



**Date:** November 15, 2010

**To:** State Legislation Committee Members

**From:** Patrick H. West, City Manager

**Subject:** Summary of the 2010 State Legislative Session

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As we prepare for the FY 2011 State Legislative Session, we would like to provide an overview of the legislative successes achieved during FY 10. Attached is a comprehensive summary of state legislation tracked by staff throughout the 2010 fiscal year.

These successes are the result of the collaborative efforts of the Mayor and City Council, the State Legislation Committee and the City's State legislative advocates Mike Arnold and Associates, City staff and, of course, our Long Beach Assembly and State delegations.

For more information, please contact Tom Modica, Director of Government Affairs and Strategic Initiatives at 8-5091.

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## **City of Long Beach**

### **LEGISLATIVE HIGHLIGHTS 2010 LEGISLATIVE YEAR**

**October 28, 2010**

**Michael J. Arnold, Legislative Advocate  
Kristian E. Foy, Legal Counsel**

These Legislative Highlights provide a general overview of some of the key issues addressed during this state legislative year. A final Legislative Status Report is attached at the end of this document and shows the concluding status of all legislation Long Beach followed during the year. As you will note, the status report includes the Bill Number, Author, and Title; our Final Position on the Measure; Final Location or Chapter Number; and a Brief Summary.

Importantly, the status report identifies the final position taken on the bill. The final position may be different from the position originally taken on the bill. Amendments to a bill frequently lead to a new position. This is especially true when the amendments are made at our request. For example, we may adopt a position of “Oppose Unless Amended” and move to a “Watch” position after our amendments are adopted.

#### **Effective Dates of New Legislation**

The bills that were passed by the Legislature this year, and signed by the Governor will take effect on January 1, unless they included an urgency clause or contained a provision calling for a different effective date. Urgency measures take effect immediately upon chaptering by the Secretary of State; and bills are usually chaptered on the day following their signature by the Governor.

### **2011-2012 Regular Session**

The 2010 legislative year was the final year of the 2009-2010 regular legislative session. The State Legislature will return to Sacramento on Monday, December 6, 2010 to begin the 2011-2012 regular legislative session. At that time, new members who were successful in the November election will be sworn into office. Most of December will be spent organizing the Legislature and introducing legislation, which will be considered in January.

### **Key Issues of Interest**

#### **Integrated Regional Water Management Authority**

Long Beach and the Gateway Authority scored a victory in state water discussions on November 2, 2009. The Los Angeles Gateway Authority was formed in 2006 as a way to ensure that the Gateway region would have direct access to state water bonds, rather than competing with the City of Los Angeles and County of Los Angeles for our fair share. Earlier in 2009, the Gateway Authority was informed that of all the IRWM planning groups in the State, the Gateway Authority was the only group that would not be re-authorized by the State; the effort to oppose the Gateway Authority was led by the City of Los Angeles. Long Beach, the Gateway COG and the region's state delegation responded with intense efforts to secure the State's agreement to re-authorize the Gateway Authority. Ultimately, the region was approved and the Gateway Authority was reauthorized as its own IRWMP and will be eligible to compete directly for up to \$40 million in water funds from Prop 84, as well as up to \$35 million in proposed state water bond funds; the water bond will reach voters for approval as a ballot measure in November 2012.

#### **Gas Tax Swap**

On Thursday, March 4, 2010, the Senate and Assembly passed ABx8\_6 and ABx8\_9, which contained the provisions for the Transportation Funding Swap Proposal (Swap). These pieces of legislation were signed into law by the Governor. As a result, Proposition 42 no longer exists and the funds were replaced by an increase in the current gas excise tax instead. Under the Swap, the Gas Tax will increase by 17.3 cents per gallon, to be equivalent to the amount of revenue Proposition 42 generated. Long Beach and other local governments will receive the same amount of transportation dollars as in the past, though the dollars are now all gas tax funds and lack the constitutional protections previously associated with Proposition 42.

#### **Highway User Tax Account (HUTA) Exemption**

In May 2010, Long Beach was awarded a HUTA exemption, which prohibits the state from borrowing any gas tax dollars from the City through the remainder of the state fiscal year (June 30, 2011).

#### **2010-2011 State Budget**

The Legislature finally passed the State's FY 11 Budget on October 7, 2010. The final budget was 100 days late, making it the latest budget ever in the State's history. The Governor enacted the budget one day later, but not before vetoing \$962 million from the Legislature's budget.

#### **General Overview**

The general method used to balance the state's budget included spending cuts, employee cost reductions and increases to revenue projections for FY 11. These one-time budget solutions were as follows:

<b>FY 11 State Budget Solutions</b>	<b>Savings</b>
Spending cuts	\$8.4 billion
Borrowing from other state funds	\$2.8 billion
Suspension of a corporate tax break	\$1.4 billion
More optimistic revenue forecast	\$2.5 billion
Federal funds	\$5.3 billion
<b>Total</b>	<b>\$20.4 billion</b>

**Employee cost reductions:** The budget included personnel cost reductions of \$1.6 billion for the General Fund and comparable personnel savings for other state accounts. These cost reductions reflected recent agreements with seven unions, which represented a total of 15 bargaining units and covered approximately 132,000 employees. Reductions were achieved through a five percent payroll cut across all departments, a new personal leave program (PLP) to offset ten percent of employee costs for the remainder of the fiscal year, and reductions in paid holiday days and professional development days for all state employees.

**Governor's Veto:** The Governor vetoed a total of \$962 million from the Legislature's budget. Items that were vetoed included a \$366 million to CalWORKS programs, \$256 million to subsidized childcare and \$133 million to mental health services for special education students. The veto also took away funds to Maternal and Child Health Access (MCHA), HIV/AIDS prevention and AIDS Drug Assistance programs. These were services that were eliminated by the Governor in FY 10. The Legislature tried to restore these funds for FY 11, but the Governor vetoed them again.

***Long Beach Impacts***

In general, local government fared well in the enacted FY 11 Budget. This year's State budget did not include any unexpected, direct raids of local government funds. Our Health and Human Services Department saw a slight decrease in funds, and budgeted Redevelopment takes still occurred. However, major revenues such as Gas Tax dollars remained intact. If future actions become needed to balance the state budget before the close of the fiscal year, local government funds may become a target. The following is a list of projected impacts based upon the enacted FY 11 budget:

- ✓ **Impacts to Health and Human Services** – Despite the Legislature's best efforts to restore funding for Maternal and Child Health Access, HIV/AIDS prevention and AIDS Drug Assistance programs, the Governor vetoed those expenditures. There was no change to the status of these programs for the Long Beach Health Department, as they were already eliminated in FY 10 as a result of the Governor's budget. The final FY 11 budget further reduced state immunization program funds by \$18 million. This translated into an \$111,500 reduction for the Long Beach Health Department. As a result, the Children's Clinic lost \$75,500, the Westside Neighborhood Clinic will lost \$10,000 and the remaining \$26,500 reduction eliminated teen and youth immunization clinics.
- ✓ **Hotel Occupancy Taxes** – A last minute push by online travel companies to exempt themselves from remitting transit occupancy taxes (TOT) on the full tax amount collected by the online travel company to cities failed as a result of strong opposition from Long Beach and other municipalities affected by tourism. If this

proposal had been approved, Long Beach and hundreds of other cities would have potentially lost millions of dollars in TOT funds.

- ✓ **Redevelopment** – This year’s budget includes a \$6 million take from the Long Beach Redevelopment Agency that was approved in the FY 10 budget; this was an anticipated part of the budget and that our RDA was already planning for.
- ✓ **Parking citation fines increase** – Parking citations in every community increased by \$3.00, effective December 6, 2010 and these funds will be deposited in the State Trial Court Trust Fund. This increase was passed through trailer bill language in SB 857 and is scheduled to sunset July 1, 2013.
- ✓ **Department of Boating and Waterway Loans** – A \$10 million loan to the City of Long Beach from the Department of Boating and Waterways was included in the enacted state budget. These funds were anticipated by the City’s Marina Bureau and will help fund the first phase of the Alamitos Bay Marina, Basin 4 Rebuild project.

***State Pension Reform***

**Pension reform for new employees:** Recently negotiated contracts with several unions and non-represented employees, including managers, reduced pension benefits to pre-1999 levels and base retirement rates on the highest consecutive three-year average salary for new employees. The charts below demonstrate the new tiers that were created:

Retirement Category	Current Retirement Formulas	Future Formulas
Miscellaneous	2% at 55 (up to 2.5% at 63+)	2% at 60 (up to 2.418% at 63+)
Industrial	2% at 55 (up to 2.5% at 63+)	2% at 60 (up to 2.418% at 63+)
State Safety	2.5% at 55+	2% at 55+
Peace Officer and Firefighters, with the State, CSU, Legislature and Judicial Branch	3% at 50+	2.5% at 55+
Highway Patrol	3% at 50+	3% at 55+

**Increased retirement contribution for all employees:** Employees increased their Employer Paid Member Contributions (EPMC) by an additional two to five percent in 2010. The pick-ups vary by unit and are as follows:

Retirement Category	Current Contribution	Future Contribution
Miscellaneous	5%	8-10%*

State Safety	6%	9-11%*
Firefighters	6%	10%
Highway Patrol	8%	10%
Non-represented, non-statutory and statutory exempt		additional 3%

*\*The Miscellaneous and State Safety categories include several bargaining units with different EPMC pick-ups.*

It should be noted that California Public Employees' Retirement Law (PERL) sets different EPMC for the State, as compared to local plans. PERL sets the normal rate of contribution for a Long Beach Miscellaneous member under the 2.7% at 55 or 2.5% at 55 formula at 8%. The normal rate of contribution for a Safety member under the 3% at 50 formula is 9%. Therefore, if Long Beach amended its contract with CalPERS to provide for new hires the 2% at 60 formula for Miscellaneous and/or the 3% at 55 for Safety, the member contribution would have been 7% and 9% respectively. Setting the EPMC higher than this would require legislation.

**Personal Leave Program:** The 12-month Personal Leave Program (PLP) reduced salaries by one day of pay per month for FY 2010-11. Employees received eight hours of personal leave each month for 12 months, which equated to just under a 5% pay cut. This program, combined with the current furlough program of nine furlough days for the months of August, September and October of 2010, equaled approximately 10% payroll savings. During the 12-month PLP period, no furloughs will be imposed on units under these MOUs except for those nine days already imposed in August-October 2010. There does not appear to be any furlough protection for the second and third years of the contracts except for AFSCME and CAPT, which are protected through 2012. PLP does not impact CAHP and CDFP who received furlough protection through 2013.

**Reduction in holidays and professional development:** The agreements with SEIU and unrepresented employees offered two professional development days that restored two previously paid holidays that were taken away in prior years. The other MOUs mention the holidays that were taken away but do not appear to offer the professional development leave.

**Payroll reduction of 5% in General Fund department budgets:** General Fund department budgets were further reduced by \$450 million, or approximately 5% of payroll. At the time this report was written, it is expected that this reduction will reduce hiring or result in layoffs. The MOUs did not mention layoff protections.

**Top step is increased to offset increased payroll deduction:** In return for the increased EPMC pick-up, the maximum of all classifications increased equal to the percentage of increased employee pension contribution. This increase only directly affects employees who have reached the top step of their classification's pay scale. For example, if an employee is required to contribute an additional three percent of pay towards their pension, then the top step is increased in that classification's pay scale by three percent. Therefore the new top step increases vary by unit and include:

Retirement Category	New Top Step Increase
Miscellaneous	3-5%*
State Safety	3-5%*
Firefighters	4%
Highway Patrol	2%
Non-represented, non-statutory and statutory exempt	3%

*\*The Miscellaneous and State Safety categories include several bargaining units with different EPMC pick-ups.*

While the increased EPMC pick-up is immediate, the new top step increases vary in implementation by unit. New top steps begin for SEIU and unrepresented in July 2013 and for the other units in January 2012.

**Guaranteed payroll appropriation:** The budget guarantees payroll funding for the life of the contract, regardless of the adoption of the state budget. This ensures that state workers are not reduced to federal minimum wage if the state does not enact a budget on time next fiscal year.

#### **City of Long Beach Budget Language for Oil Severance Tax**

We successfully worked with the Long Beach Legislative delegation to draft specific language to exempt Long Beach owned and operated oil operations from the proposed State Oil Severance Tax. This proactive effort would have saved the City of Long Beach an estimated five million dollars per year if the tax were included as a part of the final budget package. Importantly, this was an effort we began last year so our exemption language has become a regular part of all oil severance tax negotiations. As various severance tax proposals were discussed throughout the year we referred back to the earlier agreement on our issue, which has allowed for effective dialogue between the City, the Long Beach's delegation and budget committee staff. Even though this proposal did not ultimately become a part of this year's budget, the issue will arise again in the future and it was important that we continued to build a history of discussions and legislative language that is effective in exempting Long Beach from the various oil severance tax proposals.

#### **Hotel Occupancy Tax: Effort by Online Travel Companies to Gain an Exemption**

Long Beach and other cities affected by tourism have been in a dispute with online travel companies (OTC) for several years. These companies believe they are only responsible for remitting the amount of transient occupancy tax (TOT) paid during the sales transaction between the OTC and the hotel. Cities take the position that the amount of TOT that should be remitted to local governments is rather the amount equal to the sum paid during the sales transaction between the OTC and end-consumer, individual buyers paying the full amount of the room as sold by the OTC.

This year, OTCs sought a last-minute provision in the state budget to specify that they need only to remit the transient occupancy tax amount that the company themselves paid to the hoteliers, rather than the full amount charged to the end consumer. Local governments were enraged by

this latest effort, which would help protect the OTCs in current and future litigation. Expedia, Orbitz and Travelocity issued a statement asserting that cities do not have the authority to charge the occupancy taxes on booking fees. Their effort was ill received by the Legislature and garnered significant opposition from cities such as Long Beach and others affected by tourism. This latest effort by the OTCs died in the Legislature on one of the final budget deliberation days, although the issue remains in litigation.

## **City of Bell Bills**

### **AB 192 (Gatto) Public Retirement Benefits: Excess Salaries**

This legislation would have required a city, which seeks to lure a municipal employee from another city by offering an exorbitant raise, to pay for the higher pension payments that come with the raise. Under current law, the city where that employee worked for the majority of his or her career has to pay the pension at the level set by whatever city hires the employee. AB 192 would require that any city offering an employee greater than a 15% raise to pay for the associated difference in pension benefits. AB 192 died on the Senate floor on the last day of the legislative session.

### **AB 194 (Torrico) Retirement: Local Employees**

This bill provides that, notwithstanding any other law, for the purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2011, the maximum salary or pay rate upon which retirement benefits shall be based shall not exceed 125 percent of the salary recommended to be paid to the Governor of the State of California by the California Citizens Compensation Commission effective December 7, 2009. This amount shall be adjusted annually based on changes in the All Urban California Consumer Price Index. This bill was passed by the Legislature and sent to the Governor's desk. The Governor vetoed AB 194.

### **AB 827 (De La Torre) Local Public Employees**

AB 827 would prevent "evergreening" clauses (no automatic renewal) in the contracts of unrepresented individuals who report directly to a legislative body of a local agency, prohibit automatic salary increases in these contracts, unless it is a cost-of-living adjustment, without the vote of a legislative body, and prohibit severance payments of greater than 12 months' salary for these non-represented employees. The measure would also require a performance review to occur prior to increasing the salary, beyond a COLA, of an unrepresented individual who reports directly to the legislative body of a local agency. AB 827 was passed by the Legislature and was sent to the Governor's desk. The Governor vetoed the bill.

### **AB 1955 (De La Torre) Local Government: Compensation**

This bill requires the State Attorney General to determine whether a charter city is an excess compensation city. If after a hearing the State Attorney General determines that the city is an excess compensation city then the city would be prohibited from amending an old or approving a new redevelopment plan or issuing any new debt until the issue is resolved. The bill also requires that a city council person pay 50% personal income tax on any compensation received in excess of the existing law thresholds for general law city, if the charter city is found to be an excess compensation city. These provisions only apply to charter cities with populations of less than 285,000 and exclude any full-time city council, and independently elected mayor position. Long Beach worked with the author to include language in this bill that would have exempted



charter cities with a population of 285,000 to ensure that the City Charter adopted by the citizens of Long Beach would not be pre-empted. The bill died on the Senate floor on the last day of session.

**AB 2064 (Huber) State and Local Government—Salary Disclosure**

This bill requires each house of the Legislature to annually post on its official Internet Web site the annual salary for all Legislators and all Legislative employees. The bill also requires all constitutional officers to annually post on their official Internet Web site the annual salary for the constitutional officer, any appointed or exempt deputies, and any appointed or exempt employees. Further, the bill requires each general law or charter city, county, city and county, special district, school district, and joint powers authority (the Gateway Council of Governments is an example of a joint powers authority) to annually post on its official Internet Web site the annual salary received from the local governmental entity by each elected or appointed official, and designated employees. This bill died in the Senate waiting to be heard in the Senate Governmental Organization Committee on the last day of session.

**SB 501 (Correa) Local Government: Compensation Disclosure**

SB 501 requires each officer or designated employee of a county, city, city and county, school district, special district, or joint powers authority, to annually file a compensation disclosure form that provides compensation information for the preceding year. The bill defines "designated employee" and "officer" as an employee or an elected or appointed officer of a county, city, city and county, school district, special district, or JPA who is required to file a statement of economic interest (Form-700) pursuant to existing law. SB 501 died on the Senate floor the last day of session.

**Long Beach Sponsored Bills**

**AB 1921 (Davis) Electronic Filing**

AB 1921 allows Santa Clara and Ventura Counties, in addition to the City of Long Beach, to participate in an ongoing pilot project that allows statements of economic interest to be filed electronically. The City of Long Beach, the California Association of Clerks and Election officials, Santa Clara County Board of Supervisors, and the Ventura County Board of Supervisors jointly sponsored this bill. The pilot program provides a safe, cost-effective and workload-reducing option for the filer to utilize to fulfill their annual filing obligation. AB 1921 was passed by the legislature and sent to the Governor's desk. The Governor signed the bill into law as Chapter 58, Statutes of 2010.

**AB 2067 (Lowenthal) Vehicles: Parking**

This bill was sponsored by the City of Long Beach in response to requests by the community to allow parking facing either direction on narrow dead-end streets where a safe place to turn a vehicle around is unavailable. A similar bill was sponsored last year and we were successful in moving the bill to the Governor's desk. Unfortunately, the bill was vetoed on Governor's desk. During the fall interim of this year, we worked closely with the California Highway Patrol (CHP) and was able to persuade them to remove their opposition to the bill. Along with City staff, we held several discussions with the CHP and worked closely with Assembly Member Lowenthal's office to negotiate compromise language with the CHP. These steps allowed us to guide this bill through the legislative process and ultimately will allow parking on the left side of two-way local residential streets that dead-end with no cul-de-sac or other designated turnaround area on

specified streets in the City. The Governor signed AB 2067 into law as Chapter 135, Statutes of 2010.

### **AB 2663 (Lowenthal) – Federal Fiscal Year**

AB 2663 requires the state to delay the borrowing, transfer, or suspension of Highway Users Tax Account (HUTA) revenues until the start of the federal fiscal year for those cities that operate on the federal fiscal year. There are five local governments in California that operate on a federal fiscal year including the cities of Long Beach, Huntington Beach, Inglewood, El Segundo and South Lake Tahoe. The federal fiscal year commences on October 1st, three months after the beginning of the state's fiscal year. In previous years, if the state intended to borrow money from local governments, it usually did so at the start of the state's fiscal year on July 1st. For the City of Long Beach, the state's borrowing comes at the end of our budget cycles when we are least able to adapt to borrowing, placing an undue financial burden on the city. This bill provides for a delay in state borrowing, transfer, or suspension of revenues for the City of Long Beach, meaning that state borrowing would start on October 1 and any transactions for July, August, and September for those five cities would be suspended. The delay in borrowing applies specifically to HUTA funds. We were successfully in getting AB 2663 passed by both houses and sent to the Governor's desk. Unfortunately, the Governor vetoed AB 2663. In his veto message he stated, "I am concerned that this bill could make the state's General Fund cash situation more dire should it become necessary to delay payments to local governments in future years. Vendors, schools, childcare providers and many others suffer when the state runs short of cash. It is not unreasonable for local road fund payments to be delayed a few months when other payments are delayed. There is no reason to single out cities that adopt a particular budget calendar for relief. Since the potential for the delays was known in advance of local budget adoption, these cities can make appropriate cash management plans."

### **Long Beach Support Bills**

#### **AB 12 (Beall) California Fostering Connections to Success Act**

This bill requires California to conform to federal law in order to maximize federal financial participation by opting in to kinship guardianship assistance payments provisions and extends transitional foster care services for eligible youth between 18 and 21 years of age pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). In October 2008, the federal government enacted the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351). The Act offers states the opportunity to opt-in to new federal funding streams if they choose to provide kinship-guardianship benefits to relative guardians or if they provide foster care to 18 to 21-year-old youth. Long Beach supported this measure. AB 12 made it all the way through the legislative process and to the Governor's desk. The Governor signed AB 12 into law as Chapter 559, Statutes of 2010.

#### **AB 222 (Adams) Energy: biofuels**

Existing law has established the Public Interest Research, Development, and Demonstration Fund in the State Treasury. California law provides that the money collected in this fund be used to support cost-effective energy efficiency and conservation activities. AB 222 promotes energy conversion technologies by defining "in-state renewable electricity generation facility" to include a facility that uses conversion at a biorefinery. The bill considers a "biorefinery" to mean a facility that uses a non-combustion thermal, chemical, biological, or mechanical conservation

process, or a combination of those processes, to produce electricity or a renewable fuel from carbonaceous materials. Long Beach was supportive of this bill in 2009, as it furthers the City's goal to become a more sustainable City. At the end of the legislative session, AB 222 became a two-year bill and in 2010 when the legislation started to move again, Long Beach re-affirmed the City's support. In the last days of the 2010 legislative session, AB 222 did not have the support to proceed and the bill was amended to concern a childcare issue.

**AB 505 (Furutani) Sex offenders**

This bill prohibits paroled sex offenders from residing in multifamily housing units, hotel and motel rooms with more than one other person required to register as a sex offender. This was a bill Long Beach supported early in the legislative session. Unfortunately, the bill did not have the support to proceed and died in the Assembly Committee on Appropriations.

**AB 1243 (Lowenthal) Strategic Area Freeway Enforcement Task Force**

This bill would establish a Strategic Area Freeway Enforcement Task Force in the Business, Transportation and Housing Agency (BTH) until January 1, 2012 to study issues related to commercial vehicle enforcement near the Ports of Los Angeles and Long Beach and develop a work program that implements recommendations developed pursuant to the study. The task force would report annually on progress achieved in improving commercial vehicle enforcement. The bill also specifies that members of the task force would serve without compensation, state funds would not be used for expenses incurred by members, and the task force would only implement provisions of the bill upon availability of non-state funds. AB 1243 is intended to bring the California Highway Patrol (CHP), the Department of Transportation (Caltrans), the Gateway Cities Council of Governments (GCCOG), and the Los Angeles Metropolitan Transportation Authority (MTA) together to collaborate, in consultation with other interested parties, in the development of a commercial vehicle enforcement system. Long Beach supported AB 1243. Ultimately, the bill was held on the Senate Appropriations Committee suspense file for fiscal reasons.

**AB 1341 (Lowenthal) Property Taxation: Possessory Interests: Long Beach Courthouse**

This bill provides that there is no taxable possessory interest if the possession is pursuant to a project agreement entered into by the Judicial Council (JC) with a nongovernmental entity for the purpose of replacing the Long Beach Courthouse, and if other specified criteria are met. The City of Long Beach is ready for its new courthouse. Experts say its existing 50-year-old facility is perhaps the worst in the state when it comes to security, safety and overcrowding. The Administrative Office of the Courts has found a way to deliver the project three years earlier than might otherwise occur, by use of a public-private partnership. Unfortunately, a dispute over property tax has arisen, which, if left unresolved, could increase the cost of the project to the point it would no longer be fiscally viable. To resolve this problem without creating precedent or altering existing code, AB 1341 declares that the unique needs and nature of the Long Beach courthouse project exempt its state functions from possessory interest taxation. Long Beach strongly supported this bill. AB 1341 made it all the way through the legislative process and to the Governor's desk. The bill was signed into law as Chapter 442, Statutes of 2010.

**AB 1998 (Brownley) Solid Waste: Single-Use Carryout Bags**

AB 1998 prohibits retailers from providing single-use plastic bags to customers. The bill authorizes retailers to provide reusable bags that meet specified standards to customers. The bill requires retailers charge customers for any recycled paper bags the retailer provides. The bill

generally preempts local regulation in this area. Current law requires operators of grocery stores and large retail stores that include a pharmacy to operate in-store recycling programs to take back plastic bags. Current law provides that local governments may not implement separate recycling programs or impose fees on stores that meet these requirements. This requirement sunsets on January 1, 2013. AB 1998 requires stores to continue to collect plastic bags from customers for recycling. Long Beach supported this bill and AB 1998 made it all the way to the Senate floor where it was stopped on the last night of the legislative session by intense opposition.

**AB 2179 (Monning) Tidelands and Submerged Lands: City of Santa Cruz and City of Long Beach**

This bill grants to the Cities of Santa Cruz and Long Beach all rights, title, and interest of the state in certain public trust lands. The State Lands Commission has exclusive jurisdiction over the state's right, title and interest in its sovereign public trust lands. These include filled and unfilled tide and other submerged lands as well as the beds of navigable rivers, lakes and streams. The Legislature may grant the state's administrative authority to manage these lands to local agencies, subject to the public trust and on-going oversight by the SLC, for specific uses of statewide benefit. The public trust is a set of guiding principles that direct the state to hold its title to public trust lands in a manner to protect the public's interest in activities that are typically water-dependent or related. While continually evolving to meet changing public needs, these activities include navigation, commerce, fishing, recreation and environmental protection, among others. The Legislature has made grants of public trust lands to over 80 cities, counties and harbor districts since the state's inception. Long Beach strongly supported this bill. AB 2179 was passed by the Legislature and sent to the Governor's desk. The Governor signed AB 2179 into law as Chapter 377, Statutes of 2010.

**AB 2554 (Brownley) Los Angeles County Flood Control District: Fees and Charges**

This bill authorizes the Los Angeles County Flood Control District (District) to put a fee on the local ballot, asking voters to raise revenues to fund clean water projects and carry out the essential duties of the District. Long Beach was extremely supportive of this legislation and negotiated with the County and upstream cities to ensure that the language provided a fair and balanced fee structure that would promote participation from all cities in the County to benefit the region. Revenues from the fee authorized by AB 2554 can be used to reduce pollution in both the Los Angeles and San Gabriel Rivers. The bill passed through both houses of the Legislature and the Governor signed the measure into law as Chapter 602, Statutes of 2010.

**AB 2706 (Lowenthal) Civil Rights: Homeless Persons**

This bill specifically adds homeless persons, as defined, to the list of individuals protected from violence and intimidation under the Ralph Civil Rights Act, thereby providing civil remedies to homeless persons who are injured as a result of such violence. The Ralph Act currently provides that all persons have the right to be free from violence and intimidation by threat of violence based on, among other things, race, religion, ancestry, national origin, and gender. These rights may be enforced by a private action for damages and equitable relief as well as criminal sanctions for violations. By establishing these rights and providing access to the courts for their vindication, the Ralph Act was designed to provide important and, it appears, largely effective protection for the classes of people covered by the statute. In light of the evident problem of hate violence directed at some people because they are homeless, this bill seeks to duplicate that success by expressly extending these protections to another vulnerable group, adding the term

"homeless person" to the list of protected characteristics and statuses under the Ralph Act, borrowing definitions drawn from federal law to capture the practical meaning of that term. Long Beach strongly supported AB 2706. The bill was passed by the Legislature and sent to the Governor's desk, but the Governor vetoed the bill.

#### **AJR 24 (Lowenthal) Marine Air Pollution**

This resolution requests the International Maritime Organization adopt the North American Emission Control Area, which will require ocean-going vessels to use low-emission fuels off the United States' and Canadian coasts. Pioneering environmental stewardship programs are going on at the Port of Long Beach. This resolution signals public interest in extending the changes made at the Ports of Long Beach and Los Angeles to ports across the North American Emission Control Area. The resolution received the support it needed to pass through the Assembly, but was unable to pass through the Senate, where it died in the Senate Environmental Quality Committee.

#### **SB 4 (Oropeza) Public resources: state beaches and parks: smoking ban**

This bill would make it a crime for a person to smoke on a state beach or in a state park. It would prohibit a person from smoking a cigar, cigarette, or other tobacco-related product on a state coastal beach. The bill also prohibits a person from smoking in any unit of the state park system if the district superintendent of the state park system has posted an order prohibiting smoking and the order has been in place for 30 days. This bill specifies that a person who violates this provision is guilty of an infraction, punishable by a fine of \$100. It authorizes the Department of Parks and Recreation to develop and post signs at state beaches and parks stating that smoking is prohibited. SB 4 would state that new signs be posted only when existing signs are replaced by the state and it would prohibit the enforcement of this ban unless signs have been posted, except that warnings may be given prior to the posting of signs. Long Beach strongly supported SB 4. The bill made it through the Senate and to the Assembly floor during the 2009 legislative session. It was held as a two-year bill on the Assembly floor and this year it was passed by the Assembly and Senate and was sent to the Governor in April 2010. Unfortunately, the Governor vetoed the bill primarily because he believed the bill was an "improper intrusion of government into people's lives."

#### **SB 250 (Florez) Dogs and cats: spaying and neutering**

This bill restricts the ownership of unsterilized dogs and cats and requires surgical sterilization of the animal in specified circumstances. SB 250 sought to reduce the amount of unwanted pets that roam the streets and end up in shelters. The goal was to encourage responsible pet ownership by requiring owners to license, sterilize their animals or purchase an unaltered license if they intend to keep their pets intact. Long Beach supported the bill, but SB 250 failed passage on the Assembly floor and was granted reconsideration last year. When the 2010 legislative session began again, Long Beach, supported the bill again, but at the end of this legislative session, this bill failed to get the votes it needed for passage.

#### **SB 346 (Kehoe) Hazardous materials: motor vehicle brake friction materials**

This bill reduces the use of copper and other heavy metals in automobile brake friction materials starting in 2021. SB 346 requires brake pad manufacturers to reduce the use of copper in brake pads sold in California to no more than five percent by 2021, and no more than 0.5 percent by 2025. This bill also (1) creates limits for other brake pad materials, (2) establishes a certification process for compliance, (3) establishes civil penalties for violations, (4) creates a Brake Friction

Materials Water Pollution Fund into which any fines and penalties would be deposited, and (5) provides a mechanism that manufacturers can use to obtain extensions of the bill's deadlines if they cannot provide a safe and compliant product in time in order to make sure that Californians' safety is not compromised in any way. The goal is to improve California's water quality and allow stormwater agencies to meet their TMDLs, while also ensuring that brakes remain affordable and fully able to meet rigorous safety and performance standards. Long Beach strongly supported this bill. SB 346 was passed by the Legislature and sent to the Governor's desk. The bill was signed into law by the Governor as Chapter 307, Statutes of 2010.

### **SB 1483 (Wright) Multifamily Improvement Districts**

This bill extends the sunset on the Multifamily Improvement District Law from January 1, 2012 to January 1, 2022. Existing law enacted the Multifamily Improvement District (MID) Law to provide until January 1, 2012, for the establishment of MIDs within a city or county to levy assessments on residential rental properties within the district for the purpose of financing certain improvements and promoting certain activities beneficial to those properties. This bill extends the sunset on the MID law an additional 10 years. Importantly, a key MID is successfully operating in the City of Long Beach, commonly referred to as "Andy Street Multi-Family Improvement District". The owners want to continue the improvement district because they have seen measurable and tangible results reducing crime. In a few years the district has been operational, police service calls have been reduced from 480 to 210 in a fiscal year. Further, the City of Long Beach has identified another improvement district known as the "Pine-Locust" project; the area is two-blocks long, has 124 property owners who are working in a cooperative manner to establish a new MID. For these reasons, Long Beach strongly supported SB 1483. The bill was passed by the Legislature and sent to the Governor's desk. The Governor signed SB 1483 into law as Chapter 339, Statutes of 2010.

### **SJR 29 (Wright) Aerospace Industry: C-17 Production**

The purpose of this joint resolution is to urge the President of the United States, the United States Congress, and the Department of Defense to take immediate and necessary actions to protect this national security asset by ensuring continuation of C-17 production international airlift needs and to preserve the crown jewel of the American industrial base. The C-17 is the last aircraft being built in California and the production plant is the largest private employer in Long Beach, as well as, the state. There has been a continued decline of manufacturing and aerospace in California, approximately 50% of the aerospace employment base has been lost since 1990. The Long Beach Boeing aircraft plant employs and supports nearly 13,857 workers and 384 business suppliers, and according to the Long Beach Economic Development Center, the plant has a statewide economic impact of \$2.4 billion annually. . For all of these reasons Long Beach strongly supported SJR 29. The resolution was passed by the Legislature and sent to the Secretary of State where it was chaptered as Chapter 138, Statutes of 2010.

## **Long Beach Opposed Bills**

### **AB 155 (Mendoza) Local Government: Bankruptcy Proceedings**

This bill requires local governments to receive state approval prior to filing for bankruptcy under federal bankruptcy law. The bill also specifies that the state agency responsible approving the request shall be the California Debt and Investment Advisory Commission (CDIAC). It allows the commission to place conditions on the local public agency's right to pursue bankruptcy under federal law. This bill requires a local public agency requesting approval for bankruptcy

protection to submit to CDIAC: (a) A proposed plan for restructuring debt and other financial obligations to avoid a fiscal crisis; (b) An itemization of creditors that may be impaired or may seek damages as a result of the proposed restructuring; and (c) Any other supporting documentation that the local entity or the CDIAC deems appropriate. This bill requires CDIAC, upon receipt of the information, to do all that it deems necessary to evaluate the fiscal condition of the local public agency, including, but not limited to, reviewing the submission and recommending specific action to be taken by the public agency to avert fiscal insolvency. It would also require CDIAC to conduct a noticed public hearing for any recommendations released, or approvals granted. Working together with the League of California Cities Long Beach strongly opposed this bill as it directly interfered with local control and inserted a state political body into a local government process. Last year we were successful in stopping the bill in the Senate Local Government Committee where it became a two-year bill. At the end of this year's legislative session there was a strong push for passage of AB 155. The bill was amended several times including the last day of the session in an attempt to push the measure through the Legislature to the Governor's desk, but once again, AB 155 was stopped and for now, local government bankruptcy proceedings remain unchanged.

#### **AB 1139 (Perez) Income Taxes: Credits: Enterprise Zones**

AB 1139 sought to revise credit eligibility, calculation, redemption and reporting of the hiring credit, under the Personal Income Tax and the Corporate Tax, for businesses located in enterprise zones. The supporters of AB 1139 argued that the existing enterprise zone program provides hundreds of millions of dollars per year in tax credits for employers but does not do anything for employees. AB 1139 was sponsored by the International Longshore and Warehouse Union. Long Beach strongly opposed AB 1139. We argued that given the current economic times, implementation of AB 1139 would be destabilizing to local communities that are already under great duress. We were successful in stopping the bill in the Assembly Revenue and Taxation Committee. It then became a two-year bill. The sponsors were unable to move the bill forward during the 2010 legislative year.

#### **AB 1192 (Strickland) Cities: Powers**

This bill prohibits a city's legislative body from selling or leasing any existing public improvement to a private or public entity for the purposes of renting or leasing back or repurchasing through installment payments that existing public improvement and declares this it is a statewide concern. Long Beach opposed this bill, which was sponsored by the Howard Jarvis Taxpayer Association. We stopped AB 1192 in the Assembly Local Government Committee where it became a two-year bill. The sponsors were unsuccessful in trying to move the bill forward during the 2010 legislative year.

#### **AB 1818 (Blumenfield) Santa Monica Mountains Conservancy: Upper Los Angeles River and Watershed Protection Program**

This bill would have created an additional funding stream for the Santa Monica Mountains Conservancy. Long Beach opposed the bill on the basis that the new funding stream would unduly elevate the Upper Los Angeles River and Watershed Protection Program to the detriment of the lower Los Angeles River and other watersheds in the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy. Long Beach's opposition to the bill, in conjunction with the Gateway Council of Governments, convinced the author to refrain from pursuing the bill. AB 1818 died in the Assembly Committee on Appropriations.

### **AB 2253 (Coto) Worker's Compensation: Cancer Presumption**

The California Association of Highway Patrolmen, California Professional Firefighters, CDF Firefighters, and Local 2881 Peace Officers Research Association of California sponsored AB 2253. This bill provides that an existing presumption for a work-related injury shall be extended to specified firefighters and police officers following termination of service for a period of three months for each year of service but not to exceed 120 months in any circumstance, commencing with the last day actually worked in the specified capacity. Long Beach opposed this measure as it significantly increases the costs and levels of benefits, and Long Beach firmly believes that existing law provides reasonable and sufficient guidelines for such compensation. It was passed by the Legislature to the Governor's desk. The Governor signed the bill into law as Chapter 672, Statutes of 2010.

### **SB 194 (Florez) Community Equity Investment Act of 2010**

This bill enacts the Community Equity Investment Act of 2010 and specifies how funds received under the federal State Community Development Block Grant (CDBG) Program are expended at the local government level. Specifically, this bill asserts that there are hundreds of disadvantaged unincorporated communities in the state that may be geographically isolated, and therefore lack public and private investment to alleviate the present threats to the health and safety of residents. The bill contends that legislation is needed to ensure that federal CDBG funds will foster economic, social, and educational equality. SB 194 provides that unless prohibited by federal regulations, local governments must follow specific requirements in administering the federal CDBG program. Working together with other cities and the League of California Cities Long Beach opposed the state conditioning funds that are received directly from the federal government by entitlement communities. Long Beach currently exceeds all requirements this bill proposes, but in the interest of keeping funds flexible to meet the continuing needs of our disadvantaged communities, the City felt that added state regulations were unnecessary. Despite all of the opposition, SB 194 was passed by the Legislature to the Governor's desk. Fortunately, the Governor vetoed the bill and it will not become law.

### **SB 974 (Steinberg) Income and Corporation Tax: Hiring and Career Credits**

This legislation would establish a new Career Pathways Investment Credit, to be administered by the Superintendent of Public Instruction (SPI), to qualifying business entities that partner with local education agency (LEA) programs to develop and support career pathway programs. Funding for the credit would be provided by eliminating a portion of an existing enterprise zone hiring credit. The elimination of the enterprise zone hiring credit is the provision that Long Beach strongly opposes. Senator Steinberg President Pro Temp of the Senate, pushed very hard for the passage of this bill. We worked with his office to seek clarifying amendments and in the end, SB 974 died in the Assembly Jobs, Economic Development & the Economy Committee.

## **Long Beach Watch Bills**

### **AB 602 (Feuer) Land Use: Cause of Actions: Time Limitations**

This bill revises the statute of limitations and remedies for specified housing-related challenges. Specifically, AB 602 seeks to expand the statute of limitations to challenge a housing element or other affordable housing decision to five years. We closely watched AB 814. The bill was passed though both houses of the Legislature, but was vetoed by the Governor.



### **AB 609 (Conway) County Employees Retirement**

This bill increases the administrative budgets of retirement systems being operated under the County Employees' Retirement Law of 1937 ('37 Act). Specifically, this bill will increase the maximum annual amount a '37 Act retirement system may spend on administration from eighteen hundredths of 1% (0.18%) of the total assets of the retirement system to the greater of either twenty-one hundredths of 1% (0.21%) of the accrued actuarial liability or two million dollars to be adjusted annually. This bill also excludes expenditures for computer software, computer hardware, and computer technology consulting services from the administrative budget cap. We carefully watched this bill as it moved through the Legislative process to the Governor's desk. The bill was ultimately signed into law as Chapter 663, Statutes of 2010.

### **AB 853 (Arambula) Local Government: Disadvantaged Communities**

AB 853 requires Local Agency Formation Commission, through their planning process, to identify service deficiencies in unincorporated disadvantaged communities without a funding source. The bill also imposes a mandate on counties to file annexation applications on behalf of residents in disadvantaged communities upon receipt of a petition signed by 25 percent of the registered voters. The bill was passed by the Legislature and reached the Governor's desk where it was vetoed.

### **AB 909 (Hill) Red Light Violations: Right Turns**

This bill reduces the base fine, largely the city's share of the citation, for turning right on a red light without coming to a complete stop from \$100 to \$35. The bill was passed by the Legislature and sent to the Governor's desk where it was vetoed.

### **AB 1060 (De La Torre) Alcoholic beverage licenses: self-service checkouts**

AB 1060 prohibits off-sale licensees from selling alcoholic beverages using a point-of-sale system with limited or no assistance from an employee of the establishment. "Point-of-sale" system is defined as any computer or electronic system such as Universal Product Code scanners, price lookup codes, or an electronic price lookup system. This was a two-year bill that the City watched closely. It did not move for much of the 2010 legislative session, but in August 2010, the bill gained enough legislative support to pass through both the Senate and the Assembly to reach the Governor's desk. Governor Swarchenegger vetoed the bill.

### **AB 1048 (Torrico) Child Protection: Safe Surrender**

This bill requires a designating entity to consult with the governing body of a city, if the safe-surrender site is within city limits, and with representatives of the applicable fire department and child welfare agency. Specifically, AB 1948: (1) permits a fire agency to designate a safe surrender site, upon approval of the local governing body, (2) immunizes a safe surrender site and its personnel from criminal, civil, or administrative liability for a surrendered child prior to taking actual physical custody of the child, or prior to the time the surrender site, and (3) requires the Department of Social Services to report specified information to the Legislature. AB 1048 was passed by the Legislature to the Governor's desk where the governor signed the bill into law as Chapter 567, Statutes of 2010.

### **AB 1602 (John Perez) Health Care Coverage**

AB 1602 enacts the California Patient Protection and Affordable Care Act (PPACA) to implement the federal PPACA in California. This bill clarifies the powers and duties of the board governing the California Health Benefit Exchange (Exchange) relative to the administration of

the Exchange. On March 23, 2010, President Obama signed the PPACA (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152). Among other provisions, the new law makes statutory changes affecting the regulation of and payment for certain types of private health insurance. Each state is required to establish an American Health Benefit Exchange and a Small Business Health Options Program Exchange by 2014 for individuals and small employers with 50 to 100 employees; after 2017, states have the option of opening the small business exchange to employers with more than 100 employees. States can opt to provide a single exchange for individuals and small employers. AB 1602 passed both houses of the Legislature and was sent to the Governor. The bill was signed into law as Chapter 655, Statutes of 2010.

**AB 1660 (Salas) Airports: Emergency flights for medical purposes**

Existing law exempts an emergency aircraft flight for medical purposes from local ordinances that restrict flight departures and arrivals to particular hours of the day or night based upon the aircraft's noise level, or type of aircraft. This bill expands the definition of emergency aircraft flights to include the return of non-emergency flights or equipment used during a medical emergency, as well as emergency personnel and first responders involved in treating the medical emergency, for the purpose of returning the aircraft or equipment back to the base of operation. This bill passed both houses of the legislature unanimously and was signed into law by the Governor as Chapter 54, Statutes of 2010.

**AB 1668 (Knight) Local Government: City Councils**

This bill extends the amount of time that a city council has to fill a vacancy in an elective city office, including the office of mayor, from 30 days to 60 days from the date of the vacancy. The bill also decreases the number of city council members in a newly incorporated city that elects council members at large that hold office until the first general municipal election after incorporation from three to two and increases the number of city council members that hold office until the second general municipal election after incorporation from two to three. The bill also changes references to city "councilman" and "councilmen" to be instead, city "council member" and "council members". The bill was passed by the Legislature and sent to the Governor's desk where the Governor signed the bill into law as Chapter 38, Statutes of 2010.

**AB 1676 (Fuentes) Elected officials: Residency Requirements**

AB 1676 prohibits a person elected to a non-judicial office for a county, city, or school district, from moving outside the jurisdiction that he/she represents during his/her term of office. The bill died on the Assembly floor the last day of session while waiting to be taken up for concurrence in Senate amendments.

**AB 1717 (De Leon) Ballot Materials: Electronic Access**

This bill authorizes elections officials to establish procedures to permit a voter to opt out of receiving election materials by mail, subject to certain conditions. Specifically, AB 1717 provides that county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail and instead receive them electronically by e-mail or on the county's or city's Internet Web site. The bill requires these procedures to comply with certain conditions. The Governor signed AB 1717 into law as Chapter 119, Statutes of 2010.

**AB 1858 (Blumenfield) Hypodermic Needles**

AB 1858 permits the Department of Public Health (DPH) to authorize certain entities to provide hypodermic needle and syringe exchange services consistent with state and federal standards, including those of the United States Public Health Service, in any location where DPH determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. AB 1858 passed through both houses of the Legislature, but was vetoed by the Governor.

**AB 1987 (Ma) Public Retirement**

AB 1987 establishes minimum standards and requirements for all public retirement systems in California with respect to final compensation, ongoing audits with penalties for noncompliance, and prohibitions against a retiree from immediately returning to employment with the public employer on a part-time or contract basis. AB 1987 passed through both houses of the Legislature and was sent to the Governor, but the Governor vetoed the bill, citing that it did not provide sufficient reforms to the public pension system.

**AB 1934 (Saldana) Firearms**

This legislation makes it a misdemeanor for any person to carry an exposed and unloaded handgun outside a vehicle on his or her person while in any public place or on any public street in an incorporated city. This bill had the support it initially needed to pass through the Assembly, and it passed through the Senate as well; but Senate amendments kept AB 1934 from being concurred on the Assembly floor during the final days of the legislative session. The bill ultimately died on the Assembly floor.

**AB 2003 (Mendoza)**

This piece of legislation prohibits any contract or appointment from being made by a legislative body of a local agency during the period after the close of polls on election day and before the new legislative body members have been sworn in from taking effect until the incoming legislative body has reviewed and approved that contract or appointment except in a specified case. This bill died in the Assembly Committee on Local Government.

**AB 2340 (Monning) Employee's Right to Bereavement Leave**

Gives employees in California the right to take three days of unpaid time off in the event of the death of certain relatives. The Governor vetoed AB 2340.

**AB 2531(Fuentes) Redevelopment: Economic Development**

AB 2531 gives redevelopment agencies additional authority to provide loans, loan guarantees and other financial assistance to businesses; as well as assist nonprofits and public agencies to establish small business incubators. Further, the bill clarifies the City of Los Angeles' authority to apply for and administer federal funding for economic development. The bill was passed by the Legislature and sent to the Governor's desk, where it was vetoed.

**AB 2598 (Brownley) Tidelands and submerged lands: sea level action plan**

This bill would require a local trustee of granted public trust lands to prepare a sea level action plan, by July 1, 2011, that would be transmitted to the Natural Resources Agency, the Governor's Office of Planning and Research, and the State Lands Commission. The plan is designed to include: (a) An assessment of sea level rise impacts on the granted lands; (b) Maps indicating the

areas affected by predicted sea level rise in the years 2050 and 2100; (c) Estimates of the fiscal costs of sea level rise on granted lands, including repair costs, lose of use costs, and anticipated mitigation costs; and (d) Strategies to prevent or mitigate damage to existing development and infrastructure and to protect and enhance undeveloped shorelines. The bill died in the Senate Committee on Appropriations.

#### **AB 2650 (Buchanan) Medical Marijuana**

This bill prohibits new medical marijuana cooperatives, collectives, dispensaries, operators, establishments, and/or providers who possess, cultivate, or distribute medical marijuana from being located within 600 feet of a K-12 public or private school. The bill exempts local ordinances that were adopted prior to January 1, 2011. Long Beach falls into this exemption category. Though the bill passed through both houses of the Legislature and was enacted by the Governor as Chapter 603, Statutes of 2010, the City is exempt from its regulations.

#### **SB 450 (Lowenthal) Class Size Reduction**

This bill authorizes the Superintendent of Public Instruction (SPI) to approve kindergarten through grade 3 (K-3) class size reduction (CSR) funding for the Long Beach Unified School District (LBUSD) despite exceeding required teacher-to-pupil ratios, if the increases in teacher-to-pupil ratios are due to a fire in May 2007. According to the Assembly Appropriations Committee, General Fund/Proposition 98 loss of savings of approximately \$470,000 to allow LBUSD to retain full funding for the K-3 CSR program. SB 450 died on the Assembly floor on the last day of the session.

#### **SB 518 (Lowenthal) Building Standards: Graywater**

This bill requires the California Building Standards Commission (BSC) to adopt, as specified, non-residential building standards for graywater systems for indoor and outdoor use. SB 518 specifically requires the BSC, at its next triennial building standards rule-making cycle commencing on or after January 1, 2011, to establish nonresidential building standards for the construction, installation, and alteration of graywater systems, for both indoor and outdoor uses. The bill provides that the BSC shall establish the graywater standards based on specific factors and authorizes BSC to revise and update these standards at any time. The Governor signed this bill into law as Chapter 622, Statutes of 2010.

#### **SB 769 (Alquist) Federal Funding: Pandemic Flu**

SB 769 provides that federal funding received pursuant to the federal Supplemental Appropriations Act, 2009 for pandemic flu preparedness and response is subject to appropriation by the Legislature for allocation by the Department of Public Health (DPH) pursuant to the 2008-09 federally approved collaborative state-local plan. This legislation authorizes the DPH to establish a minimum allocation of \$100,000 to a local health jurisdiction (LHJ) and requires the DPH to expand its electronic communications capacity to accommodate every hospital and primary care clinic during a public health emergency. The bill was signed into law by the Governor as Chapter 506, Statutes of 2010.

#### **SB 810 (Leno) Single-payer healthcare coverage**

This legislation would have created the California Healthcare System (CHS), a single payer health care system, administered by the California Healthcare Agency (CHA), to provide health insurance coverage to all California residents. SB 810 died on the Assembly floor.

**SB 949 (Oropeza) Vehicles: Local Authority**

SB 949 clarifies that the provisions of the California Vehicle Code are applicable throughout the state, and that local authorities may not enact or enforce an ordinance or resolution related to matters covered in the state Vehicle Code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of the Vehicle Code, unless expressly authorized to do so. The bill specifies it does not preclude a local authority from enacting parking ordinances. It clarifies that, to the extent permitted by current state law, it does not impair the current lawful authority of the Mountains Recreation and Conservation Authority, a joint powers authority, or any member agency constituted therein as of July 1, 2010, to enforce an ordinance or resolution relating to the management of public lands within its jurisdiction. SB 949 delays implementation of this bill until July 1, 2011 and contains double jointing language with AB 2294 (Block) and AB 2756 (Blumenfield). The bill was passed to the Governor's desk where it was signed into law as Chapter 616, Statutes of 2010.

**SB 1029 (Yee) Hypodermic Needles**

Allows individuals to obtain up to 30 syringes or needles for personal use without a prescription from a pharmacy, and authorizes pharmacists and physicians to distribute up to 30 needles to an individual without a prescription solely for personal use. The Governor vetoed this legislation.

**SB 1253 (Strickland) Probation: Sex Offenders**

This bill prohibits a person convicted of lewd or lascivious acts upon or with the body of a child, or of continuous sexual abuse of a child, from being placed or residing within one-half mile of the child victim's residence for the duration of his or her probation term unless the court, on the record, states its reasons for finding that this residency restriction would not serve the best interest of the victim. SB 1253 passed the Legislature and was sent to the Governor's desk. The Governor signed this bill into law as Chapter 49, Statutes of 2010.

**SB 1284 (Ducheny) Minimum Mandatory Penalties Reform**

SB 1284 exempts certain Water Code violations of waste discharge reporting requirements from existing mandatory minimum penalties (MMP). This bill also extends the time limit under which dischargers must come into compliance with a permit requirement from five years to 10 years. MMPs are a deterrent and a punishment for willful violators, and should remain in place for that intended purpose. However, the sponsors of SB 1284 feel that the way the statute was drafted; the definition of a "serious violation" warranting the imposition of an MMP is too broad and exposes public agencies who simply failed to file a report indicating no discharges, to the vast penalties. The sponsor asserts that this bill provides that certain violations involving the failure to file a discharge monitoring report for no discharges or discharges that do not reach regulated level are not subject to those MMPs. According to the Association of California Water Agencies (ACWA), there are several public agency members with permits requiring reporting which believe that they have received excessive, disproportionate fines for a simple failure to file the report. The Governor signed the bill into law as Chapter 645, Statute of 2010.

**SB 1333 (Yee) Airports**

SB 1333 specifies that real property easements for aviation purposes, when required, be to be granted prior to when the purchaser of the property takes possession from the real estate developer. The bill also requires that, if an easement is granted and the development process subsequently terminates, that the easement also terminate and the easement be removed from the

records of the County Recorder. SB 1333 was passed by the Legislature and sent to the Governor where it was signed into law as Chapter 329, Statutes of 2010.

**SB 1425 (Simitian) Public Retirement: Final Compensation**

This bill establishes minimum standards and requirements for all public retirement systems in California with respect to final compensation, ongoing audits with penalties for noncompliance, and prohibitions against a retiree from immediately returning to employment with the public employer on a part-time or contract basis. SB 1425 was sent to the Governor's desk where it was vetoed.

**SB 1454 (De Saulnier) Recycling: Plastic Products**

SB 1454 repeals an existing separate requirement for compostable or marine degradable plastic bags and food packaging. The requirements are and replaced by a uniform requirement for all plastic products. SB 1454 was passed to the Governor's desk where it was vetoed.