 1, 2016. Provides that the Governor will appoint three commissioners for a term of five years. Provides that the commissioners will be trained to hear only juvenile matters, and will receive 40 hours of specialized training within 60 days of appointment. Commissioners currently serving on the Board of

Parole Hearings to hear only juvenile matters will continue until their current term expires. The remaining vacancies will be staggered to expire on July 1, 2018 and July 1, 2019.

Diversion and Youth Programming: Directs that funds appropriated by the Legislature to the Youth Authority to expand mental health and substance abuse disorder treatment in its facilities must be used to establish a competitive grant program. Funds will be used to expand mental health treatment facilities, substance abuse disorder treatment facilities, trauma center service facilities, services for sex trafficking victims, domestic violence victims, and victims of violent crimes in local communities via infrastructure grants. Directs the authority to develop criteria to expand local programming resources, and to monitor the grants to ensure the expansion is cost-effective. The Authority is directed to report to the fiscal and policy committees of the Legislature by April 1, 2018, and annually until April 1, 2020, regarding specified details of the grant funding.

Corrections — Secure Housing and Inmate Transfer Authority: Extends existing authority of the Secretary of the Department of Corrections and Rehabilitation (CDCR) to enter into agreements to transfer inmates to city or county jails or adult correctional facilities, to secure housing capacity within the state, and to transfer inmates to out-of-state correctional facilities until Jan. 1, 2020. This authority was previously set to expire on Jan. 1, 2017.

Corrections — Rehabilitation Programs: Directs CDCR, upon appropriation by the Legislature, to award funding to nonprofits for innovative grant programs at underserved institutions, as determined by the Director of the Division of Rehabilitative Programs. Grant funds will be awarded for a three year period, and shall be used to expand rehabilitative programs to all prisons within CDCR's system. Recipients must demonstrate their ability to become self-sufficient or to be funded over the long term by donations or other source of ongoing funding.

Corrections — Inmate Visitation: Prohibits inmates from being denied family visits due to sentences of LWOP (Life Without Possibility of Parole) or Life with no assignment of a parole.

Commission on Peace Officer Standards and Training (CPOST): Transfers authority to select a chair of the commission from among its members from the commission itself to the Governor. Specifies that the chair serves at the pleasure of the Governor. Also directs CPOST to consider additional training for correctional officers in the areas of mental health and rehabilitation, in addition to theory and history of corrections.

### **SB 844 (Comm. on Budget and Fiscal Review). Correctional Facilities.**

#### **Construction. Financing.**

#### **Chapter 34, Statutes of 2016**

This measure authorizes \$270 million in lease-revenue bond financing for county jail construction projects designed to improve housing with an emphasis on expanding program and treatment space to manage the adult offender population. Napa County



will receive \$20 million of this funding to address repairs needed due to of the 2014 Napa earthquake.

**SB 848 (Comm. on Budget and Fiscal Review). State Employment.**

**Chapter 35, Statutes of 2016**

This measure provides legislative ratification for the memoranda of understanding (MOU) agreed to by the state and bargaining unit (BU) 12 represented exclusively by International Union of Operating Engineers (IUOE) and includes other changes stating employee health benefits, compensation, special salary adjustments, and prefunding of Other Post-Employment Benefits (OPEB).

**\*SB 859 (Comm. on Budget and Fiscal Review). Public Resources. Greenhouse Gas Emissions and Biomass.**

**Chapter 368, Statutes of 2016**

This measure includes the statutory provisions related to the Cap and Trade appropriations in AB 1613 (Comm. on Budget, Chapter 370, Statutes of 2016).

Provisions include:

- Reducing the eligibility threshold for vehicle rebates offered by the Clean Vehicle Project, increasing the rebate by \$500, and giving priority to low income households;
- Requiring dairies that receive funding to determine and mitigate impacts of a proposed project on pollution, toxic air containments, groundwater and surface water, truck traffic, and odor;
- Requires electricity retailers to purchase power from biomass facilities that generate electricity from forest materials removed from high fire hazard zones;
- Establishes an urban greening program to provide local governments and non-profits funding to develop greening projects such as park expansions. A minimum of 75% of funding allocated in this program must go to disadvantaged communities;
- Establishes a “Healthy Soils Program” to fund farmer demonstration projects that reduce GHG emissions;
- Expands the membership scope of the Scientific Advisory Panel on Environmental Farming;
- Clarifies that Native American tribes are eligible to receive Cap and Trade funds;
- Requires CARB to develop a standardized emissions greenhouse gas emissions inventory for natural and working lands and a framework for accounting for emission reductions from forests;
- Expands the eligible uses for the Greenhouse Gas Reduction Revolving Loan program operated by CalRecycle; and
- Appropriates \$1.4 million from Waste Discharge Permit Fund for the State Water Control Board to provide grants for the projects that eliminate public health and safety risks for wastewater, agricultural and other discharge of urbanized areas of tributaries of the Salton Sea.

## ***B. Sales and Use Taxes***

### **AB 366 (Bonta). Transactions and Use Taxes. City of Alameda.**

#### **Chapter 502, Statutes of 2016**

This measure authorizes the City of Alameda to impose a transactions and use tax for general purposes that, in combination with other transactions and use taxes, would not exceed the combined rate limit of 2 percent by more than 0.5 percent, if the city adopts an ordinance proposing the tax and the ordinance proposing the tax is approved by the voters. This measure would repeal this authorization on January 1, 2025, if an ordinance proposing the tax has not been approved by that date.

### **AB 821 (Gipson). Sales and Use Taxes. Administration. Payments. Dispensaries.**

#### **Chapter 811, Statutes of 2016**

This measure authorizes medical marijuana dispensaries to remit tax payments in a form other than by means of an electronic funds transfer.

### **AB 1559 (Dodd). State Board of Equalization. Returns and Payment. Extension. Disaster.**

#### **Chapter 257, Statutes of 2016 (Urgency)**

This measure authorizes the Board of Equalization (BOE), in the case of a disaster, to provide a grace period of up to three months to an affected taxpayer making any report or return or paying any tax. A disaster is defined as a fire, flood, storm, tidal wave, earthquake, or similar public disaster, whether resulting from natural causes or not.

### **AB 1665 (Bonilla). Transactions and Use Taxes. County of Alameda, County of Contra Costa, and Contra Costa Transportation Authority.**

#### **Chapter 45, Statutes of 2016 (Urgency)**

This measure shifts authority from Alameda County and Contra Costa County to impose an additional 0.5 percent transaction and use tax subject to voter approval for support of countywide transportation programs over to the Contra Costa Transportation Authority.

### **AB 1856 (Dababneh). Excise Taxes. Claim For Refund. Timely Filed Claims.**

#### **Chapter 98, Statutes of 2016**

This measure allows a taxpayer making installment payments on an outstanding liability on taxes administered by the BOE to file a single claim for refund to cover all prior overpayments and all subsequent overpayments.

## ***C. Property Taxes***

### **\*AB 2031 (Bonta). Local Government. Affordable Housing. Financing.**

#### **Chapter 453, Statutes of 2016**

This measure allows a city or county that formed a redevelopment agency (RDA) to bond against the property tax revenues it receives as a result of redevelopment dissolution for affordable housing purposes without voter approval. In order to take advantage of this

authorization, the RDA must have received its finding of completion from the Department of Finance.

**AB 2116 (Gallagher). School Bonds. Projections of Assessed Property Valuations. Chapter 129, Statutes of 2016**

This measure specifies that before the governing board of a school district or the governing board of a community college district orders an election to place a general obligation bond on the ballot, it must obtain projections of assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor.

**AB 2291 (Achadjian). Property Taxes. Delinquent Taxes. Partial Payment. Fee. Chapter 266, Statutes of 2016**

This measure allows a county tax collector, authorized by the board of supervisors, to charge a fee to recover the reasonable costs of instituting and maintaining an arrangement to accept partial payments of delinquent taxes on tax-defaulted property. This fee is subject to existing constraints regarding increasing or imposing a new fee or charge.

**\*AB 2450 (Achadjian). Property Taxation. Chapter 300, Statutes of 2016**

This measure requires contracts with governmental agencies that restrict the use of the property to owner-occupied housing available at affordable housing cost to be recorded. Additionally, this measure requires a public entity proposing to acquire tax exempt property to provide specified notice to the county assessor, in the same manner that existing law requires that notice be provided to the county tax collector.

**\*AB 2476 (Daly). Local Governments. Parcel Taxes. Notice. Chapter 269, Statutes of 2016**

This measure requires local agencies to notify non-resident parcel owners by mail of a new voter approved parcel tax. It also prescribes that local agencies must notify nonresident parcel owners, by paid postal mail, of the amount and collection method of the tax, and provide contact information for inquiries and postage return. Local agencies may recover the reasonable costs of the notice from the proceeds of the parcel tax.

**AB 2801 (Gallagher). Local Government. Fees and Charges. Written Protest. Chapter 248, Statutes of 2016**

This measure requires an agency that proposes to charge a new property-related fee or increase an existing one to maintain all written protests for at least two years after the hearing at which the protests were counted.

**AB 2818 (Chiu). Property Taxation. Community Land Trust. Chapter 701, Statutes of 2016**

This measure requires the county assessor to consider, when valuing real property for property taxation purposes, private party affordability restrictions imposed on housing

units and the land on which the units are situated under a contract that is a 99-year ground lease between a community land trust and the qualified owner of an owner-occupied single-family dwelling or an owner-occupied unit in a multifamily dwelling. This measure also requires that a finding be made by a relevant public agency or official that the restrictions serve the public interest to create and preserve the affordability of residential housing for low or moderate income households. This measure takes effect immediately as a tax levy and the state will not reimburse local agencies for property tax revenues lost through this measure.

**SB 909 (Beall). Property Tax Postponement. Special Needs Trust Claimants.**  
**Chapter 425, Statutes of 2016**

This measure adds the interest of a beneficiary of a special needs trust (SNT) to the list of ownership interests necessary for the State Controller to accept a claim for the Senior Citizens and Disabled Citizens Property Tax Postponement Law (PTP) program.

**\*SB 975 (Comm. on Governance and Finance). Tax Increment. Property Tax Override Rates.**

**Chapter 49, Statutes of 2016**

This measure prohibits property tax increment financing districts from diverting property tax revenues that are derived from a voter approved override property tax rate. This measure also specifies that this limitation does not apply to the allocation of property taxes related to statutes that govern the dissolution of redevelopment agencies.

**SB 996 (Hill). Property Taxation. Welfare Exemption.**

**Chapter 836, Statutes of 2016**

This measure, for property used exclusively for religious, hospital, or charitable purposes and is exempt from property taxes, increases the amount of the welfare exemption from property tax for non-publicly financed affordable housing. Specifically, this measure:

- Increases the exemption amount for non-publicly financed affordable housing to \$10 million (\$100,000 in tax), and deletes the former limit of \$20,000 in tax, effective for lien dates on or after January 1, 2017;
- Requires claims for welfare exemptions for non-publicly financed affordable housing to include an affidavit from the property owner that includes a list of units occupied by lower income households for which the exemption is claimed;
- Requires any outstanding ad valorem tax in excess of the \$20,000 cap, and related interest or penalty, imposed on and after January 1, 2013, and before January 1, 2017, to be canceled if a qualified claim was filed, to the extent the amount canceled does not result in a total exemption amount in excess of \$100,000 allowed to a qualified taxpayer; and
- Prohibits, on and after January 1, 2017, an escape assessment from being levied on qualified property if that amount would be subject to cancellation.

**SB 1458 (Bates). Property Taxation. Exemption. Disabled Veterans.****Chapter 871, Statutes of 2016**

This measure expands eligibility for the Disabled Veteran's Property Tax Exemption (Disabled Veteran's Exemption) to include a person who has been discharged under the "other than dishonorable conditions" but who is otherwise eligible for federal veterans' health and medical benefits.

**SB 1480 (Comm. on Governance and Finance). Property Taxation.****Chapter 116, Statutes of 2016**

This measure strikes the current annual deadline for appealing assessments to BOE of previously taxable properties owned by local government but located in other jurisdictions, and replaces it with November 30. It also deletes the specific questions that must appear on the card that the assessor must send to taxpayers currently qualifying for the welfare exemption, and instead directs BOE to prescribe the contents of the notice and any other required information in consultation with the California Assessors' Association (CAA).

***D. Miscellaneous*****AB 1789 (Santiago). Personal Income Taxes. Voluntary Contributions. School Supplies for Homeless Children Fund.****Chapter 447, Statutes of 2016**

This measure extends the sunset date for the School Supplies for Homeless Children Fund until January 1, 2022. The Fund receives revenue from a tax check-off that appears on state income tax forms.

**AB 1891 (Dababneh). School Districts. Special Taxes. Exemptions.****Chapter 450, Statutes of 2016**

This measure requires that any exemption from a qualified special tax, levied by a school district, granted to a taxpayer to remain in effect until the taxpayer becomes ineligible for the exemption. It allows a new exemption to be granted to the taxpayer if he or she once again becomes eligible for the exemption.

**AB 1919 (Quirk). Local Transportation Authorities. Bonds.****Chapter 745, Statutes of 2016**

This measure allows local transportation authorities to use premiums from the sale of bonds to pay for other transportation purposes, such as capital improvement projects, instead of being limited to paying the principal and interest on such bonds.

**AB 2201 (Brough). State Board of Equalization. Administration. Interest.****Chapter 264, Statutes of 2016**

This measure reenacts the BOE's authority to compute interest at the modified adjusted daily rate for electronic payments made one business day after the due date.

**AB 2546 (Calderon). Pupil Instruction. History-Social Science Curriculum Framework. Financial Literacy.**  
**Chapter 616, Statutes of 2016**

This measure requires the Instructional Quality Commission, during the next revision of the history-social science framework, to consider including age-appropriate information on financial literacy. This measure prescribes a lengthy list of specific topics to be covered, including the principles of budgeting, finance, investing and forms of government taxation.

**SB 971 (Comm. on Governance and Finance). Validations.**  
**Chapter 15, Statutes of 2016 (Urgency)**

This measure enacts the First Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

**SB 972 (Comm. on Governance and Finance). Validations.**  
**Chapter 16, Statutes of 2016 (Urgency)**

This measure enacts the Second Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

**SB 973 (Comm. on Governance and Finance). Validations.**  
**Chapter 17, Statutes of 2016**

This measure enacts the Third Validating Act of 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

**\*SB 974 (Comm. on Governance and Finance). Local Government. Omnibus.**  
**Chapter 366, Statutes of 2016**

This measure is the annual local government omnibus bill that makes the following changes to state laws affecting local agencies' powers and duties:

- Conforms the deadline before which city clerks must publish or post annual financial transactions reports to the timelines established by AB 341 (Achadjian), Chapter 37, Statutes of 2015) for submitting annual financial transactions to the Controller;
- Authorizes a city, including a charter city, county, or city and county, to impose reasonable restrictions on the installation of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance;
- Clarifies, for local agencies that invest in allowable financial instruments, that some ratings requirements refer to a ratings category and specifies that ratings specified in statute also applies to "equivalent" ratings (i.e. a requirement that an investment instrument must have an "A1" rating also allows for investment in an instrument with a "AAA" rating);

- Clarifies that a housing element update in a county or city general plan does not trigger a requirement to update the safety element with climate change and resiliency information. Further clarifies that additional information relating only to flood and fire hazards must be identified in a revised general plan safety element after each revision of a general plan housing element;
- Amends existing statutes to consistently authorize a local agency that operates sanitary sewers and sewerage systems to adopt either an ordinance or a resolution to fix or collect fees or charges;
- Restores changes to the definition of “best value” related to design-build contracting which were mistakenly erased by past legislation.
- Corrects cross-references to the definition of a city’s “actual population” for purposes of accurately determining the population of recently incorporated cities and allocating Vehicle License Fee (VLF) revenues;
- Adds omitted yet important cross references to the Streets and Highways Code to ensure that the apportionments of funds from the Highway Users Tax Account (HUTA) to cities and counties are properly calculated;
- Specifies that property and business improvement districts’ (PBIDs’) assessments must be used to confer a specific benefit or benefits on assessed businesses and allows PBIDs to use assessment revenues for marketing or signage pointing to the district;
- Allows a county recorder, as an alternative to fastening maps in a book, to store recorded survey maps in any manner that assures the maps will be kept together. Additionally, replaces gendered pronouns with gender-neutral terms.
- Allows any state, county, or city office that provides veterans’ benefit services to request and receive certified copies of military service records;
- Allows specified communications between a notary public and the Secretary of State’s Office to use, in addition to certified mail, any other means of physical delivery that provides a receipt;
- Requires a person taking the notary public oath of office before a county clerk to provide an identification document that meets specified statutory requirements. This measure also allows the oath of office to be filed with the county clerk by any means of physical delivery that provides a receipt, in addition to certified mail;
- Authorizes BOE to exercise powers relating to rules, regulations, and instructions for floating homes that are the same as the powers that state law allows the BOE to exercise for mobile homes; and
- Deletes the requirement that the Kern County Water Agency must get the board of supervisors’ approval before levying taxes, creating benefit zones, or adopting a budget.

**\*SB 1029 (Hertzberg). California Debt and Investment Advisory Commission. Accountability Reports.**

**Chapter 307, Statutes of 2016**

This measure requires state and local government debt issuers to annually report to the California Debt and Investment Advisory Commission specified information on authorized debt, issued and not yet issued on or after January 21, 2017, during the

specified annual reporting period. It requires disclosure of outstanding debt, including the principal balance of outstanding debt and amount paid off during the specified annual reporting period. This measure also requires disclosure of debt proceed amounts and expenditures during the specified annual reporting period. (*The League has prepared a comprehensive summary of this measure in Appendix A of this document.*)

**SB 1422 (Glazer). Public Utilities and Other Service Suppliers. Collection of Local Taxes.**

**Chapter 156, Statutes of 2016**

This measure clarifies that cable service providers are included in the definition for other service providers, pursuant to existing law, which limits the liabilities and responsibilities of public utilities and other service providers collecting a utility user tax in the event that a local agency may be imposing the tax on consumers improperly.

**SB 1481 (Comm. On Governance and Finance). Prepaid Mobile Telephony Services Surcharge Collection Act.**

**Chapter 89, Statutes of 2016**

This measure makes clarifying changes to the Prepaid Mobile Telephony Services Surcharge (MTS) Collection Act based on Board of Equalization (BOE) recommendations. Specifically, this measure conforms sections for state and local MTS charges which provides that any amount collected by a retailer but unreturned to the consumer that is not owed as part of the surcharge, constitutes a seller's debt to the state. This measure also relieves retailers who sell minimal amounts of prepaid wireless services from the requirement to register with BOE and file quarterly returns.



## VIII. Transportation, Communication, and Public Works

### *A. Transportation*

#### **AB 620 (Hernández). High-Occupancy Toll Lanes. Exemptions From Tolls. Chapter 738, Statutes of 2016**

This measure requires the Los Angeles County Metropolitan Transportation Authority (LA Metro) to take additional steps to increase enrollment and participation in the low-income assistance program for the high-occupancy toll (HOT) lanes on State Highway Routes 10 and 110 that improve awareness through advertising and working with community groups and social service agencies. This measure also requires LA Metro to consider offering greater incentives for participation in the low-income assistance program and to report on such efforts as well as congestion improvement of HOT lanes by December 31, 2018.

#### **AB 1289 (Cooper). Transportation Network Companies. Participating Drivers. Penalties.**

##### **Chapter 740, Statutes of 2016**

This measure requires transportation network companies (TNCs) to conduct a local and national criminal background check for each of their participating drivers and prohibits them from ever contracting, employing, or retaining drivers that are registered sex offenders or convicted of certain violent felonies, or misdemeanor assault, domestic violence or driving under the influence of drugs or alcohol within the previous seven years. TNCs that fail to comply are subject to a penalty between \$1,000 and \$5,000 for each offense.

#### **AB 1500 (Atkins). State Highways. Relinquishment. Route 75.**

##### **Chapter 398, Statutes of 2016**

This measure allows the California Transportation Commission (CTC) to relinquish portions of Route 75 to the City of Imperial Beach and City of San Diego for the portions within their city limits, given that Caltrans and the cities enter into an agreement for the relinquishment.

#### **AB 1665 (Bonilla). Transactions and Use Taxes. County of Alameda, County of Contra Costa, and Contra Costa Transportation Authority.**

##### **Chapter 45, Statutes of 2016 (Urgency)**

This measure shifts authority from Alameda County and Contra Costa County to impose an additional one-half percent transaction and use tax subject to voter approval for support of countywide transportation programs over to the Contra Costa Transportation Authority.

**AB 1919 (Quirk). Local Transportation Authorities. Bonds.****Chapter 745, Statutes of 2016**

This measure allows local transportation authorities to use premiums from the sale of bonds to pay for other transportation purposes, such as capital improvement projects, instead of being limited to paying the principal and interest on such bonds.

**AB 2073 (Holden). Golf Carts. City of La Verne.****Chapter 101, Statutes of 2016**

This measure expands the definition of “golf cart” in the City of La Verne to include oversized utility-style golf carts and shuttle-style golf carts for use within the city’s golf cart transportation plan.

**AB 2289 (Frazier). Department of Transportation. Capital Improvement Projects.****Chapter 76, Statutes of 2016**

This measure adds capital improvement projects for the operations on the state highway system as eligible projects in the State Highway Operation and Protection Program (SHOPP).

**AB 2542 (Gatto). Streets and Highways. Reversible Lanes.****Chapter 525, Statutes of 2016**

This measure requires Caltrans or regional transportation planning agencies to demonstrate that reversible lanes were considered for capacity increasing transportation projects, or major street or highway lane realignment project submitted to the CTC for approval.

**AB 2906 (Comm. on Transportation). Transportation. Omnibus Bill.****Chapter 208, Statutes of 2016**

This measure makes the following technical changes to statutes relating to transportation:

- Authorizes tow truck drivers to utilize the center median or right shoulder of a roadway when rendering towing service or emergency road service while involved in freeway service patrol operations through an agreement with a regional or local entity;
- Requires vehicles stopped or parked on a roadway where there are adjacent class IV bikeways to be stopped or parked with the wheels parallel to and within 18 inches of the curb;
- Prohibits vehicles from displaying hazardous materials markings or placards unless permitted or required by federal regulations;
- Prohibits a driveaway-towaway combination from exceeding 97 feet in length when transporting up to three saddle-mounted vehicles and one full-mounted vehicle; and
- Deletes obsolete provisions and makes technical, clarifying, and organizational changes to statutes relating to transportation.

**SB 824 (Beall). Low Carbon Transit Operations Program.****Chapter 479, Statutes of 2016**

This measure makes several changes to the Low Carbon Transit Operations Program (LCTOP), including:

- Requiring recipient transit agencies to demonstrate that a project reduced greenhouse gas (GHG) emissions in order to receive LCTOP funds;
- Requiring recipient transit agencies to demonstrate that LCTOP expenditures do not supplant other funding sources;
- Allowing LCTOP funds for operational expenditures that increase transit mode share by recipient transit agencies;
- Allowing recipient transit agencies to use LCTOP funds to purchase zero emission buses, including electric, and to install equipment and infrastructure to operate those buses;
- Requiring recipient transit agencies to specify the phases of work for capital projects seeking LCTOP allocation and to identify the sources of timing and all funds required to complete any phase of the project and to describe other funding sources that will be used to complete other phases of the project;
- Allowing recipient transit agencies to continue to use LCTOP funds for operational assistance programs in subsequent fiscal years if they demonstrate that GHG emissions reductions can be realized;
- Allowing recipient transit agencies to retain their funding share from one fiscal year in a subsequent fiscal year for four-year maximum fund retention;
- Allowing recipient transit agencies to loan or transfer its funding share to another transit agency in the same region for eligible LCTOP expenditures; and
- Allowing recipient transit agencies to apply to Caltrans to reassign LCTOP savings or surplus for other eligible expenditures or from projects that are no longer a priority.

**\*SB 1279 (Hancock). California Transportation Commission. Funding Prohibition. Coal Shipment.****Chapter 215, Statutes of 2016**

This measure prohibits the CTC from allocating any state funds for new bulk coal terminal projects beginning January 1, 2017 and requires the CTC to evaluate each new terminal project to determine if its purpose is to increase the state's capacity to transport coal in bulk as well as requiring terminal project grantees to annually notify the CTC that the project is not being used for those purposes.

**SB 1305 (Morrell). San Bernardino County Transportation Authority.****Chapter 216, Statutes of 2016**

This measure consolidates local transportation agencies under the San Bernardino Associated Governments (SANBAG), creating the San Bernardino County Transportation Authority, with five members of the San Bernardino County Board of Supervisors and one mayor or city council member from each incorporate city in the county and one non-voting member appointed by the Governor.

**SCR 148 (Bates). Crosswalk Safety Awareness Month.****Resolutions Chapter 101**

This measure designates the month of October as Crosswalk Safety Awareness Month.

**SJR 24 (Beall). Federal Transportation Funding.****Resolutions Chapter 188**

This measure urges Congress and the President of the United States to fully fund the Transportation Investment Generating Economic Recovery (TIGER) program at a level of \$525 million in the 2017 fiscal year to provide additional critical investment in California and urges Congress and the President to work together to find a long-term, sustainable funding solution to restore the lost purchasing power of the federal fuel excise tax to help rebuild California's infrastructure.

**SR 87 (Beall). Relative to California Pedestrian Safety Month.****As Adopted on August 19, 2016**

This measure recognizes the month of September 2016 and every September thereafter as California Pedestrian Safety Month.

***B. Vehicles*****AB 51 (Quirk). Vehicles. Motorcycles. Lane Splitting.****Chapter 141, Statutes of 2016**

This measure allows the Department of California Highway Patrol (CHP) to develop educational guidelines on the practice of motorcycle lane splitting, a popular legal practice in California, but illegal in all other states, where motorcyclists ride in the same or in between lanes of moving vehicles, typically to pass slower traffic. At a minimum, the guidelines must be developed in consultation with the Department of Motor Vehicles (DMV), the Department of Transportation (Caltrans), the Office of Traffic Safety (OTS), a motorcycle organization focused on motorcyclist safety.

**AB 516 (Mullin). Vehicles. Temporary License Plates.****Chapter 90, Statutes of 2016**

This measure requires, by January 1, 2019, the DMV to develop a system where car dealerships and retailers are required to electronically submit the report of sale/lease to the DMV, where the system is to produce a uniquely identified temporary license plate as developed by the DMV for the dealership to apply to the sold/leased vehicle.

**\*AB 1592 (Bonilla). Autonomous Vehicles. Pilot Project.****Chapter 814, Statutes of 2016**

This measure authorizes the Contra Costa Transportation Authority (CCTA), to conduct a pilot project for autonomous vehicle testing without a driver in the driver's seat, a steering wheel, a brake pedal, or an accelerator at speeds less than 35 miles per hour, while securing \$5 million in insurance or surety bond. Testing will be limited to a privately owned business park, the GoMentum Station within the boundaries of the former Concord Naval Weapons Station. This measure sunsets on January 1, the year

after CCTA conforms to regulations developed by the DMV to test autonomous vehicles without a driver in the vehicle.

**AB 1677 (Ting). Vehicles. Tour Buses. Safety Inspections.**

**Chapter 685, Statutes of 2016**

This measure allows local governments, upon their request, to enter into a memorandum of understanding (MOU) with the CHP for increased tour bus inspections, including provisions to reimburse CHP for such increases. The measure also requires CHP to develop protocols for entering into an MOU.

**AB 1785 (Quirk). Vehicles. Use of Wireless Electronic Devices.**

**Chapter 660, Statutes of 2016**

This measure provides that a hand-held wireless telephone or electronic wireless communications device may be used while the driver is operating a motor vehicle, if the device is mounted on or affixed to the vehicle's dashboard or center console in a manner that does not obstruct the driver's view of the road.

**AB 1932 (Olberholte). Vehicles. Motorcycle Safety Training.**

**Chapter 561, Statutes of 2016**

This measure authorizes motorcyclist safety training programs license as traffic violator schools to administer motorcyclist training courses.

**AB 1960 (Lackey). Vehicles. Basic Inspection of Terminals Program.**

**Chapter 748, Statutes of 2016**

This measure excludes agricultural vehicles used exclusively for agricultural operations from being subject to the Basic Inspection of Terminals program. This measure sunsets on January 1, 2023.

**AB 2107 (Frazier). Department of Motor Vehicles. Electronic Vehicle Registration Services. Interstate Carrier Partnership.**

**Chapter 456, Statutes of 2016**

This measure makes permanent DMV authorization to enter into contractual agreements with interstate carrier partners to allow them to provide electronic vehicle registration services, authorizing these partners to issue International Registration Program (IRP) credentials to their trucking industry and goods movement customers.

**AB 2167 (Achadjian). Vehicles. Towed Vehicles.**

**Chapter 518, Statutes of 2016**

This measure requires businesses taking possession of a towed vehicle to obtain information on the vehicle and the tow truck operator the next business day instead of the next calendar day and allows for an alternative unique government or auto club identifier to be used as a substitute to identify the tow truck operator.

**\*AB 2491 (Nazarian). Vehicles. Stopping, Standing, and Parking.**  
**Chapter 358, Statutes of 2016**

This measure expressly authorizes local governments to prohibit the stopping, parking, or leaving of a vehicle within 15 feet of a driveway used by emergency vehicles to enter or exit a police department, ambulance service provider facility, or general acute care hospital and requires appropriate signage for prohibited areas if the local government adopts such ordinances.

**\*AB 2687 (Achadjian). Vehicles. Passenger for Hire. Driving Under the Influence.**  
**Chapter 765, Statutes of 2016**

This measure imposes a more restrictive standard of legal intoxication than that under current law for drivers of vehicles who have a passenger for hire in the vehicle at the same time. Specifically, this measure lowers the legal threshold for impairment for such drivers from a blood alcohol level of 0.08 to 0.04, making it unlawful for the driver of a vehicle containing a passenger for hire to operate that vehicle if his or her blood alcohol level is 0.04 or above.

**AB 2763 (Gatto). Transportation Network Companies. Personal Vehicles.**  
**Chapter 766, Statutes of 2016**

This measure adds short term vehicle rentals that do not exceed 30 days to the definition of a “personal vehicle” for purposes of operating a TNC vehicle.

**ACR 140 (Oberholte). Don’t Text and Drive Day.**  
**Resolutions Chapter 64**

This resolution proclaims April 27, 2016, as Don’t Text and Drive Day, and calls upon individuals, government agencies, schools, and others to promote awareness of the problem of texting and driving, and to support policies and programs reducing the incidence of texting while driving.

**ACR 160 (Hadley). Motor Vehicle Idling. Children.**  
**Resolutions Chapter 98**

This measure would encourage motorists to not idle their vehicles near places where children congregate.

**SB 247 (Lara). Charter Bus Transportation. Safety Improvement.**  
**Chapter 705, Statutes of 2016**

This measure requires charter bus drivers of buses designed to carry 39 or more passengers to instruct or play a video for passengers, instructing them on exit location and operation and importance of seatbelt use as developed by the CHP by July 1, 2018. This measure also requires all charter buses designed to carry 39 or more passengers to be equipped with emergency lighting fixtures that turn on in the event of a collision for buses manufactured by July 1, 2020.

**SB 773 (Allen). Vehicles. Registration Fraud.****Chapter 776, Statutes of 2016**

This measure requests the University of California (UC) to study motor vehicle registration fraud. The DMV is required to enter into an agreement with the UC to conduct this study and post the report annually on its website by January 1, 2018. This measure sunsets on January 1, 2021.

**SB 812 (Hill). Modified Limousines and Tour Buses. Standards and Inspection.****Chapter 711, Statutes of 2016**

This measure extends the date by one year from January 1, 2017, to January 1, 2018, for modified limousines to meet the installation of rear push-out emergency window requirements and requires the CHP to immediately order tour buses out of service when a determination is made upon inspection that the operation of the tour bus could constitute an imminent danger to public safety.

**SB 1399 (Hueso). Department of Motor Vehicles. License Plate Alternatives Pilot Program.****Chapter 155, Statutes of 2016**

This measure extends the deadline from January 1, 2017, to January 1, 2019, for the DMV to complete its pilot program for an alternative to a license plate and report of results back from its January 1, 2018, deadline to January 1, 2020.

***C. Public Transit*****AB 1613 (Comm. on Budget). Budget Act of 2016.****Chapter 370, Statutes of 2016**

This measure includes the appropriations related to the legislative agreement on Cap and Trade. Specific appropriations include:

- \$135 million for the Transit and Intercity Rail Capital Program to fund essential local capital projects for bus and commuter rail;
- \$10 million for the Active Transportation Program to fund bicycle and pedestrian programs;
- \$133 million for the Clean Vehicle Rebate Program to assist with the purchase of clean vehicles;
- \$150 million for the Heavy Duty and Off-Road Investments to help develop and pilot cleaner industrial vehicles;
- \$80 million for the Enhanced Vehicle Fleet Modernization program to provide low income families help replacing old vehicles with new, cleaner vehicles;
- \$40 million to the Department of Resources Recycling and Recovery for waste diversion and greenhouse gas reduction financial assistance;
- \$140 million for the Transformative Climate Communities Program to fund a community-wide approach for disadvantage communities to implement an integrated transportation, housing, and green space development plan to reduce pollution, GHG emissions, and improve local communities;

- \$80 million for the Urban Greening Program to fund green spaces and parks in local communities;
- \$15 million for the Urban Forestry Program to assist disadvantaged communities with tree planting and care; and
- \$2 million for the Strategic Growth Council to assist disadvantage communities and local governments with developing climate action plans.

**AB 1757 (Waldron). North County Transit District.**

**Chapter 325, Statutes of 2016**

This measure increases the amount each North County Transit District board member can receive from \$75 per meeting to \$150 per meeting not to exceed \$750 per month, an increase from the previous \$300 monthly limit.

**AB 2620 (Dababneh). Passenger Rail Projects. Funding.**

**Chapter 763, Statutes of 2016**

This measure authorizes the California Transportation Commission (CTC) to reallocate Proposition 116 (1990) funds that are not expended or encumbered by July 1, 2020, on other passenger rail capital projects that have existing rail service, while clarifying that high-speed rail projects are not eligible for these funds as they do not have existing rail service.

**SB 882 (Hertzberg). Crimes. Public Transportation. Minors.**

**Chapter 167, Statutes of 2016**

This measure prohibits minors from being charged with an infraction or misdemeanor for evading payment or misusing a public transit system pass, ticket, or token.

**SB 998 (Wieckowski). Vehicles. Public Transit Bus Lanes.**

**Chapter 716, Statutes of 2016**

This measure prohibits a person from operating a vehicle on a portion of a highway that has been designated for the exclusive use of public transit buses, unless otherwise directed, and would require a public transit agency to place and maintain signs for those designated portions of bus lanes.

**SB 1051 (Hancock). Vehicles. Parking Enforcement. Video Image Evidence.**

**Chapter 427, Statutes of 2016**

This measure authorizes the Alameda-Contra Costa Transit District (AC Transit) to enforce parking violations in transit-only traffic lanes using bus-mounted video cameras until January 1, 2022.



## ***D. Communications***

### **AB 1549 (Wood). Department of Transportation. State Highway Rights-of-Way. Broadband. Fiber Optic Cables.**

#### **Chapter 505, Statutes of 2016**

This measure requires Caltrans to notify broadband companies, nonprofits, and local governments of construction projects initiated on or after January 1, 2017 that are parallel to highways and suitable for broadband conduit installation through its Internet Website and authorizes those entities to collaborate with Caltrans for the installation of broadband conduit for such projects. This measure requires Caltrans to develop guidelines to facilitate such collaboration on future projects by January 1, 2018.

### **SB 745 (Hueso). Telecommunications. Universal Service. California Advanced Services Fund.**

#### **Chapter 710, Statutes of 2016**

This measure extends the date from Dec. 31, 2016, to Dec. 31, 2020, for California Advanced Services Fund (CASF) Public Housing Account Funds are transferred to other CASF accounts; requires the California Public Utilities Commission (PUC) to award CASF Public Housing Account funds only to underserved housing developments; and extends the PUC annual report due date from Jan. 1 of each year to April 1 of each year with county information on status of each CASF funded project. This measure also authorizes workforce organizations and air pollution control or air quality management districts to be included as eligible participants in a regional consortium.

## ***E. Public Works***

### **AB 1732 (Ting). Single-User Restrooms.**

#### **Chapter 818, Statutes of 2016**

This measure requires all single-user toilet facilities in any business, public, state or local agency to be identified as all-gender facilities starting March 1, 2017, and authorizes code enforcement inspectors to inspect for compliance.

### **AB 2161 (Quirk). Parking Lots. Design. Insurance Discount.**

#### **Chapter 73, Statutes of 2016**

This measure allows an insurer to consider the installation of vehicle barriers to protect people inside of a commercial property as a safety measure and offer a discount on the property owner's insurance from the reduced risk to the property from the installation of such barriers, subject to approval by the Insurance Commissioner.

### **AB 2288 (Burke). Apprenticeship Programs. Building and Construction Trades.**

#### **Chapter 692, Statutes of 2016**

This measure requires the California Workforce Development Board and each local board to follow the Multi-Craft Core Curriculum and develop a plan for outreach and retention of women participants in the preapprenticeship program to help increase the representation of women in the building and construction trades.

**AB 2486 (Baker). Contractor's State License Board. License Search By Location. Chapter 270, Statutes of 2016**

This measure requires the Contractor's State License Board to add an enhancement to the current contractor license check search function, permitting consumers to search for a licensed contractor by ZIP Code or geographic location.

**SB 62 (Hill). Public Utilities Commission. Office of the Safety Advocate. Chapter 806, Statutes of 2016**

This measure codifies the newly created Office of the Safety Advocate within the California Public Utilities Commission (PUC) created in the 2016-17 State Budget and adds that its purpose is to advocate for cost-effective safety management and safety performance of public utilities on the behalf of public utility customers. This measure sunsets on January 1, 2020.

**SB 465 (Hill). Building Construction. Contractors. Discipline. Reporting. Building Standards.****Chapter 372, Statutes of 2016**

This measure requires the Division of Occupational Safety and Health in consultation with the Contractor's State License Board to transmit to the board copies of any contractor citations or violations against the contractor. This measure also authorizes the board to enter into an interagency agreement with any other state or local agency the board deems to be in possession of information relevant to its priority to protect the public.

**SB 661 (Hill). Protection of Subsurface Installations.****Chapter 809, Statutes of 2016**

This measure establishes new rules for excavations near subsurface installations, including:

- Requiring a person to contact the appropriate regional notifications center regardless of whether it is known or reasonably should be known to contain subsurface installations when planning to conduct an excavation;
- Requiring excavators to delineate areas to be excavated before notifying the regional notification center;
- Prohibiting excavators from being liable for damages to a subsurface installation of the damages are a result of an inaccurate field mark by an operator;
- Establishing the California Underground Facilities Safe Excavation Advisory Board (Board) within the Office of the State Fire Marshall (Fire Marshall) to investigate violations of the state's excavation and subsurface installation laws, coordinate education and outreach and develop standards;
- Authorizing the Contractor's State Licensing Board, the California Public Utilities Commission (PUC), the Fire Marshall, and local governments to accept, amend, or reject the Board's recommendations to enforce provisions related to operators and excavators that fall within the corresponding agency's jurisdiction (i.e. local governments may enforce against local agencies under their jurisdiction);
- Creating the Safe Energy Infrastructure and Excavation Fund, where penalties will be deposited;

- Establishing an “area of continual excavation” ticket where excavation is a normal business of the property (i.e. agriculture, flood control, etc); and
- Requiring the operator to verify an installation’s location during their meeting with an excavator before digging in a high priority subsurface installation.

**SB 957 (Hueso). Health Care Districts. Design-Build Process.**  
**Chapter 212, Statutes of 2016**

This measure authorizes health care districts to use the design-build process when contracting for the construction of a hospital or health facility building.

**SB 1085 (Roth). Professional Engineers. Geologists and Geophysicists. Land Surveyors.**

**Chapter 629, Statutes of 2016**

This measure requires the Board for Professional Engineers, Land Surveyors, and Geologists to administer an assessment through an online program at the time of license renewal.

**SCR 156 (Berryhill). California Conservation Corps. 40<sup>th</sup> Anniversary.**  
**Resolutions Chapter 140**

This measure recognizes the contributions of the California Conservation Corps on the 40<sup>th</sup> anniversary of its creation.

**SR 74 (Beall). Relative to Infrastructure Week**  
**Adopted on May 27, 2016**

This measure recognizes the week of May 16 to 23, 2016, as Infrastructure Week in the State of California.

## ***F. Contracting/Procurement***

**\*AB 626 (Chiu). Public Contracts. Claim Resolution.**  
**Chapter 810, Statutes of 2016**

This measure requires local governments, while exempting certain state agencies, to adhere to a claims resolution process for all disputes on a public works contract, where the public entity must review and respond to such claims within 45 days to identify disputed and undisputed portions of those claims, to pay the undisputed portions within 60 days of such response, respond within 10 business days for a meet and confer demand from the contractor, pay undisputed amounts from such conference within 60 days, and to split the costs with the contractor for the mandated mediation for any remaining disputed portions of the claim(s). Public entities are required to pay seven percent annual interest rate for failure to pay within the given timeframes and allows a subcontractor to use the claims resolution process outlined in this measure through the contractor. This measure sunsets on January 1, 2020.

**\*AB 1669 (Hernández). Displaced Employees. Service Contracts. Collection and Transportation of Solid Waste.**

**Chapter 874, Statutes of 2016**

This measure requires local governments to give a 10 percent bidding preference to solid waste collection and transportation service contractors that agree to retain employees from the previous such contractor for at least 90 days.

**AB 2030 (Mullin). Transportation Districts. Contracts.**

**Chapter 143, Statutes of 2016**

This measure increases the lower bid threshold for the San Francisco Bay Area Rapid Transit and San Mateo County Transit District from \$100,000 to \$150,000 for the purchase of supplies, equipment, and materials to be let out to the lowest responsible or best value bidder and to get a minimum of three quotations for contracts between \$5,000 and \$150,000, instead of the existing \$2,500 and \$100,000 thresholds.

**AB 2126 (Mullin). Public Contracts. Construction Manager/General Contractor Contracts.**

**Chapter 750, Statutes of 2016**

This measure expands Caltrans' ability to utilize the Construction Manager/General Contractor (CM/GC) method from no more than six projects, up to 12 projects to perform all project design and engineering services.

**AB 2196 (Low). Santa Clara Valley Transportation Authority.**

**Chapter 381, Statutes of 2016**

This measure increases the bid threshold from \$100,000 to \$150,000 for the Santa Clara Valley Transportation Authority (VTA) to let out contracts for supplies, equipment, and materials to the lowest responsible bidder, while increasing from \$2,500-\$100,000 to \$3,500-\$150,000 the requirement to get a minimum of three quotations for those contracts, while deleting obsolete provisions that apply to VTA, as well as non-substantive clean up changes. This measure also authorizes mayors of cities within the county to serve on the VTA board of directors.

**AB 2690 (Ridley-Thomas). Los Angeles County Metropolitan Transportation Authority. Contracting.**

**Chapter 204, Statutes of 2016**

This measure allows LA Metro to establish disabled veteran business enterprise (DVBE) goals, while allowing LA Metro to require bidders to make a good faith efforts to comply with small business enterprise (SBE) and DVBE goals. This measure allows LA Metro to award contracts to the lowest responsible bidders that meet those goals. This measure also allows LA Metro to set aside work for competition among certified SBEs for contracts between \$5,000 and \$3 million.

**AB 2844 (Bloom). Public Contracts. Discrimination.**

**Chapter 581, Statutes of 2016**

This measure requires persons who submit bids or propose to enter into or renew a contract of \$100,000 or more with a state agency to certify they are compliant with the

California Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act (Unruh Act) as well as any policy they have against any sovereign nation recognized by the United States government, including the nation and people of Israel, are not used to discriminate in violation of the FEHA or Unruh Act.

**SB 693 (Hueso). Public Contracts. Skilled and Trained Workforce.**  
**Chapter 774, Statutes of 2016**

This measure allows local governments to require contractors to use a skilled and trained workforce to complete a project or contract, regardless if the public entity is required by statute to use a skilled and trained workforce. This measure also consolidates the various definitions of skilled and trained workforce in the public contract code if they meet the following:

- All the workers performing skilled work on the project are skilled journeypersons or apprentices registered in a state approved apprenticeship program; and
- At least 30 percent of the skilled journeypersons must be an apprenticeship graduate for work performed on or after January 1, 2017, with the requirement increasing by 10 percent each year, until January 1, 2020, when 60 percent of the skilled journeypersons must be apprenticeship graduates.

**SB 1012 (Nguyen). Flags. Purchase.**  
**Chapter 717, Statutes of 2016**

This measure requires any United States flags or California State flags purchased by the state or local governments to be made in the United States beginning January 1, 2017.

### ***G. Prevailing Wage***

**AB 326 (Frazier). Public Works. Prevailing Wage Rates. Wage and Penalty Assessments.**

**Chapter 345, Statutes of 2016**

This measure requires that funds held and interest earned in escrow by the Department of Industrial Relations (DIR) for civil wage and penalty assessments must be released within 30 days upon the conclusion of all administrative and judicial review or when DIR receives a written notice from the Labor Commissioner of a settlement or final disposition of an assessment to the entitled parties.

**AB 1926 (Cooper). Public Works. Prevailing Wage. Apprentices.**  
**Chapter 746, Statutes of 2016**

This measure requires contractors to pay apprentices prevailing wages when they request an apprentice to undergo testing, training, an examination, or other preemployment process as a condition of employment to perform work on a public works project.

## ***H. High Speed Rail***

### **AB 1813 (Frazier). High-Speed Rail Authority. Membership.**

#### **Chapter 117, Statutes of 2016**

This measure requires the Senate Committee on Rules and the Speaker of the Assembly to appoint a member from the Senate and a member from the Assembly, respectively, to serve as non-voting ex officio members on the High-Speed Rail Authority (HSRA).

### **AB 1889 (Mullin). High-Speed Rail Authority. High-Speed Train Operation.**

#### **Chapter 744, Statutes of 2016**

This measure defines a corridor or usable segment as “suitable and ready for high-speed train operation” if the bond funds are used for capital projects that would enable high-speed trains to operate immediately or after additional planned investments are made on the corridor or usable segments and passenger train service providers will benefit from the project in the near-term consistent with the current business plan and advance the development of the Phase I blended system.

### **SB 940 (Vidak). High-Speed Rail Authority. Eminent Domain. Right of First Refusal.**

#### **Chapter 169, Statutes of 2016 (Urgency)**

This measure requires HSRA to notify the last known owner of a property they are selling as surplus property by certified mail at least 30 days prior to selling the property.

### **What Local Governments Need to Know About the California Voting Rights Act (CVRA) Reforms of 2016**

Three major CVRA measures (AB 350, AB 278, and AB 2220) were signed into law by Governor Brown in 2016. This package of bills reflects the collaboration between local government and voter advocacy groups to stem the tide of frivolous and costly litigation, and instead, focuses energy on the intent of the CVRA. Ultimately, these measures protect local control, give cities options while capping legal fees associated with CVRA litigation and guaranteeing fair and representative elections. Below is a summary of each measure.

#### **AB 278 (Hernández). District Elections.**

**Ballot Process:** If a city chooses not to, or in some cases is unable to use the ordinance process to convert to district-based elections, this measure revises the questions on the ballot.

- Instead of having two questions on the ballot: 1) Shall members of the legislative body of the City of \_\_\_\_\_ be elected by (or from) districts? Yes or No; and 2) Do you approve of the district maps on this ballot? Yes or No. AB 278 eliminates the second question, leaving only the first question: Shall members of the legislative body of the City of \_\_\_\_\_ be elected by (or from) districts? Yes or No. The rationale behind this is that if the voters approve the first question they will be more inclined to participate in the drawing of the district maps on the back end of the process rather than being engaged at the beginning of the process. It also helps streamline the process by eliminating voter confusion. **It is important to note that in the event that voters reject converting to district-based elections, the city is still open to a CVRA lawsuit. Additionally, if a city has already been sued and voters do not approve district-based elections, the lawsuit will proceed.** In these cases legal fees could increase significantly.

**Local Control Intact:** This measure clarifies that it is the city council that retains full control to draw the district maps but that the public *may* submit their ideas on how the maps should be drawn.

#### **AB 350 (Alejo). Elections Preapproval Hearings.**

This measure works in conjunction with AB 2220 by providing a safe harbor from CVRA litigation for up to 135 days (135 days *if* a demand letter is received by a city: 45 days to respond to a demand letter; and 90 days to finish the conversion process). If a city has not received a demand letter, it can be proactive and convert to districts-based elections. In this case, the city has a 90 day safe harbor. Furthermore, AB 350 establishes a formal public engagement process for cities that look into switching to district-based elections by the ordinance process. The author is trying to address concerns that local governments are rushing the process and not allowing the public time to be fully engaged. Below is a breakdown of the process:

- **Before** district maps are drafted, the local government is required to have two public hearings within 30 days at which time the public is invited to provide input regarding the composition of the districts;
- **After** the district maps are drafted but before they are approved, the local government will release the draft maps and have two additional public hearings within 45 days to allow the public to provide input not only on the maps but in which order they would like to have the district elections staggered;
  - **Note:** This is only public comment. City councils are not mandated to stagger their elections, but it is likely given that if they do not, all seats will be up for election at the same time; and
  - **Note:** If a demand letter is received, thus triggering the initial 45 day safe harbor period, the two initial public hearings (the before hearings) may take place within the initial 45 day period before passing the resolution of intention to switch to district-based elections. This may be a viable option for cities that have already discussed the matter in closed session prior to receiving a demand letter to convert.
- Once the above requirements are met, a local government can go through the normal ordinance process to convert to district-based elections.

#### **AB 2220 (Cooper). District Elections.**

This measure simply removes the population threshold in current law SB 493 (Cannella, Chapter 735, Statutes of 2015) allowing any city to switch to district-based elections by ordinance. There is some ambiguity as to if this measure can be used by charter cities. The legislative committee analysis indicates that a charter city can use this bill to convert to district-based elections by ordinance *if* their charter allows them to do so *or* if their charter is silent on their election methodology. If a charter city's charter specifically states that they must elect their representatives "at large" then they must pass a charter amendment to utilize AB 2220.

#### **Together, These Bills Provide New Tools to Protect Local Control and Save Taxpayer Dollars**

- **Safe harbor:** If a city is complying with the provisions of AB 350, **they are safe harbored from litigation throughout the public hearing and ordinance process** (up to 135 days if a demand letter was received by the city, 90 days if no demand letter was received);
- **A city can be proactive** and voluntarily switch to district-based elections (without receiving a demand letter). The city would pass a resolution of intent to switch to district-based elections and from that point have 90 days of safe harbor (free from litigation) to comply with the provisions of AB 350 and go through the ordinance process;
- **Cities still have full local control.** Cities are not mandated to move to district-based elections, as we have seen attempted in previous legislation. If a city receives a demand letter they are given 45 days of protection from litigation to assess their liability (perhaps hire their own demographer to conduct an analysis, meet in closed session etc.) and make a determination if they choose to contest



the demand letter or pass a resolution of intent which allows them an additional 90 days of safe harbor and switch to districts by ordinance;

- **Legal fees capped.** Currently, a city can be sued by several different plaintiffs. Even if a city is in the process of converting to district-based elections and has entered a pre-litigation settlement agreement with one party, they can still be sued by another plaintiff (as we have seen in several cities). Moreover, settlements are much higher, typically in the six-figure range (even seven-figure settlements). Under AB 350, a city is only liable for a total cost of up to \$30,000 regardless of the number of plaintiffs. Additionally, the prospective plaintiff must show financial documentation (such as the hiring of their own demographer, legal research, depositions etc.) that they in fact incurred costs. **Note:** A city has the right to dispute charges submitted by the prospective plaintiff for reimbursement and/or ask for further documentation to stipulate the claim; and
- **A city can avoid significant costs** if they proactively switch to district-based elections and utilize the safe harbor provisions.

### CVRA Overview

Prepared by: Corrie Manning, Senior Deputy General Counsel, League of California Cities

- I. California Voting Rights Act (Elec. Code, §§ 14025 et seq.)
  - The California Voting Rights Act applies to both general and charter law cities.
  - The Act applies to at-large electoral systems:
    - In which each member of the governing board is elected by all voters in the jurisdiction;
    - In which each member of the governing board must reside within a given area of the jurisdiction, but is elected by all voters in the jurisdiction; and
    - In which an at-large component is combined with district-based elections.
  - The Act prohibits any of these systems from impairing the ability of minority voters to elect their chosen candidates or influence the outcome of an election.
  - A minority voter alleging such an impairment may file an action in court.
  - An impairment is established if “racially polarized voting” is shown.
    - “Racially polarized voting” is voting in which there is a difference in the electoral choices of a minority as compared to the rest of the electorate.
    - It is not necessary to show that members of a minority live in a geographically compact area or prove any intent to discriminate.
  - If an impairment is established, the court must fashion an appropriate remedy. Examples include:
    - Imposing district elections; and
    - Enjoining certification of election results.
  - The prevailing plaintiff (i.e. the minority voter) is entitled to recover “reasonable” attorney’s fees and costs. A prevailing defendant (i.e. the city) is not entitled to recover costs unless the court finds the action to be frivolous.

### **No Place Like Home Program**

Gov. Jerry Brown on July 1 signed into law the No Place Like Home program AB 1618 (Comm. on Budget, Chapter 43, Statutes of 2016). This program will distribute \$2 billion dollars among counties as deferred payment loans to finance capital costs of permanent supportive housing for persons who are eligible for services under Proposition 63 (2004) and are homeless, chronically homeless, or at risk of chronic homelessness. The Legislature intends that the loans will not have to be repaid.

This funding program is critical to aid in the effort to end homelessness. California has an estimated affordable housing shortage of more than one million homes. Funding provided by the state for the development and preservation of affordable homes dropped by 79 percent, from approximately \$1.7 billion annually to nearly nothing today. The No Place Like Home program marks the state's first effort to reinvest dollars into housing for the homeless in recent history.

The Department of Housing and Community Development (HCD) will administer the program in consultation with an advisory committee. This committee comprises directors of various state departments including HCD and Health Care Services Department as well as county administrative officers, a representative of an affordable housing organization and an administrative officer of a city. The committee will assist and advise the department in the implementation of the program. It will also review and make recommendations on the department's guidelines and review the department's progress in distributing funds, and lastly, provide advice and guidance more broadly on statewide homelessness issues.

The funding will be divided into a competitive program (\$1.8 billion) and a non-competitive program (\$200 million) for counties. HCD will develop final guidelines; however, the bill includes requirements for the general outline of the programs as described below.

#### **Competitive Program (\$1.8 billion)**

For the competitive loan program, counties will be grouped into four categories based on total population, within which they will compete for funding: Los Angeles County; large counties with a population greater than 750,000; medium counties with a population between 200,000 and 750,000; and small counties with a population less than 200,000. HCD will distribute funding among the groupings based on a calculation that includes the number of homeless persons residing within each county and consideration of minimum funding levels necessary for permanent supportive housing development.

Criteria for the competitive program include:

- A county may apply as the sole applicant if it is the development sponsor or jointly with a separate entity as development sponsor;
- Funded developments must integrate the target population with the general public;

- Funded developments must utilize low barrier tenant selection practices that prioritize vulnerable populations and offer flexible, voluntary, and individualized supportive services;
- The guidelines can provide for alternative housing models, such as shared housing models of fewer than five units. Integration requirements may be modified in shared housing;
- Funds will be offered as deferred payment loans to finance capital costs including acquisition, design, construction, rehabilitation, or preservation, and to capitalize operating reserves of, permanent supportive housing for the target population; and
- Guidelines adopted by HCD must include establishing income and rent standards.

The small county category is guaranteed access to at least eight percent of the total funds. There is also the option of an “alternative process” for the counties with more than five percent of the statewide homeless population to access funding directly, but this option limits the amount of funding an alternative county may access to their proportionate share of the homeless count. If money is left over in any of the tiers, it reverts back to the overall fund and will be made available to other counties. AB 1618 requires a minimum of four competitive funding rounds which will occur over five years. If additional funding is available at the end of the four rounds, further rounds of funding may be provided. Additional rounds are not required to comply with the competitive groupings, small county set aside, or alternative process.

### **Non-Competitive Program (\$200 million)**

In order to jumpstart the program, HCD will distribute \$200 million in initial “over the counter”, non-competitive, funding to finance construction, rehabilitation, or preservation, and to capitalize operating reserves, of permanent supportive housing for individuals in the target population with a priority for those with mental health supportive needs who are homeless or at risk of chronic homelessness. Funds will be made available to all counties within the state and are proportionate to the number of homeless persons residing within each county with a minimum funding level of \$500,000. Funds not awarded within 18 months following the first allocation will revert to the competitive program.

### **Technical Assistance and Reporting Requirements**

The proposal also includes \$6.2 million for the department to provide technical and application preparation assistance to counties based on size and allows up to five percent of funds to be used for state administrative costs.

Counties receiving funds are required to provide an annual report to HCD including information on the funded supporting housing development. Additional reported information must include location of projects, number of units assisted, occupancy restrictions, number of individuals and households served, related income levels, and

homeless, veteran and mental health status. The department also must report to the Legislature annually on the processes established for distributing funds, the distribution of funds among counties, and any recommendations as to modifications to the program for the purpose of improving efficiency or furthering the goals of the program. Lastly, the department is required to hire an outside contractor for overall program evaluation.

The Legislature also authorized a \$1 million General Fund loan to support program implementation prior to the receipt of bond funds. Specifically, the loan is to allow the department to begin program activities, including, but not limited to, drafting program guidelines and regulations.

### **Bond Financing Cleanup Bill and Next Steps**

Following the adoption of AB 1618, the Governor signed into law AB 1628 (Comm. on Budget, Chapter 322, Statutes of 2016) that outlines the bond financing and mechanics of how it will be taken from Prop. 63 (2004) revenues. This measure facilitates and authorize the issuance of bonds by the California Health Facilities Financing Authority (CHFFA) for the purposes of establishing a loan program for counties to develop and administer permanent supported housing for homeless. The measure establishes a framework for the provision of housing through authorized service contract, address loans to be made by CHFFA for supportive housing, specifies the use for funds for projects across the state, and provides administrative structure for the program. Additionally, AB 1628 provides for direct funding from this program for the few cities that currently provide mental health services and are already eligible for Prop. 63 funding.

### **What Cities Need to Be Doing**

Prop. 63 (2004) provides funding to counties and cities providing mental health services that were grandfathered into the Bronzan-McCorquodale Act. Therefore, the No Place Like Home program cannot provide direct funding to cities with a few exceptions. However, there is already some indication that the No Place Like Home program guidelines may reward counties that have an active partnership with their cities. In order to be best positioned for funding to be used in their jurisdiction, cities should be working with their county and other community based organizations now to provide for the development of supportive housing and services for the homeless.

## Community Revitalization and Investment Authorities

Community Revitalization and Investment Authorities (CRIA), was enacted into law by AB 2 (Alejo and E. Garcia, Chapter 319, Statutes of 2015), which authorized the revitalization of disadvantaged communities through planning and financing infrastructure improvements and upgrades; economic development activities; and affordable housing via tax increment financing based, in part, on the former community redevelopment law. AB 2492<sup>1</sup> (Alejo and E. Garcia), Chapter 524, Statutes of 2016, made several additional improvements to CRIA law.

### Three Possible Locations

A CRIA can be created in the following three locations:

- Areas where not less than 80% of the land contains any combination of census tracts or census block groups meet both of these conditions: (i) an annual median household income that is less than 80% of the statewide, citywide or countywide annual median income; and (ii) three of four following conditions:
  - An unemployment rate at least three percentage points higher than the statewide average annual unemployment rate median, as defined by the labor market report published by the California Employment Development Department in March of the year in which the community revitalization plan is prepared. *(In determining the unemployment rate within the community revitalization and investment area, an authority may use unemployment data from the periodic American Community Survey published by the United States Census Bureau);*
  - Crime rates, as documented by records maintained by the law enforcement agency that has jurisdiction in the proposed plan area for violent or property crime offenses, at least five percent higher than statewide average crime rate for violent or property crime offenses, as defined by the Criminal Justice Statistics Center within the Department of Justice, when data is available on the Attorney General's website. *(The crime rate shall be calculated by taking the local crime incidents for violent or property crimes, or any offense within those categories, for the most recent calendar year for which the Department of Justice maintains data, divided by the total population of the proposed plan area, multiplied by 100,000. If the local crime rate for the proposed plan area exceeds the statewide average rate for either violent or property crime, or any offense within these categories, by more than five percent, then this condition shall be met);*
  - Deteriorated or inadequate infrastructure; and
  - Deteriorated commercial or residential structures.<sup>2</sup>
- A former military based that is principally characterized by deteriorated or inadequate infrastructure or structures; and

<sup>1</sup> AB 2 took effect on January 1, 2016; AB 2492 takes effect January 1, 2017.

<sup>2</sup> Section 62001(d), (e)(1).

- Census tracts or census block groups, as defined by the United States Census Bureau, within the area are situated within a disadvantaged community as identified by the California Environmental Protection Agency (EPA).

### **CRIA: Powers and Duties**

A CRIA is a public agency separate from the city, county, or city and county that created it; and deemed to be an “agency” for purposes of receiving property tax increment pursuant to Article XVI, section 16(b) of the Constitution. Any taxing entity within the Area (except for a school district) may choose to allocate some or all its share of tax increment funds to the CRIA. The CRIA may issue bonds backed by property tax increment revenues.<sup>3</sup>

A CRIA’s key powers and duties mirror those of former redevelopment agencies and consist of the following:

- Adopt community revitalization and investment plan;<sup>4</sup>
- Provide funding for infrastructure;
- Provide for affordable housing;
- Brownfield remediation and clean-up;
- Seismic retrofits of existing buildings;
- Acquire and sell property;
- Issue bonds;
- Borrow funds and make loans;
- Receive cap and trade funds designated for disadvantaged communities funds or enter agreements with a qualified community development entity to coordinate the investment of federal New Market Tax Credit Funds;<sup>5</sup>
- Receive funds allocated to it pursuant a resolution adopted by a city, county, or special district to transfer these funds from:<sup>6</sup>
  - The increased property tax revenues that a city, county, or special district receives from the dissolution of redevelopment agencies (RDAs);
  - Property taxes received by a city or county in lieu of former vehicle license fee funds; or
  - Funds derived from various assessments that may be imposed by special districts.
- Provide direct assistance to businesses within the plan area (with some exceptions).<sup>7</sup>

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<sup>3</sup> Section 62005

<sup>4</sup> Section 62002.

<sup>5</sup> 62002(g)(1)

<sup>6</sup> 62002(g)(2)

<sup>7</sup> 62202. As with former redevelopment law, the following types of developments cannot be assisted:

- Auto dealerships located on land not previously developed for urban use.
- Developments generating sales and use taxes on parcels of five acres on land not previously developed for urban use, unless the principal permitted use is an office, hotel, manufacturing or industrial.
- Any gaming establishments.

## Two Ways to be Eligible to Create a CRIA

- A city, county, or city and county that has received a Finding of Completion from DOF and whose successor agency has complied with all orders of the Controller may form the CRIA; or
- Any combination of a city, county, city and county, and special district may form a CRIA through a joint powers agreement.<sup>8</sup>

## Composition of Governing Body

- For a CRIA created by a city, county, or city and county: three members of the city council or board of supervisors and two public members who live or work within the community revitalization and investment area; and
- For a CRIA created through a joint powers agreement: a majority of the members from the legislative bodies of the public agencies that created the authority and a minimum of two public members who live or work within the area.<sup>9</sup>

## Required Contents Community Revitalization and Investment Plan (Plan)

A CRIA must adopt a Plan that guides its revitalization programs and authorizes receipt and expenditure property tax increment revenues. The Plan includes:

- Statement of principal goals and objectives;
- Description of the deteriorated or inadequate infrastructure and program for repair and upgrade;
- Housing program;
- A program to remedy or remove the release of hazardous substances;
- A program to provide funding for or otherwise facilitate the economic revitalization of the area;
- A fiscal analysis setting forth projected receipt of revenues and expenses over five-year planning horizon; and
- Time limits to establishing loans, advances and indebtedness and fulfilling all the authority's housing obligations.<sup>10</sup>

## Robust Procedure for Plan Adoption

The Plan must be adopted over a series of three public hearings, held at least 30 days apart. The final version of the plan is subject to written and oral protests. Proceedings to adopt the plan must terminate if there is a majority protest (over 50 percent of the combined number of property owners and residents in the area). An election on whether to adopt the plan must be called if between 25 percent and 50 percent of the combined number of property owners and residents file a protest.<sup>11</sup>

<sup>8</sup> Government Code 62001(b)(1). A CRIA may not include a school district or a successor agency. All references are to the Government Code.

<sup>9</sup> Section 62001(c).

<sup>10</sup> Section 62003.

<sup>11</sup> Section 62004.



### **Ongoing Accountability: 10-year Check-In with Property Owners and Residents**

An annual report and annual independent financial audit is required.<sup>12</sup> Every ten years the CRIA must conduct a protest proceeding to consider property owners and residents' protests against the continuing work of the Authority. A majority protest means no additional work can be undertaken pursuant to the plan, but the authority can complete projects underway, repay existing indebtedness, and fulfill existing housing obligations. If between 25 and 50 percent protest, then an election is called to determine whether the CRIA should continue with its work.

### **Affordable Housing: 25 Percent Requirement**

The following affordable housing requirements apply to a CRIA:

- 25 percent of property tax increment revenues must be used to increase, improve and preserve the community's supply of low and moderate income families;
- CRIA affordable housing programs are entitled to receive a priority, after housing successor agencies, for assistance in housing programs administered by the California Housing Finance Agency, the Department of Housing and Community Development and other state agencies and departments, if those agencies determine that the housing is otherwise eligible for assistance under a particular program;<sup>13</sup>
- The CRIA may transfer its housing responsibilities to the housing authority if it determines that combining funding streams will reduce administrative costs or expedites the construction of affordable housing;<sup>14</sup>
- Every five years beginning in the year in which the CRIA is allocated a cumulative total of more than \$1,000,000 in tax increment revenues, an independent audit is required to determine compliance with affordable housing requirements;
- All housing assisted with property tax increment funds must remain affordable for 55 years for rental units and 45 years for owner-occupied units; and
- Housing funds must be spent proportionally on low, very low, and moderate income housing.<sup>15</sup>

### **Affordable Housing: Replacement and Relocation**

- Replacement of housing destroyed or removed within two years of destruction or removal;<sup>16</sup>

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<sup>12</sup> Section 62006.

<sup>13</sup> Section 62104.

<sup>14</sup> Section 62100 (a).

<sup>15</sup> Section 62102.

<sup>16</sup> Section 62103.

- Number of housing units occupied by extremely low, very low, and low-income households at the time the Plan is adopted may not be reduced during the effective period of the Plan; and
- Relocation in compliance with state relocation law<sup>17</sup>

### **Property acquisition**

CRIA may acquire property through all of the commonly-used methods including, purchasing, leasing, accepting a conveyance from a public or private entity, and acquiring property via eminent domain.<sup>18</sup>

### **Key Similarities and Differences:** **Community Revitalization and Investment Authority (CRIA) vs.** **Enhanced Infrastructure Financing District (EIFD)**

In 2014 the Legislature created the **Enhanced Infrastructure Financing District (EIFD)**, SB 628 (Beall, Chapter 785, Statutes of 2014) as a new way to finance public infrastructure, affordable housing and other projects. In 2015, refinements were made through AB 313 (Atkins, Chapter 320, Statutes of 2015). A CRIA and an EIFD have some things in common and are different in other ways.

#### **CRIA and EIFD: Things in Common**

- Both are public entities separate and distinct from the city or county that established them;
- Both can finance a wide-range of public and private projects including the acquisition, construction or rehabilitation of affordable housing;
- Creation of each requires finding of completion from DOF and compliance with State Controller's orders;
- Authority to use property tax increment to finance facilities and housing with contributions from other taxing entities with their consent;
- May receive funds derived from other city, county or special district sources, subject to any conditions those entities may impose on the use of these funds:
  - Property taxes received by a city or county from dissolved redevelopment agencies;
  - Property taxes received by a city or county in lieu of former vehicle license fee funds; or
  - Funds derived from various assessments that may be imposed by a special district.

#### **CRIA and EIFD: Things That Are Different**

- CRIA operates solely within specifically defined area characterized by quantifiable social and economic deterioration, census tracts within Cal- EPA designated disadvantaged communities or a former military base; EIFD can be

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<sup>17</sup> Section 62115

<sup>18</sup> Section 62201

used for a wide range of infrastructure and other development and established anywhere within a city or county;

- CRIA is an “agency” for purposes of the tax-increment provisions of the California Constitution used by former redevelopment agencies; EIFD is modeled off of existing Infrastructure Financing District law rather than Community Redevelopment Law;
- Adoption of a Plan by CRIA is subject to majority protest; adoption of Plan by EIFD is not;
- Issuance of bonds by CRIA does not require voter approval. Issuance of bonds by an EIFD requires 55 percent voter approval;
- Different replacement housing obligations are imposed; and
- CRIA must dedicate 25percent of tax increment revenue on affordable housing; EIFD may provide affordable housing as an option.

**SB 1029 (Hertzberg) California Debt and Investment Advisory Commission  
Accountability Reports  
Chapter 307, Statutes of 2016**

SB 1029, sponsored by State Treasurer John Chiang, mandates tracking of state and local government borrowing and spending of bond proceeds in effort to increase transparency and improve public knowledge. According to the author and sponsor, this measure resulted from the recommendations of the Treasurer's Task Force on Bond Accountability, which was tasked with identifying best practices for tracking bond proceeds. The information gathered through the provisions of SB 1029 will populate the Treasurer's new online tool, Debt Watch, a transparency tool designed to enable taxpayers and the media to access debt data on California's 4,200 units of local government.

The California Debt and Investment Advisory Commission (CDIAC) operates as a part of the State Treasurer's Office, has nine members, including the State Treasurer, the Governor or the Director of Finance, the State Controller, two local government finance officials, two Assembly Members, and two Senators. CDIAC collects, maintains, provides comprehensive information on all state and local debt authorization and issuance, and serves as a statistical clearinghouse for all state and local debt issues. Currently, state and local government debt issuers must submit several types of reports containing information about debt issuance to CDIAC.

SB 1029, requires state and local government debt issuers to report to CDIAC specified information about proposed and outstanding debt. Specifically, this measure requires:

**Local Debt Policies**

SB 1029 requires that a report of proposed debt issuance submitted to CDIAC, no later than 30 days prior to the sale, must include a certification by the issuer that it has adopted local debt policies concerning the use of debt and that the contemplated debt issuance is consistent with those local debt policies. While failure to submit the report will not affect the validity of the sale, a local debt policy must be included and detail:

- The purposes for which the debt proceeds may be used;
- The types of debt that may be issued;
- The relationship of the debt to, and integration with, the issuer's capital improvement program or budget, if applicable;
- Policy goals related to the issuer's planning goals and objectives; and
- Internal control procedures that the issuer has implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.

The measure provides local control over the timeline and mechanism for adopting local debt policies.

SB 1029 also provides that a bond issuer, that issues bonds on behalf of another governmental entity, may rely upon a certification from that other governmental entity that it has adopted debt policies.

## Reporting Requirements

### Report of Final Sale

This measure requires that when a state or local government issues debts, it must submit a report of final sale to CDIAC no later than 21 days after the sale. The measure reserves the right of CDIAC to request specific information be included in the report of final sale that it deems appropriate, however, confidential information may be redacted.

### Annual Report

This measure requires any state or local government debt issuer to provide an annual report to CDIAC for any issue of debt for which the issuer has submitted a report of final sale on or after January 21, 2017. The annual report must cover a reporting period from July 1 to June 30 and must be submitted no later than seven months after the end of the reporting period by any method approved by CDIAC.

SB 1029 specifically requires that the annual report must consist of the following information:

- **Debt authorized during the reporting period, which must include:**
  - Debt authorized at the beginning of the reporting period;
  - Debt authorized and issued during the reporting period;
  - Debt authorized but not issued at the end of the reporting period; and
  - Debt authority that has lapsed during the reporting period.
- **Debt outstanding during the reporting period, which must include:**
  - Principal balance at the beginning of the reporting period;
  - Principal paid during the reporting period; and
  - Principal outstanding at the end of the reporting period.
- **The use of proceeds of issued debt during the reporting period, which must include:**
  - Debt proceeds available at the beginning of the reporting period;
  - Proceeds spent during the reporting period and the purposes for which it was spent; and
  - Debt proceeds remaining at the end of the reporting period.

Compliance with the annual reporting requirement is required for each issue of debt with outstanding debt, debt that has been authorized but not issued, or both during the reporting period.

CDIAC must consult with appropriate state and local debt issuers and organizations representing debt issuers for purposes that include making a proposed reporting method more efficient and less burdensome for issuers.

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**Accessory Dwelling Units and Junior Accessory Dwelling Units**  
**A Summary of New Law**  
**AB 2299 (Bloom), SB 1069 (Wieckowski), and AB 2406 (Thurmond)**

California's affordable housing crisis quickly became a legislative priority in 2016. Efforts included several proposals to increase funding to develop affordable housing which the League supported. But it was evident that the Governor and legislators would not limit the conversation to funding alone. Several proposals were unveiled that impacted the approval processes for affordable housing with the goal of decreasing development costs. Unfortunately, many of those proposals also limited public input and local control. Some – such the Governor's "by right" proposal – failed to pass. Others – including AB 2299 (Bloom, Chapter 735, Statutes of 2016), AB 2406 (Thurmond, Chapter 755, Statutes of 2016) and SB 1069 (Wieckowski, Chapter 720, Statutes of 2016) – were approved. These measures make significant changes to local authority to regulate 2<sup>nd</sup> units.

AB 2299, AB 2406, and SB 1069 are interconnected and should be considered together. Their provisions will nullify any local ordinance that does not comply with the requirements of the bills. While a general outline of the impacts and requirements of the bills are below, cities are encouraged to work closely with their city attorneys when considering options and interpretations and deciding what changes to make to their ordinances in response to these measures, including how such changes interact with other ordinances and laws which may apply.

**Accessory Dwelling Units (Formerly Known as 2<sup>nd</sup> Units)**

AB 2299 and SB 1069 rename "second units" as "accessory dwelling units" (ADUs), and make significant changes to local authority to regulate these units. The changes fall into four areas: Parking, Types and Size of Units, Approval Process and Timelines, and Water and Sewer Utility Fees.

**Parking**

A local government cannot require parking if an ADU complies with any of the following:

- Located within ½ mile of "public transit"; (term is not defined)
- Located within architecturally and historically significant historic district; (terms are not defined)
- The ADU is part of an existing primary residence or an existing accessory structure;
- On-street parking permits are required but not offered to the occupant of the ADU; or
- There is a car share vehicle located within one block of the ADU.

For ADUs not described above, the following restrictions apply:

- Requirements may not exceed one parking space per unit or per bedroom, and spaces may be provided as tandem parking on an existing driveway;

- Offstreet parking must be permitted in setback areas in locations determined by the city or through tandem parking, unless findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, regional topographical, or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

### **Types and Size of Units**

- An ADU can be either attached to the existing dwelling; located within the living area of the existing dwelling; or detached and located on same lot;
- The increased floor area of attached ADU may not exceed 50 percent of the existing living area<sup>1</sup>;
- The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet;
- No passageway shall be required in conjunction with construction of an accessory dwelling unit; and
- No setback shall be required for an existing garage that is converted to an ADU. In addition, a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.

### **Approval Process and Timelines**

- If a city does not have an existing ordinance and chooses not to adopt an ordinance, then an application for an ADU must be approved ministerially without discretionary review;
- Even if a city has adopted an ordinance, a city must approve an application for a building permit to create an ADU if it meets the following requirements: it is within a single-family zone; there is one ADU per lot if contained within existing space of residence or accessory structure; and the ADU has independent exterior access and side and rear yard setbacks that are sufficient for fire safety. Fire sprinklers may not be required if not required for the primary residence; and
- In both cases, approval must occur within 120 days of receipt of application.

### **Water and Sewer Utility Fees**

- Connection or capacity fees for ADUs within existing structures in a single-family zone: A city may not require an applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge if the ADU is located within the existing space of a single-family residence or the existing space of an accessory structure on a single-family lot; and
- Connection and capacity fees for ADUs within new structures or within multi-family zone: A city may require a new or separate utility connection directly between the ADU and the utility. The connection fee or capacity charge shall be “proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer

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<sup>1</sup> “Living area” is defined as the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure (Section 65852.2(i)(1)).

system.” The fee or charge may not exceed the reasonable cost of providing the water or sewer service.

### **Junior Accessory Dwelling Units**

AB 2406 creates special rules for Junior Accessory Dwelling Units (JADUs), which are ADUs 500 square feet in size or smaller that are located within an existing single-family residence within a single-family zone. Cities have the choice whether they adopt an ordinance specific to JADUs, or treat them as ADUs. An ordinance providing for JADUs may:

- Limit the number of JADUs to one per existing single-family residence in a single-family zone;
- Require owner-occupancy of the single-family residence in which the JADU is located;
- Prohibit the sale of the JADU separate from the sale of the single-family residence;
- Require the inclusion of an existing bedroom in the JADU;
- Require a separate entrance; and
- Require an efficiency kitchen.

No additional parking may be required.

A JADU must be approved within 120 days of submittal of an application; no discretionary review is allowed.

The JADU may not be considered a separate or new dwelling unit for purposes of fire or life protection ordinances or for purposes of water, sewer, or power connection fees. No fees or regulations may be imposed on a single-family residence that contains a JADU unless such fees or regulations are imposed on single-family residences generally.



## League Legislative Staff

LEGISLATIVE REPRESENTATIVES	
<p><b>Dan Carrigg</b> <i>Senior Director</i> (916) 658-8222 carriggd@cacities.org</p>	<ul style="list-style-type: none"> <li>• Fiscal Reform</li> <li>• Revenue</li> <li>• State Budget</li> <li>• Taxation</li> <li>• Revenue and Taxation Policy Committee</li> </ul>
<p><b>Jennifer Whiting</b> <i>Assistant Legislative Director</i> (916) 658-8249 jwhiting@cacities.org</p>	<ul style="list-style-type: none"> <li>• Federal Issues (Lead)</li> <li>• State Budget (Lead)</li> <li>• Research and Analysis</li> </ul>
<p><b>Tim Cromartie</b> <i>Legislative Representative</i> (916) 658-8252 tcromartie@cacities.org</p>	<ul style="list-style-type: none"> <li>• Public Safety</li> <li>• Revenue and Taxation</li> <li>• Revenue and Taxation Policy Committee</li> <li>• Public Safety Policy Committee</li> <li>• Fire Chiefs Department</li> </ul>
<p><b>Jason Rhine</b> <i>Legislative Representative</i> (916) 658-8264 jrhine@cacities.org</p>	<ul style="list-style-type: none"> <li>• CEQA</li> <li>• Housing</li> <li>• Planning &amp; Land Use</li> <li>• Floods (Back-up)</li> <li>• Economic Development</li> <li>• Housing, Community and Economic Development Policy Committee</li> </ul>
<p><b>Rony Berdugo</b> <i>Legislative Representative</i> (916) 658-8283 rberdugo@cacities.org</p>	<ul style="list-style-type: none"> <li>• Public Works</li> <li>• Transportation</li> <li>• Telecommunications</li> <li>• Transportation, Communication and Public Works Policy Committee</li> </ul>
<p><b>Dane Hutchings</b> <i>Legislative Representative</i> (916) 658-8210 dhutchings@cacities.org</p>	<ul style="list-style-type: none"> <li>• Administrative Services</li> <li>• Brown Act/Public Records</li> <li>• Conflict of Interest</li> <li>• Employee Relations</li> <li>• Personnel</li> <li>• Tort Reform</li> <li>• Workers Compensation Issues</li> <li>• Governance, Transparency, and Labor Relations Policy Committee</li> </ul>

<p><b>Vacant</b> <i>Legislative Representative</i></p>	<ul style="list-style-type: none"> <li>• Environmental Issues (Air, Water, Solid Waste, Climate Change, etc.)</li> <li>• Community Services</li> <li>• Floods (Lead)</li> <li>• Utilities</li> <li>• Climate Change</li> <li>• Animal Issues</li> <li>• Environmental Quality Policy Committee</li> <li>• Community Services Policy Committee</li> </ul>
<b>LEGISLATIVE ANALYSTS AND DEPARTMENT STAFF</b>	
<p><b>Meghan McKelvey</b> <i>Manager, Department and Member Services</i> (916) 658-8253 mmckelvey@cacities.org</p>	<ul style="list-style-type: none"> <li>• Department Outreach and Activities</li> <li>• City Managers Department</li> <li>• Public Works Department</li> <li>• Fiscal Officers Department</li> <li>• Community Services Department</li> <li>• Personnel and Employee Relations Department</li> <li>• Planning &amp; Community Development Department</li> <li>• City Clerks Department</li> </ul>
<p><b>Nick Romo</b> <i>Policy Analyst</i> (916) 658-8254 nromo@cacities.org</p>	<ul style="list-style-type: none"> <li>• Legislative Policy Research</li> <li>• Revenue and Taxation Analyst</li> <li>• Housing, Community, and Economic Development Analyst</li> <li>• Governance, Transparency, and Labor Relations Analyst</li> </ul>
<p><b>Vacant</b> <i>Policy Analyst</i></p>	<ul style="list-style-type: none"> <li>• Legislative Policy Research</li> <li>• Community Services Analyst</li> <li>• Environmental Quality Analyst</li> <li>• Public Safety Analyst</li> <li>• Transportation, Communications, and Public Works Analyst</li> </ul>
<p><b>Meg Desmond</b> <i>Legislative &amp; Policy Development Specialist</i> (916) 658-8224 mdesmond@cacities.org</p>	<ul style="list-style-type: none"> <li>• Support for the Legislative Department</li> <li>• Fire Chiefs Department</li> <li>• Policy Committees</li> <li>• Lobbyist FPPC Compliance</li> <li>• Annual Conference Resolutions</li> <li>• Special Task Force Support</li> </ul>

## Regional Public Affairs Managers

**Public Affairs Director**  
**Bismarck Obando**

1400 K Street, 4th Floor  
Sacramento, CA 95814  
Office: 916/658-8273  
Cell: 916/612-9377  
bismarck@cacities.org

**Central Valley**  
**Stephen Qualls**

P.O. Box 785  
Hughson, CA 95326  
Cell: 209/614-0118  
Fax: 209/883-0653  
squalls@cacities.org

**Channel Counties**

**David Mullinax**  
Cell: 805/797-3530  
Fax: 805/962-9409  
dmullinax@cacities.org

**Desert Mountain, Inland**  
**Empire**

**Laura Morales**  
Cell: 909/275-4110  
lmorales@cacities.org

**East Bay**

**Sam Caygill**  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Cell: 510/473-5418  
scaygill@cacities.org

**Peninsula**

**Seth Miller**  
Cell: 415-595-8629  
smiller@cacities.org

**Los Angeles County**

**Kristine Guerrero**  
P.O. Box 3482  
Lakewood, CA 90711  
Cell: 626/716-0076  
kguerrero@cacities.org

**Jennifer Quan**

P.O. Box 1444  
Monrovia, CA 91017  
Cell: 626/786-5142  
Fax: 626/301-0387  
jquan@cacities.org

**Jeff Kiernan**

8149 Santa Monica Blvd. #206  
West Hollywood, CA 90046  
Cell: 310/630-7505  
jkiernan@cacities.org

**Monterey Bay**

**Deanna Sessums**  
P.O. Box 7980  
Santa Cruz, CA 95061  
Cell: 831/915-8293  
dsessums@cacities.org

**North Bay**

**Nancy Hall Bennett**  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Cell: 415/302-2032  
nbennett@cacities.org

**Orange County**

**Tony Cardenas**  
P.O. Box 28927  
Anaheim Hills, CA 92809  
Cell: 714/425-5558  
tcardenas@cacities.org

**Redwood Empire**

**Sara Rounds**  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Office: 916/658-8243  
Cell: 916/548-9030  
srounds@cacities.org

**Riverside County**

**Erin Sasse**  
12523 Limonite Ave.  
Suite 440-161  
Mira Loma, CA 91752  
Cell: 951/321-0771  
esasse@cacities.org

**Sacramento Valley**

**Charles Anderson**  
Cell: 916/798-2231  
Fax: 866/593-2927  
canderson@cacities.org

**San Diego County, Imperial**  
**County**

**Catherine Hill**  
P.O. Box 82081  
San Diego, CA 92138  
Wk: 619/295-8282  
Cell: 619/733-1751  
Fax: 619/501-7651  
chill@cacities.org

**South San Joaquin Valley**

**Rajveer Rakkar**  
Cell: 559/214-1849  
rrakkar@cacities.org

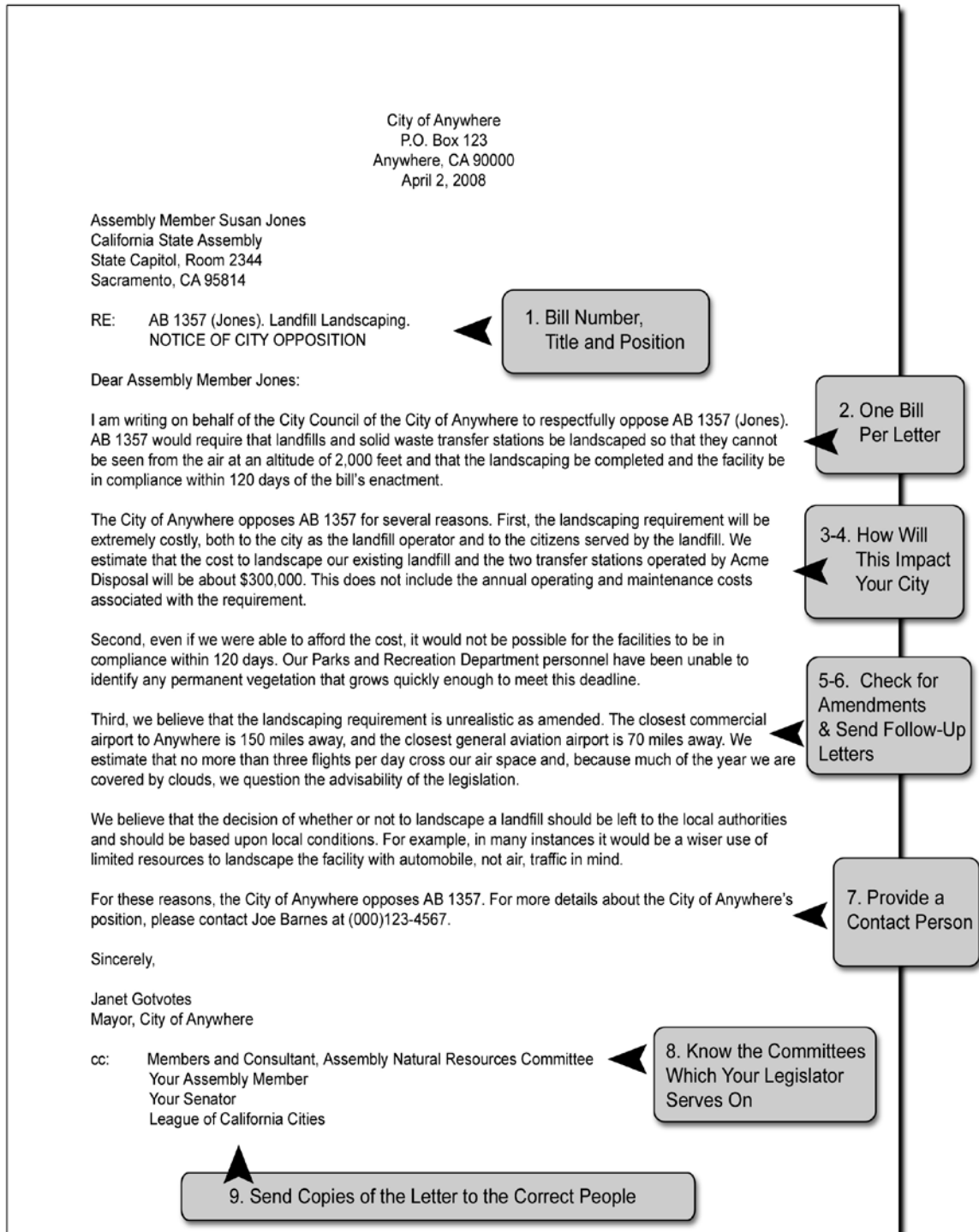
Note: With the exception of those addresses listed, and unless otherwise instructed, mail may be sent to:  
League of California Cities  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Fax: (916) 658-8240

## 10 Tips for Cities Lobbying the California Legislature

1. Become engaged in the state level political process by appointing a legislative liaison within your city to track key legislation and work with your regional public affairs manager. You can locate contact information for your regional public affairs manager online at [www.cacities.org/regionalmanagers](http://www.cacities.org/regionalmanagers).
2. Use the League as a resource. Visit [www.cacities.org/legresources](http://www.cacities.org/legresources) to access League priority bills, legislative contacts and additional information. The League's online bill tracking tool can be found at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).
3. Read *CA Cities Advocate*, the League's online newsletter, to stay current on important legislation. Subscribe at [www.cacities.org/cacitiesadvocate](http://www.cacities.org/cacitiesadvocate).
4. Develop relationships with your Senate and Assembly representatives as well as their capitol and district office staff.
5. Get to know members of your local press and educate them on legislative issues affecting your city.
6. Understand how state decisions impact your city's budget.
7. Build networks and collaborate with other groups in your community on key legislative issues.
8. Organize an internal process within your city for developing and proposing changes to laws that will help your city.
9. Adopt local policies on legislation that enable your city to react quickly to the legislative process and respond to League action alerts. View sample city legislative platforms at [www.cacities.org/legplatforms](http://www.cacities.org/legplatforms).
10. Write letters on legislation featured in *CA Cities Advocate*. Sample letters can be found at [www.cacities.org/billsearch](http://www.cacities.org/billsearch) by searching with the bill number or bill author.

## Effective Letter Writing Techniques

- 1. Include the Bill Number, Title, and Your Position in the Subject Line.** Never bury the bill number and the action you want the legislator to take in the body of the letter.
- 2. One Bill per Letter.** Legislators file letters according to the bill number.
- 3. State the Facts.** Describe the impact the bill would have on your city. Use “real world” facts; legislators like to know how a bill would specifically affect cities in their districts. The League often provides a sample letter that includes space to describe local impacts. Take the time to provide such examples. This part of the letter is the most valuable to the legislator.
- 4. Think About the Message.** Letters may be targeted to specific legislators or entire committees. Think about who you want to act on the bill and message accordingly. If you are writing in support of transportation funding, emphasizing how the project will reduce greenhouse gases might be important to one legislator, while highlighting how the project could encourage additional development and jobs might be important to another. Both messages are correct, but your effectiveness will be in selecting the right message.
- 5. Check for Amendments.** Always check the League’s website ([www.cacities.org/billsearch](http://www.cacities.org/billsearch)) to make sure you are addressing issues in the latest draft. Bills are often significantly amended and the issue you are writing about may have changed or have been deleted altogether by the time you send your letter.
- 6. Send follow-up letters to the appropriate legislative committees as a bill moves along.** You can often use your original letter with some modifications. Visit [www.cacities.org/billsearch](http://www.cacities.org/billsearch) to track the bill’s location. In addition, *CA Cities Advocate*, the League’s online newsletter, features stories on key legislation.
- 7. Provide a Contact.** At the close of the letter, provide a contact person in case there are questions about the city’s position.
- 8. Know the Committees on Which Your Legislator Serves.** A legislator is likely to pay more attention to the bill positions of their constituents especially when it comes before his or her committee. At the committee level, this is even more important because your legislator has greater ability at this point in the legislative process to have the bill amended.
- 9. Copy the Right People.** Send a copy of the letter to your senator, assembly member and the League. Please also send a copy to each committee member and staff if applicable.



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