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About the League

Established in 1898, the League of California Cities is a member organization that represents California’s incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents.

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 Western City magazine.
# 2011 Legislative Briefings Program

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<td><strong>Tuesday, November 15, 2011</strong>&lt;br&gt;10:00 – 11:30 a.m.</td>
<td><strong>Wednesday, November 16, 2011</strong>&lt;br&gt;9:00 a.m. – Noon</td>
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## General Session Topics

- Overview of the 2011 Session
- Untangling the State Budget mess
- What’s Happening with Redevelopment
- The SB 89 VLF Sweep
- Realignment and the Three Judge Panel
- Medical Marijuana
- Fate of the Bell Bills
- Legislation on the Land Use and the Environment
- Other Legislation from the 2011 Session
- Issues for 2012
- Questions and Answers
Please note: Legislation marked with an asterisk (*) has been identified as high priority by League staff.
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I. Summary of the 2011 Legislative Year

Overview

California voters approved Proposition 22 by a margin of 61 percent at the November 2010 statewide election, building upon their previous support for Proposition 1A in 2004. With another strong statement by the voters that local funds should be protected, state politicians should respect the will of the voters on this matter, but that was not to be. The 2011 legislative session devolved into a year dominated by the League and cities playing defense on redevelopment and other issues, making it one of the most difficult years in memory for city-state relations. Now, the battle to preserve local revenues has shifted to the courts.

Rough Sea Warning

Speaking to an audience of city finance officers at the League’s Municipal Finance Institute, State Treasurer Bill Lockyer said that Prop. 22 had made a number of interests and people mad in Sacramento, and that he expected to see an initiative that would take all redevelopment funds and shift them to schools. The Treasurer was accurate on the political mood among legislative Democrats and some of their core constituencies. But rather than by initiative, the proposal to eliminate redevelopment came from the Governor.

Budget Dynamics Altered by Prop. 25 and Prop. 26

Two other measures were approved at the November election which had an even more direct effect on the state budget process: Props 25 and 26.

Prop. 25 gave legislative Democrats and their allies something they have long desired: reducing the vote threshold to approve state budgets from two-thirds to a majority. This change removes Republicans from a major role in adopting state budgets, except for revenue increases, which continue to require a two-thirds vote. Prop. 25 also contains a provision — used to help sell the measure to voters — that unexpectedly caused legislators to forfeit their pay for a late budget.

Prop. 26, sponsored by anti-tax and business groups, ended a recent practice used by legislative Democrats to pay for state programs with regulatory “fees.” Also prohibited was the tactic of reducing a tax, backfilling the lost tax revenue with new fees, then increasing another tax to the level of the reduced tax. These fees are now defined as “taxes” requiring a two-thirds vote.

Redevelopment Elimination Most Radical Proposal in Governor’s Budget

The return of Democrat Jerry Brown to the Governor’s office signaled political change. After four decades in California politics, he had built a reputation for challenging
established thinking. During the campaign he stated a willingness to be aggressive in fixing the budget. Expectations were raised. His early actions, taking away cell phones and swag from state agencies and issuing fiscal austerity warnings such as “get ready for hard benches,” were followed closely by the press.

Yet when unveiled, most elements of the Governor’s budget were relatively familiar. There were no radical reorganizations of state programs or agencies. Half of Gov. Brown’s proposed solution came from cuts, half from revenue “extensions.” He proposed extending the tax increases adopted in 2009 on vehicle license fees, sales taxes and personal income taxes for five years. Some of these “extended” taxes were to fund the realignment of various state programs to counties, a concept begun by the previous administration.

Ironically, the Governor’s most aggressive proposals were reserved for local government, primarily its cities. Without any prior effort to explore compromise or reform options with the affected entities, he proposed eliminating all redevelopment agencies, an urban revitalization and job-producing program in place for over 60 years. He also proposed eliminating the state’s 42 enterprise zones, an economic development program than brings jobs to disadvantaged areas.

Killing redevelopment made little policy or budget sense. As the former mayor of Oakland, the Governor knew redevelopment’s value in cleaning up brownfields, upgrading infrastructure, removing blight, constructing affordable housing, and generating jobs. He also understood how it furthered environmental policies like improving air quality, increasing transit ridership and reducing urban sprawl. Prop. 22 was clear on voter intent. So why do it? The official rationale was the General Fund could no longer afford backfilling school property tax dollars captured by redevelopment project. But the proposal did not benefit the General Fund long term. It only scored state budget savings for one year; in all future years any additional benefit would be given to schools outside of the state’s Prop. 98 school funding formula.

Republican Agreement Needed

Legislative Democrats lined up behind “their” Governor. Many did not like the proposed cuts, but they stuck with him anyway. The tax extensions were needed to avoid even deeper cuts; agreement with Republicans was the most viable path.

The Governor engaged in a “pick off” strategy, attempting to woo the votes of at least two Republicans in each house. Negotiations continued for months. Republicans considered “in play” proved to be hard bargainers. They viewed tax votes as career-enders. They insisted that extensions must be accompanied on the ballot by a state revenue spending cap, reforms to public pension and regulatory streamlining.
Playing Defense on Redevelopment

Cities faced enormous challenges battling redevelopment elimination in the Legislature. Democrat leadership supported the Governor’s budget, most of which could now be approved with a majority vote. The California Teachers Association and the California Professional Firefighters, organizations which led the opposition to Prop. 22, eagerly supported as well. Most legislative Democrats would not move without leadership’s blessing, and several key staff championed the proposal with zeal. Anger over Prop. 22 was palpable.

Hostility against cities and redevelopment, however, did not extend to all legislators. Questions began to be asked. Assembly Member Diane Harkey (R-Laguna Niguel) was helpful in pressuring Legislative Counsel to issue a legal opinion that concluded that taking redevelopment funds to pay for state programs violated the Constitution, a point made by local government from the beginning.

The League and the California Redevelopment Association (CRA) worked to develop a reform package which aggressively responded to the criticisms of redevelopment and better position it for the future. An alternative financing package was also proposed, which granted redevelopment agencies time extensions in exchange for financial contributions that offset state obligations to schools.

A pragmatic group of Democrat legislators also began to engage. Many had seen firsthand the role redevelopment played in their communities to spur economic revitalization and create jobs. To them, it was a waste to toss such a valuable tool away. The reform proposals surfaced as SB 286, by Sen. Rod Wright (D-Los Angeles), and AB 1250, by Assembly Member Luis Alejo (D-Watsonville). The financing proposal was introduced as SBx1 24 (Wright).

Republican legislators negotiating with the Governor also sought to protect redevelopment. Sen. Bob Huff (R-Diamond Bar) worked with his colleagues in this effort. While there are conflicting accounts on why a comprehensive agreement was ultimately not struck, redevelopment would have been protected in such an accord. Senators Wright and Huff were recognized as 2011 League Legislators of the Year for their efforts.

Paycheck-Inspired Budget Includes Redevelopment and VLF Sweep; Enterprise Zones Protected

When an agreement with Republicans did not materialize, the prospect of potentially forfeiting salary inspired quick action by the Democrats to send the Governor a budget in advance of the traditionally-ignored constitutional deadline of June 15. Confusion abounded, however, when the Governor vetoed the budget bill. Controller John Chiang insisted that the budget sent to the Governor was not balanced, and that he had independent authority to withhold legislative pay. A dispute ensued about the requirements of Prop. 25 and the Controller’s powers. Ultimately, the Governor and
legislative Democrats reached a revised budget agreement containing elevated revenue projections and triggered cuts, but the Controller’s ruling caused legislators to forfeit more than a week of salary.

Included in the final budget was a revised redevelopment proposal which eliminated redevelopment agencies, ABx1 26, unless they agreed to make specific payments to the benefit of the state, ABx1 27. The League and CRA filed litigation and convinced the California Supreme Court to take original jurisdiction of the matter.

Also included was SB 89, a budget trailer bill passed with little public review, which swept $130 million in city vehicle license fee funds, and approximately $50 million from the County of Orange. The League pursued a legislative fix to this ill-conceived measure which ultimately failed; leaving the League with no choice but to file a lawsuit in the Sacramento County Superior Court challenging its constitutionality.

Thanks to the great work of the California Enterprise Zone Association, and a coalition including the League and other groups, enterprise zones survived the budget intact. A strategic advantage in this effort was a two-thirds vote requirement which Republicans refused to provide.

**Progress Made in Other Areas**

Progress was made on other matters important to cities. As always, critical to the success of the League were the efforts of city officials to write letters, make phone calls, conduct legislative visits, meet with the local press, build coalitions and engage in other activities. These actions help stop legislation undermining local authority, advance beneficial legislation and secure amendments to many bills.

While Prop 22’s protections for redevelopment are being tested in the courts, the initiative has worked to protect the flow of local highway users tax (HUTA) to cities and counties and repeal deferrals of those revenues. Also resolved were technical issues associated with the state’s “Gas Tax Swap” adopted in 2010.

More than 30 bills were introduced in response to the City of Bell scandal. Some measures were narrowly tailored and workable, but many were duplicative and overly broad. Strategic lobbying and collaborative efforts with legislators helped reconcile conflicting proposals and reduce the volume of potential legislation.

Another success was the defeat of AB 710 (Skinner) in the final hours of the legislative session. This measure attempted to insert the state into land use by imposing a mandatory cap on local parking standards in transit intensive areas.

Finally, the issue of municipal bankruptcy was resolved. The League and other local agencies removed their opposition when amendments were accepted by the author that rewrote the bill, so that it only provides an opportunity for pre-bankruptcy mediation without state or other political intrusion. Local agencies continue to have access to federal bankruptcy protection when necessary.
**Governor’s Final Bill Signing Decisions**

Despite statements that he would be very aggressive in vetoing unnecessary legislation, the Governor signed more than 85 percent of bills placed on his desk, including many priorities for labor and environmental groups. Unlike some of his predecessors, the Governor did not express concern about legislation that reached his desk from “gut and amends” and other practices that avoid legislative transparency adequate opportunities for public review. This could trigger more such activity.

When it comes to local control, the Governor does not appear to have a defined or consistent philosophy. Aside from realigning state programs to counties, and proposing to eliminate redevelopment agencies and enterprise zones, the Governor’s sign-veto actions were consistent with the League’s request just 56 percent of the time. The vetoes of two land use bills SB 469 (Vargas), economic analysis for big box stores selling groceries, and AB 1220 (Alejo), statute of limitations for housing element lawsuits, were appreciated. Other helpful bills became law. But there were significant areas of disappointment. Gov. Brown signed some of the most controversial League-opposed bills, such as SB 244 (Wolk), planning and annexation mandates, AB 438 (Williams), limiting contracting for library staffing, and AB 646 (Atkins), compulsory fact-finding.

**Evaluating League Progress on Strategic Goals**

The League Board of Directors outlined three strategic goals for the 2011 Legislative Session: (1) Stronger partnerships for a stronger golden state; (2) Sustainable and secure public pension systems; (3) Responsive and accessible League services. As always, the cornerstone of the League’s political strength and success begins with the commitment and dedication of the many city officials who devote their time and energy to serving within the League’s divisions, policy committees and special task forces and board of directors.

**Strong Partnerships for a Stronger Golden State**

In the effort to preserve local redevelopment the League worked closely with the California Redevelopment Association, and then reached out to build coalitions with homebuilders, construction trades, housing advocates, environmental groups, local chambers and others. Despite supporting redevelopment, numerous groups had other vulnerable budget priorities or were politically cautious of getting in the way of the new Governor’s agenda that was supported by Democrat leadership. The pressure caused some to seek carve-out protections for specific projects, or preserve just affordable housing, thus weakening the strength of the coalition.

Early in the year, the League successfully worked to resolve legal and technical issues arising from the “Gas Tax Swap” and Prop. 26 and Prop. 22 with a coalition of transportation stakeholders including road construction firms, labor, councils of
governments, transit agencies, and counties. This resulted in transportation funds flowing unfettered to local agencies in 2011.

In other areas, the League continued to work with the California Police Chiefs Association to identify and address potential impacts of corrections realignment on cities. More recently, the League has engaged in discussions with the California State Association of Counties to support their efforts to secure constitutional protection for realignment funds, while addressing city-related issues. The League board also received a presentation and provided initial feedback on potential state and local budget reforms being developed by California Forward.

**Sustainable and Secure Public Pension Systems**

Declines of state and local revenues, combined with benefit enhancements granted over the last decade, have exposed the public pension system as unsustainable. City governments have led the way in negotiating benefit adjustments with local bargaining units, in many cases adopting a lower tier of benefits for new employees.

Programs and resources were also developed. The League hosted several panels on pension issues at its conferences with representatives of labor, management and other stakeholders, and created a section on its website dedicated to the topic. A Pension Reform Action Plan was refined through the League’s policy committee process and has been widely distributed after board approval. Legal research was commissioned at the request of city managers on the complex topic of vested rights. Additional background information on pension issues was published by the Institute of Local Government, the nonprofit research arm of the League.

**Responsive and Accessible League Services**

The League expanded its communication efforts in 2011 by increasing the frequency of its electronic newsletter to several times per week to keep city officials apprised of developments in the Capitol. Also expanded were the use of social media platforms such as Facebook and Twitter. Webinars have become a more standard format for educating city officials on important issues, while saving their time and travel costs. The League is investing in improved technology to make these services even better.

**Going Forward**

Prospects for the 2012 Legislative session foreshadow another difficult year. The state budget remains unbalanced and revenue growth is unlikely to close the gap. Unemployment is projected to remain high. Another effort to craft an agreement on the budget that would include new revenue is expected. Various organizations are busy drafting initiatives for the November ballot, and the recent voter-approved legislative redistricting and the top-two primary system will demonstrate if these reforms improve the operation of the legislature.
For cities, the Supreme Court’s decision on redevelopment and the Sacramento
Superior Court’s ruling in VLF case will be critical. Defending constitutional provisions
which support the protection of local revenue is vital to the future of cities and a
fundamental reason for the League’s existence. Whatever the outcome of the Court’s
decision, city officials can continue to look to the League to use every tool at our
disposal to advance and protect local control.

Still, new opportunities to resolve these and other important policy issues may emerge
(e.g., pension reform). In such difficult times, the Governor and legislators ought to
realize the value of taking a more collaborative approach to working with cities in 2012.
Such collaboration, after all, is in California’s interest. As President Lincoln said: “A
house divided against itself cannot stand.”
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II. Administrative Services

A. Political Reform Act of 1974

Chapter 96, Statutes of 2011
Current law provides for a pilot project that permits Los Angeles, Merced, Orange, Santa Clara, Stanislaus, and Ventura counties and the City of Long Beach to permit the electronic filing of a Statement of Economic Interest (SEI) in accordance with regulations adopted by the FPPC. The pilot project began on January 1, 2009, and will end on January 1, 2012. This measure permits participants in the pilot project to continue to receive electronic filings of SEIs during the 2012 calendar year while the Legislature reviews the results of the pilot project.

Chapter 551, Statutes of 2011
This measure places new postemployment restrictions under the Political Reform Act on board members, executive and managerial employees, and other high level staff of CalPERS and CalSTRS when doing business with either retirement system following employment.

B. Elections

AB 80 (Fong). Presidential Primary. Election date.
Chapter 138, Statutes of 2011
This measure moves the presidential primary election from February to June in presidential election years and consolidates it with the statewide direct primary election.

AB 84 (Fong). Elections. New Citizens.
Chapter 186, Statutes of 2011
This measure allows new citizens to register and vote at the office of a county elections official, or at another designated location, any time between the beginning of the 14th day before an election until the closing of polls on Election Day.

*AB 93 (Lara). Elections. City of Bell.
Chapter 1, Statutes of 2011
This measure allows the confirmation of the election results and installation of the newly elected officials in the City of Bell to be authorized by the Legislature. Under current statutes, after a city clerk certifies election results the city council is required to declare the results and install the newly elected council members. However, the City of Bell did not have a functioning council at the time of its March 8 special election.
AB 193 (Knight). Polling Place Designation.
Chapter 137, Statutes of 2011
This measure prohibits a polling place from being located in the home of a registered sex offender. Elections officials are required to consult the Megan’s Law website prior to designating a location as a polling place.

*AB 413 (Yamada). Elections. All-Mail Ballot Elections.
Chapter 187, Statutes of 2011
This measure establishes a pilot program authorizing Yolo County to conduct all-mail ballot elections. The program remains in effect until January 1, 2018. This measure also requires that Yolo County report statistics of the cost to conduct the elections, the demographic of voters, permanent vote-by-mail status, as well as other pertinent information to the Legislature and the Secretary of State.

AB 461 (Bonilla). Write-in Candidates.
Chapter 189, Statutes of 2011
This measure provides that in the event of a manual recount after the official canvass has taken place, the law governing the counting of write-in votes must be liberally construed to ensure that each ballot is counted if the intent of the vote can be determined, regardless of whether the voter complied with the voting instructions.

AB 503 (Block). Processing Write-in Votes.
Chapter 190, Statutes of 2011
This measure applies the same standard provided in AB 461 (Bonilla, Chapter 189, Statutes of 2011), but applies this standard during the official canvass.

AB 547 (Gatto). Voting.
Chapter 260, Statutes of 2011
This measure makes it a misdemeanor for a state-licensed or state-subsidized caretaker to coerce or deceive an elderly person residing in their care to vote for or against a measure or candidate.

Chapter 52, Statutes of 2011
This measure permits elections officials, in lieu of conducting a public manual tally of the ballots cast in one percent of the precincts, including vote-by-mail (VBM) ballots, to conduct a two-part public manual tally that includes both of the following: 1) A public manual tally of the ballots cast in one percent of the precincts chosen at random by the elections official, not including VBM ballots; and 2) A public manual tally of not less than one percent of the VBM ballots cast in the election.

AB 1343 (Fong). Permanent Vote by Mail Voters. Failure to Return Ballot.
Chapter 191, Statutes of 2011
This measure requires that a voter’s name be deleted from the permanent vote-by-mail voter list if the voter fails to return the mail ballot in four consecutive statewide general elections.
SB 183 (Correa). Ballots. Identifying Information.
Chapter 739, Statutes of 2011
This measure prohibits a voter from marking a ballot outside of voter designated spaces and placing personal information on any part of a ballot. Further, this measure requires ballot instructions to state that marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot. These provisions replace existing provisions that allow a ballot to be rejected if it is marked in a manner that identifies the voter and instead requires a ballot that contains personal information to be separated and duplicated in the same manner as defective ballots.

Chapter 558, Statutes of 2011
This measure provides that state initiatives and referendum measures that qualify for the ballot on or after July 1, 2011, must appear on the ballot only at the November statewide general election or at a statewide special election. This measure applies to state measures only. This measure also moves ACA 4 (Gatto, Resolutions Chapter 174, Statutes of 2010) from the June 2012 statewide primary ballot to the November 2014 statewide general election ballot and repeals a requirement that specified language be used for the ballot label and ballot title (the courts ruled this year that the AG must prepare the ballot label and ballot title summary for state ballot measures). ACA 4 proposes various changes to the state budget process and to the state’s Budget Stabilization Fund.

Chapter 248, Statutes of 2011
This measure clarifies that the text of a proposed municipal initiative is not required to be published or posted when the proponents of the initiative post or publish the notice of intention to circulate the petition and the title and summary of the initiative. Additionally it requires the nomination paper for a candidate for municipal office to include the candidate's residence address and permits elections officials to continue to use the existing supply of nomination papers that are in print on January 1, 2012, until the supply is exhausted before providing new or revised forms. This measure also requires nomination documents for candidates for municipal office to be filed by the close of business on the day the documents must be filed instead of by 5 p.m.

SB 337 (Kehoe). Tenancy. Political Signs.
Chapter 383, Statutes of 2011
This measure provides that a landlord cannot prohibit a tenant from posting or displaying political signs relating to an upcoming vote if the sign meets all the following requirements: 1) It is posted in the window, on the door, in the yard, on the balcony or outside wall of premises leased by the tenant; 2) It is not more than six square feet in size; and 3) It does not violate local, state or federal law. The bill requires the tenant to remove the sign within the time limits set in ordinance by the local jurisdiction, but where there is no local ordinance, the landlord may establish a reasonable time that allows
signs to be posted at least 90 days prior to the election and the removal no earlier than 15 days after the election.

**SB 397 (Yee). Online Voter Registration.**  
*Chapter 561, Statutes of 2011*  
This measure requires California to implement an online voter registration system for eligible Californians in time for the November 2012 statewide general election. This measure also requires the Secretary of State and the Department of Motor Vehicles to develop a process and infrastructure to implement the new system.

**C. Elected Officials**

**AB 167 (Cook). California Stolen Valor Act.**  
*Chapter 69, Statutes of 2011*  
This measure establishes the California Stolen Valor Act. This measure expands existing provisions related to forfeiture of elected office to additionally require that an elected officer of the state or a city, county, city and county, or district forfeit office upon conviction of a crime involving falsely representing themselves, with the intent to defraud, as a veteran, ex-service member or a member of the Armed Forces of the U.S.

*AB 309 (Cook). Public Officers. Removal from Office.**  
*Chapter 543, Statutes of 2011*  
This measure provides that a public office becomes vacant when an incumbent is listed in the Excluded Parties List System. It defines the Excluded Parties List System as the list maintained and disseminated by the federal General Services Administration containing names of, and other information about, persons who are debarred, suspended, disqualified, or otherwise excluded from participating in a covered transaction, pursuant to federal law. The measure applies when:

- The office is one that the incumbent holds ex officio by virtue of holding another office, or as an appointee. This measure does not apply to elective office holders.
- The appointed or ex officio officer is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law. An example of a covered transaction would be someone working on a project that receives federal grant funding.
- A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.
*AB 754 (Fletcher). Elective Office. Military Service.
Chapter 57, Statutes of 2011
This measure permits a person who is deployed on active military service outside the state and unable to appear to file a declaration of candidacy, nomination paper, or any other paper necessary to run for office, may have that declaration or paper completed and filed by an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney.

D. Local Public Agency Meetings

Chapter 91, Statutes of 2011
This measure requires that, prior to holding a serial or simultaneous meeting, the clerk or a member of the legislative body announce the compensation that members of the legislative body will receive for attending the serial or simultaneous meeting.

Chapter 692, Statutes of 2011
This measure:
• Sets new standards on what can be included in executive manager and department-head contracts by prohibiting contracts from including automatic renewals, if they are linked to a salary increase above a cost-of-living adjustment and cash settlements that exceed existing statutory limits. Additionally, the measure requires that specific abuse-of-office provisions be added to manager and department head contracts;
• Requires that a proposed charter be presented to the voters at a statewide or general municipal election;
• Drastically alters the statutory requirement related to how cities and counties can put a proposed charter before the voters by requiring a 10-week process that includes two public hearings, one of which must be conducted outside of normal business hours;
• Requires local agency agendas subject to the Ralph M. Brown Act be placed online; and
• Prohibits a legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of an executive manager or department head. This does not apply when a local agency calls a special meeting to discuss the agency’s budget.
E. Civil Grand Juries

**AB 1133 (Silva). Grand Jurors. Conflict of Interest.**

**Chapter 184, Statutes of 2011**

This measure requires that any grand juror who is a current employee of, or an employee that has been employed within three years by, an agency that is being investigated recuse themselves from participating in any investigation, discussion or vote concerning that agency. This measure is specifically designed to be an addition to any local policies regarding conflict of interest for grand jurors.
III. Community Services

A. Animal Bills

AB 258 (Hagman). Rabies. Vaccinations.
Chapter 542, Statutes of 2011
This measure exempts from the rabies vaccination requirement a dog that a licensed veterinarian determines, on an annual basis, will be endangered from the vaccine due to disease or other conditions that the veterinarian can verify and document.

Chapter 549, Statutes of 2011
This measure allows individual taxpayers to contribute amounts in excess of their tax liability for the support of municipal shelter spay-neuter funds only if another existing voluntary contribution designation is removed from the state tax return form.

Chapter 553, Statutes of 2011
This measure requires that misdemeanor and felony animal abuse convictions result in probation terms that prohibit animal ownership for five or 10 years, respectively, and provides that the owner of an animal seized through a search warrant shall be liable for the costs of caring for and treating the animal and that these costs will be a lien on the animal which must be paid before the animal is returned.

Chapter 562, Statutes of 2011
This measure increases the fine associated with misdemeanor convictions related to dog fighting and cock fighting. It also applies forfeiture provisions for property acquired through the illicit acts to cock fighting that are currently in place for dog fighting.

SB 917 (Liu). Animal Abuse.
Chapter 131, Statutes of 2011
This measure increases the misdemeanor penalty for animal neglect, making confirming changes to other animal abuse laws, and makes it a crime to sell a live animal on any street, highway, public right of way, parking lot, carnival, or boardwalk.
B. Public Health

**AB 604** (Skinner). Needle Exchange Programs.
*Chapter 744, Statutes of 2011*
This measure authorizes the state Department of Public Health (DPH), instead of a city or county, to establish needle and syringe programs with community health organizations in areas where the DPH determines the potential for the rapid spread of diseases through contaminated needles until January 2019. In approving a local needle exchange program, DPH is required to consult with the local health officer and local law enforcement leadership, and balance public health benefits against public safety concerns. Further, programs may only be approved in two-year time increments with extensions requiring further review and input from local stakeholders.

**SB 41** (Yee). Hypodermic Needles and Syringes.
*Chapter 738, Statutes of 2011*
This measure suspends certain provisions of the Disease Prevention Demonstration Project until January 1, 2015, including the ability for a city or county to restrict the number of hypodermic needles and syringes a pharmacist or physician may provide without a prescription to 10 per person. Until then, pharmacists and physicians may furnish up to 30 hypodermic needles and syringes without a prescription to a person 18 years or older, without city or county authorization.

C. Miscellaneous

**∗AB 42** (Huffman). State Parks.
*Chapter 450, Statutes of 2011*
This measure authorizes the Department of Parks and Recreation to enter into contracts with qualified nonprofit organizations for the operation and maintenance of a state park unit or portion of a park unit.

**AB 417** (B. Berryhill). Structural Pest Control.
*Chapter 99, Statutes of 2011*
This measure prohibits a city, county, or city and county from prohibiting a licensee of the California Pest Control Board (PCB) from engaging in the business, occupation or profession for which the person is licensed under the State Structural Pest Control law. Until 2009, PCB was under the Department of Consumer Affairs (DCA) and protected by existing state law that prohibits a local government from banning a licensee of DCA from engaging in a business that they are licensed to perform. A 2009 law restructured DCA and made the PCB autonomous. Since local governments are prohibited from banning a licensee under DCA, this measure extends the protection the PCB licensees had under DCA to the newly autonomous PCB. The state Structural Pest Control law generally covers three areas of pest control: fumigation, general pest control and termites.
This measure mandates specific contractual provisions for general law cities that leave their county library systems and choose to contract for library staffing systems for their city-owned library. Specific requirements include publishing notice of the contemplated action in a specific manner, clearly demonstrating that the contract will result in actual overall cost savings to the city or library district for the duration of the entire contract, prohibiting the contract from causing current city or library district employees to incur a loss of employment or specified benefits or an involuntary transfer, and imposing specified requirements on contracts for library services in excess of $100,000 annually. The bill sunsets in 2019 and exempts non-profit organizations that a city contracts with for staffing services.

This measure establishes the California Healthy Food Financing Initiative to expand access to healthy foods in underserved urban and rural communities. It sunsets in 2017.

**AB 768** (Gatto). Male Circumcision. Chapter 398, Statutes of 2011
This measure prohibits any city, county, or city and county from prohibiting or restricting the practice of male circumcision, or the exercise of parental authority to have a child circumcised.

This measure repeals current law governing menu labeling requirements for food facilities and, instead, conforms state law to federal law.

This measure removes a sunset date thereby indefinitely extending qualified local immunity for local public agencies that operate public skateboarding parks. The immunity provided under this measure requires the local public agency to meet certain requirements, including requiring persons who skateboard to wear helmets, elbow pads, and knee pads. This measure also requires, beginning in 2013, that copies of the records of claims and lawsuits be filed annually with the Assembly Judiciary Committee and the Senate Judiciary Committee.

**SB 332** (Padilla). Rental Dwellings. Smoking. Chapter 264, Statutes of 2011
This measure codifies the ability of a residential landlord to prohibit smoking on the property or in any building or portion of the building, including any dwelling unit. The measure also specifies that it does not preempt any local ordinance in effect on or before January 1, 2012, restricting the smoking of cigarettes or other tobacco products.
IV. Employee Relations

A. California Public Employees' Retirement System (CalPERS)

Chapter 107, Statutes of 2011
This measure requires the CalPERS Board of Administration to notify a state agency, school employer, or contracting agency if they are the subject of an audit, before initiating an audit, and provide the estimated time required to complete the audit. This measure also allows CalPERS to assess a reasonable charge upon an employer to recover costs incurred for excess time to complete an audit, if the audit requires more time than estimated. Agencies will not be assessed additional charges for delays during the course of an audit that are reasonably outside the agency’s control.

Chapter 551, Statutes of 2011
This measure places new post-employment restrictions under the Political Reform Act on board members, executive and managerial employees, and other high-level staff of CalPERS and CalSTRS when doing business with either retirement system following employment.

Chapter 688, Statutes of 2011
This measure gives the CalPERS Board of Administration the authority to appoint and set the compensation of a chief financial officer (CFO). CalPERS does not currently have a CFO. After evaluating its organizational structure this year, it determined that there is a need for a CFO to oversee corporate finance and coordinate other financial functions throughout the organization.

Chapter 441, Statutes of 2011
This measure clarifies that the CalPERS and CalSTRS boards are prohibited from making new investments in companies that do business with Iran’s energy sector and generally requires the board to liquidate existing investments in such companies unless doing so would fail to satisfy the boards’ constitutionally-mandated fiduciary responsibility, as was required by AB 221 (Anderson, Chapter 671, Statutes of 2007). Additionally, this measure imposes new transparency, disclosure, and noticing requirements related to the boards’ determinations on which companies are subject to, or remain subject to, divestment.
**AB 1247 (Fletcher). Public Retirement Systems. Reporting.**  
Chapter 733, Statutes of 2011  
This measure makes changes to the reporting requirements enacted last year as part of the FY 2010-11 budget act related to CalPERS investment returns and setting the discount rate (or assumed rate of return). The measure amends the reporting requirements to: 1) apply only to state employee retirement plans; 2) revise the calculations CalPERS is required to use in the report; and 3) delete the role of the Treasurer and instead requires the Chair, or his/her designee, of the California Actuarial Advisory Panel to report to the Legislature in a publicly noticed, joint hearing of the Senate and Assembly public employee committees.

**SB 294 (Price). Public Employees’ Retirement. Emerging Investment Managers.**  
Chapter 701, Statutes of 2011  
This measure, to encourage diversity, requires CalPERS and CalSTRS to provide a five-year strategic plan for emerging investment manager participation across all asset classes and to report to the Legislature annually on the progress of the plan.

*SB 322 (Negrete McLeod). Retirement.**  
Chapter 47, Statutes of 2011  
This measure clarifies that a member’s service under multiple employers may not be considered separately for the purposes of calculating the Internal Revenue Code (IRC) Section 415(b) limit. IRC Section 415(b) places a dollar limit on the annual benefit that can be received from a tax-qualified pension plan such as CalPERS. Under IRC Section 415(b), the maximum annual retirement benefit payable at the Social Security normal retirement age is $195,000 for calendar year 2010.

**SB 398 (E. Hernandez). Retirement. Placement Agents.**  
Chapter 704, Statutes of 2011  
This measure revises the definition of placement agent and external manager in the Political Reform Act and exempts placement agents from local government reporting and registration requirements.

**B. Workers’ Compensation**

*AB 335 (Solorio). Workers’ Compensation. Notices.**  
Chapter 544, Statutes of 2011  
This measure improves the mandatory benefit notices that are sent to injured workers by their employers during workers’ compensation claims. It requires the administrative director of the Division of Workers’ Compensation, in consultation with the Commission on Health and Safety and Workers’ Compensation to prescribe reasonable rules and regulations for serving workers’ compensation claims notices on an employee. The overall goal is to standardize and put into plain language these benefit notices. The estimated savings to the workers’ compensation system is $42 million annually.
*AB 378 (Solorio). Workers’ Compensation. Pharmacy Products.  
Chapter 545, Statutes of 2011  
This measure reduces the costs in the workers’ compensation system by closing a loophole in the pharmacy reimbursement fee schedule. This measure addresses the dramatic spikes in the utilization of compound drugs, medical foods, and co-packs that are clearly related to the financial benefits enjoyed by medical professionals for prescribing these as opposed to other pharmacy products. The new fee schedule is temporary and the Administrative Director of the Division of Workers’ Compensation is vested with the authority to revise the fee schedule.

*AB 1168 (Pan). Workers’ Compensation. Vocational Expert Fee Schedule.  
Chapter 555, Statutes of 2011  
This measure sets maximum fees for services provided by vocational experts, which will reduce overall costs workers’ compensation system.

AB 1426 (Solorio). Workers’ Compensation. Court Administrator.  
Chapter 559, Statutes of 2011  
This measure eliminates the position of the court administrator in the Division of Workers’ Compensation (DWC), which is currently unfilled, and delegates the duties of this position to the administrative director (AD) of the DWC and the Workers’ Compensation Appeals Board (WCAB). Specifically this measure: 1) delegates the DWC district office procedures and rules to WCAB; 2) requires the WCAB to establish uniform district office procedures and forms; 3) requires the AD to establish a priority calendar for issues requiring an expedited hearing and decision; and 4) requires the AD to establish a priority conference calendar for issues where an employee has an attorney and the dispute is on the nature of the injury.

Chapter 564, Statutes of 2011  
This measure provides that when the Workers’ Compensation Appeals Board awards a reimbursement for self-procured medical costs for the effects of an injury or illness arising out of and in the course of employment to a self-insured employee welfare benefit plan to make the determination notwithstanding the official medical fee schedule (OMFS). Current law allows self-insured employee welfare benefit plans to recover self-procured medical costs when a claim is denied but the injury is later determined to be work-related. This measure allows self-insured employee benefit plans to recover costs associated with treatment of an injury regardless of the OMFS.

Chapter 568, Statutes of 2011  
This measure establishes penalties for the failure of a claims administrator to report claim information to the Workers’ Compensation Information System and requires the administrative director of the Division of Workers’ Compensation to assess the penalties for these reporting violations.
C. Labor Relations

*AB 195 (R. Hernández). Local Public Employee Organizations.  
Chapter 271, Statutes of 2011  
This measure amends the Myers Milias Brown Act to include existing prohibitions under the Educational Employment Relations Act related to unfair labor practice charges including knowingly providing an employee organization with inaccurate information regarding the financial resources of the public employer.

Chapter 675, Statutes of 2011  
This measure requires local public entities to participate in a mandatory mediation to for a minimum of 60 days prior to filing a Chapter 9 petition with a federal court. Mediation can be extended for an additional 30 days if a majority of creditors request that it be extended. If a local public entity believes that it will run out of cash within 60 days, the local public entity can adopt a resolution by a majority vote declaring a fiscal emergency and file, without delay, its Chapter 9 bankruptcy petition.

Chapter 680, Statutes of 2011  
This measure provides that in the event of impasse, after the parties agree to a mediator and the mediator cannot effect a settlement within 30 days, the employee organization can request that the parties’ differences be submitted to a fact-finding panel. The agency is prohibited from implementing its last, best, and final offer until at least 10 days after the fact-finding panel’s written findings of fact and recommended terms of settlement have been submitted to the parties and the agency has held a public hearing regarding the impasse. The costs for the fact-finding panel are to be split by both parties.

*SB 609 (Negrete McLeod). Public Employment Relations Board. Final Orders.  
Chapter 242, Statutes of 2011  
This measure provides that if the Public Employment Relations Board does not issue a ruling that supersedes an administrative law judge’s decision regarding recognition of certification of an employee organization on or before 180 days after an appeal is filed, the decision by the administrative law judge is considered final.

Chapter 539, Statutes of 2011  
This measure prevents the Public Employment Relations Board from awarding damages resulting from an unlawful strike.
**D. Personnel**

*AB 22 (Mendoza). Employment. Credit Reports.*  
Chapter 724, Statutes of 2011  
This measure limits an employer’s use of a consumer credit report, as defined in the bill, for employment purposes unless the information is: 1) substantially job-related, meaning that the position of the person for whom the report is sought has access to money, other assets, or confidential information; and 2) the position for whom the report is sought is a position in the state Department of Justice, a managerial position, as defined in the bill, that of a sworn peace officer or other law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

Chapter 678, Statutes of 2011  
This measure clarifies that it is unlawful employment practice to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under the California Family Rights Act, or due to disability by pregnancy, childbirth, or related medical conditions.

*AB 1236 (Fong). Hiring Practices. Electronic Employment Verification.*  
Chapter 691, Statutes of 2011  
This measure, except as required by federal law or as a condition of receiving federal funds, prohibits the state, a city, county, city and county, or special district from requiring an employer to use an electronic employment verification system, including: 1) as a condition to receive a government contract; 2) as a condition of applying for or maintaining a business license; and, 3) as a penalty for violating licensing or other similar laws.

Chapter 692, Statutes of 2011  
This measure:

- Sets new standards on what can be included in executive manager and department-head contracts by prohibiting contracts from including automatic renewals, if they are linked to a salary increase above a cost-of-living adjustment and cash settlements that exceed existing statutory limits. Additionally, the measure requires that specific abuse-of-office provisions be added to manager and department head contracts;

- Requires that a proposed charter be presented to the voters at a statewide or general municipal election;

- Drastically alters the statutory requirement related to how cities and counties can put a proposed charter before the voters by requiring a 10-week process that includes two public hearings, one of which must be conducted outside of normal business hours;

- Requires local agency agendas subject to the Ralph M. Brown Act be placed online; and
• Prohibits a legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of an executive manager or department head. This does not apply when a local agency calls a special meeting to discuss the agency’s budget.

Chapter 510, Statutes of 2011
This measure makes it unlawful for an employer to refuse to maintain and pay for a pregnant employee’s medical coverage during pregnancy leave. The measure also allows employers to recover premium costs from the employee for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

• The employee fails to return from leave after the period of leave to which the employee is entitled has expired; and
• The employee’s failure to return from leave is for a reason other than one of the following:
  a. The employee takes leave under the California Family Rights Act; or
  b. The continuation, recurrence or onset of a health condition that entitles the employee to pregnancy leave or other circumstances beyond the employee’s control.

E. Health Care

AB 36 (Perea). Federal Health Care Conformity.
Chapter 17, Statutes of 2011
This measure conforms to the new federal law that allows an income exclusion or deduction from gross income for children under 27 years old. Because California, prior to the bill’s signing, had not conformed to the federal health care tax provisions, the employer had the task of dealing with different withholding requirements for federal and state purposes. Prior to this measure, employers were burdened with individually determining the fair market value of employer-provided medical coverage for an adult child that exceeded the amount an employee would otherwise pay for family coverage. The task for reporting employee income was complicated, time-consuming, and financially burdensome. This measure aligned state and federal law and removed this burden from employers and took effect immediately upon signing.

F. Workforce Investment Boards (WIBs)

Chapter, 499, Statutes of 2011
This measure requires state and local Workforce Investment Boards (WIBs) to ensure that programs and services funded by WIBs and directed to apprenticeable occupations, including pre-apprenticeship training, are conducted to the maximum extent feasible, in coordination with apprenticeship programs approved by the Division of Apprenticeship Standards. It also requires WIBs to develop a policy of fostering
collaboration between community colleges and approved apprenticeship programs in their respective geographic areas to provide training and continuing education.

**SB 698 (Lieu). Workforce Development. High-Performance Boards. Chapter 497, Statutes of 2011**

This measure requires the Governor, through the California Workforce Investment Board (CWIB), to establish standards and incentives for “high-performance” local workforce investment boards. This measure additionally requires CWIB, in consultation with representatives from local workforce investment boards (LWIBs), to initiate a stakeholder process to determine the appropriate measurable metrics and standards for high-performance certification. It also requires the Governor and Legislature to set aside (beginning in FY 2013-14) annually a portion of the 15 percent discretionary funds made available through the federal Workforce Investment Act (WIA) to provide performance incentives to high-performance LWIBs. It provides that only high-performance certified LWIBs can receive a portion of the state set-aside funds or any portion of the state’s 15 percent discretionary WIA funding.

*SB 734 (DeSaulnier). State and Local Workforce Investment Boards. Funding. Chapter 498, Statutes of 2011*

This measure requires, beginning in 2012, that at least 25 percent of federal Workforce Investment Act funds provided to local workforce investment boards be spent on workforce training programs and requires at least 30 percent by 2016. The bill also specifies which services and leveraged funds may be applied toward this new requirement.
V. Environmental Quality

A. California Environmental Quality Act (CEQA)

This measure requires a lead agency preparing an environmental impact report (EIR) or negative declaration under the California Environmental Quality Act to include a description of how the draft EIR or draft negative declaration can be provided in an electronic format.

AB 320 (Hill). CEQA. Determination. Dispute. Chapter 570, Statutes of 2011
This measure requires a lead agency in a notice of approval or notice of determination to identify: 1) a person who undertakes an activity that is supported through contract, grants, subsidies, loans or other forms of assistance from one or more public agencies or 2) a person that undertakes an activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. Furthermore, it requires the petitioner or plaintiff to name, as a real party in interest, the person or persons identified in the notice of approval or notice of determination in the lead agency’s record of proceedings, rather than the recipients of approval. Additionally, this measure provides that failing to name persons as real parties in interest is not grounds for dismissal. This measure does not apply to proceedings filed on or before December 31, 2011, or to actions where a notice of approval of notice of determination was filed on or before December 31, 2011.

*AB 900 (Buchanan). CEQA. Expedited Judicial Review. Chapter 354, Statutes of 2011
This measure, a companion piece to SB 292 (Padilla, Chapter 353, Statutes of 2011), establishes expedited judicial review procedures and requires the implementation of specific environmental traffic and air quality mitigation measures under the California Environmental Quality Act for an Environmental Leadership Development Project (ELDP) related to the development of a residential, retail, commercial, sports, cultural, entertainment, or recreational use project, or clean renewable energy or clean energy manufacturing project. This measure authorizes the Governor to certify a leadership project for expedited judicial review if certain conditions are met as well as sets a sunset on the measure of January 1, 2015.

Under this measure, an ELDP that meets certain environmental mitigation measures can be certified by the Governor. The Governor’s decision to certify a project for expedited judicial review if certain conditions are met as well as sets a sunset on the measure of January 1, 2015.

Projects qualifying as an ELDP must meet the following conditions:
- Project will result in a minimum investment of $100 million;
- Project will create high wage, highly skilled jobs that pay prevailing wages and living wages;
- Project does not result in any net additional emissions of greenhouse gases, as determined by the state Air Resources Board;
- Project applicant has entered into a binding and enforceable agreement that all mitigation measures will be conditions of project approval; and
- Project applicant pays Court of Appeal costs in hearing and deciding any case, including costs for appointment of a special master, and costs of preparing the administrative record.


Chapter 469, Statutes of 2011

This measure, originally introduced as a vehicle for later California Environmental Quality Act (CEQA) discussions and subsequently substantially amended in the last three days of the legislative session, makes the following changes to the existing CEQA process:

- Establishes several exemptions that include the installation of a “solar energy system” on the roof of an existing building or at an existing parking lot as well as a solar photovoltaic or solar thermal system and associated equipment, including connections to the electric grid adjacent to the parcel. It does not include an exemption for an electric substation.
- Establishes abbreviated CEQA review procedures for defined “infill projects,” where only specific or more significant effects on the environment that were not addressed in a prior planning-level EIR need to be addressed. An EIR for a project under this measure does not need to consider alternative locations, densities, and building intensities or growth-inducing impacts. Infill projects may include residential, retail, commercial, transit station, school, or public office building projects located within an urban area.
- Requires the Governor’s Office of Planning and Research to adopt CEQA guidelines to implement the infill provisions. These guidelines are required to include statewide standards to promote smart growth, reduction of greenhouse gas emissions, reduction of water use, energy efficiency improvements and protection of public health.
- Provides that a project’s greenhouse gas emissions shall not by itself cause the project to be ineligible for a categorical exemption from CEQA review if the project complies with the regulations adopted to implement related statewide, regional, or local plans provided in the CEQA guidelines.
- Permits specific large scale solar thermal power plant projects recently certified by the California Energy Commission to convert the project to solar photovoltaic technology without filing an entirely new application for certification and re-starting the certification process.
**SB 292** (Padilla). CEQA. Expedited Judicial Review. LA Project.  
Chapter 353, Statutes of 2011  
This measure establishes expedited judicial review procedures and requires the implementation of specific environmental traffic and air quality mitigation measures under the California Environmental Quality Act (CEQA) for the proposed downtown Los Angeles football stadium and convention center project (LA Project).

Under this measure, a petition challenging the certification of the EIR, or the granting of any initial project approvals, for the LA Project will be filed with the Second District Court of Appeal as opposed to the Superior Court. The Court of Appeal process will also be expedited under this measure.

For the LA Project to qualify for the expedited judicial review under this measure, the project must minimize traffic congestion and air quality impacts that may result from private car trips. The project must also achieve “carbon neutrality” for private car trips by the end of the first National Football League season and 10 percent less car trips than the best comparable stadium over a 10-year period.

**B. Energy**

Chapter 478, Statutes of 2011  
This measure increases the capacity of a power plant from one megawatt (MW) to five MWs for the existing local government program that allows a municipality to generate electricity at one location to offset electricity usage at another municipal location.

Chapter 480, Statutes of 2011  
This measure exempts from the definition of a public utility a facility that supplies electricity to the public only for use to charge light duty plug-in electric vehicles. This measure is intended to codify a recent decision by the state Public Utilities Commission to not regulate electric vehicle charging stations as utilities.

**ABx1 14** (Skinner). Energy. Energy Upgrade Financing.  
Chapter 9, Statutes of 2011, First Extraordinary Session  
This measure authorizes the California Alternative Energy and Advanced Transportation Financing Authority to provide financial support to lenders to facilitate projects for energy and water conservation and renewable energy.
**SB 16 (Rubio). Renewable Energy. Dept. of Fish and Game. Expedited Permitting.**
Chapter 311, Statutes of 2011
This measure requires the Department of Fish and Game to take steps to expedite the processing of incidental take permits under the California Endangered Species Act for an eligible renewable energy permit. This measure is intended to help expedite renewable energy projects in Southern California that are a part of the Desert Renewable Energy Conservation Program.

**SB 209 (Corbett). Common Interest Developments. Vehicle Charging Stations.**
Chapter 121, Statutes of 2011
This measure provides that a prohibition or restriction on the installation or use of an electrical vehicle charging station in any of the governing documents of a common interest development is void and unenforceable.

Chapter 588, Statutes of 2011
This measure revises the definition of a project to exclude a proposed photovoltaic or wind energy generation facility that demands no more than 75 acre feet of water annually. This measure is intended to carve out renewable energy projects that are required to do a water supply analysis under the California Environmental Quality Act, but do not use a significant amount of water.

**SB 489 (Wolk). Electricity. Net Metering.**
Chapter 593, Statutes of 2011
This measure expands the existing net energy metering program by adding to the list of eligible technologies, currently limited to solar and wind, to include additional types of renewable generation including, but not limited to, biomass, municipal solid waste conversion and landfill gas.

**SB 618 (Wolk). Local Government. Solar-Use Easement.**
Chapter 596, Statutes of 2011
This measure authorizes the parties to a Williamson Act contract to mutually agree to rescind the contract to simultaneously enter into a solar-use easement that requires the land to be used for solar photovoltaic facilities for a term of no less than 10 years.

Chapter 597, Statutes of 2011
This measure transfers $25 million to the Energy Conservation Assistance Account within the California Energy Commission to support Property Assessed Clean Energy programs.
SB 771 (Kehoe). Sales Tax Exempting Eligibility. Landfill and Digester Gas Turbines.
Chapter 598, Statutes of 2011
This measure provides that landfill and digester gas turbines, engines, and microturbines may be considered renewable energy eligible for sales tax exemptions and other financial assistance under the California Alternative Energy and Advanced Transportation Financing Act.

SB 790 (Leno). Electricity. Community Choice Aggregation.
Chapter 599, Statutes of 2011
This measure revises and expands the definition of Community Choice Aggregation (CCA) and requires the California Public Utility Commission to initiate a Code of Conduct rulemaking. The measure also allows CCAs to receive public purpose funds to administer their own energy efficiency programs.

SBx1 2 (Simitian). Energy. Renewable Energy Resources.
Chapter 1, Statutes of 2011, First Extraordinary Session
This measure increases California’s renewables portfolio standard to require all sellers of electricity and all publicly owned utilities to procure at least 33 percent of electricity delivered to their retail customers from renewable resources by 2020.

C. Hazardous Waste

Chapter 213, Statutes of 2011
This measure bridges the existing disconnect between two sections of law governing the handling of latex paint collection at household hazardous waste (HHW) facilities. Specifically, the measure allows HHW facilities to accept any amount of recyclable latex paint from any generator, but must still abide by the stringent facility, safety, training, and emergency response requirements under existing law.

Chapter 569, Statutes of 2011
This measure extends for two years a temporary petroleum storage fee that the owner of an underground storage tank must pay.

Chapter 571, Statutes of 2011
This measure makes changes to provide for the reporting and review of underground storage tank cleanup.
Chapter 603, Statutes of 2011  
This measure makes changes to hazardous material reporting requirements, emergency response requirements, and hazardous waste manifest requirements and to the requirements for the management of used paint. More specifically, it allows local governments cost recovery for emergency response to hazardous substances spills under a wider range of circumstances.

Chapter 222, Statutes of 2011  
This measure deletes a provision in existing law that requires plasma arc technology to be used on medical waste, biohazardous waste, and sharps waste in order for it to be consolidated into a common container for disposal. Instead, the measure allows that waste to be incinerated in a common container.

**AB 913** (Feuer). Hazardous Waste. Certified Green Business Program.  
Chapter 578, Statutes of 2011  
This measure requires the Department of Toxic Substances Control (DTSC) to develop a California Green Business Program that provides for the voluntary certification of businesses that adopt environmentally preferable business practices. In addition, DTSC will have to work with the existing network of statewide local government green business programs in implementing guidelines and structures that establish and promote a level of consistency among green business programs across the state as well as develop technical guidance and policy coordination for new local green business programs.

**SB 909** (La Malfa). Treated Wood Waste. Disposal.  
Chapter 601, Statutes of 2011  
This measure updates obsolete sections of the existing law related to treated wood waste, adds state department contact information and extends the sunset of the existing treated wood waste disposal requirements from 2012 to 2017.

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**D. Solid Waste and Recycling**

Chapter 476, Statutes of 2011  
This measure establishes a state policy goal of 75 percent of solid waste generated to be diverted from landfill disposal by 2020, but prohibits CalRecycle from imposing a diversion rate above the existing 50 percent on local governments. The measure also requires local governments to implement commercial solid waste recycling programs designed to divert solid waste from businesses beginning July 1, 2012.
*Chapter 573, Statutes of 2011*  
This measure establishes a program to provide funding to local jurisdictions for the use of rubberized asphalt concrete and tire-derived aggregate for road projects as well as makes technical changes to the state architectural paint recovery program. It sunsets in June 2015.

*Chapter 576, Statutes of 2011*  
This measure prohibits CalRecycle from making any payments from the California Beverage Container Recycling Fund, including grants or loans, to a city, county or city and county that has adopted or is enforcing a land-use restriction that prevents the siting or operation of a certified recycling center at a supermarket site location.

*Chapter 279, Statutes of 2011*  
This measure, the Renter’s Right to Recycle Act, requires that an owner of a multifamily dwelling arrange appropriate and available recycling services for the dwelling, including a local ordinance or agreement applicable to the collection, handling, or recycling of solid waste. It also specifies that it is not intended to interfere with or prevent the authority of a local jurisdiction from requiring recycling services for multifamily dwellings. A multifamily dwelling is defined under this measure as a residential facility consisting of five or more living units.

**AB 1149** (Gordon). Beverage Containers. Recycling and Litter Reduction Funds.  
*Chapter 486, Statutes of 2011*  
This measure extends for five years CalRecycle’s plastic market development program, which provides beverage container funds to support recyclers and manufacturers using empty plastic beverage containers to make new products.

*Chapter 713, Statutes of 2011*  
This measure restricts the enforceability of an indemnity obligation in a contract or request for proposal between a solid waste enterprise and a local agency, related to liability for failure to obtain voter approval of fees or charges in violation of Proposition 218 or Proposition 26.
**E. Water**

**AB 849 (Gatto). Water. Use Efficiency. Graywater Building Standards.**  
Chapter 577, Statutes of 2011  
This measure prohibits a city, county, city and county, or other local agency from adopting local building standards that prohibit the use of graywater systems and requires that an ordinance enacted regarding graywater standards that are different from statewide standards must include the local climatic, geological, or topographical conditions necessitating the difference.

**AB 1152 (Chesbro). Groundwater. Monitoring.**  
Chapter 280, Statutes of 2011  
This measure allows a groundwater monitoring entity, if given approval by the Department of Water Resources, to use alternate monitoring technologies, such as aerial photographs and remote sensing data, if certain conditions exist that make the use of monitoring wells irrelevant or impracticable.

**F. Water – Drinking Water**

**AB 54 (Solorio). Drinking Water.**  
Chapter 512, Statutes of 2011  
This measure places new requirements on mutual water companies and authorizes the operator of a public water system to enter into a letter of no prejudice with the Department of Public Health for reimbursement of eligible project expenditures on safe drinking water projects when looking to make improvements on public water systems.

**AB 938 (V. M. Pérez). Public Water Systems. Notice of Noncompliance.**  
Chapter 514, Statutes of 2011  
This measure requires the written public notice of noncompliance with drinking water standards given by a public water system to include information in English, Spanish, and other languages spoken by the impacted community.

**AB 983 (Perea). Safe Drinking Water State Revolving Fund.**  
Chapter 515, Statutes of 2011  
This measure makes changes to the state Safe Drinking Water Revolving Fund to allow priority for funding and up to 100 percent of project cost funding for certain disadvantaged communities.
**G. Water – Water Quality**

Chapter 572, Statutes of 2011  
This measure places additional requirements on local water agencies that opt to develop groundwater management plans, and requires the Department of Water Resources to make related information available on the internet.

**AB 741** (Huffman). Onsite Wastewater Disposal.  
Chapter 106, Statutes of 2011  
This measure allows local sewer service providers, at a property owner’s request, to construct sewer improvements on private property and charge the property owner for the costs.

**AB 1221** (Alejo). State Water Pollution Cleanup and Abatement Account Eligibility.  
Chapter 517, Statutes of 2011  
This measure expands the eligibility for funding from the state Water Pollution Cleanup and Abatement Account to allow a nonprofit organization and listed tribes serving a disadvantaged community to receive funding from the account for waste cleanup. The measure requires the grantee organization to be either controlled by a local public agency, or in the case of a private corporation, have a broadly-based ownership or membership of the people of the local community.

Chapter 592, Statutes of 2011  
This measure transfers primary jurisdiction for beach water quality monitoring and testing programs from the state Department of Public Health to the state Water Resources Control Board and includes a cap on the overall amount of funds that may be used, upon appropriation by the Legislature, as a funding source for the program.

**SB 607** (Walters). SWRCB. Brackish Groundwater Treatment.  
Chapter 241, Statutes of 2011  
This measure requires, on or before January 1, 2013, the state Water Resources Control Board to either amend the California Ocean Plan or adopt separate standards to address water quality objectives and effluent limitations specifically appropriate to brackish groundwater treatment system facilities that produce municipal water supplies for local use.
H. Air Quality

Chapter 586, Statutes of 2011
This measure authorizes local and regional air pollution control districts and air quality management districts to sponsor and promote projects that will prevent, mitigate or cure the adverse effects of air pollution as well as allows a district, until January 1, 2017, to negotiate for a share of intellectual property, developed as a result of district funds, but prohibits a district from receiving more that the investment. The bill also requires a district to reimburse the state for a process or machine that the district benefitted from for the amount of the benefit accrued. A district that attempts to negotiate for benefits must report to the Legislature annually.
VI. Housing, Community, and Economic Development

A. Land Use, Planning and Annexation

**AB 147** (Dickinson). Subdivisions. Fees. Transportation Facilities. Chapter 228, Statutes of 2011
This measure authorizes cities and counties to charge fees subject to the Mitigation Fee Act as a condition of approval of a final map or as a condition of issuing a building permit for constructing transportation facilities including, but not limited to, pedestrian, bicycle, transit, and traffic-calming facilities.

This measure extends the expiration date of any tentative map or vesting tentative map that would have otherwise expired between the dates of July 15, 2011, and January 1, 2014, by 24 months.

**AB 566** (Galgiani). Mineral Resource Information. Lead Agencies and MPOs. Chapter 218, Statutes of 2011
This measure requires the state Mining and Geology Board to provide mineral resource information to lead agencies and metropolitan planning organizations within 30 days of a request for the information if the information pertains to the requesting entity’s jurisdiction.

**AB 654** (Hueso). Local Government. Historical Property. Chapter 278, Statutes of 2011
This measure requires contracts between cities or counties and the owner of a qualified historical property to include an inspection of the interior and exterior of the premises by the cities or counties prior to a new agreement and every five years thereafter in order to substantiate the owner’s compliance with the contract and require the owner to record the contract with the county in which the property is located. The measure authorizes local governments to charge a fee not to exceed the cost of providing its services. It requires a local government to cancel a contract or bring an action in court to enforce the contract if it determines that the owner has breached the contract. A landowner that is a party to the contract may also bring an action in court to enforce the contract.

**AB 1103** (Huffman). Land Use. Housing Element. Chapter 210, Statutes of 2011
This measure expands the criteria allowing a city or county to meet up to 25 percent of its regional housing needs assessment by counting affordable housing units converted, with committed assistance from the city or county, from foreclosed property.
This measure requires each city to update the land use element of its General Plan to address disadvantaged unincorporated communities by the next revision of the housing element by: identifying each island or fringe community within the city’s sphere of influence as well as including a description of the community and a map; performing an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies; and analyzing benefit assessment districts or other financing alternatives that could make the extension of services financially feasible. This measure also requires a Local Agency Formation Commission to deny an application for any annexation if it is contiguous to a disadvantaged community, unless a second application is filed for the annexation of the disadvantaged community.

This measure authorizes a state or local public agency to authorize a nonprofit organization, a special district, a for-profit entity, a person, or another entity to hold property and manage an interest in property held for mitigation purposes. To be eligible, nonprofits must: be exempt from taxation; be qualified to do business in the state; be a “qualified organization;” and, have as a principal purpose the direct protection or stewardship of land, water, or natural resources. The holder of the funds must: have the capacity to manage the mitigation funds; have the capacity to achieve reasonable rates of return, use generally accepted accounting practices; ensure that funds are accounted for; and if the holder is a nonprofit organization, have an investment policy consistent with the Uniform Prudent Management in Institutional Funds Act. Finally, this measure allows the state or local agency that authorizes a special district or nonprofit to hold mitigation property to require an administrative endowment by having the project proponent provide a one-time payment for the initial stewardship costs for up to three years while the endowment accumulates investment earnings.

This measure changes a phrase in Public Resource Code section 2762 from “land use that affects areas of statewide and regional significance” to “land use that affects access to areas of statewide and regional significance” so that lead agencies prioritize providing adequate mineral resources to their communities when making land use decisions as it pertains to mineral resource management policies and the general plan.
B. Housing Finance Programs and Mortgages

Chapter 541, Statutes of 2011
This measure authorizes and expands the Department of Housing and Community Development’s ability to expend bond funds from the Emergency Housing and Assistance Fund from just the Emergency Housing Assistance Program to include the Supportive Housing Program.

**AB 483** (Torres). Housing Finance.
Chapter 275, Statutes of 2011
This measure expands the target population of the Supportive Housing Program to include persons with disabilities as well as families that meet the federal definition of “homeless” or the state definition of “homeless youth.” This measure also requires recipients of Supportive Housing Program funds to set aside 40 percent of units for chronically homeless persons, homeless youth, and individuals exiting institutional settings, who were homeless when entering the institution, who have a disability, and who resided in the institution for at least 15 days, but allows the Department of Housing and Community Development to reduce the 40 percent if it is determined that the program is undersubscribed after issuing at least one Notice of Funding Availability.

**AB 697** (V. M. Pérez). Veteran. Acquisition of Home. Interest of Record.
Chapter 368, Statutes of 2011
This measure authorizes the Department of Veteran Affairs to acquire a home for the purpose of refinancing an existing mortgage loan that was not originally acquired under the Veterans’ Farm and Home Purchase Act of 1974 in order that veterans can refinance existing home loans.

**AB 793** (Eng). Insurance Producers. Reverse Mortgages.
Chapter 223, Statutes of 2011
This measure prohibits an insurance broker or agent from participating in or employing anyone that participates in the origination of a reverse mortgage. The bill also prevents individuals transacting insurance from receiving a compensation, commission, or direct incentive for providing reverse mortgage borrowers with a noncasualty insurance product that is connected to the reverse mortgage, except for an agent or broker offering title insurance, hazard, flood, or other peril insurance, or other similar products that are normal under a reverse mortgage loan.

**AB 1222** (Gatto). California Housing Finance Authority.
Chapter 408, Statutes of 2011
This measure requires the California Housing Finance Agency board to contract to conduct salary surveys of key exempt management and compare the results with the agency. This measure also allows a California Housing Finance Agency board
member, who is not a paid employee of the agency, to be paid or have a financial
interest in a housing development financed or assisted by the agency. Board members
are also granted the ability to enter into contracts where a member has a financial
interest as long as the member discloses the conflict and is recused from the issue.

**SB 458** (Corbett). Mortgages. Deficiency Judgments.
*Chapter 82, Statutes of 2011*
This measure expands the prohibition on a lender receiving a judgment for a deficiency
after a short sale beyond the first mortgage or deed of trust so long as the holder of the
mortgage or deed of trust consents to the short sale.

**SCR 6** (A. Lowenthal). Affordable Housing. In-Home Internet Service.
*Chapter 72, Resolutions of 2011*
This measure encourages affordable housing lenders who administer competitive
multifamily housing programs to follow the Tax Credit Allocation Committee’s policy on
high-speed Internet access by providing competitive points for developments that
provide high-speed Internet service to each unit for a minimum of 10 years, free of
charge to tenants.

**C. Miscellaneous Land Use**

**AB 418** (Ammiano). Tidelands. City and County of San Francisco. Pier 70.
*Chapter 477, Statutes of 2011*
This measure authorizes the State Lands Commission to free from public trust
restrictions Seawall Lot 300 from the City and County of San Francisco in exchange for
land on or adjacent to the San Francisco Bay that is equal or greater than the area of
Seawall Lot 300 and is useful for trust purposes. The proposed exchange of Seawall
Lot 330 is conditioned upon the America’s Cup race occurring in San Francisco.

**AB 565** (Monning). State Coastal Conservancy. San Clemente Dam.
*Chapter 479, Statutes of 2011*
This measure authorizes the state Coastal Conservancy to award a grant up to $25
million to a for-profit entity for the purposes of removing or altering the San Clemente
Dam if the State Coastal Conservancy finds that the project is of regional or statewide
significance and a grant to a public agency or nonprofit will not result in the removal or
alteration of the dam.

*Chapter 279, Statutes of 2011*
This measure requires an owner of a multifamily dwelling to arrange for recycling
services, consistent with state or local laws or ordinances, except where there is
inadequate space for the recycling containers, there is no solid waste enterprise that
provides recycling services to the property, or the cost of recycling creates a financial
hardship for the multifamily dwelling owner.
Chapter 582, Statutes of 2011
This measure requires the Department of Parks and Recreation (DPR) to notify the state Park and Recreation Commission (PRC) of any proposed development that may substantially impact the historical, cultural, or recreational significance of the Colonel Allensworth State Historic Park in order to preserve the state park from other incompatible development in the area. Upon notice, PRC is required to hold a public hearing and then submit a summary of its conclusions on the impact to the park by the proposed development to DPR to the appropriate local government entities. The bill also requires the DPR to study the feasibility of Colonel Allensworth State Historic Park as a National Historic Landmark.

AB 1272 (Butler). State Property. Surplus.
Chapter 178, Statutes of 2011
This measure authorizes the Department of General Services (DGS) to dispose of six surplus state properties including: 2.59 acres, known as the Hollywood Employment Development Department; 1.68 acres, known as the Los Angeles Employment Development Department; 1.17 acres, known as the Oroville Employment Development Department; 1.54 acres, known as the Hidden Lake Estates Parcel in Fresno County; 40 acres, known as Digger Butte Lookout; and 20 acres, known as Campbellville Lookout in Tehama County. This measure also rescinds the authorization for the DGS to sell two state properties including: .54 acres of the Sutter Hill Forest Fire Station in Amador County and the 5.54 acre National Guard Armory in the City of San Jose.

AB 1414 (Natural Resources Committee). Forestry. Timber Harvesting.
Chapter 584, Statutes of 2011
This measure makes changes to the Z'berg-Nejedly Forest Practice Act of 1973 including:

- Deleting the January 1, 1988, date relating to the definition of “timber operations” and the rules and regulations relating to the site preparation work; repealing the requirement that district advisory committees advise the Board of Forestry and Fire Protection on district forest practice rules; deleting the definition of “cutover” land;

- Deleting provisions that reference timberland harvested between January 1, 1974, and the adoption of stocking standards; and

- Deleting the requirement that the Board of Forestry and Fire Protection adopt rules relating to reducing the effects of erosion on watercourses and lakes; and deleting the provision authorizing an exemption from the act.

These changes are technical in nature and repeal outdated provisions that are no longer significant on current forest resource management.
**SB 108 (Rubio). Agricultural Mining. Idle Mines.**  
Chapter 491, Statutes of 2011  
This measure amends the definition of an idle mine to the curtailment of surface mining operations for at least one year by more than 90 percent of its maximum annual mineral production within any of the last five years during which an interim management plan has been approved, with the intent to resume the surface mining operation at a future date. It authorizes a mine operator that has not properly reported the mineral production for any year prior to January 1, 2012, to include corrected annual reports to the 2012 annual report as long as it is submitted before July 1, 2013. It also allows a mine to return to idle status if it was considered abandoned prior to January 1, 2013, if an interim management plan is approved by July 1, 2013, and the lead agency determines the operator is in compliance with the interim management plan.

**SB 110 (Rubio). Real Property Disclosures. Mining Operations.**  
Chapter 253, Statutes of 2011  
This measure limits the liability of a transferor or selling agent, when responding to a request regarding natural hazards. The measure requires an expert, using map coordinate data from the Office of Mine Reclamation, to determine if the property is presently located within one mile of a mining operation thus providing prospective buyers a disclosure of nearby mining hazards.

**SB 152 (Pavley). Public Lands. General Leasing Law. Littoral Landowners.**  
Chapter 585, Statutes of 2011  
This measure authorizes the State Lands Commission to charge rent for a private recreational pier built on state lands for the use of a nearby littoral land owner, based on market conditions, once an existing lease expires or as the piers are constructed for a new pier.

**SB 194 (Governance and Finance Committee). Local Government Omnibus Bill.**  
Chapter 382, Statutes of 2011  
This measure makes numerous noncontroversial, clarifying amendments in this annual cleanup measure for local government issues. Of interest to cities, SB 194 does the following:

- Clarifies that local governments may invest in federally chartered branches of foreign banks;
- Corrects an erroneous cross reference to obsolete public notice requirements for general plan adoption or amendments;
- Changes the dollar limit that triggers a longer life for tentative maps from $178,000 to $236,790, conforming the statutory threshold to the amount set by the State Allocation Board in January 2011;
- Corrects the erroneous statutory cross-reference in the Subdivision Map Act provision relating to special subdivision fees for bridges and thoroughfares;
- Repeals an obsolete reference to a redevelopment law referencing blight in a wartime housing provision;
- Aligns exclusion of parcels for major subdivisions with language related to minor subdivisions in the Subdivision Map Act; and
- Requires an airport owner or operator to pay for recording a termination notice of an avigation easement.

**SB 551 (DeSaulnier). State Property. Tidelands Transfer. City of Pittsburgh. Chapter 422, Statutes of 2011**
This measure repeals a 2006 public trust grant to the City of Pittsburgh and creates a new grant that includes the 2006 grant land as well as land annexed to Pittsburgh in 2009. The new grant requires Pittsburgh to submit a trust lands use plan by January 1, 2017, and authorizes Pittsburgh to lease trust lands for up to 49 years. Twenty percent of all gross revenue generated from the trust lands must be transmitted to the State Lands Commission, where 80 percent will go to the General Fund and 20 percent to the Land Bank Trust.

**D. Williamson Act and Open Space**

**AB 840 (Torres). Employee Housing Act. Agricultural Land Use. Chapter 74, Statutes of 2011**
This measure changes the phrase “agricultural zone” in the Employee Housing Act to “a zone that allows agricultural uses” to ensure that employer-provided farmworker housing is consistent with agricultural land use.

This measure allows counties from January 1, 2011, until January 1, 2016, to increase the assessed values of Williamson Act contracted land and keep the resulting property taxes in any year in which payments authorized for reimbursement for lost revenue are less than half of the county’s actual forgone general fund tax revenue.

This measure revises the Eminent Domain Law for purposes of acquiring property subject to a conservation easement by:
- Requiring a person seeking to use eminent domain to obtain a conservation easement to notify the holder of the conservation easement and the entity that contributed to the easement and an opportunity to comment on the acquisition.
- Requiring notice to the holder of the conservation easement of at least 105 days prior to a hearing on the resolution of necessity and the easement holder to notify any public entity that contributed to the acquisition or creation of the easement.
- Allowing for input from the easement holder and interested public entities at various stages of the eminent domain process.
Chapter 596, Statutes of 2011  
This measure authorizes the parties to a Williamson Act contract to mutually agree to rescind the contract to simultaneously enter into a solar-use easement that requires the land to be used for solar photovoltaic facilities for a term of no less than 10 years.

Chapter 254, Statutes of 2011  
This measure allows cities and counties, until January 1, 2016, to recoup forgone property tax revenues from nonprofit land-trust organizations, nonprofit entities, or public agencies under a Williamson Act contract if the state fails to make subvention payments or provides a reduced subvention.

E. Local Government - General

Chapter 266, Statutes of 2011  
This measure expands the definition of a public agency to include federally recognized Indian tribes for purposes of entering into joint powers agreements.

AB 912 (Gordon). Local Government. Organization.  
Chapter 109, Statutes of 2011  
This measure allows a local agency formation commission (LAFCO) to immediately order the dissolution of a district if the dissolution was initiated by the district board and consistent with a prior action of the board. Alternatively, the measure requires at least one noticed public hearing without an election if the dissolution was initiated by an affected local agency, the LAFCO, or by petition unless a majority protest exists.

Chapter 66, Statutes of 2011  
This measure authorizes an independent special district to establish a revolving fund in an amount not to exceed 110 percent of 1/12 of the district’s adopted budget if a resolution is passed specifying the purposes for which the funds may be expended, the district officer responsible for the fund, the necessity of the fund, and the maximum amount of the fund.
F. Landlord/Tenant

**AB 588** (V. M. Pérez). Tenancy. Victims of Domestic Violence.
Chapter 76, Statutes of 2011
This measure expands current law that allows a victim of domestic violence to terminate a lease early by providing the landlord with a court order or police report that was issued in the last 180 days rather than the last 60 days.

**SB 337** (Kehoe). Tenancy. Political Signs.
Chapter 383, Statutes of 2011
This measure provides that a landlord cannot prohibit a tenant from posting or displaying political signs relating to an upcoming vote if the sign meets all the following requirements: 1) It is posted in the window, on the door, in the yard, on the balcony or outside wall of premises leased by the tenant; 2) It is not more than six square feet in size; and 3) It does not violate local, state or federal law. The bill requires the tenant to remove the sign within the time limits set in ordinance by the local jurisdiction, but where there is no local ordinance, the landlord may establish a reasonable time that allows signs to be posted at least 90 days prior to the election and the removal no earlier than 15 days after the election.

Chapter 128, Statutes of 2011
This measure provides that a tenant who conducts dog fighting or cock fighting may be evicted from the building or property where the illegal conduct was held on the grounds of causing a public nuisance.

G. Real Estate

Chapter 171, Statutes of 2011
This measure requires a lead agency preparing an environmental impact report (EIR) or negative declaration under the California Environmental Quality Act to include a description of how the draft EIR or draft negative declaration can be provided in an electronic format.

Chapter 206, Statutes of 2011
This measure requires common interest developments to provide the association’s minutes of regular meetings, if requested, to the seller of property within the development as well as an estimate of the fees for providing documents to the seller separate from other fees, fines, or assessments.
SB 6 (R. Calderon). Real Estate. Appraisal and Valuation.
Chapter 716, Statutes of 2011
This measure changes California’s real estate and appraisal law to conform with federal
the Dodd-Frank Wall Street Reform and Consumer Protection Act. This measure
prohibits a real estate licensee from knowingly or intentionally misrepresenting the value
of real property and from providing an opinion of value of real property if the person has
an interest in that property; prohibits an appraisal management company from
improperly influencing the development or review of any appraisal or having a person
prepare an appraisal that has a direct interest in the property or transaction; and,
prohibits a person with an interest in a real estate transaction involving valuation from
improperly influencing the transaction.

SB 150 (Correa). Common Interest Developments.
Chapter 62, Statutes of 2011
This measure prohibits common interest developments from restricting the right of an
owner to rent or lease the separate interest if the owner had the right at the time of
purchase, unless the owner waives the right to rent or lease.

SB 284 (Harman). Real Property. Marketable Title.
Chapter 46, Statutes of 2011
This measure provides, as of January 1, 2013, in an option to purchase real property in
the chain of title, the expiration date of the option is six months after the expiration date
that is ascertainable from the recorded instrument. If the expiration date is not
ascertainable, the option expires six months after the date the instrument.

SB 563 (Trans. and Housing Comm.). Common Interest Developments. Meetings.
Chapter 257, Statutes of 2011
This measure makes multiple changes to common interest developments including
prohibiting board meetings from being conducted through electronic transmission,
except to conduct an emergency meeting; clarifies that executive sessions are
meetings; reduces the notice period for executive session board meetings from four
days to two days; provides that teleconference board meetings are only allowed when
notice specifies at least one physical location for members to attend and at least one
board member is present, allows an association to provide notices of meetings through
email with the member’s consent, clarifies that the board is to allow a member to speak
only at the portion of the meeting open to members, and provides that agendas of
executive session are records available to members.

SB 837 (Blakeslee). Residential Real Property Disclosure.
Chapter 61, Statutes of 2011
This measure updates the statutorily required transfer disclosure form to require a
transferor of real property to disclose whether or not the property is equipped with water
conserving plumbing fixtures.
H. Group Homes

**AB 159** (Beall). Community Care Facilities. Foster Family Agencies.
Chapter 94, Statutes of 2011
This measure extends the temporary reduction in supervisor to social worker ratio until such time that the foster family agencies grants are restored to their former levels.

**AB 313** (Monning). Residential Care Facilities for the Elderly.
Chapter 365, Statutes of 2011
This measure requires a licensed residential care facility for the elderly to provide written notice to its residents, the residents’ responsible parties, and the local long-term care ombudsman if the Department of Social Services begins to suspend or revoke the license of the facility or criminal action relating to the health or safety of the residents is taken against the licensed facility. The notice is required to include the name and contact information for the local long-term ombudsman and for the Community Care Licensing Division as well as the reason for the criminal action or proceedings to suspend the license. A licensee that fails to comply with the notice requirements is subject to civil penalties not to exceed $5,000.

**SB 177** (Strickland). Congregate Living Health Facilities.
Chapter 331, Statutes of 2011
This measure authorizes congregate living health facilities, not operated by a city in the County of Santa Barbara or the county itself, to operate up to 25 beds for the purposes of serving persons who are terminally ill by exempting facilities from the 12-bed limit.

**SB 897** (Leno). Residential Care Facilities for the Elderly.
Chapter 376, Statutes of 2011
This measure requires a licensee of a residential care facility for the elderly to notify the Department of Social Services, the state Long-Term Ombudsman, residents of the facility, and any applicants for potential residence, in writing, within two business days if: 1) a notice of default, notice of trustee’s sale, or other indication of foreclosure is issued on the property; 2) an unlawful detainer action is initiated against the licensee; 3) the licensee files for bankruptcy; 4) the licensee receives a written notice of default of payment of rent; or 5) a utility company sends a notice of intent to terminate electricity, gas, or water service within 15 days of notice. Failure to comply subjects the licensee to civil penalties not to exceed $2,000.

I. Economic Development Programs/Infrastructure Financing

**AB 29** (J. Pérez). Governor’s Office of Business and Economic Development.
Chapter 475, Statutes of 2011
This measure creates the Governor’s Office of Business and Economic Development within the Governor’s Office of Planning and Research. This office will be the lead office for the Administration on business development, private sector investment, and economic growth. Within the office, also created is the California Business Investment...
Services Program, charged with working with local state and federal agencies and private parties and convening teams to help attract and retain new businesses, manufacturers and address possible closures of large business employers.

**AB 624** (J. Pérez). California Organized Investment Network.  
**Chapter 436, Statutes of 2011**  
This measure extends the authority for tax credits, from January 1, 2012, to January 1, 2017, issued to insurance companies making interest-free investments in community development financial institutions. It also establishes the California Organized Investment Network Advisory Board, which comprises insurance industry representatives, consumer advocates, economic development and affordable housing practitioners, and others to advise on the best methods to increase the level of insurance industry capital in investments while providing fair returns for investors and social benefits to underserved communities.

**Chapter 314, Statutes of 2011**  
This measure authorizes the City and County of San Francisco to establish America’s Cup special waterfront infrastructure finance districts to allow the districts to retain the Educational Revenue Augmentation Fund share of the property tax increment, but limits the incremental tax revenues that can be committed to a special waterfront district to $1 million in a fiscal year.

**AB 901** (V. M. Pérez). Economic Development. Small Business.  
**Chapter 483, Statutes of 2011**  
This measure defines “microbusiness lender” and expands the definition of financial institutions eligible to participate in the California Capital Access Program (CalCAP), a program administered by the California Pollution Control Financing Authority that provides loans through participating lenders to assist qualifying small business, and increases CalCAP reporting requirements.

**Chapter 484, Statutes of 2011**  
This measure adds insured depository institutions, insured credit unions, and community development financial institutions to the definition of financial institutions eligible to participate in the California Capital Access Program. The California Pollution Control Financing Authority, which administers the program, is also authorized to withdraw a portion of the interest or other income that has been credited to the loss reserve account, and makes other related changes.

*AB 1069* (Fuentes). Tax Credits. Film Industry.  
**Chapter 731, Statutes of 2011**  
This measure extends by one additional year the authority of the California Film Commission to allocate up to $100 million annually in tax credits to the film industry to offset costs filming in California, from July 1, 2014, to July 1, 2015.
SB 225 (Simitian). California Capital Access Program.  
Chapter 492, Statutes of 2011  
This measure authorizes the California Pollution Control Financing Authority to establish loss reserve accounts to finance terminal rental adjustment clause (TRAC) leasing (lease with fixed balloon payments purchase options upon termination) to small businesses, primarily trucking companies seeking to update their fleets, via the California Capital Access Program (CalCAP).

SB 310 (Hancock). Local development. Transit Priority Project Program.  
Chapter 446, Statutes of 2011  
This measure creates the Transit Priority Project Program to provide cities and counties with a process to develop transit priority projects that comply with a sustainable communities strategy, create jobs, reduce vehicle miles travelled, and meet regional housing needs. This measure requires participating cities or counties to adopt an ordinance stating the intent to participate in the program and create an infrastructure finance district. In addition, a city or county choosing to participate in the program must amend, if necessary, its General Plan and any other plan to authorize developers to build at an increased height of at least three stories within the newly created infrastructure finance district. This measure allows an infrastructure finance district to reimburse a developer for permit expenses for the construction of affordable housing units related to the Transit Priority Project Program. In order to be considered a Transit Priority Project Program, all projects must meet the following requirements:

- The location is in a designated priority project and within one-half mile of a transit station;
- The location is within a zone in which buildings are authorized to be at least three stories;
- The project meets the State Air Resources Board land use guidelines with respect to distance from major emitters;
- Onsite bicycle parking is provided;
- Car sharing is provided if it is available in the city or county;
- Unbundled parking is provided;
- All units receive transit passes for 10 years as part of the rent or condo fees if transit passes are available from local providers;
- Tenants are provided recycling for bottles, cans, paper, and plastic containers;
- An open space is provided onsite or a fee is paid to establish an open space;
- The project pays prevailing wages to construction workers for projects with over 100 units; and
- The project provides 20 percent affordable units in rental or owner occupied housing for low- or moderate-income persons, or pays a fee to provide affordable housing elsewhere with the city’s or county’s jurisdiction, as determined by the city or county and the developer is to require the housing units remain affordable for not less than 55 years for rental units and 45 years for owner-occupied units.
J. Redevelopment

*AB 936 (Hueso). Redevelopment. Debt Forgiveness.  
Chapter 226, Statutes of 2011
This measure:

- Requires that before a loan by a public body to a redevelopment agency, or by a redevelopment agency to a public body, can be forgiven the agency or public body forgiving the loan must adopt a resolution providing detailed information on the loan, the reasons for its forgiveness, and the proposed date the agency or public body proposes to act. The resolution is prohibited from being acted upon for fifteen days following its adoption and must be approved by roll-call vote.

- Requires any redevelopment agency or public body which forgave a loan subject to this measure between January 1, 2010, and December 31, 2011, to adopt a resolution by February 1, 2012, declaring that it has forgiven a loan, including specified information and details, and transmit the information to the legislative body and the Controller. The definitions of “public body” and “legislative body” in this measure are defined under Community Redevelopment Law.

AB 1338 (R. Hernández). Redevelopment.  
Chapter 299, Statutes of 2011
This measure requires a redevelopment agency to obtain an appraisal by a qualified independent appraiser to determine the fair market value of a property taken before the redevelopment agency acquires or purchases the property.

Chapter 429, Statutes of 2011
This measure clarifies statutes authorizing public trust land exchanges and grants for redevelopment projects at Hunters Point Naval Shipyard and Candlestick Point, Treasure Island, and the Naval Air Station Alameda.

- Regarding Hunters Point Naval Shipyard and Candlestick Point, the measure clarifies that the state reserves the mineral interest in lands granted to the San Francisco Redevelopment Agency, but that the state may quitclaim all mineral rights that are transferred out of the public trust. Should the San Francisco Redevelopment Agency dissolve, a successor agency is to take its responsibilities in administering the granted public trust lands.

- Regarding Treasure Island, this measure clarifies that the state reserves mineral interests in the lands granted to the Treasure Island Development Authority, but that the state may quitclaim all mineral rights transferred out of the public trust. It also declares the City and County of San Francisco as the successor agency.

- Regarding the Naval Air Station Alameda Public Trust Exchange Act, this measure clarifies that the state reserves the mineral interest in lands granted to the Alameda Reuse and Redevelopment Agency and the City of Alameda, but that the state may quitclaim all mineral rights transferred out of the public trust.
VII. Public Safety

A. Alcoholic Beverage Regulation

AB 183 (Ma). Alcoholic Beverage Licenses. Self-Service Checkouts.
Chapter 726, Statutes of 2011
This measure prohibits off-sale licensees, such as grocery stores, from selling alcoholic beverages using in-store self-service checkout stands. To do so would constitute a misdemeanor under the Alcoholic Beverage Control Act.

AB 1014 (Fletcher). Food Facilities. Definition.
Chapter 159, Statutes of 2011
This measure exempts premises set aside for the purposes of beer tasting from the definition of a food facility subject to the California Retail Food Code, regardless of whether there is a charge for the tasting. The exemption applies so long as beer and prepackaged non-potentially hazardous beverages (no heating or refrigeration requirements) are the only beverages offered for sale for onsite consumption and crackers or pretzels are the only food served.

Chapter 410, Statutes of 2011
This measure makes clarifying changes to existing social host liability law to specify adults who provide alcohol to minors who know or should have known the minor was under 21 years of age can still be held responsible for harm. The measure also clarifies that claims may be brought against an adult by a person age 21 years or younger, or by someone harmed by a person age 21 years or younger, that resulted from the alcohol consumption.

Chapter 702, Statutes of 2011
This measure authorizes the sale and consumption of alcoholic beverages at a city-owned community center located on public school grounds, so long as students are not present at the time of consumption. This measure also adds to the Alcoholic Beverage Control Act provisions relating to the establishment of cooking schools as bona fide eating places for the purpose of obtaining a license to sell beer and wine.

B. Animal Exploitation

Chapter 553, Statutes of 2011
This measure requires that misdemeanor and felony animal abuse convictions result in probation terms that prohibit animal ownership for five or 10 years, respectively, and provides that the owner of an animal seized through a search warrant shall be liable for
the costs of caring for and treating the animal and that these costs will be a lien on the animal which must be paid before the animal is returned.

**SB 425 (R. Calderon). Cruelty to Animals. Fighting.**  
Chapter 562, Statutes of 2011  
This measure increases the fine associated with misdemeanor convictions related to dog fighting and cock fighting. It also applies forfeiture provisions for property acquired through the illicit acts to cock fighting that are currently in place for dog fighting.

**SB 917 (Liu). Animal Abuse.**  
Chapter 131, Statutes of 2011  
This measure increases the misdemeanor penalty for animal neglect, makes conforming changes to other animal abuse laws and makes it a crime to sell a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk.

**C. Controlled Substances**

**AB 486 (Hueso). Controlled Substances. Bath Salts.**  
Chapter 656, Statutes of 2011  
This measure prohibits the sale, dispensing, distribution, administration, or giving or attempting to sell, dispense, furnish, administer or give, or possession for sale synthetic stimulants, known in as “bath salts” or synthetic stimulant derivatives, and makes doing so punishable as a misdemeanor. “Bath salts” is slang for synthetic stimulants that create a similar effect as cocaine, methamphetamine or even LSD, and has no relation to the product used for bathing purposes.

* **AB 1300 (Blumenfield). Medical Marijuana.**  
Chapter 196, Statutes of 2011  
This measure clarifies that existing provisions in state law related to the Medical Marijuana Program shall not prevent a city or other local governing body from adopting and enforcing local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective. It also authorizes the civil or criminal enforcement of those local ordinances.

**SB 420 (E. Hernandez). Synthetic Cannabinoid Compounds.**  
Chapter 420, Statutes of 2011  
This measure creates a misdemeanor, punishable by up to six months in county jail or a fine not exceeding $1,000, or both, for selling, dispensing, distributing, or possessing for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person. Synthetic cannabinoid compounds are also known as “fake pot” and have been listed by the Federal Drug Enforcement Administration as a Schedule I drug based on the finding that is poses an imminent hazard to public safety.
SB 514 (Simitian). Dextromethorphan. Sale to Minors Prohibited.
Chapter 199, Statutes of 2011
This measure prohibits any person, corporation, or retail distributor from knowingly supplying, delivering, or giving any quantity of dextromethorphan (commonly found in over the counter cough syrup) to a person under the age of 18 without a prescription.

D. Crimes, Crime Victims, and Corrections

Chapter 355, Statutes of 2011
This measure increases from 45 to 60 days the advance period that the California Department of Corrections and Rehabilitation must notify the sheriff, police chief, or both, and the district attorney of the scheduled release date of an inmate convicted of a violent felony.

Chapter 317, Statutes of 2011
This measure provides that every person who steals or takes copper materials valued greater than $950 is guilty of grand theft, punishable by a $2,500 fine, imprisonment in county jail, or both, or in state prison for up to three years and a fine not to exceed $10,000.

Chapter 657, Statutes of 2011
This measure aligns restricted license application rules for DUI convictions with alcohol-related reckless driving, also known as a "wet reckless," which is a lesser charge. AB 520 provides persons convicted of either a DUI or "wet reckless" may apply for a restricted license after 90 days, instead of 12 months, if he or she complies with specified requirements, including installation of an ignition interlock device.

AB 665 (Torres). Disorderly Conduct. Peeping.
Chapter 658, Statutes of 2011
This measure doubles the fine and possible jail time for repeat offenders of invasion of privacy with the naked eye or instrument, also known as "peeping," and also doubles the fine for first time offenders if the victim is a minor.

Chapter 421, Statutes of 2011
This measure allows law enforcement officials to inspect commercial optical disc (CD or DVD) manufacturing facilities to ensure compliance with existing laws that require certain identifying marks on each disc. It also increases the maximum fines applicable to a person who violates the provisions regulating manufactured optical discs, including new record keeping and marking requirements.
SB 557 (Kehoe). Family Justice Centers.
Chapter 262, Statutes of 2011
This measure creates a two-year pilot program in the Cities of San Diego and Anaheim, and Counties of Alameda and Sonoma for the establishment of a family justice centers (FJCs) and allows for the FJCs to be staffed by law enforcement, medical, social service, and child welfare personnel. The FJCs will assist victims of domestic violence, officer-involved domestic violence, sexual assault, elder or dependent adult abuse, stalking, cyberstalking, cyberbullying, and human trafficking through multi-disciplinary and multi-agency services.

Chapter 364, Statutes of 2011
This measure authorizes a crime victim to request being notified of an offender's custody status by electronic mail, if that method is available, in addition to certified mail or telephone contact options.

E. Fire Arms/Weapons

AB 144 (Portantino). Firearms.
Chapter 725, Statutes of 2011
This measure makes it a misdemeanor for any person to carry an exposed and unloaded handgun outside a vehicle upon his or her person while in any public place or on any public street in an incorporated city, or in any public place or public street in a prohibited area of an unincorporated county, with specific exemptions for individuals including security guards and honorable retired peace officers, amongst others.

AB 1402 (Public Safety Committee). Deadly Weapons.
Chapter 285, Statutes of 2011
This measure makes technical, non-substantive changes to Penal Code sections regulating deadly weapons, including deleting portions of the code that were chaptered out through other legislation or provide necessary cross-references to additional code sections.

SB 610 (Wright). Firearms. License to Carry Concealed Firearm.
Chapter 741, Statutes of 2011
This measure makes changes related to concealed handgun licenses and provides that the sheriff or police chief, upon determination of good cause or lack thereof, shall give written notice to the applicant based on their determination. If the sheriff or police chief determines that good cause exists, the notice shall inform the applicants to proceed with the specified training requirements. The measure also provides that no applicant shall be required to obtain liability insurance in order to receive a license or be required to pay for trainings prior to establishing their concealed handgun license.
F. Fire Service/Emergency & Disaster Response

Chapter 92, Statutes of 2011  
This measure clarifies AB 1648 (Jeffries, Chapter 360, Statutes of 2010) and requires a person who operates firefighting equipment to obtain either a class A or B license as appropriate for the size and configuration of the firefighting equipment or a class C license, a restricted class A license, or a noncommercial class B license with a firefighter endorsement. A firefighter endorsement is no longer required in addition to a class A or class B license.

Chapter 215, Statutes of 2011  
This measure allows the State Fire Marshal to accept certification by the U.S. Department of Defense for the position of Firefighter I to meet the required California state firefighter training and certification standards, as an alternative to those California standards set by the State Fire Marshal.

Chapter 603, Statutes of 2011  
This measure makes changes to hazardous material reporting requirements, emergency response requirements, and hazardous waste manifest requirements and to the requirements for the management of used paint. More specifically, it allows local governments cost recovery for emergency response to hazardous substances spills under a wider range of circumstances.

AB 1420 (Government Organization Committee). Emergency Management Assistance Compact.  
Chapter 413, Statutes of 2011  
This measure extends by three years the sunset date for the Emergency Management Assistance Compact, the interstate agreement that provides for mutual assistance between states responding to disasters and emergencies. It now becomes inoperative on March 1, 2015, and is repealed on January 1, 2016.

Chapter 520, Statutes of 2011  
This measure contains numerous requirements relative to the compatible and coordinated efforts between gas pipeline utility operators and local agencies, specifically first responders. These involve emergency shutdown and pressure reduction procedures; the role of the incident commander relative to coordination between first responders and the specified gas line owners or operators; and ensuring the specified gas line owners or operators establish and maintain liaison with appropriate fire, police, and other public officials.
*SB 216 (Yee). Public Utilities. Intrastate Natural Gas Pipeline Safety.
Chapter 521, Statutes of 2011
This measure allows the California Public Utilities Commission to require the installation of automatic shutoff or remote controlled sectionalized block valves on certain intrastate transmission lines that are located in a high consequence area or that traverse an active seismic earthquake fault.

G. Gaming/Gambling

AB 241 (Hall). Gambling Moratorium.
Chapter 316, Statutes of 2011
This measure extends the sunset date on the gambling moratorium for the expansion of card rooms and the issuance of new card room licenses by the state and local jurisdictions from January 1, 2015, to January 1, 2020.

*AB 1417 (Hall). Tribal Gaming. Local Agencies.
Chapter 736, Statutes of 2011
This measure appropriates $9.1 million dollars from the Special Distribution Fund for grants to local agencies to mitigate the impacts of tribal gaming in local communities for public safety, infrastructure and other needs.

H. Judicial Processes

AB 622 (Dickinson). Civil Grand Juries.
Chapter 679, Statutes of 2011
This measure changes the civil grand jury process to allow a witness to have counsel present during their testimony to expedite the grand jury process. Without this provision, witnesses are required to leave the grand jury room after each question to consult with his or her attorney. It sunsets January 2017.

Chapter 687, Statutes of 2011
This measure requires a trial court to make public a draft of the trial court’s annual budget and provide the opportunity for public comment on both the budget process and any closure of courtrooms or reduction in the hours of the clerks’ office prior to that budget adoption, until January 2017.

AB 1010 (Furutani). Law Enforcement. Recorded Communications.
Chapter 659, Statutes of 2011
This measure gives city attorneys prosecuting misdemeanors in the fields of fraud or consumer abuse the ability to record conversations without first having to obtain permission on a case-by-case basis from the appropriate district attorneys’ office or law enforcement agency.
I. Local Funding Authority

**AB 434** (Logue). County Penalties. Forensic Laboratories.
Chapter 195, Statutes of 2011
This measure authorizes, with approval from a county’s board of supervisors and after all other necessary appropriations are made, funds remaining in a county’s DNA Identification Fund to also be used to reimburse a regional state crime laboratory for costs associated with the analysis and comparison of crime scene DNA with forensic identification for local law enforcement investigations.

**AB 674** (Bonilla). Vehicles. Registration Fees.
Chapter 205, Statutes of 2011
This measure removes the sunset date on current law that allows a county to levy $1 dollar on vehicle registration fees ($2 dollar on commercial vehicles) for the purpose of providing local law enforcement fingerprint identification program funding and access the statewide database system, Cal-ID.

Chapter 662, Statutes of 2011
This measure authorizes a county to extend the one-time infraction amnesty program to misdemeanor Vehicle Code violations, allowing a person who owes an outstanding fine to pay 50 percent of the fine, and avoid additional fines or jail time for late and non-payments, allowing the local jurisdiction to recoup otherwise lost fine revenue.

J. Public Health

**AB 604** (Skinner). Needle Exchange Programs.
Chapter 744, Statutes of 2011
This measure authorizes the state Department of Public Health (DPH), instead of a city or county, to establish needle and syringe programs with community health organizations in areas where the DPH determines the potential for the rapid spread of diseases through contaminated needles until January 2019. In approving a local needle exchange program, DPH is required to consult with the local health officer and local law enforcement leadership, and balance public health benefits against public safety concerns. Further, programs may only be approved in two-year time increments with extensions requiring further review and input from local stakeholders.

**AB 619** (Halderman). Massage Therapy.
Chapter 162, Statutes of 2011
This measure makes various changes to existing law related to the California Massage Therapy Council (CAMTC) and certification of massage therapy business owners and employees. It authorizes CAMTC to revoke the massage certificate of an owner or operator for a violation by their employee or independent contractor. In addition, it prohibits a city or county from imposing a licensing requirement on an employee with CAMTC certification, or an employer who only employs CAMTC certified employees.
The measure also requires that cities or counties levying a local business licensing fee apply the same fee to massage therapy businesses as is applied to all other individuals and businesses providing a professional service. Finally, local governments are authorized to conduct their own background checks of a massage business owner if that owner has possession of five percent or more of the business or establishment.

**SB 41 (Yee). Hypodermic Needles and Syringes.**
**Chapter 738, Statutes of 2011**
This measure suspends certain provisions of the Disease Prevention Demonstration Project until January 1, 2015, including the ability for a city or county to restrict the number of hypodermic needles and syringes a pharmacist or physician may provide without a prescription to 10 per person. Until then, pharmacists and physicians may to furnish up to 30 hypodermic needles and syringes without a prescription to a person 18 years or older, without city or county authorization.

**SB 285 (Correa). Massage Therapy.**
**Chapter 149, Statutes of 2011**
This measure creates a misdemeanor charge against a person that falsifies a certificate, transcript, diploma or other document affirming they received massage therapy instruction.

**K. Public Safety Professionals**

**SB 390 (La Malfa). Crimes. Assault and Battery. Search and Rescue Teams.**
**Chapter 249, Statutes of 2011**
This measure expands the scope of assault and battery crimes against public safety officers, such as peace officers, firefighters and emergency medical technicians, while performing their official duties to also include search and rescue team members. The offense is a misdemeanor punishable by a $2,000, imprisonment in county jail up to one year, or both.

**SB 406 (Liu). Battery. Security Officers and Custodial Officers.**
**Chapter 250, Statutes of 2011**
This measure adds security officers and custody assistants to the list of public safety officers that triggers a greater penalty when they are the victim of simple battery. The list includes peace officers, firefighters, lifeguards, physicians or nurses providing emergency care, animal control, code enforcement, and through SB 406, also includes, under the definition of a custody assistant, any person who is employed or volunteers through a local law enforcement agency to assist peace officers in maintaining security in detention facilities. Under the definition of a security officer, greater penalties apply for battery of any person employed or volunteering through a local government agency to provide security at locations or facilities owned, operated, or administered by a local government.
L. Sex Offender Management

**AB 813 (Fletcher). Sex Offenders. Punishment. Parole.**
*Chapter 357, Statutes of 2011*
This measure provides immunity from liability to Sex Offender Management Board members and certified sex offender management professionals for criminal acts committed by persons in their care or management.

**SB 179 (Pavley). Sex Offenders. Parole.**
*Chapter 359, Statutes of 2011*
This measure puts a hold on the parole period of any person subject to commitment as a sexually violent predator (SVP) from the initial finding of probable cause through their dismissal of proceeding or release from confinement in a state facility, closing a loophole in California law to ensure that current sex offenders serve their court-ordered parole period. Prior to SB 179, SVPs could simultaneously serve their parole term while confined in a state hospital, thereby reducing their total parole term.

**SB 534 (Corbett). Victims of Sexual Assault.**
*Chapter 360, Statutes of 2011*
This measure makes changes to sexual assault forensic protocol to conform California to federal requirements for Violence Against Women Act (VAWA) funding. This measure specifies that any sexual assault victim who seeks a forensic medical exam is not required to engage with law enforcement in order to receive the exam. However, local law enforcement agencies are authorized to still seek reimbursement for the cost of a forensic medical exam for victims who decline to participate in the criminal justice system by applying to the California Emergency Management Agency for federal discretionary VAWA funding from the Services, Training, Officers and Prosecutors (STOP) Violence Against Women Formula Grant Program until January 1, 2014.

**SB 622 (Corbett). Sex Offenders. Registration.**
*Chapter 362, Statutes of 2011*
This measure expands sex offender registration requirements for individuals with an out-of-state conviction even if the facts used towards their conviction would not have them require registration as sex offender in the state of their conviction.

**SB 756 (Price). Sex Offender Registration.**
*Chapter 363, Statutes of 2011*
This measure clarifies the jurisdiction for prosecuting a sex offender registrant for failing to register by authorizing a district attorney in a jurisdiction where a sex offender was supposed to register to issue an arrest warrant.
M. Youth Violence Prevention, Bullying, and Victimization

**AB 177 (Mendoza). Juveniles. Parenting Classes.**  
Chapter 258, Statutes of 2011  
This measure expands the existing authority of the courts to order anti-gang violence parenting classes for parents or guardians of minors involved in a gang-related offense, as specified. Under AB 177, parents or guardians may be ordered to attend anti-gang violence parenting classes if the court finds their minor has committed curfew violations, habitual disobedience, truancy, or other non-gang related offenses if the court finds the minor is at significant risk for gang involvement. Parents or guardians are still responsible for the cost of the classes so long as it does not create a financial hardship.

**AB 717 (Ammiano). Child Abuse Central Index.**  
Chapter 468, Statutes of 2011  
This measure amends existing provisions of law relating to the Child Abuse Central Index, which requires law enforcement agencies to report any known or suspected child abuse case that is determined not to be unfounded to the Department of Justice, by only including substantiated reports, and removing inconclusive and unfounded reports from those required to be reported to the Child Abuse Central Index.

**AB 1111 (Fletcher). Debt Collection. Homeless Youth.**  
Chapter 466, Statutes of 2011  
This measure prohibits a court from garnishing wages or levying against an individual’s bank account when that individual is under age 25 and is homeless, in the court’s efforts to collect fines for truancy, loitering, curfew violations or illegal lodging citations. Wage garnishment and bank account levies are permitted when the person reaches 25 or is no longer homeless.

**AB 1122 (J. Pérez). Juvenile Offenders. Tattoo Removal.**  
Chapter 661, Statutes of 2011  
This measure creates the California Voluntary Tattoo Removal Program to provide grants to state and county agencies assisting youth, ages 14 to 24, who are in county probation, state corrections custody, or a county-assistance program, to remove gang-related, unprofessional tattoos. Youth must be currently taking part in educational programs, job training, job interviews or other advancement activities. The program is effective until January 2017, and is subject to funding appropriated to the California Emergency Management Agency.

**AB 1156 (Eng). Pupils. Bullying.**  
Chapter 732, Statutes of 2011  
This measure creates various requirements related to bullying including requiring training in the prevention of bullying in programs offered by the Department of Justice and California Board of Education to school personnel, giving priority for inter-district transfers to victims of bullying, and revising the definition of bullying, as of July 1, 2012.
N. Other Public Safety

Chapter 653, Statutes of 2011  
This measure prohibits a peace officer or any other authorized person from causing the impoundment of a vehicle at a sobriety checkpoint if the driver's only offense is his or her failure to hold a valid driver's license. It also requires the peace officer to make a reasonable attempt to identify the registered owner of the vehicle, and, if present, release the vehicle to the registered owner. If the registered owner cannot be identified or contacted to retrieve the vehicle, the non-licensed driver will be issued a notice to appear and vehicle removed for retrieval at a later time by the registered owner.

Chapter 55, Statutes of 2011  
This measure provides that a person who takes, conceals, or disposes of property in bad faith through undue influence or through financial abuse under the Elder Abuse and Dependent Adult Protection Act is liable for twice the value of the property taken.

Chapter 438, Statutes of 2011  
This measure authorizes a school district or a county office of education (COE), in consultation with law enforcement officials, to choose not to have its school site council develop and write portions of its comprehensive school safety plan, including tactical responses to criminal incidents that may result in death or serious bodily injury at the school site. Authorizes, instead, the school district and COE administrators to write those portions of the school safety plan, as a means to protect potentially sensitive information that could jeopardize the safety response plan.

AB 807 (Solorio). Vehicles. Taxicab Transportation Services. Periodic Reports.  
Chapter 108, Statutes of 2011  
This measure requires employers of taxicab drivers to show DMV pull-notice reports if requested by an administrative agency, such as cities, responsible for issuing taxicab permits and to provide reports showing a driver's current public record and any subsequent convictions, driver's license revocations, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege. Pull-notice reports are currently available to administrative agencies for tow-truck drivers, ambulances, school buses, hazardous materials haulers, and others.

AB 1074 (Fuentes). Personal Liability Immunity. Telecommunications Service Providers.  
Chapter 297, Statutes of 2011  
This measure provides that retail and wholesale service providers involved in providing 9-1-1 services are not liable for any civil claim, damage, or loss caused by a problem with the provision of 9-1-1 services, unless the problem was caused by gross negligence, wanton or willful misconduct, or intentional misconduct.
VIII. Revenue and Taxation

A. Tax Collection

This measure expands the definition of a “retailer engaged in business in this state” to improve collection of California’s owed, but uncollected, use tax. This measure authorizes several additional ways of clarifying “nexus” to support state collection of the use tax, including:

- Any retailer that has substantial nexus for purposes of the US commerce clause;
- The corporate relationship of a parent retailer and subsidiary working together, where in-state services are provided by a subsidiary in California in connection with tangible personal property to be sold by the retailer; and,
- Retailers that have agreements with in-state persons to refer potential purchasers to out-of-state retailers via an Internet-based link or Web site.

Several effective dates are included in the measure. If Congress fails to take action to adopt a nationwide solution to the use tax collection issue, then this measure takes effect on July 31, 2012. If Congress does pass a law, but California elects not to implement it before September 14, 2012, AB 155 takes effect on January 1, 2013.

This measure authorizes employees of a city’s finance department access to necessary information from a county assessor to determine whether an unrecorded change of ownership of property qualifies for imposition of a city’s documentary transfer tax. Reasonable safeguards are also included to protect against the release of social security numbers and other confidential information.

*AB 1307 (Skinner). Board of Equalization. Tax Collection Efforts. Chapter 734, Statutes of 2011
This measure enhances the methods for the state Board of Equalization (BOE) to collect tax revenue by authorizing the Contractors State License Board to refuse to issue a license to an applicant with outstanding financial liabilities owed BOE, authorizing BOE to refuse to issue a seller’s permit to an applicant with outstanding financial liabilities, and authorizing the Employment Development Department to share employer and employee information with BOE for the purpose of tax or fee enforcement.
Chapter 455, Statutes of 2011
This measure significantly tightens and coordinates the state’s efforts to collect revenue from major delinquent tax debtors.  Specifically, the measure:

- Expands the existing list of major delinquent tax debtors of the Franchise Tax Board (FTB) and Board of Equalization (BOE) from 250 to 500;
- Requires FTB to update and distribute its list to all state agencies at least biannually (BOE list is already produced quarterly);
- Requires the DMV to suspend the driver’s license of those listed on the BOE or FTB “certified” lists and authorizes the California State Bar and Alcohol Beverage Control Board to also suspend or otherwise deny licenses;
- Prohibits all other state agencies from issuing or otherwise renewing a license, other than a temporary 90-day license, for a licensee whose name appears on the certified lists;
- Prohibits all state agencies from entering into contracts after July 1, 2012, with individuals and firms on the lists;
- Authorizes BOE and FTB to enter into agreements to collect delinquent sales and use tax due to other states or the Internal Revenue Service;
- Requires the State Controller, upon execution of a reciprocal agreement between the FTB or BOE and any other state imposing a sales and use tax, an income tax or a tax measured by income, to offset any tax due that other state from a person or entity against any sales tax, corporation tax or personal income tax owed to that person or entity.  Payments for offsets to other states shall be made only after amounts owed to California and the federal governments have been satisfied; and,
- Requires all state licensing agencies to collect the social security number or federal taxpayer identification number from all applicants for the purpose of matching names on the certified lists.

B. Sales/Transaction and Use Taxes

Chapter 289, Statutes of 2011
This measure extends the existing sales tax exemption for sales from charitable thrift stores from January 1, 2012, to January 1, 2019.

*AB 686 (Huffman). Transaction and Use Taxes. Increases.  
Chapter 176, Statutes of 2011
This measure provides additional flexibility for proposed increases in a local transactions and use tax by authorizing a new permitted rate of 0.125 percent, or a multiple thereof.  Previously, the smallest rate increase permitted was 0.25 percent.
SB 771 (Kehoe). Sales Tax Exempting Eligibility. Landfill and Digester Gas Turbines.
Chapter 598, Statutes of 2011
This measure provides that landfill and digester gas turbines, engines, and microturbines may be considered renewable energy eligible for sales tax exemptions and other financial assistance under the California Alternative Energy and Advanced Transportation Financing Act.

SB 805 (Veterans Affairs Committee). Sales. Itinerant Veteran Vendors.
Chapter 246, Statutes of 2011
This measure extends the sunset date, from January 1, 2012, to January 1, 2022, for the existing exception from the Board of Equalization’s definition of “seller” for qualified itinerant veteran vendors who sells tangible personal property for $100 or less.

C. Property Taxes

AB 188 (Block). Property Tax Exemption. Veteran’s Surviving Spouse.
Chapter 202, Statutes of 2011
This measure states that property owned by an unmarried surviving spouse of a deceased disabled veteran continues to qualify for the veteran’s property tax exemption when the unmarried surviving spouse is hospitalized or otherwise unable to occupy the property. It defines when a property initially becomes eligible for the disabled veteran’s exemption. Also, the measure provides that an unmarried surviving spouse of a disabled veteran no longer qualifies for the veteran’s property tax exemption when he/she remaries.

Chapter 288, Statutes of 2011
This measure establishes several limitations on challenging the sale of a tax deed on tax defaulted property completed on or after January 1, 2013:
• The person must first petition the board of supervisors to rescind the sale of the property, pursuant to the process detailed in existing statute, within one year; and,
• The proceeding is commenced within one year from the date the board of supervisors determines that the tax deed sold should not be rescinded.

AB 468 (Smyth). Property Tax. City of Simi Valley.
Chapter 319, Statutes of 2011
This measure, beginning with FY 2012-13 fiscal year, prohibits a reduction in the tax equity allocation payments to the City of Simi Valley as a result of that city serving as the successor agency of a dissolved maintenance district, and requires Simi Valley to reimburse the county auditor for any administrative costs.
AB 703 (Gordon). Resources and Open Space Lands. Welfare Exemption.  
Chapter 575, Statutes of 2011  
This measure extends the existing authority for the property tax “welfare exemption” to be provided on lands dedicated to the preservation of open space and natural resources from January 1, 2012, to January 1, 2022.

AB 711 (Lara). Property Taxes. Owner-Occupied Assessment Disputes.  
Chapter 220, Statutes of 2011  
This measure narrows the definition of “owner-occupied single-family dwelling” that governs the existing presumption that applies in favor of the taxpayer in a dispute with an assessor over the value of an owner-occupied single family dwelling. The revised definition states that the property must be the owner’s principal place of residence and qualify for the homeowner’s property tax exemption.

Chapter 207, Statutes of 2011  
This measure repeals the $1 fee that an assessor is required to charge for supplying a certificate of payment for taxes, and instead requires a fee to be charged which covers the actual and reasonable costs of the assessor, tax collector or auditor.

* AB 1090 (Blumenfield). Property Tax Deferment.  
Chapter 369, Statutes of 2011  
This measure enacts the County Deferred Property Tax Program for Senior and Disabled Citizens and allows each county to elect to participate in the program. Under the program qualifying homeowners earning less than $35,000 per year may apply to have their property taxes deferred and a lien will be placed against the property that will be recovered upon transfer of the property. Counties, and other local agencies which invest in the fund, are required to earn seven percent interest, or two percent above the amounts paid by the Pooled Money Investment Account, whichever is higher. This measure is designed to not interfere with the flow of property tax dollars to local agencies because the deferred amount will be made up by funds invested by local agencies.

*AB 1350 (Lara). Property Taxation. Override Rates. Validation by County Auditor.  
Chapter 428, Statutes of 2011  
This measure requires county auditors to verify that property tax rates increased or extended by a jurisdiction do not exceed the maximum statutory rate.

Chapter 3, Statutes of 2011, First Extraordinary Session  
This measure clarifies the definition of active solar energy system for purposes of the existing property tax exclusion from the definition of “new construction.” The measure states that solar systems are often sold via sale-leaseback arrangements, partnership-flip structures and other transactions to purchasers that may be eligible for federal tax credits, and that it is legislative intent that such arrangements qualify for the exclusion.
Other projects listed for inclusion are freestanding structures and parking lot canopies. This measure adds that property tax exclusions granted to solar energy systems shall remain in effect until there is a subsequent change in ownership.

This measure increases the penalty for a new owner failing to file a change of ownership statement from $2,500 to $5,000 where the property is eligible for a homeowner’s exemption and from $5,000 to $20,000 for property not eligible for the homeowner’s exemption. The deadline to file with the assessor or the Board of Equalization is increased from 45 to 90 days.

This measure creates a special property tax allocation formula to distribute the proceeds of a new public utility power plant for the benefit of the City of Oakley. The measure also requires the city to create one housing unit affordable to an extremely low income household for each job created within a specified area.

SB 947 (Governance and Finance Committee). Property Tax. Chapter 351, Statutes of 2011
This measure makes numerous minor, technical changes to property tax law.

D. Budget Process/Mandates/State Regulations

ABx1 16 (Blumenfield). Local Revenue Fund 2011. Changes. Chapter 13, Statutes of 2011, First Extraordinary Session
This measure makes numerous changes to the Local Revenue Fund 2011, which was adopted as part of the realignment of various services to counties in the state budget. Of concern to cities was a maintenance of effort funding requirement to receive city COPS (Citizens’ Option for Public Safety) funding. This requirement was later repealed by SBx1 4 (Budget Committee, Chapter 14, Statutes of 2011, First Extraordinary Session).

*SB 15 (DeSaulnier). State Budget. Additional Information. Chapter 737, Statutes of 2011
This measure revises some of the information the Governor must to submit to the Legislature as part of the state budget process, as follows:
- Accelerates the timing for providing supplemental budget trailer bill language and a five-year infrastructure plan from the existing February 1 to January 10, the budget introduction deadline, or as soon thereafter as feasible; and
• Specifies that the following information be included in the original budget proposal and be updated as soon as feasible after both submission of the May Revision and the final budget summary on enactment of the Budget Bill:
  ➢ Estimates for anticipated General Fund resources and expenditures for the budget year and the three following fiscal years; and,
  ➢ Compare total resources and expenditures to projections from the previous four enacted Budget Acts.

**SB 112 (Liu). State Mandates. Claiming Instructions.**
*Chapter 144, Statutes of 2011*
This measure extends the State Controller's time limit to issue claiming instructions for reimbursable mandates from 60 to 90 days. In addition, the measure provides that if boiler plate language in parameters and guidelines is amended that does not increase or decrease eligible costs, then the eligible filing period is limited to the fiscal year in which the amended parameters and guidelines were adopted.

**SB 506 (Simitian). Registered Warrants. Payments For State Bonds.**
*Chapter 306, Statutes of 2011*
This measure provides that if a registered warrant is issued for the payment of principal or interest due on a state bond, the beneficial owner of that state bond may offset the principal amount of the registered warrant against an existing tax liability subject to certain requirements and procedures. The Senate Floor analysis for this measure states that the intent of this change is to strengthen private sector interest in purchasing state bonds, not an omen portending a new state budget strategy.

**SB 617 (R. Calderon). State Operations and Regulations.**
*Chapter 496, Statutes of 2011*
This measure requires each state agency that is subject to the Office of Administrative Law to prepare a comprehensive economic analysis for every major regulation proposed after November 1, 2013, that has an economic impact on California businesses and individuals of more than $50 million. In addition, this measure requires state agencies to increase focus on monitoring the operation of state programs, internal auditing and financial controls.

### E. State Budget

**SB 87 (Leno). 2011-12 Budget.**
*Chapter 33, Statutes of 2011*
This measure is the main budget bill enacting the FY 2011-12 Budget Act. Related statutory changes are contained in the trailer bills below.
i. Education

**AB 108 (Budget Committee). Education.**
**Chapter 135, Statutes of 2011**
This measure corrects the implementation date of the community college student fee increase of $10 per unit, from fall to winter term, in case the trigger reductions become operative by January 1, 2012.

**AB 114 (Budget Committee). Education Trailer Bill.**
**Chapter 43, Statutes of 2011**
This measure makes various changes to K-12 education, higher education, and child care programs necessary to implement provisions of the FY 2011-12 Proposition 98 trigger cuts, if revenues fall below projections by $2 billion or more.

**SB 70 (Budget and Fiscal Review Committee). Education Finance.**
**Chapter 7, Statutes of 2011**
This measure makes numerous changes to K-12 education and higher education as part of the FY 2011-12 Budget Act including:
- No cost of living adjustments for K-12 or community colleges;
- Extends flexibility in areas such as K-3 class size reduction, instructional time, purchase of instructional materials, deferred maintenance, sale of surplus property and reserve requirements;
- Provides one-time Proposition 98 savings to address a funding shortfall for mental health services for special education students;
- Redevelopment Funds - Contingency Language. Requires the state to adjust the Proposition 98 calculation so that the any shift in local property taxes previously received by redevelopment agencies has no effect on the minimum guarantee in FY 2011-12;
- Lowers maximum allowable income for subsidized child care from 75 percent to 70 percent of State Median. Deprioritizes care for 11- and 12-year olds.
  - Reduces reimbursement rate for license-exempt providers. Increases family fee schedule by 10 percent. Allows 15 percent cuts to child care program contracts.
- Increases community college fees by $10 per unit. Requires University of California and California State University systems to report on how they will implement their $500 million reductions; sets enrollment requirements.

ii. General Government

**AB 112 (Budget Committee). Budget Act of 2010-11. Unemployment Benefits.**
**Chapter 30, Statutes of 2011**
This measure allows the Employment Development Department to use $48 million of federal stimulus funds for administrative costs to implement the Alternative Base Period program that will allow additional unemployed persons to qualify for federal unemployment insurance benefits earlier.
**AB 119 (Budget Committee). General Government Budget Trailer Bill.**
**Chapter 31, Statutes of 2011**
This measure reorganizes various state administration related programs and makes technical changes to reporting, deadlines for general government programs to implement the FY 2011-12 Budget Act.

**AB 121 (Budget Committee). Budget Act of 2011. Trigger Cuts.**
**Chapter 41, Statutes of 2011**
This measure authorizes the Director of Finance to make specified cuts if revenue forecasts are short of projections in December 2011.

Tier 1 authorizes total cuts up to $601 million as listed below:
- Education: $100 million each to University of California and California State University, $30 million to community colleges backfilled with a $10 per unit fee increase;
- Health and Human Services: $100 million to Department of Developmental Services; $100 million in service hour cuts to In-Home Supportive Services;
- Department of Corrections and Rehabilitation (CDCR): $20 million cut ($72 million in increased county charges for youthful offenders sent to CDCR); and,
- $16 million to State Library, eliminating all state funding to libraries.

Further Tier II cuts to education, if needed, are authorized up to a total of $1.9 billion:
- $1.5 billion from reducing the 2011-12 school year by up to seven days;
- $248 million from eliminating home-to-school transportation; and,
- $72 million in additional cuts to community colleges.

**Chapter 42, Statutes of 2011**
This measure appropriates $1.2 billion General Fund to the Departments of Corrections and Rehabilitation ($1.15 billion), Mental Health ($50 million), Forestry and Fire Protection ($12.6 million), Finance ($145,000), and to the Counties of Mariposa, Modoc, and Shasta ($1.1 million) to address budget shortfalls and pay county claims.

**ABx1 28 (Blumenfield). Online Sales Tax.**
**Chapter 7, Statutes of 2011, First Extraordinary Session**
This measure expands the definition of “retailer engaged in business” in California to require out of state retailers to collect sales and use tax if they have specified levels of sales in the state. This measure was later made moot by the passage and chaptering of AB 155 (C. Calderon, Chapter 313, Statutes of 2011).

**ABx1 29 (Blumenfield). State Responsibility Areas. Fire Prevention Fee.**
**Chapter 8, Statutes of 2011, First Extraordinary Session**
Imposes an annual $150 per structure fire prevention fee on owners of structures in State Responsibility Areas (SRA) for the State Board of Forestry and Department of Forestry and Fire Protection to use for on-going fire prevention needs within the SRAs.
SB 79 (Budget and Fiscal Review Committee). State Funds.
Chapter 142, Statutes of 2011
This measure provides the necessary changes relating to state funds and cash-flow borrowing necessary for the FY 2011-12 Budget Act.

SB 80 (Budget and Fiscal Review Committee). General Government.
Chapter 11, Statutes of 2011
This measure makes changes to various programs including the Williamson Act Open Space Subvention, the California Public Employees’ Retirement System Health Benefit Program savings and federal extended unemployment benefits.

*SB 82 (Budget and Fiscal Review Committee). State Cash Resources.
Chapter 12, Statutes of 2011
This measure makes necessary changes to cash management and deferrals to ensure sufficient cash reserves during FY 2011-12. Of note, it permits deferral of social services and other payments to cities, counties and local governments not to exceed $1 billion. Payments to counties or cities with a population less than 50,000 shall not be deferred. Due to the passage of Proposition 22 (2010), local highway user’s tax (HUTA) funds are no longer deferred.

Chapter 13, Statutes of 2011
This measure amends the 2010 Budget Act to add $545 million in new budgetary loans and transfers from special funds to the General Fund to backfill for the revenue loss caused by the cancelation of the sale-for-leaseback of state office buildings.

SB 86 (Budget and Fiscal Review Committee). Tax Compliance.
Chapter 14, Statutes of 2011
This measure makes various changes to increase state tax compliance. Persons who are required to report and remit the use tax on purchases made online or out of state must use a "Look-Up" table. It authorizes an eligible person, for single non-business purchases of items costing $1,000 or less to report either the actual amount of use tax due or the amount shown on a “Look-Up” table.

SB 94 (Budget and Fiscal Review Committee). Trailer Bill. Vehicle License Fees.
Chapter 21, Statutes of 2011
This measure provides the DMV administrative flexibility in vehicle registration renewal fees as the Vehicle License Fee rate is set for FY 2011-12.
iii. Health and Human Services

**AB 97 (Budget Committee). Omnibus Health Trailer bill.**
*Chapter 3, Statutes of 2011*
This measure changes rates, reimbursements and services provided by Medi-Cal and the Healthy Families Program.

**AB 99 (Budget Committee). Health and Human Services Fund.**
*Chapter 4, Statutes of 2011*
This measure offsets $1 billion in General Fund support for Medi-Cal services for children by requiring a one-time transfer of $50 million of state and $950 million of local children and families commission funds (also known as First 5, funded by existing tobacco taxes) to provide health and human services to children from birth through five years of age.

**AB 100 (Budget Committee). Mental Health Services Act.**
*Chapter 5, Statutes of 2011*
This measure makes changes necessary to enact the FY 2011-12 Budget Act related to the Mental Health Services Act. It reduces state administrative costs and deletes requirement for annual state reviews of county mental health plans.

**AB 102 (Budget Committee). Health Omnibus.**
*Chapter 29, Statutes of 2011*
This measure makes changes necessary to transition mental health managed care, community mental health programs, and the California Medical Assistance Commission to the Department of Health Care Services.

**AB 104 (Budget Committee). Developmental Services Omnibus.**
*Chapter 37, Statutes of 2011*
This measure makes various changes to developmental services programs necessary to implement provisions of the FY 2011-12 Budget Act.

**AB 106 (Budget Committee). Human Services Omnibus.**
*Chapter 32, Statutes of 2011*
This measure makes various changes to CalWORKs, foster care and in-home support services necessary to implement provisions of the FY 2011-12 Budget Act.

**AB 113 (Monning). Health. Hospitals. Medi-Cal.**
*Chapter 20, Statutes of 2011*
This measure requires the Department of Health Care Services to help non-designated public hospitals draw down the maximum available federal funds for Medi-Cal expenditures.
**ABx1 19 (Blumenfield). Medi-Cal Reimbursement. Long Term Care.**
**Chapter 4, Statutes of 2011, First Extraordinary Session**
This measure makes various changes to Medi-Cal reimbursement for skilled nursing facilities to implement the FY 2011-12 Budget Act.

**SB 72 (Budget and Fiscal Review Committee). Human Services Trailer Bill.**
**Chapter 8, Statutes of 2011**
This measure makes numerous changes to adoptions, child support, CalWORKS, In-Home Supportive Services (IHSS), and SSI/SSP to implement the FY 2011-12 Budget Act. Changes to CalWORKS include: shortening time for adults to receive aid from five to four years, reducing grants by 8 percent, cutting $427 million for child care, employment services and county administration. The measure reduces SSP payments to federal minimum, requires health care professional to certify need for IHSS services. It also grants counties flexibility to redirect between specified funding for employment assistance, substance abuse treatment, or mental health services, reduces amount of earned income “disregarded” for calculating aid, delays by one year full implementation of various other programs.

**SB 73 (Budget and Fiscal Review Committee). Health and Human Services.**
**Chapter 34, Statutes of 2011**
This measure makes statutory changes to cut $15 million in specified Medi-Cal programs, cuts In-Home Supportive Services by 20 percent across-the-board ($100 million), and makes $100 million in overall cuts to the Developmental Services system if trigger cuts are implemented.

**SB 74 (Budget and Fiscal Review Committee). Developmental Services.**
**Chapter 9, Statutes of 2011**
This measure makes necessary changes to developmental services programs to enact the FY 2011-12 Budget Act. It requires the Department of Developmental Services to develop and submit to the Legislature proposed best practices for the administration of regional centers and the purchase of services for consumers. It also caps administrative costs at 15 percent and increases accountability and transparency.

**SB 90 (Steinberg). Health. Hospitals. Medi-Cal.**
**Chapter 19, Statutes of 2011**
This measure resolves a number of pending lawsuits by repealing various Medi-Cal hospital rate reductions and rate freezes enacted by health budget trailer bills in 2008, 2010 and 2011.

**SB 91 (Budget and Fiscal Review Committee). Adult Day Health Care Centers.**
**Chapter 119, Statutes of 2011**
This measure cleans up the March omnibus health trailer bill (AB 97, Budget Committee, Chapter 3, Statutes of 2011). It removes the prohibition against issuing or renewing a license for an adult day health care (ADHC) center that is not approved as a Medi-Cal provider of adult day health care services. The measure also permits ADHCs
to operate adult day programs, for individuals who do not require on-site medical care, without obtaining an additional social services license.

**SB 93 (Budget and Fiscal Review Committee). Health and Human Services. Chapter 143, Statutes of 2011**

This measure makes technical changes to correctly identify the control section language that will result in reductions in In-Home Supportive Services under the trigger cuts.

### iv. Natural Resources


This measure makes various changes to implement the FY 2011-12 Budget Act including: eliminates state support for county fairs; provides criteria for state park closures; authorizes state and regional water quality control boards to include regulatory and programmatic costs for the development of water quality control plans (basin plans) as recoverable costs; and requires the Governor to submit various fiscal and program reviews for all state programs that implement water and ecosystem restoration activities in the Delta, including those related to the CALFED Bay-Delta Program.

**AB 107 (Budget Committee). Natural Resources. Chapter 134, Statutes of 2011**

This measure implements necessary changes to enact the FY 2011-12 Budget Act including budget reductions to the Department of Food and Agriculture.

**AB 120 (Budget Committee). Budget Trailer Bill. Public Resources. Chapter 133, Statutes of 2011**

This measure makes changes to various Resource Agency programs to implement the FY 2011-12 Budget Act including authorizing the State Water Resources Control Board to deposit and use for administrative costs all fees and interest collected for the Wastewater Operator Certification Fund.

### v. Public Safety

**AB 109 (Budget Committee). Public Safety Realignment. Chapter 15, Statutes of 2011**

This measure is the main corrections realignment bill, making statutory and technical changes to implement the realignment of certain low level offenders, adult parolees, and juvenile offenders from state to local jurisdiction. Please see AB 117 (Budget Committee, Chapter 39, Statutes of 2011) for additional changes to corrections realignment program.

- Expands the authority of local correctional administrators to use alternative custody methods and establishes day for day credit for offenders serving time in a jail facility.
Makes various changes to the Post-Release Supervision statutes, specifying the population to be released onto post-release supervision (non-violent/serious, no third strike conviction, no high risk sex offenders) and requires:

- The Local Corrections Community Partnership to create an implementation plan for post release supervision and establishes an executive committee within the partnership to make recommendations to county board of supervisors;
- The county board of supervisors to designate a county agency to be responsible for post-release supervision;
- The California Department of Corrections and Rehabilitation (CDCR) to notify counties on who is being released into post release supervision;
- Offenders to enter into a post-release community supervision agreement, which includes terms and conditions;
- The court to establish a process to determine violations of conditions of post-release supervision and revocations; and,
- Sets parameters for one time offenders to be on post-release supervision and provides authority for release.

Makes various changes to State Parole statutes and specifies:

- Who remains on state parole (violent/serious conviction, third strike conviction, high risk sex offenders);
- That only lifers can be returned to state prison for a parole violation (other parole violators may only serve up to 180 days in jail facilities);
- CDCR's jurisdiction over all offenders currently on parole; and,
- Adds the courts as the authority for determining revocations.

Makes various changes to Low Level Offender statutes:

- Redefines the punishment options for a felony to include imprisonment in a county jail for more than a year;
- Changes all enumerated penalty code sections to include the phrase "pursuant to subdivision (h) of Penal Code (PC) Section 1170;"
- Amends PC Section 1170 to include (h), which provides 16 months, two, or three years if the punishment is specified to be served in county jail unless the person has a prior violent, serious, or sex offense (in which case they serve time in state prison); and,
- Provides that counties can contract with the state to house felony offenders.

Stops state intake and allows local agencies to contract with CDCR for housing juvenile offenders. (Note: This was later changed in the provisions of AB 117 to state that counties seeking to contact with CDCR for DJJ services must transmit all juvenile inmates to CDCR supervision).
AB 110 (Blumenfield). Courts.
Chapter 193, Statutes of 2011
This measure provides for reporting and fee measures to mitigate the $350 million reduction to the Judicial Branch in the FY 2011-12 Budget Act.

AB 111 (Budget Committee). Criminal Justice Realignment Trailer Bill.
Chapter 16, Statutes of 2011
This measure makes statutory changes necessary to support realignment for low level offenders. It accelerates availability of jail construction funding to expand capacity. The measure also deletes requirements that the state give funding preference to those counties seeking jail funding that assist the state in siting specified facilities and instead requires that preference be given to counties with the largest percentage of inmates in state prison in 2010.

AB 116 (Budget Committee). Public Safety Realignment.
Chapter 136, Statutes of 2011
This measure makes conforming changes to public safety and realignment budget trailer bill. It restores the California Council on Criminal Justice and delays until July 1, 2012, its elimination and transfer of its duties to the Board of State and Community Corrections. The measure makes other specified provisions amended by SB 92 (Budget and Fiscal Review Committee, Chapter 36, Statutes of 2011) related to the Gang Violence Suppression Program within the Board of State and Community Corrections operative on July 1, 2012. It also makes conforming changes to exclude the Division of Juvenile Justice from the public safety realignment and clarifies jurisdiction of Board of Parole Hearings.

*AB 117 (Budget Committee). Public Safety Realignment. AB 109 Clean Up.
Chapter 39, Statutes of 2011
This measure makes technical changes to provisions of AB 109 (Budget Committee, Chapter 15, Statutes of 2011), the corrections plan realigning certain felons, adult parolees and juvenile offenders from state to local jurisdictions. Among its provisions, the bill:

- Delays the implementation of AB 109 provisions until October 1, 2011 (from original date of July 1);
- Delays the court’s responsibility to assume control of parole revocation process until July 1, 2013;
- Clarifies Community Corrections Partnership executive level leadership and community plan approval process;
- Provides that specified felonies continue to be punishable by incarceration in state prison;
- Specifies aggregate sentencing terms between state prisons and county jail facilities;
- Specifies terms for post-community supervision release for parolees with no violation for six months;
- Removes the Division of Juvenile Justice from realignment; and,
- Revises and specifies the role of the courts in post-release supervision.
**AB 118 (Budget Committee). Public Safety Realignment. Sales Tax Financing and Allocations.  
Chapter 40, Statutes of 2011**  
This measure provides the statutory framework, allocation methodology, and, along with SB 89 (Banking and Fiscal Review Committee, Chapter 35, Statutes of 2011), local funding of approximately $5.1 billion to fund public safety responsibilities that shift to counties.

The measure dedicates a 1.0625 percent rate of existing state sales and use tax rate for local revenue to pay for locally aligned public safety programs, beginning July 1, 2011. It creates accounts and allocations for county law enforcement, corrections, court operations, mental health, child welfare, rehabilitation, juvenile justice, parole, probation, and community corrections programs.

The measure defines the following public safety programs as local responsibilities:

- Employing and training public safety officials, public defenders, and court security staff;
- Managing local jails housing, treatment, and treating youthful offenders, and providing services for and overseeing the supervised release of offenders;
- Preventing child abuse, providing services to children who are abused, neglected, or exploited, providing services to vulnerable children and their families and providing adult protective services;
- Providing mental health services to children and adults in order to reduce the failure in school, harm to themselves and others, homelessness, and preventable incarceration; and,
- Preventing, treating, and providing recovery services for alcohol and drug abuse.

The measure also provides funding for front line law enforcement grants (under similar framework as Citizens Option for Public Safety program funding) and booking fee subventions, payable from the Local Law Enforcement Services Account within the Local Revenue Fund 2011.

**SB 78 (Budget and Fiscal Review Committee). State Administration and Courts.  
Chapter 10, Statutes of 2011**  
This measure makes changes to implement the Public Safety portion of the FY 2011-12 Budget Act relating to state administration and courts including: limits peace officer status for employees of the Office of the Inspector General to those whose primary duties include investigating; requires the Judicial Branch to comply with the Public Contract Code on state procurement; and extends $10 court security fee.
**SB 89 (Budget and Fiscal Review Committee). Vehicle License Fees.**  
Chapter 35, Statutes of 2011  
This measure increases vehicle registration fees by $12 per vehicle and makes statutory changes to the allocation of motor vehicle license fee revenues to enact public safety realignment. Specifically it:

- Increases vehicle registration fees by $12 per vehicle to cover Department of Motor Vehicles (DMV) costs.
- Retains $25 million allocation from Motor Vehicle License Fee (MVLF) revenues to pay DMV costs, reducing DMV charges to the MVLF by $300 million; and
- Effectively allocates this $300 million together with the general local government portion of the 0.65 percent Vehicle License Fee (VLF) (approximately $180 million) to a new Local Law Enforcement Services Account to be used for state law enforcement grant programs, including Citizens’ Option for Public Safety and County Jail Detention Facility (booking fee) subventions.

These law enforcement grants were previously funded from a temporary 0.15 percent state VLF rate which expired on June 30, 2011. SB 89 effectively eliminates general purpose MVLF funding to local governments including: 1) approximately $50 million to the County of Orange; 2) special allocations to new city incorporations and annexations to counteract fiscal disincentives resulting from the 2004 VLF-Property Tax swap; and 3) the general MVLF allocation to cities estimated at $3.50 per capita in FY 2011-12.

The measure also directs the Department of Finance and DMV to develop a cost allocation model to allocate the costs of the DMV’s various activities. This could result in substantial increases in the $25 million DMV charge to the MVLF revenues.

**SB 92 (Budget and Fiscal Review Committee). Public Safety Budget Trailer Bill.**  
Chapter 36, Statutes of 2011  
This measure contains clarifying provisions to implement the FY 2011-12 Budget Act. Of note, SB 92 eliminates the California Emergency Council, the California Council on Criminal Justice and the Governor’s Office of Gang and Youth Violence Policy (as of June 30, 2012), realigning roles of responsibilities under the California Emergency Management Agency. It also removes the Corrections Standards Authority from California Department of Corrections and Rehabilitation.

The measure creates the Board of State and Community Corrections (BSCC), to assume many of these responsibilities beginning January 1, 2012. BSCC is comprised of state and local criminal justice stakeholders and has membership similar to the executive committee for the local Community Corrections Partnerships with appointments by Governor and confirmation by Senate. It also moves duties formerly under the Corrections Standard Authority for correctional peace officer personnel standards to the Commission on Correctional Peace Officers Standards of Training.

BSCC is to monitor local facilities, distribute criminal justice resources, provide leadership, coordination, and research expertise in state and local corrections systems.
and align fiscal policy and correctional practices to improve public safety through cost effective, promising and evidence-based strategies. BSCC will act as the supervisory board of the state planning agency pursuant to federal requirements and will review and approve the comprehensive state plan for the improvement of criminal justice and delinquency prevention activities throughout the state.

Effective January 1, 2012, the measure eliminates the California Emergency Council and empowers the California Emergency Management Agency to serve as the state disaster council for purposes of the California Disaster and Civil Defense Master Mutual Aid Agreement.

**SBx1 4 (Budget Committee). Supplemental Law Enforcement Services Account.**  
Chapter 14, Statutes of 2011, First Extraordinary Session

This measure amends and removes a provision included in ABx1 16 (Blumenfield, Chapter 13, Statutes of 2011, First Extraordinary Session), that would have created a new maintenance of effort requirement on all frontline municipal police services for cities to receive Citizens' Option for Public Safety (COPS) funding. Absent this clean-up, many cities would have been unable to access their COPS grants.

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**vi. Redevelopment**

**ABx1 26 (Blumenfield). Trailer Bill. Redevelopment.**  
Chapter 5, Statutes of 2011, First Extraordinary Session

This measure eliminates redevelopment agencies (RDAs) and creates a process to wind-down RDA activities. Specifically it:

Eliminates current Redevelopment Agencies as of October 1, 2011, and prohibits RDA's from:

- Issuing debt;
- Making loans, advances or grants;
- Executing additional contracts;
- Amending existing agreements;
- Selling assets;
- Acquiring real property;
- Transferring or assigning any assets, rights, or powers to any entity;
- Accepting financial assistance from any public or private source that is conditioned on the issuance of debt;
- Adopting or amending redevelopment plans or making new findings on blight;
- Entering into new partnerships, making new assessments, or increasing staff or compensation; and,
- Other actions that will result in ongoing commitments.

Requires RDAs to continue to:

- Make all scheduled payments for enforceable obligations;
Perform obligations established pursuant to enforceable obligations;
Set aside required reserves;
Preserve assets;
Cooperate with successor agencies;
Take all measures to avoid triggering a default under an enforceable obligation;
Prepare a preliminary inventory of enforceable obligation payments and provide this to the county auditor-controller within 60 days; and
Convey any unencumbered RDA funds to the county auditor-controller for distribution to the taxing entities in the county.

Effective October 1, 2011, the measure establishes successor agencies to the RDAs. In general, the successor agency will be the entity that originally created the RDA, but if no local agency elects to be the successor agency, a local authority will be formed with three members appointed by the Governor. It requires successor agencies to make payments on legally enforceable obligations using property tax revenues when no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. Successor agencies will prepare a semi-annual Recognized Obligation Payment Schedule (“Schedule”) that sets a schedule of obligated payments. The first schedule is due December 15, 2011.

The measure requires the Schedule to be certified by an external auditor approved by the county auditor-controller, and approved by the Oversight Board, the State Controller's Office, and the Department of Finance. The Schedule will be established pursuant to the identification of enforceable obligations which will include:

- Bonds, including debt service, reserves, or other required payments;
- Loans borrowed by the agency for a lawful purpose;
- Payments required by the federal government;
- Pre-existing obligations to the state;
- Obligations imposed by state law;
- Legally enforceable payments to RDA employees, including pension obligations;
- Judgments and settlements entered into by a court or arbitration, retaining appeal rights;
- Legally binding contracts that do not violate the debt limit or public policy; and
- Contracts necessary for administration of the RDA, such as for office space, equipment and supplies, to the extent permitted.

Enforceable obligations excludes any agreements, contracts, or arrangements between the city, county, or city and county that created the RDA and the former RDA.

The measure provides that all RDA assets be conveyed to the successor agencies on October 1, 2011. The successor agencies will dispose of RDA assets as directed by the Oversight Board with the proceeds transferred to the county auditor-controller for distribution to taxing Agencies. Successor agencies will compensate the taxing agencies for the market value of property and assets retained by the successor agencies in an amount proportional to the taxing agencies' share of the property tax. Governmental facilities may be transferred to the appropriate public jurisdiction.
The successor agency may assume responsibility for housing obligations and use the existing low-mod housing set aside funds to do so. Otherwise, the funds are transferred to the local housing authority or to state Department of Housing and Community Development.

The measure establishes a seven-member oversight board for each successor agency generally consisting of one member appointed by: the county board of supervisors, the mayor of the city that formed the RDA, the largest special district, the county superintendent of schools, the Chancellor of the California Community Colleges, the county board of supervisors to represent the public, the mayor or the chair of the board of supervisors from the largest representative employee organization of the former RDA.

The oversight board must approve the following actions of the successor agency:

- Establishment of new repayment terms for outstanding loans;
- Issuance of refunding bonds;
- Set aside of reserves as required by bond indentures;
- Merger of project areas;
- Acceptance of federal or state grants requiring matching funds;
- Establishment of the Recognized Obligation Payment Schedule; and
- A request to hold portions of moneys in the housing fund in order to pay recognized housing obligations.

The oversight board directs the successor agencies to:

- Dispose of all assets and properties;
- Terminate all existing agreements that do not qualify as enforceable obligations;
- Transfer housing obligations and low and moderate set-aside funds to the applicable entity;
- Terminate agreements between the RDA and any public entity that obligates the RDA to fund debt service or other payments;
- Determine whether any contracts between the RDA and private parties should be dissolved or renegotiated; and
- Submit repayment schedules for repayment of amounts borrowed from the housing fund.

All oversight board actions are subject to review by the Department of Finance.

The measure creates the Redevelopment Property Tax Trust Fund and the Redevelopment Obligation Retirement Fund. Property tax revenues associated with each former RDA in each county will be deposited in the Redevelopment Property Tax Trust Fund administered by the county auditor-controller. Estimates of the amounts to be allocated and distributed from this account will be provided to the Department of Finance semi-annually.
The measure requires the county auditor-controller to:

- Complete a financial audit of each RDA in the county by March 1, 2012, in order to establish each agency’s assets, liabilities, pass-through payment obligations and indebtedness. Audits must be submitted to State Controller by March 15, 2012;
- Certify the initial Recognized Obligation Payment Schedule;
- Determine the amount of property tax increment that will be allocated to each RDA and to deposit that amount in a Redevelopment Property Tax Trust Fund;
- Administer this fund for the benefit of holders of agency debt and the taxing agencies that receive pass-through payments; and
- Allocate funds from the Redevelopment Property Tax Fund in the following order:
  1. Local agencies, school districts, and community college districts in the amount that would have been received by such agencies as their share of the property tax base and that would have been paid pursuant to statutory and contractual pass-through agreements;
  2. To the Redevelopment Obligation Retirement Fund for successor agencies for payments listed in the Recognized Obligation Payment Schedule and administration; and
  3. To local agencies, school districts and community college districts in the proportional shares of what would have been received absent redevelopment and adjusted for pass-through agreements.

Beginning in FY 2012-13, the additional property tax received by school districts, county offices of education, charter schools and community college districts, will be considered in addition to the Proposition 98 minimum funding guarantee.

The measure specifies that if a community elects to participate in the Alternative Voluntary Redevelopment Program, as created in ABx1 27 (Blumenfield, Chapter 6, Statutes of 2011, First Extraordinary Session), and later falls out of compliance with that voluntary program, then the provisions of this bill apply with conforming changes to implementation dates.

*ABx1 27 (Blumenfield). Redevelopment. Alternative Voluntary Program. Chapter 6, Statutes of 2011, First Extraordinary Session

This measure establishes an Alternative Voluntary Redevelopment Program authorizing a redevelopment agency (RDA) to continue to exist if the city or county transfers a portion of tax increment to finance payments to schools, fire protection agencies and transit agencies. Sets out requirements and calculates payments for cities or counties that “opt in.”

Cities and counties must decide whether to “opt in” by October 1, 2011. A community that participates provides a community remittance equal to its proportional share of $1.7 billion to schools for FY 2011-12. Calculation is based on the combined average of:

- A RDA’s proportional share of net tax increment after debt and pass-throughs; and
• A RDA’s proportional share of gross tax increment after pass-throughs, each as reported by the 2008-09 Controller’s Report. A community that believes the data used in the calculation is outdated may appeal to the Director of Finance.

For FY 2011-12 only, RDA’s are exempt from making the full allocation to the Low and Moderate Housing Fund; however, an RDA must make a finding it cannot meet its obligations unless the allocation is reduced.

The calculation for remittances in FY 2012-13 and thereafter is based on the sum of two amounts:
• For FY 2012-13, an amount equal to the same percentage share of $400 million that the payment in FY 2011-12 was of $1.7 billion. After FY 2012-13, an amount equal to the prior year’s payment adjusted by the percentage change in the total amount of property tax increment revenue excluding new debt service added after November 1, 2011; plus,
• For FY 2012-13 and thereafter, 80 percent of the school share of property tax increment of new debt service added after November 1, 2011, and for any new project areas or expansions, excluding debt service related to low and moderate income housing. The 80 percent of the school share reflects that the 20 percent low and moderate housing set-aside is restored in FY 2012-13 and thereafter.

The measure includes provisions that future legislation will be adopted allowing communities to reduce their payments below this 80 percent school share for new debt, if certain reforms or statewide goals for projects are adopted. Projects may include transportation, housing, economic development, job creation, and environmental protection.

If a community falls out of compliance with the voluntary program, the requirements of elimination in ABx1 26 (Blumenfield, Chapter 5, Statutes of 2011, First Extraordinary Session) are reestablished and the RDA is prohibited from issuing new debt or engaging in other activities.

vii. Transportation

AB 105 (Budget Committee). Transportation Budget Trailer.
Chapter 6, Statutes of 2011
This measure makes various changes to transportation-related budget items in the 2010-11 Budget Act and makes adjustments to conform to the requirements of Propositions 22 and 26 passed in November 2010. Its provisions 1) maintain annual ongoing funding for local transit operations at approximately $350 million; 2) provide a one-year extension to expend Prop 1B funds for any year in which HUTA funds for local transportation projects are borrowed, deferred, or shifted; 3) clarify that local governments are not subject to the same Proposition 42 maintenance-of-effort
requirements when they are apportioned fuel excise tax revenues; and, 4) reenacts the fuel tax swap and extends the expenditure period from three to four years for Proposition 1B funds for regional public waterborne transit agencies.

**AB 115 (Budget Committee). Transportation Omnibus.**
*Chapter 38, Statutes of 2011*
This measure makes changes to transportation-related programs necessary to implement provisions of the FY 2011-12 Budget Act, including extending the deadlines for repayment of outstanding loans from transportation special-fund loans to the General Fund from June 30, 2015, to 2021.

**F. Miscellaneous**

**AB 187 (Lara). State Auditor. High-Risk Local Government Agency Audit Program.**
*Chapter 451, Statutes of 2011*
This measure authorizes the State Auditor to establish a high risk local government agency audit program to identify local agencies including cities, counties, and special districts that are at high risk for the potential of waste, fraud, abuse, or mismanagement or that has major challenges associated with its economy, efficiency, or effectiveness. The State Auditor is required to seek the approval of the Joint Legislative Audit Committee (JLAC) prior to performing an audit of a local government agency. By requiring the State Auditor to seek approval from JLAC, local government agencies have an opportunity to respond to the request for audit in a publicly noticed hearing before the JLAC.

**AB 564 (Smyth). Income Taxes. Voluntary Contributions. Municipal Shelter Spay-Neuter Fund.**
*Chapter 549, Statutes of 2011*
This measure allows individual taxpayers to contribute amounts in excess of their tax liability for the support of municipal shelter spay-neuter funds only if another existing voluntary contribution designation is removed from the state tax return form.

**AB 597 (Eng). Financial Literacy Fund.**
*Chapter 612, Statutes of 2011*
This measure creates the California Financial Literacy Fund for the purpose of enabling partnerships between the financial services community and governmental and non-governmental stakeholders to improve Californian’s financial literacy.

**AB 1102 (Lara). State Auditor.**
*Chapter 328, Statutes of 2011*
This measure revises provisions governing the scope and conduct of audits and surveys conducted by the State Auditor of state agencies. It also clarifies that providing confidential information to the State Auditor, including information that is subject to a privilege, does not constitute a violation of that privilege.
AB 1352 (Logue). County of Nevada. VLF Fees.
Chapter 735, Statutes of 2011
This measure crafts a definition of “designated vehicle license fees” as being those that are required to be deposited into the Local Law Enforcement Services Account in the Local Revenue Account 2011. Specifically excluded from this definition are vehicle license fees that meet the definition of subdivision (a) of Section 15 of Article XI of the California Constitution. This definition was requested at the request of Nevada County seeking to avoid a possible interpretation of a local voter-approved ordinance that requires a percentage of vehicle license fee revenue received by the county to be spent for road improvement purposes.

*SB 193 (Governance and Finance Committee). Validation Act.
Chapter 303, Statutes of 2011
This measure is the only validation act passed in the 2011 session. Validation acts address various procedural and technical errors and omissions relating to governmental boundary and organizational changes and in doing so, assist local government and the financial markets by enhancing confidence in governmental securities, bonds, and other financial mechanisms. Typically there are three validation acts passed each year. In 2011, however, the issue became politicized when amendments were inserted into the three validation acts that removed protections for actions of redevelopment agencies. As a result, two of the validation acts with urgency clauses requiring a two-thirds vote failed passage. This measure, approved with a majority vote, takes effect January 1, 2012.
IX. Transportation, Communications, and Public Works

A. Contracting

**AB 436 (Solorio). Public Works. Labor Compliance.**
Chapter 378, Statutes of 2011
This measure authorizes the Department of Industrial Relations (DIR) to move forward with the implementation of regulations authorized by SBx2 9 (Padilla, Chapter 7, Statutes of 2009, Second Extraordinary Session). SBx2 9 authorized DIR to determine and assess a fee, to perform labor compliance functions, on agencies using funds derived from any bond issued by the state to fund public works projects. Subsequent to the adoption of these new regulations, legal issues arose as articulated by the bond counsel of the state Public Works Board over whether the funding mechanism for this new monitoring program would inhibit the sale of bonds. Due to these legal questions, this measure is designed to resolve the funding mechanism problem so that DIR can move forward with labor compliance monitoring as provided for with SBx2 9.

Chapter 676, Statutes of 2011
This measure clarifies the definition of public works as it relates to hauling of refuse for the purpose of determining prevailing wage requirements. The hauling of refuse includes, but is not limited to, hauling soil, sand, gravel, rocks, concrete, asphalt, excavation materials, and construction debris. It does not include the hauling of recyclable metals such as copper, steel, and aluminum that are separated from other materials and sold at fair market value.

**AB 551 (Campos). Public Contracts. Prevailing Wage Requirements. Violations.**
Chapter 677, Statutes of 2011
This measure makes a variety of changes to current law relating to violations of prevailing wage laws. It increases the penalties on contractors and subcontractors who fail to pay prevailing wage on public works. The measure also makes a contractor ineligible to bid on or receive a public works contract if they have willfully violated specific provisions of prevailing wage law two times in a three-year period.

Chapter 110, Statutes of 2011
This measure increases the limit for eligible projects from $125,000 to $175,000. If all bids received are in excess of $175,000, the public agency can award a contract up to $187,500 provided the governing body adopts a resolution by a four-fifths vote. It also extends the term of the chairperson from one to two years.
AB 1097 (Skinner). Transit Projects. Domestic Content.
Chapter 405, Statutes of 2011
This measure allows a state or local agency receiving federal funding for a transit project to provide a bidding preference to a bidder if the bidder exceeds federal Buy America requirements. Federal regulations require that such a preference be provided for by state law.

Chapter 698, Statutes of 2011
This measure triggers prevailing wage requirements for all work performed on public property in connection with energy service contracts, including energy audits and analyses.

*SB 293 (Padilla). Payment Bonds. Laborers.
Chapter 700, Statutes of 2011
This measure caps retention proceeds on public works projects at five percent, unless the governing body declares that the project is substantially complex and requires a higher retention rate. It also contains provisions relating to payments to subcontractors.

Chapter 707, Statutes of 2011
This measure clarifies that a public agency cannot shift liability for its active negligence to a contractor, subcontractor, or material supplier. It also extends similar provisions to private owners.

Chapter 431, Statutes of 2011
This measure sets standards for the use of project labor agreements (PLA) during public works projects and prohibits public agencies from having a provision, initiative, or ordinance that bans the consideration of a PLA. In addition, beginning January 1, 2015, SB 922 will withhold state funding for projects in charter cities that have such a ban as of November 1, 2011, on PLAs that comply with the new standards.

B. Local Authority

Chapter 528, Statutes of 2011
This measure allows cities to round down speed limits to within five miles per hour of the 85th-percentile speed of free-flowing traffic in cases that the speed limit would otherwise be rounded up.

Chapter 538, Statutes of 2011
This measure revises the definition of mobile billboard advertising display and allows cities to regulate advertising signs on vehicles parked on a public street.
C. Vehicles

Chapter 274, Statutes of 2011
This measure expands the definition of “electric vehicle” to include plug-in hybrid electric vehicles for purposes of parking in designated zero emission vehicle (ZEV) parking stalls. It also requires that a vehicle be in the process of charging in order to use a ZEV-designated parking stall. This measure also eliminates the Department of Motor Vehicles ZEV decals program.

Chapter 480, Statutes of 2011
This measure exempts from the definition of a public utility a facility that supplies electricity to the public only for use to charge light duty plug-in electric vehicles. This measure is intended to codify a recent decision by the state Public Utilities Commission to not regulate electric vehicle charging stations as utilities.

Chapter 329, Statutes of 2011
This measure requires new motor vehicle dealerships to register vehicles sold or leased using an electronic registration system, which will significantly decrease the amount of time it takes for a new owner to received license plates.

**AB 1314** (Wieckowski). Alternative and Renewable Fuel and Vehicle Technology Program.
Chapter 487, Statutes of 2011
This measure purports to make the California Energy Commission’s Alternative and Renewable Fuel and Vehicle Technology Program more efficient. Efficiency provisions include allowing a proposed recipient to count its preapproval start-up costs toward the nonstate matching funds, allowing public entities and nonprofits administer block grant funds, and allowing for quicker approval of small grants and amendments.

Chapter 235, Statutes of 2011
This measure requires that construction vehicles that transport construction or industrial material to and from a mine or construction site have a backup alarm that is audible for at least 200 feet.

Chapter 602, Statutes of 2011
This measure allows household hazardous waste gathered through a door-to-door collection program to be transported using a consolidated manifest and to be taken to a collection facility or hazardous waste facility. These provisions sunset on January 1, 2020. This measure also includes exempt transfer facilities operated by a door-to-door...
household hazardous waste collection program in the Secretary for Environmental Protection’s unified hazardous waste and hazardous materials management regulatory program until December 31, 2019.

**SB 565 (DeSaulnier). Transportation.**
**Chapter 341, Statutes of 2011**
This measure contains multiple non-controversial, technical changes to transportation-related provisions of law including:

- Clarifies that a local authority may enforce restrictions against the fraudulent use of disabled parking placards in any and all parking spaces;
- Requires that all public transit buses have a speedometer that is maintained in good working order; and,
- Extends the current efficiency criteria exemption for state transit assistance operator eligibility until FY 2014-15.

**Chapter 346, Statutes of 2011**
This measure provides an exemption from DMV confidentiality requirements for an electrical company or local publicly owned electric utility if the information will be used for the purposes of identifying where an electric vehicle is registered.

**D. Gas Pipelines**

**AB 56 (Hill). Gas Corporations. Rate Recovery and Expenditure. Intrastate Pipeline Safety.**
**Chapter 519, Statutes of 2011**
This measure implements numerous safety-related measures regarding the operation of natural gas pipeline facilities regulated by the California Public Utilities Commission. Provisions of direct impact to cities include requiring owners/operators of intrastate transmission and distribution lines to meet with local fire department officials at least once a year to review emergency plans.

**SB 44 (Corbett). Public Utilities. Gas Pipeline Emergency Response Standards.**
**Chapter 520, Statutes of 2011**
This measure contains numerous requirements relative to the compatible and coordinated efforts between gas pipeline utility operators and local agencies, specifically first responders. These involve emergency shutdown and pressure reduction procedures; the role of the incident commander relative to coordination between first responders and the specified gas line owners or operators; and ensuring the specified gas line owners or operators establish and maintain liaison with appropriate fire, police, and other public officials.
*SB 216 (Yee). Public Utilities. Intrastate Natural Gas Pipeline Safety.
Chapter 521, Statutes of 2011
This measure allows the California Public Utilities Commission to require the installation of automatic shutoff or remote controlled sectionalized block valves on certain intrastate transmission lines that are located in a high consequence area or that traverse an active seismic earthquake fault.

*SB 705 (Leno). Natural Gas. Service and Safety.
Chapter 522, Statutes of 2011
This measure requires each gas utility company to develop a plan for the safe and reliable operation of gas pipeline facilities regulated by the California Public Utilities Commission (PUC). All plans must be reviewed and accepted, modified or rejected by the PUC by December 31, 2012.

E. Communications

Chapter 580, Statutes of 2011
This measure requires local public owned utilities (POU) to provide space on their utility poles for use by communication service providers and sets the rates that a POU can charge for use of the utility pole.

AB 1074 (Fuentes). Personal Liability Immunity. Telecommunications Service Providers.
Chapter 297, Statutes of 2011
This measure provides that retail and wholesale service providers involved in providing 9-1-1 services are not liable for any civil claim, damage, or loss caused by a problem with the provision of 9-1-1 services, unless the problem was caused by gross negligence, wanton or willful misconduct, or intentional misconduct.

SCR 6 (A. Lowenthal). Affordable Housing. In-Home Internet Service.
Chapter 72, Resolutions of 2011
This measure encourages affordable housing lenders who administer competitive multifamily housing programs to follow the Tax Credit Allocation Committee’s policy on high-speed Internet access by providing competitive points for developments that provide high-speed Internet service to each unit for a minimum of 10 years, free of charge to tenants.

F. Financing

AB 54 (Solorio). Drinking Water.
Chapter 512, Statutes of 2011
This measure places new requirements on mutual water companies and authorizes the operator of a public water system to enter into a letter of no prejudice with the
Department of Public Health for reimbursement of eligible project expenditures on safe drinking water projects when looking to make improvements on public water systems.

*AB 105 (Budget Committee). Transportation Budget Trailer.*
Chapter 6, Statutes of 2011
This measure makes various changes to transportation-related budget items in the 2010-11 Budget Act and makes adjustments to conform to the requirements of Propositions 22 and 26 passed in November 2010. Its provisions 1) maintain annual ongoing funding for local transit operations at approximately $350 million; 2) provide a one-year extension to expend Prop 1B funds for any year in which HUTA funds for local transportation projects are borrowed, deferred, or shifted; 3) clarify that local governments are not subject to the same Proposition 42 maintenance-of-effort requirements when they are apportioned fuel excise tax revenues; and, 4) reenacts the fuel tax swap and extends the expenditure period from three to four years for Proposition 1B funds for regional public waterborne transit agencies.

AB 115 (Budget Committee). Transportation Omnibus.
Chapter 38, Statutes of 2011
This measure makes changes to transportation-related programs necessary to implement provisions of the FY 2011-12 Budget Act, including extending the deadlines for repayment of outstanding loans from transportation special-fund loans to the General Fund from June 30, 2015, to 2021.

AB 147 (Dickinson). Subdivisions. Fees. Transportation Facilities.
Chapter 228, Statutes of 2011
This measure authorizes cities and counties to charge fees subject to the Mitigation Fee Act as a condition of approval of a final map or as a condition of issuing a building permit for constructing transportation facilities including, but not limited to, pedestrian, bicycle, transit, and traffic-calming facilities.

AB 184 (Swanson). Contractual Assessment Programs.
Chapter 28, Statutes of 2011
This measure allows public agencies and individual property owners to enter into voluntary contractual assessments to finance the installation of seismic strengthening improvements.

AB 427 (J. Pérez). Transportation Bond Funds. Transit System Safety.
Chapter 527, Statutes of 2011
This measure modifies provisions related to Proposition 1B (2006) to allow regional transit agencies and the California Emergency Management Agency to re-direct bond funds to projects that are ready to bid for purposes of transit system safety, security, and disaster response.
AB 516 (V.M. Pérez). Safe Routes to School.  
Chapter 277, Statutes of 2011  
This measure makes changes to the public participation requirements for Safe Routes to Schools grants and requires that the needs of low-income schools be fully considered.

Federal Pilot Program.  
Chapter 482, Statutes of 2011  
This measure extends the repeal date for the state’s existing limited waiver of its sovereign immunity, which allows the California Department of Transportation (Caltrans) to continue its assumption of National Environmental Policy Act (NEPA) responsibilities under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and any successor federal transportation reauthorization legislation.

AB 1164 (Gordon). Federal Transportation Funds.  
Chapter 406, Statutes of 2011  
This measure allows the Department of Transportation (CalTrans) to loan federal funds to accelerate Proposition 1B projects until September 30, 2015, provided the loan does not impact CalTrans’ ability to fund programmed projects. This allows Proposition 1B to continue even without bond sales and protects the state from losing federal transportation dollars due to missed deadlines.

Chapter 9, Statutes of 2011, First Extraordinary Session  
This measure authorizes the California Alternative Energy and Advanced Transportation Financing Authority to provide financial support to lenders to facilitate projects for energy and water conservation and renewable energy.

Resolutions Chapter 35, Statutes of 2011  
This resolution urges the President and Secretary of the United State Department of Transportation to award a federal Transportation Infrastructure Finance and Innovation Act loan for the construction of State Route 91 Corridor Improvement Project.

*AJR 5 (B. Lowenthal). Transportation Revenues.  
Resolutions Chapter 29, Statutes of 2011  
This resolution encourages the President and Congress to study the possibility of collecting revenues for transportation based on vehicle miles traveled.
G. Environmental Considerations

Chapter 569, Statutes of 2011  
This measure extends for two years a temporary petroleum storage fee that the owner of an underground storage tank must pay.

**AB 358** (Smyth). Hazardous Substances. Underground Storage Tanks. Reports.  
Chapter 571, Statutes of 2011  
This measure makes changes to provide for the reporting and review of underground storage tank cleanup.

Chapter 573, Statutes of 2011  
This measure establishes a program to provide funding to local jurisdictions for the use of rubberized asphalt concrete and tire-derived aggregate for road projects as well as makes technical changes to the state architectural paint recovery program. It sunsets in June 2015.

Chapter 592, Statutes of 2011  
This measure transfers primary jurisdiction for beach water quality monitoring and testing programs from the state Department of Public Health to the state Water Resources Control Board and includes a cap on the overall amount of funds that may be used, upon appropriation by the Legislature, as a funding source for the program.

**SB 607** (Walters). SWRCB. Brackish Groundwater Treatment.  
Chapter 241, Statutes of 2011  
This measure requires, on or before January 1, 2013, the state Water Resources Control Board to either amend the California Ocean Plan or adopt separate standards to address water quality objectives and effluent limitations specifically appropriate to brackish groundwater treatment system facilities that produce municipal water supplies for local use.

H. Other

Chapter 219, Statutes of 2011  
This measure extends the sunset date on Labor Code Section 1720.4 from 2012 to 2017. This section allows local governments to use volunteer labor on public works projects.
Chapter 514, Statutes of 2011  
This measure requires the written public notice of noncompliance with drinking water standards given by a public water system to include information in English, Spanish, and other languages spoken by the impacted community.

**AB 957** (Transportation Committee). Transportation Omnibus Bill.  
Chapter 536, Statutes of 2011  
This measure makes various technical, non-controversial, transportation-related changes to the Utilities Code, Vehicle Code, and Streets and Highways Code.

**SB 739** (A. Lowenthal). Ports. Congestion Relief. Air Pollution Mitigation  
Chapter 427, Statutes of 2011  
This measure requires the ports of Long Beach, Los Angeles, and Oakland to assess their infrastructure and air quality improvement needs, including estimated costs, for projects that improve the efficiency of the movement of cargo, reduce congestion impacts related to goods movement, and reduce pollution associated with goods movement.
Appendix A – Additional Resources
Appendix A – Additional Resources
State Water Resource Control Board Fees

State Water Resource Control Board Fees

Over the last several years, cities have faced steep increases in fees to protect water quality in California. Much of the increase in statewide fees has come from shifts from the state’s General Fund funding programs to fee-based funding. In FY 2011-12, cities will face fee increases as high 44 percent for National Pollutant Discharge Elimination System (NPDES) fees. With cities facing higher fees for storm water, wastewater and landfill permits, it is important to understand how water is regulated in California and how these fees are set.

Overview

Two federal and state laws – the federal Clean Water Act (CWA) and state Porter-Cologne Water Quality Control Act (Porter-Cologne) provide the basic framework protecting California’s water quality by regulating discharges to surface and ground water. Under authority of these acts, the State Water Resource Control Board (State Board) and nine semi-autonomous Regional Water Quality Control Boards (Regional Boards) are responsible for protecting the water quality of 10,000 lakes, 200,000 miles of rivers and 1,100 miles of coastline.

The federal CWA seeks to restore and maintain the chemical, physical and biological integrity of the surface waters of the United States. A key provision of this federal law, the NPDES, prohibits discharge of pollutants into waters of the U.S. from a point source without a permit that complies with the CWA.

In California, the State Board and Regional Boards issue Waste Discharge Requirements (WDRs) to regulate discharges of waste to surface water and land; those that regulate point source discharges to waters of the United States serve as NPDES permits under the CWA and are issued, monitored and renewed every five years. The more than 50,000 discharge permits are a key enforcement mechanism as the State and Regional Boards regulate more than 100 contaminants.

Water Quality Regulation: Who Does What?

The State and Regional Boards are part of the California Environmental Protection Agency, charged with assessing, managing, and regulating water quality. The main role of the State Board is to set statewide policy, develop plans and standards, operate statewide monitoring programs and oversee Regional Boards as they use these standards to implement water quality programs. The State Board also administers rights to California’s surface water.

The nine Regional Boards are defined by watersheds. Their main duty is to issue and enforce Waste Discharge Permits (the WDR’s mentioned above); while Regional Boards issue the majority of permits, in some cases the State Board may do so. Regional Boards are largely independent from one another, establishing unique plans.
for protecting water quality within their boundaries. These basin plans are the key documents prescribing water quality standards for regions and as such are the basis for Regional Boards permitting and enforcement actions.

The Legislature intended for basin plans to be updated every three years. However as the Little Hoover Commission reported in 2009 the plans are woefully outdated and Regional Boards rarely have the resources to conduct a full review. Noting the importance of the documents and lamenting the lack of funding, the Commission’s report includes this prophetic statement, “Given the state’s budget deficit, it seems unlikely that the state will be able to pay for the work needed to update basin plans. Thus, water users and others with a stake in clean water will need to contribute.” And beginning this FY 2011-12, those contributions have increased dramatically.

**Funding and Fees: The “Beneficiary Pays” Policy**

State law requires the State Board to assess fees to persons discharging waste into state waters. Fees are charged for the NPDES, the WDR, and the Storm Water and Land Disposal programs and deposited in the Waste Discharge Permit Fund (WDPF) to fund various State and Regional Board water quality activities. While the boards have the authority to raise fees to meet program costs, they cannot raise fees above the amount set in the budget every year by the Legislature and Governor. Historically these core programs have been funded through a combination of fees and General Fund revenues. However, as the state budget has been squeezed, the Administration and the Legislature have increasingly sought more non-General Fund revenues to cover core regulatory programs.

In its analysis of the FY 2008-09 budget, the Legislative Analyst’s Office (LAO) recommended instituting “beneficiary pays” and “polluter pays” policies under which all core program costs would be funded through fees paid by those who directly benefit from or violate the terms of water quality requirements. As the report noted, “We think that shifting funding for the board’s core water quality management activities to fees would provide greater funding stability to these activities that are the foundation of much of the board’s work.”

This expansive interpretation of “beneficiary pays” argues that all the State and Regional Boards core water quality management activities should be funded by a broad-based fee on statewide water users because all users, in some way, impact water quality. Specifically LAO recommended that the NPDES program and basin planning be fully fee supported. The Governor and the Legislature finally agreed. In the FY 2011-12 budget, more than $18 million in costs for two programs were shifted from General Fund to fee support, with costs allocated across water quality programs: $6.6 million for basin planning and $11.5 million for the Total Maximum Daily Load program that allocates among users a “share” of pollution that can be discharged to an impaired body of water. Generating revenues from fees to support these programs means that cities will face significantly higher fees in FY 2011-12.
How are Fees Established?

Setting user fees is a lengthy process. The State Board must adjust fees each year to match the revenue levels in the Budget Act; because the State Board cannot act until the Budget is passed, the fee schedule is adopted in the late fall by emergency regulations. Therefore the regulated community does not know what it will have to pay until well into the fiscal year. In FY 2010-11 for example, the fee schedule was adopted on October 19, 2010.

The fee setting process for FY 2011-12 was further complicated by past overpayment of storm water program fees. Between 2004 and 2009, these fees generated $22 million over actual expenditures; the surplus was used to offset revenue shortfalls in other programs. For the FY 2011-12 fees schedule, the State Board adopted an average increase of 38 percent for all programs; however it also considered reducing the increases for the storm water program, and requiring even higher fees for all other programs to cover the loss. With these lengthy deliberations, the final fee schedule was not adopted until September.

This delay and unpredictability creates numerous problems for municipalities struggling to maintain their own balanced budgets. By the time the new fee schedule is available, the fiscal year is already underway, requiring even higher mid-year rate increases. And with storm water program fees subject to the Proposition 218 requirement for two-thirds voter approval, increasing rates to cover escalating permit fees may not be an option. In addition, many in the regulated community argue that the state’s current fee system provides little incentive for the state to control its own costs, or to prioritize its activities, leaving users at the mercy of ever-increasing fees.

The League will continue to participate in fee discussions at State Board hearings and as budget negotiations begin for FY 2012-13. League staff will join with all stakeholders to urge the Legislature and the Administration to adopt fee schedules that are fair, predictable, based on sound science and timely.

For more information contact Kyra Ross (kross@cacities.org).

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\[i\] Maps of each region can be found at http://www.waterboards.ca.gov/waterboards_map.shtml.

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2011 Public Safety Realignment

Overview

In what Gov. Jerry Brown called “a bold move in the right direction” the 2011 Public Safety Realignment (Realignment) plan became law with the signing AB 109 (Budget Committee, Chapter 15, Statutes of 2011). The plan resulted from less than a year of negotiations and development with pressure to act from the significant state deficit and a pending United States Supreme Court decision on California’s state prison population, which later resulted in a court-ordered reduction of approximately 35,000 state inmates to limit overcrowding.

While Realignment was signed into law in April 2011, the Governor and Legislature took a “shoot first, ask questions later” approach and determined the details in the months that followed. The Realignment plan is commonly referred to as AB 109 when in fact there were several different bills enacted at different times that provide the framework, implementation, funding, and program adjustments. As a result, some realignment programs began on July 1, 2011, with the new fiscal year, while others were delayed until October 1, 2011.

In sum, Realignment shifts some state public safety responsibilities to county agencies with the goals of reducing state costs and improving public safety outcomes. It is funded primarily by a continuous 1.0625 percent allocation of the state sales tax to counties, which will provide $5.1 billion dollars in FY 2011-12 for corrections, law enforcement, and social services programs.

A major component of Realignment redirects prospective low-level felony offenders from the California Department of Corrections and Rehabilitation (CDCR) to county custody. In addition, counties have post-release custody of low-level offenders following their county jail and state prison terms. No current state prison inmate will be sent to county jail through Realignment and the state maintains custody of high-risk and violent prisoners.

Realignment also expands existing definitions of “public safety” to include health and social services programs. Some of the health and social services programs realigned to counties, such as mental health treatment and drug rehabilitation, are consistent with the goals of realignment. Other programs, however, such as child welfare programs and Medi-Cal screenings for youth stretch the recognized “public safety” definition.

It should be noted that two main public safety areas, fire response and juvenile justice, were not included in the final Realignment package. For fire response, the realignment proposal would have shifted fire response duties for parts of state responsibility areas from the California Department of Forestry and Fire Protection to local agencies. This was eliminated when it was determined that true cost-savings fell short of state budget
projections. Juvenile justice was removed from Realignment because of greater costs for local agencies to assume responsibilities for redundant housing and programs.

**Funding**

The Realignment funding structure establishes a primary fund, the 2011 Local Revenue Fund, with several accounts and subaccounts for specific program areas. Each program area has a dedicated allocation that counties cannot use for other programs.

For corrections and post-release supervision, county allocations are based on offender population projections. Counties receive $25,000 for each full-time jail inmate and $2,275 per offender on post-release community supervision annually. For FY 2011-12, they also received a one-time planning, implementation and training grant.

Funding levels for post-release community supervision to counties is roughly the same as the per offender costs for the state. However, the per inmate allocation to counties for incarceration provides only half of cost that the state would otherwise incur to keep inmates in a state facility. The Department of Finance stated that fewer resources are needed at the county level, relative to state a prison, as jail sentences will be shorter because of the numerous non-incarceration custody options for counties. Also, it is less expensive to house low-level offenders than violent felons in high-security prisons.

Stakeholders from county agencies including law enforcement, probation, and district attorneys have all expressed concerns that the FY 2011-12 funding falls short of expected needs. Of greater concern, there are no protections for Realignment funding against reductions or diversion in future budget years.

The 1.0625 percent share of the state sales tax for Realignment is continuous but the allocation formulas to counties are not. They will be reassessed in the FY 2012-13 budget cycle to reflect changes in county offender populations.

The 2011 Local Revenue Fund also includes a Local Law Enforcement Services Account, which now includes the long-established state law enforcement grants for cities and counties, including Citizens’ Option for Public Safety (COPS) programs and booking fee subventions. These grants are not related to program realignment and are not funded through the state sales tax carve-out. Prior to June 30, 2011, state law enforcement grants were funded through the temporary 0.15 percent VLF increase. Now they are funded through two sources: revenues from an additional vehicle registration fee, which was increased by $12 beginning FY 2011-12, and $180 million from vehicle license fee revenue previously dedicated to cities and Orange County as general purpose funds.
2011 Public Safety Realignment Programs

The following summary describes programs under Realignment that represent new or increased responsibilities for local agencies. Social services realignment began on July 1, 2011, and corrections realignment began on October 1, 2011.

Social Services Realignment

Social services Realignment includes:
- Mental Health Managed Care;
- Federally required Early and Periodic Screening, Diagnosis and Treatment for Medi-Cal patients under 21 years old;
- Drug and alcohol programs, including drug courts and Medi-Cal programs for regular and perinatal services;
- Foster care and child welfare services;
- Adult protective services; and
- CALWORKs welfare-to-work grants.

Funding for most social services programs relies on a variety of subaccounts in the 2011 Local Revenue Fund, and transfers from existing county-level accounts. However, Mental Health Managed Care and the federally required screening programs are funded from a one-time appropriation from Proposition 63, the 2004 Mental Health Services Act. There is no identified funding source beyond FY 2011-12 for these two programs other than the current 1.0625 percent share of the state sales tax.

Corrections Realignment

New eligibility standards for sentencing, post-release community supervision and parole apply to all jurisdictions statewide. Counties are authorized to develop a local Realignment implementation and management plan, or community corrections plan, in accordance with the statewide standards.

Community Corrections Partnership

Each county has the discretion to implement Realignment to maximize efficiency and public safety in their jurisdiction. A community corrections plan may include a variety of sentencing and supervision strategies, such as jail sentencing, home detention, electronic monitoring, day centers, and social service programs including drug court, mental health court, and treatment programs.

Community corrections plans are developed by the Community Corrections Partnerships (CCP) in each county. The CCP is a 14 member body composed of representatives from law enforcement, the courts, social services, and elected county offices. A seven member executive committee leads the work of the CCP. The chief probation officer chairs the executive committee and membership includes the sheriff, district attorney, public defender, presiding judge of the superior court, a representative from the health, substance abuse, or social service departments who is appointed by
the board of supervisors, and a chief of police. The chief of police is the only position representing city government.

The CCP must submit a community corrections plan to the board of supervisors for approval. The board may reject the plan with fourth-fifths vote from the board, which would return the plan to the CCP for further refinement. Half of the CCPs had approved plans approved by October 1, 2011, when corrections realignment began. Because funding is not contingent on having an approved community corrections plan, all counties still received their allocation.

**State Prison vs. Local Jail**

Low-level felony crimes that were previously punished by a state prison term of more than one year now results in county custody. It is important to note that no current state prison inmate will be transferred to county jails through Realignment. The changes to sentencing and custody are for all future inmates with the following criteria:

- Non-violent, non-serious, and non-sex felony offenders, or “non-non-non” offenders, with no prior violent, serious or sexual offense convictions are sentenced to local custody.
- Sentencing for a “non-non-non” can include a split sentence, with a jail term and probation term, or an all jail term with no post-release supervision.
- Counties may contract with community correctional facilities, other counties, or the state for bed space.
- State prison day-for-day sentence credit earning enhancements also apply to county jail sentences for low-level felony offenders.
- Starting July 1, 2013, all state parole violators, regardless of prior or current convictions, will serve their sentence in jail, except for those parolees with a prior life in prison sentence who may be returned to prison through a court order.

An additional 59 crimes not classified as non-violent, non-serious, and non-sex offenses in the state penal code but deemed egregious are excluded from local custody and are still punishable by a state prison term. These include such crimes as solicitation for murder, child exploitation for purposes of prostitution, and assaulting a police officer or evading arrest and causing death or serious injury.

**Post-Release Community Supervision**

Counties have supervision responsibilities for two types of post-release offenders: 1) Inmates released from county jail; and 2) low-level offenders released from state prison. Post-release community supervision, or PRCS, refers specifically to custody guidelines for state prison inmates released to county custody. These are state inmates that would have been placed on parole prior to realignment.

- Eligible post-release inmates include non-serious, non-violent offenders, regardless of prior convictions, and low-risk sex offenders.
- The state maintains parole supervision duties for inmates convicted of a third-strike, a current serious or violent commitment offense, or if the inmate is classified as a high-risk sex offender or Mentally Disordered Offender.
• CDCR must notify a county of post-release community supervision eligible inmates one month prior to their release from state prison.
• Offenders can be discharged from post-release community supervision after six months if there is no violation during that time.
• Examples of post-release community supervision may include GPS monitoring, day centers, home detention, or substance abuse and mental health programs.

Parole Violations/Revocation
State parole revocations will be served in county jail beginning July 1, 2013. Only those parolees sentenced with a life in prison term can be returned to prison through a court order.
• Parole violators may be returned to jail for no more than 180 days, with day-for-day credit earnings.
• Counties may use “flash incarceration” to return parole violators to jail for up to ten days if the violator waives their due process rights.
• Counties may not contract back with the state to return violators to prison.
• The parole revocation process will change on July 1, 2013, when the duties of the Board of Parole Hearings will be replaced by the courts.
• Current non-revocable parolees will stay under state supervision, but this type of parolee will eventually phase out as eligible low-level offenders are now under county custody upon their release from state prison. Non-revocable parolees are low-level offenders under state custody with minimal state parole supervision, and who must be convicted of a new crime to be returned to prison.

Background
The concept of Realignment is not new to California. The Legislative Analyst’s Office and various commissions and think-tanks have touted the potential benefits of realigning state services to local agencies for decades. One assumption is that local governments, being closer to the people, can do things more efficiently. This often implies local government can achieve the same or better outcomes with fewer resources.

In 1991, the state realigned a number of health and social services duties to counties that represented $2 billion dollars in program responsibilities. In 2010, CDCR implemented what could be the considered an early effort to realign state corrections to counties through non-revocable parole. The non-revocable parole program limits the state’s supervisory role of low-level, low-risk offenders and restricts how these parolees may be sent back to prison for parole violations. The prior year in corrections, a new law (SB 678, Leno, Chapter 608, Statutes of 2009) began a program that rewarded counties that could deter felony probationers from returning to prison. That new law also created the CCPs as the local implementation bodies, which are now charged with developing the local community corrections plans under Realignment.
Next Steps

The state’s budget and prisoner overcrowding crisis underscores well-recognized problems in state corrections; the need to find a statewide solution to reduce inmate populations without jeopardizing public safety, reduce state costs, and improve offender outcomes following their release. Realignment may be able to help resolve these problems but it will take years to determine its full impacts and effectiveness.

Realignment is in its infancy, with funding solutions and local community corrections plans still in development and under great scrutiny. Discussions about Realignment will include questions about the balance of standards and accountability and how that applies to 58 unique community corrections plans with a single state funding source. While some may consider the Realignment to be incomplete, others see the flexibility and open-ended nature is indicative of a living, evolving system. For these reasons, many of the flaws with of Realignment can also be viewed as strengths. Regardless of conflicting opinions, Realignment is moving forward as boldly as needed to meet the demands of prisoner population reduction targets and the statewide economic pressures.

Enacted Realignment Legislation

The 2011 Realignment plan is commonly referred to as “AB 109,” but in fact there were several different bills enacted at different times that provide the framework, implementation, funding, and technical adjustments. A more detailed summary of the following measures can be found in the State Budget section on pages 70-75.

AB 109 – This is the main Realignment legislation and provides the framework for programs and implementation.

AB 111 – Provides counties additional flexibility to access funding to increase local jail capacity for the purpose of implementing Realignment.

AB 117 – Clean-up legislation to AB 109, provides greater clarity regarding eligible offenders for jail and post-release community supervision. Also removes juvenile justice programs from corrections realignment and delays implementation date.

AB 118 – The main Realignment funding legislation, establishes the 2011 Local Revenue Fund with network of accounts, sub accounts and funding levels.

SB 87 – Provides counties a one-time appropriation for the planning and implementation of programs under AB 109.

SB 89 – Provides funding for the Local Law Enforcement Services Account in the 2011 Local Revenue Fund through the additional vehicle registration fee and the County of Orange, as well as the cities within the county, shares of VLF general revenues.
SB 94 – Clean up legislation to AB 111, clarifies a county’s required contribution levels for jail facility constructing award preferences.

Additional Resources

California Department of Corrections and Rehabilitation – 2011 Public Safety Realignment
www.cdcr.ca.gov/realignment
Summary of all incarceration, post-release, and parole programs under Realignment.

California Department of Corrections and Rehabilitation – Three-Judge Panel Court Decision
www.cdcr.ca.gov/3_judge_panel_decision
Summary of the current status of the prison population reduction strategy and communications between California and the federal three-judge panel.

California Realignment
http://calrealignment.org
Resources and technical assistance for implementing provisions of corrections programs realigned to county agencies.

Chief Probation Officers of California – Community Corrections Partnership Plans
Collection of the approved community corrections plans developed by the individual Community Corrections Partnerships.

iii Governor’s signing message for Assembly Bill 109 (Chapter 15, Statutes of 2011), the main realignment measure.

iv Two social service programs were given a one-time funding source and have no identified revenue source for 2012-13 at this time.
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Appendix B – League Resources
## League Legislative Staff

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<tr>
<th>LEGISLATIVE REPRESENTATIVES</th>
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<tbody>
<tr>
<td><strong>Daniel Carrigg</strong>&lt;br&gt;Legislative Director&lt;br&gt;(916) 658-8222&lt;br&gt; <a href="mailto:carriggd@cacities.org">carriggd@cacities.org</a></td>
<td>- Fiscal Reform&lt;br&gt;- Revenue&lt;br&gt;- State Budget (Lead)&lt;br&gt;- Taxation&lt;br&gt;- Revenue and Taxation Policy Committee&lt;br&gt;- Fiscal Officers Department</td>
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<tr>
<td><strong>Kyra Emanuels Ross</strong>&lt;br&gt;Legislative Representative&lt;br&gt;(916) 658-8252&lt;br&gt;<a href="mailto:kross@cacities.org">kross@cacities.org</a></td>
<td>- Environmental Issues (Air, Water, Solid Waste, etc.)&lt;br&gt;- Community Services&lt;br&gt;- Floods (Lead)&lt;br&gt;- Tobacco Control&lt;br&gt;- Tort Reform&lt;br&gt;- Utilities&lt;br&gt;- Climate Change&lt;br&gt;- Animal Issues&lt;br&gt;- Environmental Quality Policy Committee&lt;br&gt;- Community Services Policy Committee&lt;br&gt;- Community Services Department</td>
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<tr>
<td><strong>Jennifer Whiting</strong>&lt;br&gt;Legislative Representative&lt;br&gt;(916) 658-8249&lt;br&gt;<a href="mailto:jwhiting@cacities.org">jwhiting@cacities.org</a></td>
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<td>Natasha Karl</td>
<td>Legislative Representative</td>
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<td>Dorothy Holzem</td>
<td>Associate Legislative</td>
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<td>Representative/Senior Policy</td>
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<tr>
<td>Meghan McKelvey</td>
<td>Policy Analyst</td>
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<td>Meg Desmond</td>
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<td>Secretary</td>
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## Regional Public Affairs Managers

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<th>City/Postal Address</th>
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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.

2. Use the League as a resource. Visit 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.

3. Read CA Cities Advocate, the League’s online newsletter, to stay current on important legislation. Subscribe at 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.

10. Write letters on legislation featured in CA Cities Advocate. Sample letters can be found at 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 of 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 will provide 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 Web site ([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.
City of Anywhere
P.O. Box 123
Anywhere, CA 90000
April 2, 2006

Assembly Member Susan Jones
California State Assembly
State Capitol, Room 2344
Sacramento, CA 95814

RE: AB 1357 (Jones), Landfill Landscaping.
NOTICE OF CITY OPPOSITION

Dear Assembly Member Jones:

I am writing on behalf of the City Council of the City of Anywhere to respectfully oppose AB 1357 (Jones). AB 1357 would require that landfills and solid waste transfer stations be landscaped so that they cannot be seen from the air at an altitude of 2,000 feet and that the landscaping be completed and the facility be in compliance within 120 days of the bill’s enactment.

The City of Anywhere opposes AB 1357 for several reasons. First, the landscaping requirement will be extremely costly, both to the city as the landfill operator and to the citizens served by the landfill. We estimate that the cost to landscape our existing landfill and the two transfer stations operated by Acme Disposal will be about $300,000. This does not include the annual operating and maintenance costs associated with the requirement.

Second, even if we were able to afford the cost, it would not be possible for the facilities to be in compliance within 120 days. Our Parks and Recreation Department personnel have been unable to identify any permanent vegetation that grows quickly enough to meet this deadline.

Third, we believe that the landscaping requirement is unrealistic as amended. The closest commercial airport to Anywhere is 150 miles away, and the closest general aviation airport is 70 miles away. We estimate that no more than three flights per day cross our air space and, because much of the year we are covered by clouds, we question the advisability of the legislation.

We believe that the decision of whether or not to landscape a landfill should be left to the local authorities and should be based upon local conditions. For example, in many instances it would be a wiser use of limited resources to landscape the facility with automobile, not air, traffic in mind.

For these reasons, the City of Anywhere opposes AB 1357. For more details about the City of Anywhere’s position, please contact Joe Barnes at (000)123-4567.

Sincerely,

Janet Gotvades
Mayor, City of Anywhere

cc: Members and Consultant, Assembly Natural Resources Committee
Your Assembly Member
Your Senator
League of California Cities
### Index of Chaptered Bills

#### Assembly

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