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Issue #41

League Updates Hot and Priority Bills List

Compiled as April 29's Legislative Action Day approaches, this list spotlights Hot Bills — those of greatest importance to cities — while highlighting others upon which the League has taken a support or oppose position.

Cities should expect this list to be updated frequently in the coming weeks. Positions are subject to change as bills move through the legislative process.

Titles are linked to more information about a bill's status, as well as to sample letters that cities can use.

SUPPORT

HOT [AB 2 \(Alejo\): Community revitalization authority.](#)

This bill authorizes the creation of a new entity at the local level called a Community Revitalization Investment Authority (CRIA) that would provide a redevelopment option for the most disadvantaged and poorest areas of our state.

HOT [AB 22 \(Rodriguez\): Office of Emergency Services: oil-by-rail spills: firefighters.](#)

This measure will direct the state Office of Emergency Services to establish a program to reimburse local fire departments for costs incurred in sending firefighters to training courses identified by the Curriculum Development Advisory Committee and OES, using funds received from grants or the OES General Fund.

HOT [AB 35 \(Chiu\): Income taxes: credits: low-income housing: allocation increase.](#)

This bill would increase the state's Low Income Housing Tax Credit by \$300 million to build and rehabilitate affordable housing.

[AB 74 \(Calderon\): Care facilities: regulatory visits.](#)

This bill would make community care facilities, residential care facilities for the elderly, child day care centers and family day care centers subject to an annual unannounced visit by the Department of Social Services. The department would be required to visit no less than 30 percent of facilities by July 1, 2016, 40 percent by July 1, 2017 and all facilities annually after July 1, 2018.

[AB 90 \(Chau and Atkins\): Federal Housing Trust Fund:](#)

This bill would designate the state Department of Housing and Community Development as the entity responsible for administering funds received through the Federal Housing Trust Fund. The bill requires the department to collaborate with the California Housing Finance Agency in developing an allocation process meeting geographic distribution and other criteria and establishes a stakeholder process to inform these discussions.

HOT [AB 150 \(Melendez\): Theft: firearms.](#)

This bill would make the theft of a firearm grand theft in all cases, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years. This bill contains other related provisions and other existing laws. Under Prop. 47, the theft of property that does not exceed \$950 is considered petty theft, punishable as a misdemeanor, except in cases when the defendant has previously

been convicted of one or more specified serious or violent felonies or an offense requiring registration as a sex offender.

[AB 184 \(Garcia, Eduardo\): Small Business Technical Assistance Act of 2015.](#)

AB 184 directs the Governor's Office of Business and Economic Development to: serve as the lead state entity for overseeing the state's participation and coordination with federal business outreach, development and technical assistance programs; assist small businesses via contracts with federal small business technical-assistance centers; and collect and report to the Legislature information about federal small business technical assistance programs within the state.

HOT [AB 185 \(Garcia, Eduardo\): Income taxation: insurance taxation: credits: California New Markets Tax Credit.](#)

AB 185 creates the California New Markets Tax Credit Program, with the goal of stimulating private sector investments into lower income communities by providing a tax incentive to qualified entities.

HOT [AB 266 \(Cooley\): Medical marijuana.](#)

This bill provides a framework for medical marijuana distribution that upholds local control, addresses public safety concerns, and includes important health and safety requirements. The League is a co-sponsor of this measure with the California Police Chiefs Association.

[AB 313 \(Atkins\): Enhanced infrastructure financing districts.](#)

This measure contains some clarifications to last year's SB 628 (Beall) requested by city attorneys to facilitate its implementation. These clarifications include requiring the public financing authority, rather than the legislative body as the entity required to prepare the plan, and that any private dwelling units proposed to be removed or destroyed within a district that receives district financing shall be subject to the law's housing replacement requirements.

[AB 323 \(Olsen\): California Environmental Quality Act: exemption: roadway improvement.](#)

AB 323 would extend the sunset date for current law that exempts city roadway improvement projects from California Environmental Quality Act requirements if the project is within the existing right-of-way, improves safety and is within a jurisdiction with a population of less than 100,000 people.

[AB 327 \(Gordon\): Public works: volunteers.](#)

This bill would eliminate the sunset date on Labor Code Section 1720.4, permanently enabling local governments to use volunteer labor on public works projects. Examples include tree planting, park maintenance and playground construction.

[AB 341 \(Achadjian\): Financial affairs: reports.](#)

This measure would improve the accuracy of local data by adjusting the timing for local agencies to submit their annual financial transactions reports to the State Controller.

[AB 388 \(Chang\): Housing: homeless veterans: reports.](#)

This bill would require the state Department of Housing and Community Development to report specified performance data as part of an annual evaluation performed by the department, in collaboration with the Department of Veterans Affairs, on the expenditure of \$600 million in bonds, authorized by Proposition 41, for a variety of housing options including assisting homeless veterans.

[AB 428 \(Nazarian\): Income taxes credit: seismic retrofits.](#)

AB 428 would authorize up to a 30 percent state income tax credit for the seismic rehabilitation of existing properties.

HOT [AB 448 \(Brown\): Local government finance: property tax revenue allocations: vehicle license fee adjustments.](#)

Restores funding stability to cities that annex inhabited territory, and re-establishes a foundation that supports sustainable and compact growth policies.

[AB 451 \(Bonilla\): Private parking facilities.](#)

This bill would clarify that local governments can authorize an owner of privately owned and maintained parking facilities to regulate unauthorized parking on their properties.

[AB 702 \(Maienschein\): CalWORKs: temporary shelter assistance.](#)

This bill removes the requirement that all 16 days of eligibility for homeless assistance under CalWORKS must be used consecutively, thereby enabling an individual to obtain such assistance when needed.

[AB 771 \(Atkins\): Personal income and corporation taxes: credits: rehabilitation.](#)

AB 771 would authorize up to a 25 percent state income tax credit for the rehabilitation of certified historic structures.

[AB 988 \(Stone\): Outdoor environmental education and recreation grants program.](#)

AB 988 would require the Department of Parks and Recreation to establish an Outdoor Environmental Education and Recreation Grants Program. This would increase the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences by awarding grants to public or nonprofit organizations.

[HOT AB 1159 \(Gordon\): Product stewardship: pilot program: household batteries and home-generated sharps waste.](#)

This bill would require, by no later than January 1, 2017, CalRecycle to adopt regulations to implement a product stewardship pilot program for home-generated sharps and household batteries.

[HOT AB 1335 \(Atkins\): Building Homes and Jobs Act.](#)

AB 1335 would generate up to \$700 million per year for affordable rental or ownership housing, supportive housing, emergency shelters, transitional housing and other housing needs via a \$75 recordation fee on real estate transactions. This fee would not apply to home sales.

[HOT ACA 1 \(Olsen\): Legislative procedure.](#)

This measure would require a bill to be in print and available on the Internet for at least 72 hours prior to a vote on its final passage in either house of the Legislature.

[HOT ACA 4 \(Frazier\): Local government transportation projects: special taxes: voter approval.](#)

This bill would lower the voter threshold requirements for special taxes by a local government for the purpose of providing funding for transportation projects from 2/3rds approval to 55 percent approval.

[HOT SB 16 \(Beall\): Transportation funding.](#)

SB 16 would create a five-year funding program to address deferred maintenance on the local streets and roads system and state highway system. The bill would raise an estimated \$2.8 to \$3.6 billion annually through a 10-cent increase in the gas tax, a 12-cent increase in the diesel tax, a \$35 vehicle registration fee increase and a new \$100 surcharge for zero-emission vehicles. The bill also includes a vehicle license fee increase of 0.35 percent to backfill the general fund for the shift in weight fees. Five percent of revenues would be set aside to incentivize counties without a local transportation funding measure to approve such a measure.

[HOT SB 25 \(Roth\): Local government finance: property tax revenue allocation: vehicle license fee adjustments.](#)

This bill would restore funding stability to four recently incorporated cities, Eastvale, Wildomar, Menifee and Jurupa Valley, which have experienced severe financial hardships since 2011, when the state swept all remaining shares of city vehicle license fee revenues. SB 69 resolves this problem with a statutory formula that provides cities that incorporated between 2004 and 2013 with shares of property tax to offset the amount of vehicle license fee revenue they would have received. In future years, the amount would be adjusted according to the same rules applied to other cities.

[HOT SB 175 \(Huff\): Peace officers: body-worn cameras.](#)

SB 175 will require each police agency, if it elects to require its officers to wear body cameras, to develop a policy relating to the use of the cameras, and to distribute a copy of that policy to the officers required to wear them.

[HOT SB 321 \(Beall\): Motor vehicle fuel taxes: rates: adjustments.](#)

This bill would infuse more stability into the variable gas tax rate set by the Board of Equalization by taking into account fuel prices of the previous four years in addition to the estimated fuel price of the current year.

OPPOSE

[HOT AB 34 \(Bonta\): Medical cannabis regulation and enforcement.](#)

This bill would enact the Medical Cannabis Regulation and Control Act and would establish the Division of Medical Cannabis Regulation and Enforcement within the Department of Alcoholic Beverage Control. The bill contains provisions that undermine the power of local ordinances, setting the stage for further litigation on this issue. The League believes that no state agency should have the primary role of enforcement of marijuana regulation, because the cost to the state would be excessive and, in the case of ABC, in particular, enforcement has shown to be neither timely nor responsive to local concerns. Local governments should play a key role in enforcement, yet no such role is included in AB 34. The bill does not include local licensing, and the authority that locals are given to temporarily suspend a license flows through ABC – unlike current law, which allows locals to shut down non-compliant business unilaterally. AB 34 also contains language that calls into question pre-existing local bans on marijuana sales and cultivation.

[HOT AB 36 \(Campos\): Local government: federal surplus property.](#)

This bill would prohibit a local agency from receiving surplus military equipment without a vote at a public meeting and declares this a matter of statewide concern. The League of Cities opposes this measure as an unjustified incursion upon municipal sovereignty. Under current law, local agencies are fully within their constitutional police power in deciding whether to acquire military equipment from the Department of Defense and under what circumstances.

[HOT AB 278 \(Hernandez\): District-based municipal elections.](#)

This measure would require that a city, with a population of 100,000 or more, switch to a by-district election system. The bill imposes a one-size-fits-all policy based on an arbitrary population threshold and fails to take into account the unique characteristics of affected cities.

[AB 511 \(Gibson\): Workers' compensation.](#)

AB 511 adds language to the Labor Code allowing new categories of peace officers to be eligible for the cancer presumption provided to some public safety officers. The bill would introduce new and unnecessary labor code provisions related to the provision of presumptions through local ordinance or collective bargaining agreement. The bill also has implications regarding taxable status of local adopted ordinances or agreements providing higher benefits for certain presumptive conditions.

[AB 744 \(Chau\): Planning and zoning: density bonuses.](#)

As drafted, this measure would eliminate local minimum parking requirements that can be imposed on senior housing, special needs housing and housing within one-half mile of a major transit stop. The bill does not recognize local parking realities or community preferences. Two of the categories of housing that the bill would exempt, seniors and people with special needs, have no connection with access to available transit.

[HOT AB 1301 \(Jones-Sawyer\): Voting rights: preclearance.](#)

AB 1301 creates a statewide pre-clearance system requiring that all changes to an election system within a qualifying jurisdiction obtain approval by the Secretary of State before implementation. The bill is nearly identical to 2014's AB 280, which many local governments and agencies opposed. It makes slight changes to address incidents within 30 days of an election, but it remains a sweeping and costly mandate that does little to identify areas with a legitimate problem.

[HOT AB 1347 \(Chiu\): Public contracts: claims.](#)

AB 1347 would mandate a new claims resolution process on all public contracts. It would require payment due on any undisputed portion of the claim to be made within seven days after the public agency issues its written response to a written demand or assertion. By comparison,

current prompt payment law requires public agencies to make progress payments within 30 days after receipt of an undisputed and properly submitted payment request. Under AB 1347, if a public agency failed to respond to a written demand, a 10 percent per annum penalty would be applied.

[SB 239 \(Hertzberg\): Local services: contracts: fire protection services.](#)

SB 239 places agreements between public agencies to provide fire protection services under the purview of local agency formation commissions (LAFCOs). This bill requires the contracting local agency to receive written permission from the recognized employee organization to extend fire services outside its service area. Flexibility for local agencies to contract for services is necessary to ensure efficiency and cost-effectiveness and maximize resources to meet the needs of the public. LAFCOs are not, and should not be, tasked with making the day-to-day financial decisions for local agencies. It is also unclear if, under the bill, local agencies would have recourse to protest the employee organization's disapproval of a contract.