

3. Key State Legislation Semi-Annual Report (City Manager â€™ Intergovernmental Relations)

Memorandum

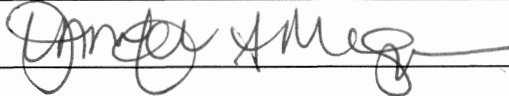
TO: PUBLIC SAFETY, FINANCE, AND
STRATEGIC SUPPORT COMMITTEE

FROM: Betsy Shotwell
Roxanne Miller

**SUBJECT: KEY STATE LEGISLATION
SEMI-ANNUAL REPORT**

DATE: June 6, 2017

Approved



Date

6-7-17

RECOMMENDATION

Accept the semi-annual report on key State legislation in the Public Safety, Finance, and Strategic Support City Service Area.

BACKGROUND

Included in the Public Safety, Finance, and Strategic Support Committee work plan for 2017 was direction for legislative updates to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations (IGR).

ANALYSIS - PENDING STATE LEGISLATION

This Legislative Summary identifies priority bills and those of interest that have been introduced during the 2017 Legislative Session. These bills relate to the Public Safety, Finance, and Strategic Support City Service Area and include a partial list of bills of particular interest to the City. During the legislative session, legislation is continuously reviewed by IGR, the City's Sacramento lobbyists, and City departments to determine the impact on the City. Specific bills are coordinated with the City Attorney and are brought forward to the Rules Committee and City Council for consideration and adoption of City positions. Attached are key dates that will take place in the first year of the two-year 2017-2018 session (Attachment A).

The bills on this summary encompass: I. Public Safety - Law Enforcement and the Courts, II. Public Health and Safety, III. Strategic Support Services - Elections, Political Reform, Officers, Conflict of Interest, Public Records, IV. Strategic Support Services - Employer-Employee Relations, Pension and Workers' Compensation, V. Strategic Support Services - Fiscal Issues, Budget, Infrastructure, Redevelopment and Post-Redevelopment, VI. Strategic Support Services - Public Works and Telecommunications.

I. Public Safety - Law Enforcement and the Courts

AB 27 Melendez (R) Violent Felonies: Sex Offenses

Amends the Three Strikes Law to additionally define as violent felonies, rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, incapable of giving consent due to intoxication, incapable of giving legal consent because of a mental disorder or developmental or physical disability or submitted to the act under the belief that the person was someone known to the victim other than the accused, or if the act was committed under threat as specified.

STATUS: 05/26/2017 - In Assembly Committee on Appropriations. Held under submission.

AB 729 Gray (D) Nonmedical Marijuana: Licensee Regulation

Amends the Control, Regulate and Tax Adult Use of Marijuana Act, which authorizes licensing authorities to suspend or revoke licenses if a licensee is found to have committed acts or omissions constituting grounds for disciplinary action. Requires an authority to suspend a license for violations of the prohibition on engaging in nonmedical marijuana commercial activities with a person under a certain age. Provides for license revocation.

STATUS: 04/25/2017 - In Assembly Committee on Business and Professions. Hearing canceled at the request of author.

AB 887 Cooper (D) Public Safety Officers: Investigations and Interviews

Specifies that a public safety officer under investigation is required to be informed of the time, date, and location of any incident at issue, the internal affairs case number, the title of any policies, rules, and procedures violated, and a brief summary of any complaint. Prohibits requiring a representative of an employee organization or a public safety officer to disclose, or be subject to punitive action for refusing to disclose, the existence or content of specified communication between them.

STATUS: 05/10/2017 - To Senate Committees on Public Safety and Appropriations.

AB 1298 Santiago (D) Public Safety Officers: Procedural Rights

The Public Safety Officers Procedural Bill of Rights Act requires that certain conditions be met when any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action. Existing law also governs the admissibility of testimony and evidence in these actions. This bill would require, when any public safety officer is under investigation and subject to interrogation by his or her commanding officer, or any other member of the employing public safety department, on the allegation of making a false statement, that any administrative finding of the false statement shall require proof based on clear and convincing evidence. The bill would specify that this provision would apply only to allegations of false statements and would not apply to or affect any other allegation or charge against the public safety officer. This bill contains other related provisions and other existing laws.

STATUS: 05/31/2017 - Read third time. Passed. Ordered to the Senate.

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AB 1326

Cooper (D)

Petty Theft: Subsequent Convictions

Expands enhanced petty theft penalties under the Safe Neighborhoods and Schools Act to a person who has a prior conviction for any serious or violent felony, and to any person with three or more prior convictions for crimes such as petty theft, grand theft, and burglary. Authorizes the court to order a person convicted of a felony violation under those provisions to complete a licensed drug rehabilitation program in lieu of part or all of any term of imprisonment.

STATUS: 04/19/2017 - From Assembly Committee on Public Safety without further action pursuant to JR 62(a).

AB 1408

Calderon (D)

Crimes: Supervised Release

Existing law requires the Department of Corrections and Rehabilitation to provide specified information to local law enforcement agencies regarding an inmate released by the department to the agency's jurisdiction on parole or post-release community supervision, including a record of the offense for which the inmate was convicted that resulted in parole or post-release community supervision. This bill would require the department to also provide the local law enforcement agency with copies of the record of supervision during any prior period of parole. This bill contains other related provisions and other existing laws.

STATUS: 05/30/2017 - Ordered to the Senate.

CITY POSITION: PENDING

SB 10

Hertzberg (D)

Bail: Pretrial Release

Relates to bail and pretrial release. Implements a revised pretrial release procedure. Requires, except when a person is arrested for certain felonies, that a pretrial services agency conduct a pretrial risk assessment on an arrested person and prepare a pretrial services report. Provides for arraignment procedure, certain motions by a prosecuting attorney, establishment of pretrial services agencies, and related matters.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

SB 12

Beall (D)

**Foster Youth: Postsecondary Education:
Financial Aid**

Requires the Student Aid Commission to work cooperatively with the State Department of Social Services to develop an automated system to verify a student's status as a foster youth to aid in the processing of applications for state or federal aid, including career and technical education. Makes changes concerning community college funding under the Cooperating Agencies Foster Youth Educational Support Program.

STATUS: 05/26/2017 - Ordered to special consent calendar. Read second time. Ordered to third reading.

SB 21

Hill (D)

Law Enforcement Agencies:

Surveillance: Policies

Under existing law, a city or county is empowered to perform duties including providing for public safety and law enforcement. A city or county is authorized, either directly or indirectly, to prescribe policies and regulations for law enforcement agencies under its jurisdiction. This bill would require each law enforcement agency to submit to its governing body at a regularly scheduled hearing a proposed Surveillance Use Policy for the use of each type of surveillance technology and the information collected, as specified. The bill would require the law enforcement agency to cease using the surveillance technology within 30 days if the proposed plan is not adopted. Allows a civil action to be brought by an individual harmed by a violation of the Surveillance Use Policy against a person who knowingly caused a violation of a surveillance policy.

STATUS: 05/31/2017 - Read third time. Passed. Ordered to the Assembly.

SB 67

Bates (R)

Sentencing: Driving Under the Influence

Requires a felony conviction for driving under the influence or driving under the influence causing injury, to remain a felony for purpose of determining whether the person has been convicted of a separate violation or a prior violation, even if the conviction was subsequently reduced to a misdemeanor pursuant to the discretionary sentencing provision. Expand the group of people eligible for sentence enhancement.

STATUS: 05/25/2017 - May 25 hearing: Held in Senate Appropriations and under submission.

SB 75

Bates (R)

Violent Felonies

Relates to the classification of violent felonies. Defines the offenses of vehicular manslaughter, human trafficking involving a minor, assault with a deadly weapon, solicitation of murder, rape under various specified circumstances, and grand theft of a firearm as violent felonies for purposes of imposing specified sentence enhancements.

STATUS: 04/19/2017 - Set for final hearing (4/18/17). Failed passage in Senate Committee on Public Safety: Reconsideration granted.

SB 230

Atkins (D)

Evidence: Commercial Sexual Offenses

Creates an additional exception to the rule against the admission of character evidence for a commercial sexual offense, which is defined to include specified sexual offenses related to human trafficking, prostitution, and pimping.

STATUS: 05/22/2017 - To Assembly Committee on Public Safety.

SB 310

Atkins (D)

Name and Gender Change: Prisons and County Jails

Removes specified limitations on a petition for a change of name filed by a person imprisoned in a state prison. Establishes the right of a person under the jurisdiction of the Department of Corrections and Rehabilitation or imprisoned within a county jail to petition the court to obtain a name or gender change. Requires that the person petitioning for a name change provide a copy of the petition to the Department of Corrections and Rehabilitation at the time of filing.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

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SB 312

Skinner (D)

Juveniles: Sealing of Records

Authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court to seal his or her records, including records of arrest, relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies.

Requires a court to seal a record or dismiss a petition under specified provisions upon finding that a serious or violent offense was reduced to a misdemeanor.

STATUS: 05/30/2017 - Senate 2nd Reading - Senate Bills.

SB 339

Roth (D)

Veterans Treatment Courts: Judicial Council Assessment

Requires the Judicial Council to report to the Legislature on a study of veterans and veterans treatment courts that includes a statewide assessment of veterans treatment courts currently in operation and a survey of counties that do not operate such courts that identifies barriers to program implementation and assesses the need for such courts in those counties. Creates the Veterans Court Assessment Fund.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

SB 378

Portantino (D)

Alcoholic Beverages: Licenses: Emergency Orders

Authorizes the Department of Alcoholic Beverage Control, by temporary restraining order, to temporarily suspend or condition any license that authorizes consumption of alcohol on the premises of a licensee, when, in the opinion of the department, the action is necessary to protect against a threat to health or safety related to the operation of the business.

STATUS: 05/23/2017 - In Assembly. Read first time. Held at Desk.

SB 500

Leyva (D)

Extortion

Amends an existing law which makes it a crime for any person to knowingly access and without permission use any data, computer, computer system, or computer network to wrongfully control or obtain money, property, or data. Specifies that data includes sexually explicit recordings or images. Creates the crime of sexual extortion.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

SB 611

Hill (D)

Driving Under the Influence

Makes clarifying and conforming changes to provisions concerning driving under the influence and ignition interlock devices. Requires persons convicted of driving under the combined influence of alcohol and any drug, or certain passenger-for-hire drivers convicted of driving under the influence to install such a device. Clarifies provisions concerning prior convictions.

STATUS: 05/25/2017 - From Assembly Committee on Transportation with author's amendments. Read second time and amended. Re-referred to Assembly Committee on Transportation.

SB 786 **Mendoza (D)** **Alcoholism or Drug Abuse Recovery or Treatment**

Requires State Department of Health Care Services to deny an application for a new alcoholism or drug abuse recovery or treatment facility license, if the proposed location is in proximity to an existing facility in an area zoned residential that would result in overconcentration.

STATUS: 03/09/2017 - To Senate Committee on Health.

II. Public Health and Safety

AB 342 **Chiu (D)** **Vehicles: Automated Speed Enforcement: Five-Year Pilot**

Authorizes the City of San Jose and the City and County of San Francisco to implement a pilot program utilizing an automated speed enforcement system for speed limit enforcement on certain streets. Provides that a speed violation that is recorded by an ASE system is subject to a specified civil penalty.

STATUS: 04/24/2017 - Hearing for testimony only. In Assembly Committee on Transportation.

CITY POSITION: SPONSOR/SUPPORT

AB 735 **Maienschein (R)** **Swimming Pools: Automated External Defibrillators**

Requires public swimming pools that are required to provide lifeguard services and that charge a direct fee to provide an Automated External Defibrillator during pool operations. Requires every K-12 school with a swimming pool onsite to provide an AED during pool operations.

STATUS: 05/30/2017 - Senate 2nd Reading - Senate Bills.

AB 1578 **Jones-Sawyer (D)** **Marijuana and Cannabis Programs**

Prohibits a state or local agency from taking certain actions without a court order signed by a judge, including using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized or allowed under state or local law and transferring or detaining a person for federal law enforcement authorities for purposes of marijuana enforcement.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

SB 142 **Beall (D)** **Criminal Offenders: Mental Health**

Requires, upon the request of a defendant, a probation officer to include in a certain report whether the defendant is currently, or was at any prior time, eligible for public mental health services due to a serious mental illness or eligible for Social Security Disability Insurance due to a diagnosed mental illness. Establishes the State Community Mental Health Performance Incentives Fund to provide for mental health incarceration rate reduction incentive payments to counties.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

SB 158 **Monning (D)** **Commercial Drivers License: Education**

Requires the Department of Motor Vehicles to adopt regulations related to entry-level driver training requirements for drivers of commercial motor vehicles including specified minimum hours of behind-the-wheel training.

STATUS: 05/18/2017 - To Assembly Committee on Transportation.

SB 347 **Jackson (D)** **State Remote Piloted Aircraft Act**

Enacts the State Remote Piloted Aircraft Act. Prohibits a person from operating a remote piloted aircraft in any number of specified manners and requires the maintenance of liability insurance or proof of financial responsibility.

STATUS: 05/30/2017 - Senate 3rd Reading - Senate Bills.

III. Strategic Support Services - Elections, Political Reform, Officers,
Conflict of Interest, Public Records

AB 216 **Gonzalez (D)** **Vote by Mail Ballots: Identification**
Envelopes

Clarifies that the elections official is required to deliver to each qualified vote by mail applicant an identification envelope for the return of the vote by mail ballot and requires the identification envelope to have prepaid postage.

STATUS: 05/31/2017 - Assembly 3rd Reading File Assembly Bills.

AB 1479 **Bonta (D)** **Public Records: Supervisor of Records:**
Fines

Amends the Public Records Act. Requires public agencies to designate a person or office to act as the agency's custodian of records who is responsible for responding to any request made under the Act and any inquiry from the public about a decision by the agency to deny a request for records. Authorizes a court that finds that an agency or the custodian improperly withheld public records from a member of the public to assess a civil penalty.

STATUS: 05/30/2017 - Assembly 3rd Reading File Assembly Bills.

SB 691 **Lara (D)** **Local Agency Elections: Party Preference**

Requires candidates for an elective office in a local agency to disclose their party preference, or indicate that they decline to disclose a party preference, on the affidavit of the nominee.

Authorizes a candidate to include his or her party preference, membership, or activity in partisan political organizations in his or her statement. Requires a ballot for an elective office in a local agency to include a candidate's party preference.

STATUS: 04/13/2017 - Set for first hearing (4/18/17); canceled at the request of author.

SCA 11 **Lara (D)** **Elections: Nonpartisan Offices**

Allows school, county and city offices, except the office of the Superintendent of Public Instruction, to be partisan offices.

STATUS: 04/13/2017 - Set for first hearing (4/18/17); canceled at the request of author.

IV. Strategic Support Services - Employer-Employee Relations,
Pension and Workers' Compensation

AB 44 **Reyes (D)** **Workers' Compensation: Terrorist Attacks**

Requires employers to provide immediately accessible advocacy services to employees injured in the course of employment by an act of domestic terrorism, as defined, when the Governor has declared a state of emergency due to that act of domestic terrorism.

STATUS: 05/24/2017 - To Senate Committee on Labor and Industrial Relations.

AB 553 **Daly (D)** **Workers' Compensation: Return-to-Work Program**

Relates to the return-to-work program and funding for the program. Requires the Administrative Director of the Division of the Workers' Compensation to have the program distribute a specified sum annually to eligible workers. Requires that any remaining program funds available after the payments are made be distributed pro rata to eligible workers. Prohibits a person, including an attorney, from collecting a fee or commission for providing assistance to a worker to apply for benefits.

STATUS: 05/31/2017 - Assembly 3rd Reading File Assembly Bills.

AB 570 **Gonzalez (D)** **Workers' Compensation: Permanent Disability**

Prohibits permanent disability apportionment, in the case of a physical injury occurring on or after a specified date, from being based on pregnancy, childbirth, or other medical conditions related to pregnancy or childbirth.

STATUS: 05/30/2017 - Assembly 2nd Reading File Assembly Bills.

AB 1250 **Jones-Sawyer (D)** **Counties and Cities: Personal Services Contracts**

Establishes specific standards for the use of personal services contracts by counties and cities. Requires the county or city to demonstrate that the proposed contract will result in costs savings to the county or city and to show that the contract does not cause displacement of county or city workers. Establishes liability provisions for employment law violations and torts committed in the course of providing services under contract. Imposes disclosure requirements on contracts. Exempts charter cities from its provisions.

STATUS: 05/31/2017 - Assembly 3rd Reading File Assembly Bills.

V. Strategic Support Services – Fiscal Issues, Budget, Infrastructure, Redevelopment and Post-Redevelopment

AB 804 **Garcia (D)** **Controller: Internal Control Guidelines**
Authorizes the Controller to audit any local agency for purposes of determining whether the agency's internal controls are adequate to detect and prevent financial errors and fraud.
STATUS: 05/17/2017 - To Senate Committee on Governmental Organization.

SB 558 **Glazer (D)** **Property Taxation: New Construction Exclusion: Rain**
Excludes from the classification as newly constructed and new construction the construction or addition, on or after a specified date, of any rain water capture system.
STATUS: 5/04/2017 - May 15 hearing postponed by Senate Committee on Appropriations.

SB 742 **Moorlach (R)** **City Treasurers**
Requires a city treasurer, if the city has issued bonds, to use a specified system of accounting and adhere to specified accounting principles.
STATUS: 05/26/2017 - Referred to Assembly Committee on Local Government.

SCA 2 **Newman (D)** **Motor Vehicle Fees and Tax: Restriction on Expenditures**
Requires revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes. Prohibits these revenues from being used for the payment of principal and interest on state transportation general obligation bonds. Restricts portions of the sales and use tax on diesel fuel to expenditure on certain transportation planning or mass transportation purposes. Requires those revenues to be deposited in the Public Transportation Account.
STATUS: 05/31/2017 - To Senate Inactive File.

VI. Strategic Support Services – Public Works and Telecommunications

AB 252 **Ridley-Thomas S (D)** **Local Government: Tax: Prohibition: Video Streaming**
Prohibits the imposition by a city or county, including a chartered city or county, of a tax on video streaming services, including, but not limited to, any tax on the sale or use of video streaming services or utility user tax on video streaming services.
STATUS: 04/25/2017 - From Assembly Committee on Revenue & Tax: That the measure be retained in committee, and that the subject matter be referred to the Assembly Committee on Rules for assignment to the proper committee for study.

AB 1145

Quirk (D)

**Electric and Communication Facilities:
Cable Operators**

Amends the Improvement Act of 1911 which authorizes the initiation of special assessment proceedings for the conversion of overhead electric and communication facilities to underground location upon filing of a petition or a determination by the local legislative body. Authorizes an agreement entered into as part of those proceedings to allocate duties between a city and an electricity or communication provider regarding the planning and specification of contributions of labor, materials and money.

STATUS: 05/26/2017 - In Senate. Read first time. To Senate Committee on Rules for assignment.

AB 1414

Friedman (D)

Solar Energy Systems: Permits

Revises and reduces the maximum permit fees for photovoltaic and thermal energy systems. Authorizes permit fees that exceed certain charges under certain circumstances.

STATUS: 05/30/2017 - In Senate. Read first time. To Senate Committee on Rules for assignment.

SB 231

Hertzberg (D)

Local Government: Fees and Charges

Relates to a provision of the California Constitution that requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Defines the term sewer for these purposes. Makes findings and declarations relating to the definition of the term sewer for these purposes.

STATUS: 05/22/2017 - To Assembly Committee on Local Government.

CITY POSITION: SUPPORT

COORDINATION

This memo was coordinated with the City Attorney's Office.

POLICY ALIGNMENT

The measures and critical funding issues identified in the memorandum are based on the City of San José's 2017 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on January 10, 2017.

/s/
BETSY SHOTWELL
Director, Intergovernmental Relations

/s/
ROXANNE L. MILLER
State Legislative Advocate

Attachment A: State of California 2017 Legislative Calendar

For questions, please contact Betsy Shotwell, Director of Intergovernmental Relations, at (408) 535-8270 or Roxanne Miller, State Legislative Advocate, at Roxanne.Miller@sanjoseca.gov.

STATE OF CALIFORNIA

2017 LEGISLATIVE CALENDAR*

| Key State Legislative Deadlines (Dates to be Determined) | First Year of the Two Year Session January –October 15, 2017 |
|---|---|
| January 4 | Session convenes in Sacramento – As bills are introduced, City staff review bills for possible City positions through the Rules Committee/Council for recommended advocacy direction. |
| January 10 | Governor’s Proposed 2017 Budget Introduced. Budget hearings start. City staff to analyze for possible City impacts. |
| January 20 | Last day to submit State Bill requests to Legislative Counsel. |
| February 17 | Last day to introduce bills. |
| April through May 26 | Committee deadlines for bills to be heard, reported to the floor. City continues to advocate on key issues and legislation. Staff to report to Council Policy Committees bills of significance. |
| Mid-May | Governor’s May Budget Revisions released by Department of Finance. |
| June 2 | Last day for bills to be reported out of house of origin. |
| June 2 | Committee meetings may resume. |
| June 15 | State Budget must be passed by midnight. |
| July 21 | Summer Recess begins at end of day’s session if Budget Bill has been passed. |
| August 21 | Legislature reconvenes. Council Policy Committees review bills of significance. Analysis of bills continues for possible City positions and advocacy direction at Rules. |
| September 5- September 15 | Floor Session only. No committees; other than Conference Committees and Rules Committee may meet for any purpose. |
| September 15 | Last day for each house to pass bills to the Governor’s Desk. Final recess begins at end of this day’s session. |
| October 15 | Last day for Governor to sign or veto legislation. City advocacy directed to the Governor on any pending bills of interest or concern to the City. |
| January 1, 2018 | 2017 Statutes take effect. |

*Tentative Schedule