



## LEGISLATION COMMITTEE

April 3, 2014  
10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair  
Supervisor Karen Mitchoff, Vice Chair

### Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. CONSIDER recommending a position of "support" on AB 1799 (Gordon): Land use: mitigation lands, to the Board of Supervisors, as recommended by the Public Works Department.
4. CONSIDER recommending a position of "support" on SB 1300 (Hancock): Refineries: turnarounds, to the Board of Supervisors, as recommended by staff.
5. CONSIDER recommending a position of "oppose" on SB 979, as amended, (Beall): Local public employee organizations: differences: factfinding panel, to the Board of Supervisors, as recommended by the County Finance Director.
6. CONSIDER recommending a position to the Board of Supervisors or directing staff to "watch" SB 837 (Steinberg): Schools: transitional kindergarten.
7. CONSIDER providing direction to staff on developing a position for Board of Supervisors' consideration regarding the various Water Bond proposals in development at the Legislature.
8. CONSIDER recommending a letter of support from the Board of Supervisors for the Delta Conservancy funding in the amount of \$6M for FY 14-15, as recommended by staff.
9. ACCEPT the Status Report on state bills of interest to the County and provide direction to staff, as needed.
10. The next meeting is currently scheduled for May 2, 2013.

## 11. Adjourn

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

Lara DeLaney, Committee Staff  
Phone (925) 335-1097, Fax (925) 646-1353  
[lara.delaney@cao.cccounty.us](mailto:lara.delaney@cao.cccounty.us)



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

3.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-08  
**Referral Name:** State Legislation  
**Presenter:** Lara DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

This bill was referred to the Legislation Committee by the Public Works Department.

#### **Referral Update:**

As part of a proposed project, public entities must often obtain a permit from a state regulatory agency prior to commencing work in sensitive environments such as streams, wetlands, or habitat occupied by protected species. In those situations where environmental impacts remain after all other steps have been taken to avoid or minimize impacts resulting from the project, the permitting agency requires the public entity to offset those remaining impacts by providing “compensatory mitigation” that, as its name implies, compensates for those impacts by replacing and/or restoring the impacted natural resources. These compensatory mitigation properties then must be maintained and managed in perpetuity.

Current law allows a permitting agency to identify how the long-term maintenance and management, or stewardship, of the property will be funded. One such way is by requiring the establishment of an endowment, where the permittee must set aside a substantial amount of public funds and use the interest earned on it to pay for the long-term maintenance and management of the mitigation site. To generate the interest required for stewardship efforts, endowment funds must be substantially greater than the actual cost of the annual stewardship efforts. In addition, endowment funds are permanently restricted for this purpose and cannot be used for anything else, regardless of circumstances. When taxpayer funding is permanently tied up in this manner, a public entity’s ability to fund other projects and carry out its work is negatively impacted, as funds are diverted to endowments and permanently unavailable for other, critical public projects.

AB 1799 would exempt public entities from having to provide endowments or other funding instruments for the long-term stewardship of mitigation properties, provided certain requirements are met. Specifically, the entity would need to demonstrate financial reliability through the possession of an investment-grade credit rating by a nationally recognized statistical rating organization. It would also need to provide a resolution to fund the long-term stewardship of the property that is adopted by the board or legislative body of the governmental entity or special

property that is adopted by the board or legislative body of the governmental entity or special district, or a contractual agreement with the regulatory agency that is enforcing the mitigation requirements to fund the long-term stewardship of the property. By demonstrating strong financial reliability and a commitment to fund the maintenance requirements in perpetuity, a public entity would prove to a permitting agency that there is no need for an endowment or other funding instrument for long-term stewardship of its mitigation property.

### **Analysis**

While Contra Costa County has not yet had to purchase mitigation property and therefore has not been subject to establishing a permanent endowment for the long-term stewardship of a mitigation property, AB 1799 would provide significant protection from a future situation in which it would be required to do so. Staff also notes that this bill does not reduce or eliminate a public entity's obligation to provide mitigation; rather, it simply allows public entities more flexibility for financing its mitigation obligations. If enacted into law, the provisions of the bill would provide this flexibility and prevent public funds from being permanently restricted and therefore unavailable to address other priority needs of Contra Costa County. Finally, AB 1799 would have an indirect benefit of enhancing our local economy, because funds that might otherwise have been permanently restricted would be available to create jobs and complete critical public projects for the County.

For these reasons, staff recommends that the Board of Supervisors adopt a position of support on AB 1799 and send a letter of support to Assemblymember Gordon and members of our state delegation.

### **Recommendation(s)/Next Step(s):**

Staff recommends that the Legislation Committee consider recommending a position of "support" to the Board of Supervisors on AB 1799 (Gordon).

### **Fiscal Impact (if any):**

AB 1799 would eliminate the requirement of an endowment or other financial mechanism for long-term stewardship of mitigation property, and replace that requirement with more flexible alternatives to finance mitigation obligations. Specifically, a governmental entity would be exempted from providing an endowment or other funding instrument for long-term stewardship if two requirements are met: 1) the entity must demonstrate financial reliability through possession of an investment-grade credit rating and 2) the entity must provide either a resolution adopted by its legislative body or a contractual agreement with the permitting agency enforcing the mitigation requirements.

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### **Attachments**

AB 1799 Bill Text

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**ASSEMBLY BILL**

**No. 1799**

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**Introduced by Assembly Member Gordon**  
**(Coauthors: Assembly Members Alejo, Campos, and Wiecewski)**  
(Coauthors: Senators Beall and Correa)

February 18, 2014

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An act to amend Sections 65965 and 65966 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as introduced, Gordon. Land use: mitigation lands.

The Planning and Zoning Law provides that if a state or local agency requires a person to transfer to that agency an interest in real property to mitigate the environmental impact of a project or facility, that agency may authorize specified entities to hold title to, and manage that interest in, real property, as well as any accompanying funds, provided those entities meet specified requirements. Existing law requires that if accompanying funds, as defined, are conveyed at the time the property is protected, then the holder of those accompanying funds must meet specified requirements and requires a state or local agency to exercise due diligence in reviewing the qualifications of a special district or nonprofit organization to effectively manage and steward land, water, or natural resources, as well as the accompanying funds. Existing law requires a conservation easement created as a component of satisfying a local or state mitigation requirement to be perpetual in duration, and sets forth the requirements for long-term stewardship of property by various entities, including, among others, local governmental entities and nonprofit organizations.

This bill would eliminate the requirement of an endowment or other financial mechanism for long-term stewardship where a governmental entity or special district is the entity required to provide the long-term stewardship, if the governmental entity or special district provides evidence to the local or state agency that it possesses an investment-grade credit rating by a nationally recognized statistical rating organization, and provides either a resolution adopted by the legislative body of the governmental entity or special district or a contractual agreement with the local or state agency enforcing the mitigation requirements, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65965 of the Government Code is  
2 amended to read:  
3 65965. For the purposes of this chapter, the following  
4 definitions apply:  
5 (a) “Endowment” means the funds that are conveyed solely for  
6 the long-term stewardship of a mitigation property. Endowment  
7 funds are held as charitable trusts that are permanently restricted  
8 to paying the costs of long-term management and stewardship of  
9 the mitigation property for which the funds were set aside.  
10 Endowments shall be governed by the underlying laws, regulations,  
11 and specific governmental approvals under those laws and  
12 regulations pursuant to which the endowments were exacted,  
13 consistent with subdivision (b) of Section 65966 and with the  
14 Uniform Prudent Management of Institutional Funds Act (Part 7  
15 commencing with Section 18501) of Division 9 of the Probate  
16 Code). Endowments do not include funds conveyed for meeting  
17 short-term performance objectives of a project.  
18 (b) “Community foundation” means any community foundation  
19 that meets all of the following requirements:  
20 (1) Meets the requirements of a community trust under Section  
21 1.170A-9(f)(10)-(11) of Title 26 of the Code of Federal  
22 Regulations.  
23 (2) Is exempt from taxation as an organization described in  
24 Section 501(c)(3) of the Internal Revenue Code.  
25 (3) Is qualified to do business in this state.

1 (4) Is a “qualified organization” as defined in Section 170(h)(3)  
2 of the Internal Revenue Code.

3 (5) Has complied with National Standards for U.S. Community  
4 Foundations as determined by the Community Foundations  
5 National Standards Board, a supporting organization of the Council  
6 on Foundations.

7 (6) Is registered with the Registry of Charitable Trusts  
8 maintained by the Attorney General pursuant to Section 12584.

9 (c) “Conservation easement” means a conservation easement  
10 created pursuant to Chapter 4 (commencing with Section 815) of  
11 Title 2 of Part 2 of Division 2 of the Civil Code.

12 (d) “Direct protection” means the permanent protection,  
13 conservation, and preservation of lands, waters, or natural  
14 resources, including, but not limited to, agricultural lands, wildlife  
15 habitat, wetlands, endangered species habitat, open-space areas,  
16 or outdoor recreational areas.

17 (e) “Governmental entity” means any state agency, office,  
18 officer, department, division, bureau, board, commission, public  
19 postsecondary educational institution, city, county, or city and  
20 county, or a joint powers authority formed pursuant to the Joint  
21 Exercise of Powers Act (Chapter 5 (commencing with Section  
22 6500) of Division 7 of Title 1) that meets either of the following  
23 requirements:

24 (1) The joint powers authority was created for the principal  
25 purpose and activity of the direct protection or stewardship of land,  
26 water, or natural resources, including, but not limited to,  
27 agricultural lands, wildlife habitat, wetlands, endangered species  
28 habitat, open-space areas, and outdoor recreational areas.

29 (2) The joint powers authority was created for the purpose of  
30 constructing, maintaining, managing, controlling, and operating  
31 transportation infrastructure, such as major thoroughfares and  
32 bridges.

33 (f) (1) “Mitigation agreement” means either of the following:

34 (A) A written agreement between the project proponent and the  
35 entity qualified to hold the property and the endowment pursuant  
36 to this chapter, which is submitted to the state or local agency for  
37 the purpose of obtaining any permit, clearance, or mitigation  
38 approval from that state or local agency.

39 (B) A written agreement between the project proponent and the  
40 entity qualified to hold the property pursuant to this chapter,

1 including any agreement with an entity qualified to hold the  
2 endowment pursuant to this chapter, which is submitted to the state  
3 or local agency for the purpose of obtaining any permit, clearance,  
4 or mitigation approval from that state or local agency.

5 (2) A mitigation agreement shall govern the long-term  
6 stewardship of the property and the endowment.

7 (g) “Congressionally chartered foundation” means a nonprofit  
8 organization that meets all of the following requirements:

9 (1) Is chartered by the United States Congress.

10 (2) Is exempt from taxation as an organization described in  
11 Section 501(c)(3) of the Internal Revenue Code.

12 (3) Is qualified to do business in this state.

13 (4) Is registered with the Registry of Charitable Trusts  
14 maintained by the Attorney General pursuant to Section 12584.

15 (5) Has as a purpose the conservation and management of fish,  
16 wildlife, plants, and other natural resources, which includes, but  
17 is not limited to, the direct protection or stewardship of land, water,  
18 or natural wildlife habitat, wetlands, endangered species habitat,  
19 open-space areas, and outdoor recreational areas.

20 (h) *“Investment grade” means a credit rating provided by a*  
21 *nationally recognized statistical rating organization that indicates*  
22 *a relatively low risk of default. For purposes of this subdivision,*  
23 *“nationally recognized statistical rating organization” means a*  
24 *rating agency designated by the Securities and Exchange*  
25 *Commission as being nationally recognized.*

26 ~~(h)~~

27 (i) “Nonprofit organization” means any nonprofit organization  
28 that meets all of the following requirements:

29 (1) Is exempt from taxation as an organization described in  
30 Section 501(c)(3) of the Internal Revenue Code.

31 (2) Is qualified to do business in this state.

32 (3) Is a “qualified organization” as defined in Section 170(h)(3)  
33 of the Internal Revenue Code.

34 (4) Is registered with the Registry of Charitable Trusts  
35 maintained by the Attorney General pursuant to Section 12584.

36 (5) Has as its principal purpose and activity the direct protection  
37 or stewardship of land, water, or natural resources, including, but  
38 not limited to, agricultural lands, wildlife habitat, wetlands,  
39 endangered species habitat, open-space areas, and outdoor  
40 recreational areas.



~~(i)~~

(j) “Project proponent” means an individual, business entity, agency, or other entity that is developing a project or facility and is required to mitigate any adverse impact upon natural resources.

~~(j)~~

(k) “Property” means fee title land or any partial interest in real property, including a conservation easement, that may be conveyed pursuant to a mitigation requirement by a state or local agency.

~~(k)~~

(l) “Special district” means any of the following special districts:

(1) A special district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 or Division 26 (commencing with Section 35100) of the Public Resources Code.

(2) A resource conservation district organized pursuant to Division 9 (commencing with Section 9001) of the Public Resources Code.

(3) A district organized or formed pursuant to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969).

(4) A county water district organized under Division 12 (commencing with Section 30000) of the Water Code, that has more than 5,000 acres of mitigation lands.

(5) A special district formed pursuant to Chapter 2 (commencing with Section 11561) of Division 6 of the Public Utilities Code that provides water and wastewater treatment services.

(6) A district organized or formed pursuant to the County Water Authority Act (Chapter 545 of the Statutes of 1943).

(7) A local flood control district formed pursuant to any law.

~~(i)~~

(m) “Stewardship” encompasses the range of activities involved in controlling, monitoring, and managing for conservation purposes a property, or a conservation or open-space easement, as defined by the terms of the easement, and its attendant resources.

SEC. 2. Section 65966 of the Government Code is amended to read:

65966. (a) Any conservation easement created as a component of satisfying a local or state mitigation requirement shall be perpetual in duration, whether created pursuant to Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5 of this code or Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of the Civil Code.

(b) Any local or state agency that requires property to be protected pursuant to subdivision (a) or (b) of Section 65967 may identify how the funding needs of the long-term stewardship of the property will be met. Nothing in this chapter shall be construed as otherwise precluding other methods of funding for the long-term stewardship of the property. If an endowment is conveyed or secured at the time the property is protected, all of the following shall apply:

(1) The endowment shall be held, managed, invested, and disbursed solely for, and permanently restricted to, the long-term stewardship of the specific property for which the funds were set aside.

(2) The endowment shall be calculated to include a principal amount that, when managed and invested, is reasonably anticipated to cover the annual stewardship costs of the property in perpetuity.

(3) The endowment shall be held, managed, invested, disbursed, and governed as described in subdivision (a) of Section 65965 consistent with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code).

(c) If a nonprofit corporation holds the endowment, the nonprofit shall utilize generally accepted accounting practices that are promulgated by the Financial Accounting Standards Board or any successor entity.

(d) If a local agency holds the endowment, the local agency shall do all of the following:

(1) Hold, manage, and invest the endowment consistent with subdivision (b) to the extent allowed by law.

(2) Disburse funds on a timely basis to meet the stewardship expenses of the entity holding the property.

(3) Utilize accounting standards consistent with standards promulgated by the Governmental Accounting Standards Board or any successor entity.

(e) (1) Unless the mitigation agreement provides that another person or entity shall prepare the annual fiscal report described below, a governmental entity, community foundation, special district, a congressionally chartered foundation, or a nonprofit organization that holds funds pursuant to this chapter, including an endowment or moneys for initial stewardship costs, shall provide the local or state agency that required the endowment with an

1 annual fiscal report that contains at least the following elements  
2 with respect to each individual endowment dedicated and held by  
3 that entity:

4 (A) The balance of each individual endowment at the beginning  
5 of the reporting period.

6 (B) The amount of any contribution to the endowment during  
7 the reporting period including, but not limited to, gifts, grants, and  
8 contributions received.

9 (C) The net amounts of investment earnings, gains, and losses  
10 during the reporting period, including both realized and unrealized  
11 amounts.

12 (D) The amounts distributed during the reporting period that  
13 accomplish the purpose for which the endowment was established.

14 (E) The administrative expenses charged to the endowment  
15 from internal or third-party sources during the reporting period.

16 (F) The balance of the endowment or other fund at the end of  
17 the reporting period.

18 (G) The specific asset allocation percentages including, but not  
19 limited to, cash, fixed income, equities, and alternative investments.

20 (H) The most recent financial statements for the organization  
21 audited by an independent auditor who is, at a minimum, a certified  
22 public accountant.

23 (2) If an entity is required to submit an identical annual fiscal  
24 report pursuant to paragraph (1) to the Department of Fish and  
25 Game and any other state or local agency, then that report shall be  
26 provided only to the Department of Fish and Game. In that  
27 instance, the Department of Fish and Game shall provide a copy  
28 of that annual fiscal report on its Internet Web site for a minimum  
29 of five years.

30 (f) If a state agency authorizes a governmental entity, special  
31 district, or nonprofit organization to hold property pursuant to  
32 subdivision (a) or (b) of Section 65967 in connection with a  
33 development project, the agency may require the project proponent  
34 to pay a one-time fee that does not exceed the reasonable costs of  
35 the agency in reviewing qualifications of potential holders of the  
36 property and approving those holders. This one-time fee shall be  
37 collected only if the agency can demonstrate its actual review of  
38 qualifications and approval of holders.

39 (g) If a local agency authorizes a governmental entity, special  
40 district, or nonprofit organization to hold property or an endowment

1 pursuant to this chapter, the agency may require the project  
2 proponent to pay a one-time fee that does not exceed the reasonable  
3 costs of the agency in reviewing qualifications of the parties  
4 identified in the mitigation agreement, approving those parties,  
5 and any regular oversight over those parties to ensure that the  
6 parties are complying with all applicable laws. This one-time fee  
7 shall be collected only if the agency can demonstrate its actual  
8 review of qualifications, approval of parties, or regular oversight  
9 of compliance and performance.

10 (h) A local agency may require a project proponent to provide  
11 a one-time payment that will provide for the initial stewardship  
12 costs for up to three years while the endowment begins to  
13 accumulate investment earnings. The funds for the initial  
14 stewardship costs are distinct from the funds that may be conveyed  
15 for long-term stewardship, construction, or other costs. If there are  
16 funds remaining at the completion of the initial stewardship period,  
17 the funds shall be conveyed to the project proponent.

18 (i) The local agency may contract with or designate a qualified  
19 third party to do any of the following:

20 (1) Review the qualifications of a governmental entity, special  
21 district, or nonprofit organization to effectively manage and  
22 steward natural land or resources pursuant to subdivision (c) of  
23 Section 65967.

24 (2) Review the qualifications of a governmental entity,  
25 community foundation, or nonprofit organization to hold and  
26 manage the endowment that is set aside for long-term stewardship  
27 of the property.

28 (3) Review reports or other performance indicators to evaluate  
29 the stewardship of lands, natural resources, or funds, and  
30 compliance with the mitigation agreement.

31 (j) If a property conserved pursuant to subdivision (a) or (b) of  
32 Section 65967 is condemned, the net proceeds from the  
33 condemnation of the real property interest set aside for mitigation  
34 purposes shall be used for the purchase of property that replaces  
35 the natural resource characteristics the original mitigation was  
36 intended to protect, or as near as reasonably feasible. Any  
37 endowment held for the condemned property shall be held for the  
38 long-term stewardship of the replacement property.

1 (k) Unless prohibited by law, no provision in this chapter is  
2 intended to prohibit for-profit entities from holding, acquiring, or  
3 providing property for mitigation purposes.

4 (l) Nothing in this section shall prohibit a state agency from  
5 exercising any powers described in subdivision (d), (g), or (h).

6 (m) A governmental entity, special district, or nonprofit  
7 organization may contract with a community foundation or  
8 congressionally chartered foundation at any time to hold, manage,  
9 and invest the endowment for a mitigation property and disburse  
10 payments from the endowment to the holder of the mitigation  
11 property consistent with the fund agreement.

12 (n) Except as expressly authorized in paragraph (1) of  
13 subdivision (e), the mitigation agreement shall not include any  
14 provision to waive or exempt the parties from any requirement, in  
15 whole or part, of this chapter.

16 (o) Subdivisions (b) to (e), inclusive, shall not apply to funds,  
17 including funds from mitigation fees, held for the long-term  
18 management and stewardship of property pursuant to either an  
19 interim or approved habitat conservation plan pursuant to Chapter  
20 35 (commencing with Section 1531) of Title 16 of the United  
21 States Code or an interim or approved natural community  
22 conservation plan pursuant to Chapter 10 (commencing with  
23 Section 2800) of Division 3 of the Fish and Game Code, if, in the  
24 interim or approved plan documents, the permitting agency  
25 determines the endowment to be established with those funds will  
26 be adequate and provides a schedule for funding the endowment.

27 (p) (1) *If a governmental entity or special district is the project*  
28 *proponent required to provide long-term stewardship of property*  
29 *pursuant to subdivision (b), an endowment or other financial*  
30 *mechanism for long-term stewardship shall not be required if the*  
31 *governmental entity or special district provides evidence to the*  
32 *local or state agency that it possesses an investment-grade credit*  
33 *rating by a nationally recognized statistical rating organization*  
34 *or other equivalent evidence of financial reliability, and provides*  
35 *one of the following:*

36 (A) *A resolution to fund the long-term stewardship of the*  
37 *property adopted by the board or legislative body of the*  
38 *governmental entity or special district.*

1     (B) A contractual agreement with the state or local agency  
2     enforcing the mitigation requirements to fund the long-term  
3     stewardship of the property.

4     (2) A resolution or contract provided pursuant to paragraph  
5     (1) shall include all of the following:

6     (A) A summary of the governmental entity or special district's  
7     current and projected financial state.

8     (B) A finding regarding a financial analysis conducted on  
9     annual management costs.

10    (C) An annual pledge of revenue to cover the annual mitigation  
11    requirements.

12    (D) An annual pledge of revenue to cover the annual  
13    management costs.

14    (E) Use of accounting standards consistent with standards  
15    promulgated by the Governmental Accounting Standards Board  
16    or its successor entity.

17    (F) An annual fiscal report.

18    (3) If the governmental entity or special district is subsequently  
19    downgraded below an investment-grade credit rating by a  
20    nationally recognized statistical rating organization or fails to  
21    maintain an equivalent standard of financial reliability, the state  
22    or local agency enforcing the mitigation requirement may provide  
23    written notice thereof and require the governmental entity or  
24    special district to post collateral for performance of the long-term  
25    stewardship in the form of a performance bond, escrow account,  
26    casualty insurance, letter of credit, or other appropriate  
27    instrument. The obligation to maintain collateral shall end, and  
28    all unused collateral shall be canceled or refunded, upon the  
29    governmental entity or special district providing evidence of its  
30    return to an investment-grade credit rating by a nationally  
31    recognized statistical rating organization or other equivalent  
32    evidence of financial reliability.

33    (4) If the governmental entity or special district fails to  
34    adequately fund the long-term stewardship by revoking, failing to  
35    comply with, or otherwise rendering ineffective the board  
36    resolution described in paragraph (1), or after being provided  
37    written notice, fails to cure within the remedy period set forth in  
38    the contractual agreement, the state or local agency enforcing the  
39    mitigation requirement may, in addition to any contractual  
40    remedies, require the governmental entity or special district to

- 1 *post collateral for performance of the long-term stewardship in*
- 2 *the form of a performance bond, escrow account, casualty*
- 3 *insurance, letter of credit, or other appropriate instrument.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

4.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-09  
**Referral Name:** State Legislation  
**Presenter:** Lara DeLaney **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

SB 1300 was referred to the Legislation Committee by Supervisor Gioia. A letter of support was requested from Senator Hancock's office.

### **Referral Update:**

#### **Purpose of SB 1300**

Currently, there is no requirement for oil refineries to report their schedule of "turnarounds," or other related information, to the Division of Occupational Safety and Health (Cal/OSHA).

This bill would require petroleum refineries to annually report their schedule for "turnarounds" to Cal/OSHA on September 15. It would also require them to provide Cal/OSHA with documentation on refinery safety and infrastructure.

#### **Problem and Need for the Bill**

Under existing law, there is no requirement for an oil refinery to inform Cal/OSHA when it is going to perform a "turnaround." A "turnaround" is a planned partial or total shutdown of any unit of an oil refinery for certain purposes including maintenance, overhaul, or repair, and to inspect, test, and replace process materials and equipment.

According to the American Petroleum Institute (API), "turnarounds" are a necessary part of refinery operations. They can last anywhere from one to four weeks. They are usually scheduled at least one or two years in advance. The API admits that "refinery incidents are more likely to occur" during turnarounds than during normal operations."

Despite the obvious importance of "turnarounds," Cal/OSHA is often unaware of when one will occur at an oil refinery. This prevents Cal/OSHA from preparing for a possible incident during a scheduled refinery "turnaround." It also means that Cal/OSHA inspectors are left unaware when the last "turnaround" was done while performing inspections of refinery facilities.

This is not an abstract concern. Chevron Corp. did not inspect several sections of piping of its Richmond refinery during a November 2011 "turnaround." One of the sections of had thinned in



thickness by 80 percent, which contributed to the August 6 fire at the facility, one of the worst incidents in recent years. The fire caused 15,000 Richmond residents to seek medical attention.

During its inspection of the Chevron refinery after the August 6 fire, Cal/OSHA found that several refinery parts were in place at least 30 months past their last “turnaround.” Cal/OSHA found that the failure to replace the parts sooner to be a “willful” violation of state law. Had Cal/OSHA known about Chevron’s failure to inspect or replace those parts during recent “turnarounds,” it is possible that Cal/OSHA inspectors could have done their own targeted inspection. Doing so could have prevented an incident that threatened the public health, affected the environment, and imposed severe financial costs upon Chevron. Additionally, in its investigation of the August 6 fire at the Chevron refinery, the federal Chemical Safety Board advocated for targeted inspections.

### **What SB 1300 Would Do**

SB 1300 would require oil refineries to do three things with reference to “turnarounds.”

First, it would require refineries to submit a full schedule of planned “turnarounds” to Cal/OSHA annually on September 15<sup>th</sup>.

Second, upon Cal/OSHA request, refineries would be required to provide access on site and submit certain documentation at least 60 days before a planned “turnaround.”

This required documentation would include corrosion reports, unfulfilled work orders, risk-based inspection reports, Process Hazard Analyses, and all management of change records related to repairs, design modifications, and process changes.

Third, at least 30 days submit a planned “turnaround,” refineries would have to supplemental documents to Cal/OSHA explaining any changes since their previous, 60-day report.

This bill would prohibit any information identified as a trade secret that is submitted to Cal/OSHA to be released to the public.

This bill would instead authorize the Department of Industrial Relations (DIR) rather than Cal/OSHA under existing law, to fix and collect fees to cover necessary expenses including fees for consultation, inspection, adoption of standards, and participation in interagency efforts to improve safety in refineries and chemical plants.

DIR will be authorized to hold any unexpended funds as a contingency fund for expenses in emergency situations at a petroleum refinery.

**Current Status:** 03/26/2014: From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on JUDICIARY.

See attached analysis for the Senate Committee on Labor and Industrial Relations for additional information.

### **Recommendation(s)/Next Step(s):**

CONSIDER recommending a position of "support" on SB 1300 (Hancock):Refineries: turnarounds, to the Board of Supervisors, as recommended by staff.

**Fiscal Impact (if any):**

No fiscal impact to Contra Costa Costa from this bill.

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**Attachments**

Bill Analysis SB 1300

SB 1300 Bill Text

Sample Support Letter

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**Senate Committee on Labor and Industrial Relations**  
**Senator Ben Hueso, Chair**

**Date of Hearing:** March 26, 2014  
**Consultant:** Alma Perez-Schwab

**2013-2014 Regular Session**  
**Fiscal:** Yes  
**Urgency:** No

**Bill No: SB 1300**  
**Author:** Hancock  
**As Introduced/Amended:** February 21, 2014

**SUBJECT**

Refineries: turnarounds

**KEY ISSUES**

Should the Legislature require the Department of Industrial Relations to recoup from the owner of a refinery, the full costs of extraordinary expenditures resulting from the division's response to an emergency hazardous material release or similar occurrence?

Should oil refineries be required to annually report their schedule for "turnarounds" to the Division of Occupational Safety and Health and provide documentation on refinery safety and infrastructure?

Should the Legislature prohibit certain information on refinery safety and infrastructure that is submitted to the State as a "trade secret" from being released to the public?

**ANALYSIS**

Existing law established the California Division of Occupational Safety and Health (Cal/OSHA), within the Department of Industrial Relations (DIR), to protect workers from health and safety hazards on the job through research and standards, enforcement and consultation programs. Among other things, Cal/OSHA promotes worker safety through implementation of training and process safety management in refineries and other facilities, as specified.

Existing law, under the California Refinery and Chemical Plant Worker Safety Act of 1990:

- 1) Declares that the potential consequences of explosions, fires, and releases of dangerous chemicals may be catastrophic; thus immediate and comprehensive government action must be taken to ensure that workers in petroleum refineries, chemical plants, and other related facilities are thoroughly trained and that adequate process safety management practices are implemented.

- 1) Defines “process safety management” as the application of management programs, as specified, when dealing with the risks associated with handling or working near hazardous chemicals and is intended to prevent or minimize the consequences of catastrophic releases of acutely hazardous, flammable, or explosive chemicals.
- 2) Among other things, “Process Safety Management Standards” require:  
(Labor Code §7850 – 7870)
  - a. The Occupational Safety and Health Standards Board to adopt process safety management standards for refineries, chemical plants, and other manufacturing facilities.
  - b. An employer to develop and maintain a compilation of written safety information to enable the employer and employees operating the machinery to identify and understand the hazards posed by processes involving acutely hazardous and flammable material. A copy of this information is to be accessible to all workers.
  - c. An employer to perform a hazard analysis for identifying, evaluation, and controlling hazards involved in the process.
  - d. An employer to develop, implement, and update periodically written operating procedures that provide clear instructions for safely conducting activities involved in each process consistent with the process safety information.
  - e. Each employee whose primary duties includes the operating or maintenance of a process to be trained in an overview of the process with an emphasis on the specific safety and health hazards, procedures, and safe practices applicable to the employee’s job tasks as well as refresher and supplemental training documented by the employer’s certification record.
  - f. An employer to inform contractors performing work on, or near, a process of the known potential fire, explosion, or toxic release hazards related to the contractor’s work; and requires that contractors have trained their employees to a level adequate to safely perform their job.

Existing law requires the Division of Occupational Safety and Health to annually fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to the act. The fees shall be sufficient to cover, at a minimum, the annual cost of 15 staff positions. All revenue collected is to be deposited into the Occupational Safety and Health Fund and subject to appropriation by the Legislature in the annual Budget Act.

**This Bill** would 1) expand on the requirements for fees collected from refineries, 2) define what a “turnaround” at refineries is and would establish specific requirements of refineries in notifying the state of any planned turnarounds, and 3) would prohibit certain information submitted to the state as a trade secret from being released to the public.

With regards to the fees collected from owners for refinery safety, this bill would:

- 1) Authorize the Department of Industrial Relations (instead of the division within the department) to fix and collect reasonable fees to cover all necessary expenses, including

administrative and indirect costs, for the *existing* consultation, inspection, adoption of standards and other duties required under the Refinery and Chemical Plant Safety Act.

- 2) Additionally, authorize the fees to be used to fund participation in interagency efforts to improve safety in refineries and chemical plants.
- 3) Delete the requirement in law that the fees must be sufficient to cover 15 staff positions.
- 4) Require the director of DIR to adopt rules and regulations governing the criteria and procedures to fix and collect the fees, including emergency regulations as necessary.
- 5) Require the director of DIR to recoup from the owner of a refinery (by adding the amount expended to next year's assessment), the full costs of extraordinary expenditures resulting from the division's response to a hazardous material release or similar occurrence. The director shall document expenses for which reimbursement is sought.
- 6) Authorize the department to credit against the owner's subsequent year's assessment, any unexpended funds or hold them in reserve as a contingency fund for expenditures required by an emergency response to a hazardous material release or other situation.

With regards to "turnarounds," this bill would:

- 1) Define "turnaround" as a planned, periodic shutdown, total or partial, of a refinery process unit or plant to perform maintenance, overhaul, and repair operations and to inspect, test, and replace process materials and equipment.
- 2) Specify that "turnaround" does not include unplanned shutdowns that occur due to emergencies or other unexpected maintenance matters in a process unit or plant, or routine maintenance, as specified.
- 3) Require a refinery employer to submit to the division a full schedule of planned "turnarounds" for the various units on September 15 of each year.
- 4) At the request of the division, require a refinery employer to provide on-site access and specified documentation relating to a planned turnaround at least 60 days prior to the shutdown of a process unit or plant, including:
  - a. Corrosion reports and risk-based inspection reports;
  - b. Process Hazard Analyses;
  - c. Boiler permit schedules;
  - d. Management of change records related to repairs, design modifications and process changes;
  - e. Work orders scheduled to be completed in the planned turnaround; and
  - f. Temporary repairs since the last turnaround.
- 5) Require the refinery employer to submit notification of any changes and supporting documents at least 30 days prior to a planned turnaround.

- 6) Authorize the division, by agreement with a refinery employer, to modify the reporting period as to any individual item of information.
- 7) Require the division to develop an electronic information management system to facilitate monitoring of petroleum refineries.

With regard to information contained within documentation of a “turnaround,” this bill would:

- 1) Authorize a person providing information regarding a “turnaround,” to identify all or a portion of the information submitted to the division as a trade secret.
- 2) Prohibit any information that is submitted to the division as a trade secret from being released to the public. However, the fact that the information is claimed to be a trade secret is public information.
- 3) Establish procedures for notifying a refinery of any requests for the release of information claimed to be a trade secret, subsequent requirements of the refinery, and final determination by the division on whether or not the information will be released.
- 4) Establish legal proceedings for the person seeking the release of information or the person requesting that the information remain a trade secret.

## COMMENTS

### 1. Overview on Refinery Turnarounds:

According to the American Petroleum Institute (API), a refinery turnaround is a planned, periodic shut down (total or partial) of a refinery process unit or plant to perform maintenance, overhaul and repair operations and to inspect, test and replace process materials and equipment. Turnarounds are scheduled at least 1-2 years in advance and depending on the process unit and the amount of maintenance needed, the length of the turnaround can vary from 1 to 4 weeks or more. API also stated that the less often units are started up and taken down, the safer it is since refinery incidents are more likely to occur during turnarounds.

### 2. Background on August 2012 explosion at Chevron Richmond Oil Refinery:

According to an Interim Investigation Report from the U.S. Chemical Safety and Hazard Investigation Board on the Chevron Richmond Refinery Fire:

*On August 6, 2012, the Chevron U.S.A. Inc. Refinery in Richmond, California experienced a catastrophic pipe failure in the #4 Crude Unit. The pipe ruptured, releasing flammable, hydrocarbon process fluid that partially vaporized into a large vapor cloud that engulfed nineteen Chevron employees. All of the employees escaped, narrowly avoiding serious injury. The ignition and subsequent continued burning of the*

*hydrocarbon process fluid resulted in a large plume of unknown and unquantified particulates and vapor traveling across the Richmond, California, area. In the weeks following the incident, approximately 15,000 people from the surrounding area sought medical treatment due to the release.*

Multiple agencies opened investigations in response to the incident including the Division of Occupational Safety and Health (Cal/OSHA), the U.S. Chemical Safety and Hazard Investigation Board (CSB), and the U.S. Environmental Protection Agency (U.S. EPA). Additionally, Chevron also completed its own internal investigation. ***All investigations identified serious concerns about process safety management procedures at the refinery and expressed the need for stronger preventative safeguards.***

On January 30, 2013, the Division of Occupational Safety and Health ***issued 25 citations against Chevron USA, with proposed penalties totaling nearly \$1 million (\$963,200 exactly), for state safety standard violations related to the refinery explosion.*** The citations included eleven “willful serious” and twelve “serious” violations, resulting in the highest penalties in Cal/OSHA’s history. Among Cal/OSHA’s finding, they reported that:

<sup>35</sup><sub>17</sub> Chevron did not follow the recommendations of its own inspectors and metallurgical scientists to replace the corroded pipe that ultimately ruptured and caused the fire. Those recommendations dated back to 2002.

<sup>35</sup><sub>17</sub> Chevron did not follow its own emergency shutdown procedures when the leak was identified, and did not protect employees.

### 3. Improving Public and Worker Safety at Oil Refineries: Report of the Interagency Working Group on Refinery Safety

Following the August 2012 explosion at Chevron’s Richmond Oil Refinery, Governor Brown convened a 13-agency Working Group to explore ways of improving public and worker safety at and around oil refineries through enhanced oversight, and to strengthen emergency preparedness. Over an 18-month period, the group met internally and with industry, labor, community, environmental, academic, local emergency response and other stakeholders.

The report details recommendations to improve emergency response and preparedness. Specifically, the report made the following recommendations:

- <sup>35</sup><sub>17</sub> Coordinating regulatory activities to avoid duplication and increase effectiveness;
- <sup>35</sup><sub>17</sub> Establishing clear criteria for unified response during emergencies and aligning radio communications between industry firefighters and local first responders;
- <sup>35</sup><sub>17</sub> Improving information and data flows from refineries to the public and state and local agencies;
- <sup>35</sup><sub>17</sub> Requiring refineries to implement inherently safer systems to prevent emergencies and better protect workers and neighboring communities;
- <sup>35</sup><sub>17</sub> Strengthening enforcement capacity to ensure adequate oversight of refineries;



<sup>35</sup><sub>17</sub> Assessing operational safety and organizational structures at refineries to reduce human factors such as lack of training, insufficient experience or fatigue that can cause hazards;

<sup>35</sup><sub>17</sub> Providing greater community access to air quality monitoring information in and around refineries.

An Interagency Refinery Task Force was established in August 2013 to continue overseeing progress on the recommendations, and will meet bimonthly to ensure proper implementation.

#### 4. Need for this bill?

The devastating explosion that occurred at the Chevron Richmond Refinery has sparked much discussion and debate on current safety standards, their effectiveness, or lack thereof, and need for improvement. After several investigations and the highest ever penalties issued in Cal/OSHA's history, it has become clear that more needs to be done. Among Cal/OSHA's findings with regards to the Chevron Refinery explosion, were violations in Chevron's implementation of its own "process safety management" procedures required of all refineries.

Under current law, "process safety management" procedure regulations require refineries to implement a comprehensive safety plan that includes a precise determination of what hazards exist and procedures to eliminate or reduce them. Employers must ensure that machinery and equipment are in good condition, that work procedures are safe, that hazards are controlled, and that workers are trained to safely operate the equipment, recognize hazards and respond appropriately in emergency situations. Chevron's Richmond Refinery failed to meet these requirements which resulted in the catastrophic explosion which put many lives in danger and left the refinery with an almost \$1 million fine.

This bill is necessary to establish specific requirements of refineries in notifying the department of any planned "turnarounds" as well as provide documentation regarding the refinery safety and infrastructure to allow for a more thorough review.

#### 5. Proponent Arguments:

According to the author, oil refineries have no obligation under state law to report their "turnaround" schedule to any part of state or local government. Nor are they required to disclose important information, such as repair schedules or corrosion reports. The author argues that given the importance of "turnarounds," both to the refinery itself as well as the public safety risk they pose, allowing the Division of Occupational Safety and Health to know this information may allow it to conduct targeted inspections of refinery facilities. This bill would require petroleum refineries to annually report their schedule for "turnarounds" to the division and would require them to also submit documentation on refinery safety and infrastructure.

Proponents argue that in the case of Chevron, had Cal/OSHA known that Chevron had not inspected the section of piping that caused the explosion, it is possible that Cal/OSHA could have done their own inspection. Doing so, they argue, could have prevented an incident that threatened public health, affected the environment, and imposed severe financial costs.



6. Opponent Arguments:

None received.

7. Staff Comment:

On page 5, line 24-25 of the bill would require the division (Cal/OSHA) to develop an electronic information management system to facilitate monitoring of petroleum refineries; however, the bill provides no further indication as to what or how this system would work, which user it is targeting – the refineries, the public or the department? *The author may wish to amend the bill to provide further clarification on this provision.*

8. Double Referral:

This bill has been double referred and, if approved by this committee, it will be sent to the Senate Judiciary Committee for a hearing.

9. Prior Legislation:

**SB 438 (Hancock) of 2013:** Held in Assembly Appropriations Committee

SB 438 from last year is very similar to the provisions found in this bill, however, this year the author has chosen to also address costs associated with the State's response to a hazardous occurrence and allows certain information to be protected from public disclosure.

**SB 71(Budget and Fiscal Review Committee) of 2013:** Chaptered

SB 71 included changes to Labor Code which directed the Department of Industrial Relations to use its statutory authority to approve a fee by March 31, 2014, to support an increase in funding and at least 15 new positions for the Process Safety Unit, which inspects oil refineries and chemical plants.

**AB 3672(Elder) of 1990:** Chaptered

AB 3672 established the California Refinery and Chemical Plant Worker Safety Act of 1990 including process safety management standards to prevent or minimize the consequences of catastrophic releases of toxic, flammable or explosive chemicals.

## **SUPPORT**

Asian Pacific Environmental Network (APEN)

## **OPPOSITION**

None received

**Introduced by Senator Hancock**

February 21, 2014

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An act to amend Section 7870 of, and to add Sections 7872 and 7873 to, the Labor Code, relating to refineries.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1300, as introduced, Hancock. Refineries: turnarounds.

Existing law, the California Refinery and Chemical Plant Worker Safety Act of 1990, states that its purpose is to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals. Existing law provides for the adoption of specified process safety management standards for, among others, refineries that handle acutely hazardous material. Existing law declares the intent of the Legislature for, among others, the Division of Occupational Safety and Health, to promote worker safety through implementation of training and process safety management, as defined, in refineries and other facilities as deemed appropriate. A violation of the act is a crime.

This bill would require every petroleum refinery employer to, every September 15, submit to the division a full schedule of planned turnarounds, meaning a planned, periodic shutdown of a refinery process unit or plant to perform maintenance, overhaul, and repair operations and to inspect, test, and replace process materials and equipment, for the following calendar year, as specified. Upon the request of the division, the bill would also require a petroleum refinery employer to provide access on site and provide the division with specified documentation relating to a planned turnaround within a certain period of time, as provided. This bill would prohibit any information that is submitted to the division that is identified as a trade secret from being released to the public, as specified.

Existing law requires the division to annually fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to the act, and requires all revenue collected from these fees to be deposited into the Occupational Safety and Health Fund. Existing law requires the fees to be sufficient to support, at a minimum, the annual cost of 15 positions and requires the fees to be adopted by March 15, 2014.

This bill would instead authorize the Department of Industrial Relations to fix and collect reasonable fees to cover all necessary expenses, including administrative and indirect costs, for consultation, inspection, adoption of standards, participation in interagency efforts to improve safety in refineries and chemical plants, and other duties conducted pursuant to this act. This bill would require the Director of Industrial Relations to adopt reasonable rules and regulations governing the criteria and procedures to fix and collect the fees, including emergency regulations as necessary.

This bill would require the Director of Industrial Relations to recoup the full costs of extraordinary expenditures from the owner of a refinery by adding the amount expended to the next year's assessment for that facility as a result of the division's response to a hazardous material release or similar occurrence at a petroleum refinery.

This bill would authorize the department to hold in reserve any unexpended funds as a contingency fund for expenditures required by an emergency response to a hazardous material release or other emergency situation an unexpended funds, as provided.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7870 of the Labor Code is amended to read:

7870. (a) Notwithstanding the availability of federal funds to carry out the purposes of this part, ~~the division shall annually~~ department may fix and collect reasonable fees to cover all necessary expenses, including administrative and indirect costs, for consultation, inspection, adoption of standards, participation in interagency efforts to improve safety in refineries and chemical plants, and other duties conducted pursuant to this part. ~~The fees shall be adopted by March 31, 2014.~~ All revenue collected from these fees shall be deposited into the Occupational Safety and Health Fund. ~~The fees shall be sufficient to support, at a minimum, the annual cost of 15 positions.~~ The expenditure of these funds shall be subject to appropriation by the Legislature in the annual Budget Act or other measure. Act. The director shall adopt reasonable rules and regulations governing the criteria and procedures to fix and collect the fees and to implement this section, including emergency regulations as necessary. All regulations previously adopted by the division pursuant to this section shall remain in effect until repealed or amended by the director.

(b) The emergency regulations adopted pursuant to this section shall be adopted by the director in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(c) If, as a result of the division's response to a hazardous material release or similar occurrence at a petroleum refinery, the division is required to make extraordinary expenditures, including, but not limited to, transportation, meals, lodging, overtime, or other costs, the director shall recoup the full costs of such expenditures from the owner of the refinery by adding the amount expended to the next year's assessment for that facility. The director shall provide the owner of the refinery with an accounting of the costs for which reimbursement is being sought.

(d) In the event the funds collected pursuant to this section are not fully expended by the department in carrying out its duties

1 *pursuant to this part, the balance shall be carried forward and*  
2 *may, in the department's discretion, be credited against the*  
3 *subsequent year's assessment or held in reserve as a contingency*  
4 *fund for expenditures required by an emergency response to a*  
5 *hazardous material release or other emergency situation.*

6 SEC. 2. Section 7872 is added to the Labor Code, to read:

7 7872. (a) For the purposes of this section, "turnaround" means  
8 a planned, periodic shutdown, total or partial, of a refinery process  
9 unit or plant to perform maintenance, overhaul, and repair  
10 operations and to inspect, test, and replace process materials and  
11 equipment. "Turnaround" does not include unplanned shutdowns  
12 that occur due to emergencies or other unexpected maintenance  
13 matters in a process unit or plant. "Turnaround" also does not  
14 include routine maintenance, where routine maintenance consists  
15 of regular, periodic maintenance on one or more pieces of  
16 equipment at a refinery process unit or plant that may require  
17 shutdown of such equipment.

18 (b) Every September 15, every petroleum refinery employer  
19 shall submit to the division a full schedule of planned turnarounds  
20 for the various units for the following calendar year.

21 (c) At the request of the division, at least 60 days prior to the  
22 shutdown of a process unit or plant as part of a planned turnaround,  
23 a petroleum refinery employer shall provide access on site and  
24 allow the division to review and receive copies of, or, at the  
25 division's discretion, submit in physical format or in electronic  
26 format if available electronically, the following documentation for  
27 the process unit or plant scheduled to be shut down for that  
28 turnaround:

29 (1) Corrosion reports and risk-based inspection reports generated  
30 since the last turnaround.

31 (2) Process Hazard Analyses generated since the last turnaround.

32 (3) Boiler permit schedules.

33 (4) All management of change records related to repairs, design  
34 modifications, and process changes implemented since the last  
35 turnaround or scheduled to be completed in the planned turnaround  
36 referenced in this subdivision and identified in subdivision (b).

37 (5) Work orders scheduled to be completed in the planned  
38 turnaround referenced in this subdivision and identified in  
39 subdivision (b).

1 (6) Temporary repairs since the last turnaround, including, but  
2 not limited to, clamps and encapsulations. For the purposes of this  
3 section, “temporary repairs” shall be defined as repairs made to  
4 piping systems in order to restore sufficient integrity to continue  
5 safe operation until permanent repairs can be scheduled.

6 (d) The division may request additional information as necessary  
7 to perform its responsibilities in this part pursuant to Section 6314.

8 (e) At the request of the division, at least 30 days prior to the  
9 shutdown of a process unit or plant as part of a planned turnaround,  
10 a petroleum refinery employer shall provide access on site and  
11 allow the division to review and receive copies of, or, at the  
12 division’s discretion, submit in physical format or in electronic  
13 format if available electronically, notification and description of  
14 any changes to the information or documents provided pursuant  
15 to subdivision (c) and relevant supporting documents.

16 (f) By agreement with a petroleum refinery employer, the  
17 division may modify the reporting period as to any individual item  
18 of information.

19 (g) This section is not intended to limit or increase the division’s  
20 authority in Part 1 (commencing with Section 6300) to prohibit  
21 use of a place of employment, machine, device, apparatus, or  
22 equipment or any part thereof that constitutes an imminent hazard  
23 to employees.

24 (h) The division shall develop an electronic information  
25 management system to facilitate monitoring of petroleum refineries  
26 pursuant to this section.

27 (i) The Legislature finds and declares the purpose of this section  
28 is to improve the ability of the state to conduct inspections of  
29 petroleum refining operations.

30 SEC. 3. Section 7873 is added to the Labor Code, to read:

31 7873. (a) Any person providing information pursuant to  
32 Section 7872 may, at the time of submission, identify all or a  
33 portion of the information submitted to the division as a trade  
34 secret and, to the extent feasible, segregate records designated as  
35 a trade secret from the other records. Information that is so  
36 identified at the time of submission shall not be released to any  
37 member of the public, except that such information may be  
38 disclosed to other officers or employees of the division concerned  
39 with carrying out the purposes of the division or when relevant in  
40 any proceeding of the division. This section does not prohibit the

1 exchange of properly designated trade secrets between public  
2 agencies when those trade secrets are relevant and necessary to  
3 the exercise of their jurisdiction if the public agencies exchanging  
4 those trade secrets preserve the protections afforded that  
5 information by this section. For purposes of this section, “public  
6 agency” has the same meaning as that term is defined in Section  
7 6252 of the Government Code.

8 (b) Any information not identified as a trade secret shall be  
9 available to the public unless exempted from disclosure by other  
10 provisions of law. The fact that information is claimed to be a trade  
11 secret is public information. Upon receipt of a request for the  
12 release of information that has been claimed to be a trade secret,  
13 the division shall immediately provide written notice to the person  
14 who submitted the information. Within 10 days from receipt of  
15 the notice of the request for the release of the information claimed  
16 to be a trade secret, the person claiming trade secrecy shall submit  
17 to the division the legal and factual basis for the claim of trade  
18 secrecy.

19 (c) Within 75 days after receiving the request for disclosure,  
20 but not before 30 days following the later of (1) the notification  
21 of the person who submitted the information or (2) the division’s  
22 receipt of the basis for the claim of trade secrecy submitted  
23 pursuant to subdivision (b), the division shall determine whether  
24 or not the information claimed to be a trade secret is to be released  
25 to the public. If the division decides to make the information public,  
26 it shall provide the person who submitted the information 21 days’  
27 notice prior to public disclosure of the information.

28 (d) If the person requesting the release of the information or the  
29 person who submitted the information institutes proceeding for  
30 injunctive or declaratory relief or a writ of mandate to order or  
31 prohibit disclosure of trade secret information, the person  
32 instituting the proceeding shall name the other person as a real  
33 party in interest. Each party shall bear its own costs and attorney’s  
34 fees.

35 (e) For the purposes of this section, “trade secret” means any  
36 trade secret as defined in subdivision (d) of Section 3426.1 of the  
37 Civil Code, any trade secret as defined in subdivision (d) of Section  
38 6254.7 of the Government Code, and any other information  
39 regarding the scheduling, duration, and type of work to be  
40 performed during a turnaround that may provide economic value

1 to any person other than the petroleum refinery employer, including  
2 the schedule submitted to the division pursuant to subdivision (b)  
3 of Section 7872. Upon completion of a turnaround, the dates on  
4 which that turnaround was conducted shall no longer be considered  
5 a trade secret.

6 SEC. 4. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

15 SEC. 5. The Legislature finds and declares that Section 3 of  
16 this act, which adds Section 7873 to the Labor Code, imposes a  
17 limitation on the public's right of access to the meetings of public  
18 bodies or the writings of public officials and agencies within the  
19 meaning of Section 3 of Article I of the California Constitution.  
20 Pursuant to that constitutional provision, the Legislature makes  
21 the following findings to demonstrate the interest protected by this  
22 limitation and the need for protecting that interest:

23 The limitation upon the disclosure of information identified by  
24 refineries as trade secrets is necessary to protect proprietary  
25 business information of those refineries.

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## Sample Support Letter – Senate Bill 1300

**Please send a support letter – On your letter head**  
**Send by email [viviana.becerra@sen.ca.gov](mailto:viviana.becerra@sen.ca.gov) or Fax (916) 327-1997**

**Date \_\_\_\_\_**

Honorable Loni Hancock (D-09)  
California State Senate  
State Capitol, Room 2082  
Sacramento, CA 95814

### **Re: Senate Bill 1300(Support)**

Dear Senator Hancock,

**[Name of Your Organization]** is writing in support of Senate Bill 1300 (Hancock) that requires refineries to annually report their schedule for “turnarounds” to the Division of Occupational Safety and Health (Cal/OSHA) on September 15. It would also require them to provide Cal/OSHA, upon their request, with access on site and documentation on refinery safety and infrastructure.

Under existing law, neither the state nor local government is required to be informed by an oil refinery when it is going to perform a “turnaround.” A “turnaround” is a partial or total shutdown of any unit of an oil refinery for certain purposes including maintenance, repair, or inspection.

According to the American Petroleum Institute (API), “turnarounds” are a necessary part of refinery operations. They can last anywhere from one week to four. They are usually scheduled at least one or two years in advance. The API admits that “refinery incidents are more likely to occur” during turnarounds than during normal operations.”

Despite the obvious importance of “turnarounds” to, Cal/OSHA is often unaware of when one will occur at an oil refinery. This prevents Cal/OSHA from preparing for a possible incident during a scheduled refinery “turnaround.” It also means Cal/OSHA inspectors are left unaware when the last “turnaround” was done while preparing for and performing inspection of refinery facilities.

This is not an abstract concern. Chevron Corp. did not inspect several sections of piping of its Richmond refinery during a November 2011 “turnaround.” One of the sections had thinned in thickness by 80 percent, which contributed to the August 6, 2012 fire at the facility, one of the worst of such incidents in recent years, which led to the hospitalization of 15,000 Richmond residents.

Had Cal/OSHA known that Chevron had not inspected that section of piping during its last “turnaround,” it is possible that Cal/OSHA inspectors could have done their own inspection. Doing so could have prevented an incident that threatened public health, affected the environment, and imposed severe financial costs upon Chevron

SB 1300 simply requires annual reports of scheduled turnarounds.

**Optional: Include sentences about why this is important to your organization.**

Sincerely,



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

5.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-10  
**Referral Name:** State Legislation  
**Presenter:** Lara DeLaney **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

This bill was referred to the Legislation Committee by the County's Finance Director.

### **Referral Update:**

**Summary:** Existing law, the Myers-Milias-Brown Act, contains provisions that govern collective bargaining of local public employee organizations, and requires the Public Employment Relations Board to, among other things, determine in disputed cases whether a particular item is within or without the scope of representation.

Existing law requires the governing body of a local public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.

Existing law authorizes an employee organization to request that the parties' differences be submitted to a factfinding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules.

Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request that the parties' differences be submitted to a factfinding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse.

Existing law requires the Public Employment Relations Board to select a chairperson of the factfinding panel within a specified period of time.

SB 979 would provide that differences under these provisions include those differences that arise from any dispute over any matter within the scope of representation as to which an obligation to meet and confer exists and are not limited to negotiations after impasse after collective bargaining for a new or successor memorandum of understanding.

In short, SB 979 was converted to a bill that would require fact-finding for all matters within the scope of representation, not just MOU bargaining. This is of great concern to management staff.

CSAC has a "watch" position listed on this bill, as does the League of California Cities.

**Current Status:** 03/19/2014: [Re-referred to SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT](#)

**Recommendation(s)/Next Step(s):**

CONSIDER recommending a position of "oppose" on SB 979, as amended, (Beall): Local public employee organizations: differences: factfinding panel, to the Board of Supervisors, as recommended by the County Finance Director.

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**Attachments**

SB 979 Bill Text

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AMENDED IN SENATE MARCH 17, 2014

**SENATE BILL**

**No. 979**

**Introduced by Senator Beall**  
**(Coauthor: Senator Torres)**

February 11, 2014

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~~An act to amend Section 256 of the Welfare and Institutions Code, relating to juveniles. An act to amend Section 3505.4 of the Government Code, relating to local public employee organizations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 979, as amended, Beall. ~~Juveniles: juvenile hearing officers. Local public employee organizations: differences: factfinding panel.~~

Existing law, the Myers-Milias-Brown Act, contains provisions that govern collective bargaining of local public employee organizations, and requires the Public Employment Relations Board to, among other things, determine in disputed cases whether a particular item is within or without the scope of representation. Existing law requires the governing body of a local public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law authorizes an employee organization to request that the parties' differences be submitted to a factfinding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request that the parties' differences be

*submitted to a factfinding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. Existing law requires the Public Employment Relations Board to select a chairperson of the factfinding panel within a specified period of time.*

*This bill would provide that differences under these provisions include those differences that arise from any dispute over any matter within the scope of representation as to which an obligation to meet and confer exists and are not limited to negotiations after impasse after collective bargaining for a new or successor memorandum of understanding.*

~~Existing law allows a juvenile hearing officer to hear and dispose of any case in which a minor is alleged to have committed any one of specified misdemeanors or infractions.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 3505.4 of the Government Code is*  
 2     *amended to read:*  
 3     3505.4. (a) (1) The employee organization may request that  
 4     the parties' differences be submitted to a factfinding panel not  
 5     sooner than 30 days, but not more than 45 days, following the  
 6     appointment or selection of a mediator pursuant to the parties'  
 7     agreement to mediate or a mediation process required by a public  
 8     agency's local rules. If the dispute was not submitted to mediation,  
 9     an employee organization may request that the parties' differences  
 10    be submitted to a factfinding panel not later than 30 days following  
 11    the date that either party provided the other with a written notice  
 12    of a declaration of impasse. Within five days after receipt of the  
 13    written request, each party shall select a person to serve as its  
 14    member of the factfinding panel. The Public Employment Relations  
 15    Board shall, within five days after the selection of panel members  
 16    by the parties, select a chairperson of the factfinding panel.  
 17    (2) *For the purposes of paragraph (1), differences between the*  
 18    *parties that are subject to a request by the employee organization*  
 19    *for submission to a factfinding panel may include differences that*  
 20    *arise from any dispute over any matter within the scope of*

1 *representation as to which an obligation to meet and confer exists*  
2 *under Section 3505 and are not limited to negotiations after*  
3 *impasse after collective bargaining for a new or successor*  
4 *memorandum of understanding.*

5 (b) Within five days after the board selects a chairperson of the  
6 factfinding panel, the parties may mutually agree upon a person  
7 to serve as chairperson in lieu of the person selected by the board.

8 (c) The panel shall, within 10 days after its appointment, meet  
9 with the parties or their representatives, either jointly or separately,  
10 and may make inquiries and investigations, hold hearings, and  
11 take any other steps it deems appropriate. For the purpose of the  
12 hearings, investigations, and inquiries, the panel shall have the  
13 power to issue subpoenas requiring the attendance and testimony  
14 of witnesses and the production of evidence. Any state agency, as  
15 defined in Section 11000, the California State University, or any  
16 political subdivision of the state, including any board of education,  
17 shall furnish the panel, upon its request, with all records, papers,  
18 and information in their possession relating to any matter under  
19 investigation by or in issue before the panel.

20 (d) In arriving at their findings and recommendations, the  
21 factfinders shall consider, weigh, and be guided by all the following  
22 criteria:

23 (1) State and federal laws that are applicable to the employer.

24 (2) Local rules, regulations, or ordinances.

25 (3) Stipulations of the parties.

26 (4) The interests and welfare of the public and the financial  
27 ability of the public agency.

28 (5) Comparison of the wages, hours, and conditions of  
29 employment of the employees involved in the factfinding  
30 proceeding with the wages, hours, and conditions of employment  
31 of other employees performing similar services in comparable  
32 public agencies.

33 (6) The consumer price index for goods and services, commonly  
34 known as the cost of living.

35 (7) The overall compensation presently received by the  
36 employees, including direct wage compensation, vacations,  
37 holidays, and other excused time, insurance and pensions, medical  
38 and hospitalization benefits, the continuity and stability of  
39 employment, and all other benefits received.

(8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

(e) The procedural right of an employee organization to request a factfinding panel cannot be expressly or voluntarily waived.

~~SECTION 1. Section 256 of the Welfare and Institutions Code is amended to read:~~

~~256. Subject to the orders of the juvenile court, a juvenile hearing officer may hear and dispose of any case in which a minor under 18 years of age as of the date of the alleged offense is charged with (1) any violation of the Vehicle Code, except Section 23136, 23140, 23152, or 23153 of that code, not declared to be a felony, (2) a violation of subdivision (m) of Section 602 of the Penal Code, (3) a violation of the Fish and Game Code not declared to be a felony, (4) a violation of any of the equipment provisions of the Harbors and Navigation Code or the vessel registration provisions of the Vehicle Code, (5) a violation of any state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined by Section 99211 of the Public Utilities Code, (6) a violation of Section 27176 of the Streets and Highways Code, (7) a violation of Section 640 or 640a of the Penal Code, (8) a violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code, (9) a violation of Section 33211.6 of the Public Resources Code, (10) a violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code, (11) a violation of subdivision (f) of Section 647 of the Penal Code, (12) a misdemeanor violation of Section 594 of the Penal Code, involving defacing property with paint or any other liquid, (13) a violation of subdivision (b), (d), or (e) of Section 594.1 of the Penal Code, (14) a violation of subdivision (b) of Section 11357 of the Health and Safety Code, (15) any infraction, or (16) any misdemeanor for which the minor is cited to appear by a probation officer pursuant to subdivision (f) of Section 660.5.~~

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

6.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-11  
**Referral Name:** State Legislation  
**Presenter:** Lara DeLaney **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

SB 837 (Steinberg) was referred to the Legislation Committee by Camilla Rand, Director of Community Services Bureau, and requested by Sean Casey, Executive Director of First 5 Contra Costa.

#### **Referral Update:**

Please see the attached memo from Camilla Rand, Director of the Community Services Bureau of EHSD. She and Sean Casey, Executive Director of First 5 Contra Costa, will be attending the meeting.

SB 837, the Kindergarten Readiness Act of 2014, would instead require each school district or charter school that offers kindergarten to offer transitional kindergarten, and would require a child that meets specified minimum age requirements to be admitted to transitional kindergarten.

The bill would authorize the average daily attendance of a school district to include the average daily attendance of pupils enrolled in transitional kindergarten and would require transitional kindergarten to receive a per pupil base grant for apportionment purposes, as specified.

The bill would require transitional kindergarten to be taught by teachers and associate teachers who meet certain requirements, and would require transitional kindergarten to include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system.

The bill would require a school district or charter school offering transitional kindergarten to provide public notice of the availability of transitional kindergarten and to administer transitional kindergarten, as specified.

The bill would authorize a school district or charter school administering transitional kindergarten to contract with a public local agency or private local provider, or both, to participate in the delivery of transitional kindergarten.

The bill would require a private local provider participating in the delivery of transitional kindergarten to be considered a public school employer, as defined, for certain purposes.

By requiring school districts and charter schools that offer kindergarten to offer transitional kindergarten, the bill would impose a state-mandated local program. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant



to these statutory provisions.

Hearing: [04/09/2014 9:00 am, John L. Burton Hearing Room \(4203\)](#)

**Recommendation(s)/Next Step(s):**

CONSIDER recommending a position to the Board of Supervisors or directing staff to "watch" SB 837 (Steinberg): Schools: transitional kindergarten.

**Fiscal Impact (if any):**

Unknown. Camilla Rand to present information.

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**Attachments**

SB 837 Bill Text

Staff Memo on SB 827

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**EMPLOYMENT AND HUMAN SERVICES  
CONTRA COSTA COUNTY**

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**TO:** Legislation Committee Members

**DATE:** March 28, 2014

**cc** Kathy Gallagher  
David Twa

**FROM:** Camilla Rand, Director of Community Services

**SUBJECT:** Memo Outlining Concerns and Unanswered Questions Regarding Senate Bill 837,  
Kindergarten Readiness Act of 2014

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Please see attached memo with regards to Senate Bill 837 (Steinberg). This memo, developed in partnership with early care and education leaders throughout the state and county outlines several issues that could impact Head Start and other essential programs in Contra Costa County.

**Recommendation:**

Early care and education leaders in Contra Costa County believe that SB 837 must be revised to affirm and build on existing programs, plans and infrastructure for providing comprehensive, evidence-based, high quality early care and education which is developmentally appropriate for all four-year-olds in California. Building upon existing plans and resources provides an alternative to embedding these vital services in the K-12 service delivery system and burdening individual school districts with developing new plans to address SB 837. We also advocate for key stakeholder groups to be involved in planning discussions moving forward to ensure that multiple perspectives are heard and requirements resulting from the legislation align with current best practices in the field of early care and education.

## **Concerns and Unanswered Questions Regarding Senate Bill 837 (Steinberg) Kindergarten Readiness Act of 2014**

This statement is in response to Senate Bill 837, current legislation expanding Transitional Kindergarten (TK) for all four year old children in California.

While the SB 837 model provides an intriguing pathway to providing universal, high quality preschool for all four year olds, there are concerns with some elements of the legislation. By combining two less-than-ideal existing programs into one system with high, developmentally appropriate standards, California would quickly change the outlook for thousands of children.

One major concern of SB 837 is that K-12 systems are not traditionally providers of early education. Shifting the responsibility for a statewide preschool system onto local school districts that have little or no experience in providing high-quality, developmentally appropriate early education could be risky. The experience of transitional kindergarten up to now has been instructive; some districts have fully embraced the early education model, others have used their kindergarten classrooms as the template. In addition, California schools are currently going through two major reforms, “Common Core” and the Local Control Funding Formula shift that will require significant resources to enact within local districts. SB 837 provides for a five year phase-in, but the question remains as to how well districts will be able to carry out another significant educational program.

In addition to these concerns, there is also question regarding the fate of the federally funded Head Start program. Advocates for the bill have indicated that they expect school districts to carry out all preschool education for four year olds, leaving Head Start to serve only three year olds. This goes against the historical philosophy and intent of Head Start and would likely require a federal waiver of some kind.

Head Start is a national program, developed in 1965 as an integral strategy in the “War on Poverty.” For 50 years, programs nationwide have been providing high quality, evidence-based early care and education to the county’s economically disadvantaged three and four year-olds. While the intent of SB 837 is honorable, there are considerable concerns regarding the impact of this legislation, as written, on the Head Start community in California.

**Comprehensive Services:** Head Start programs provide comprehensive services to children and their families, which include health, mental health, nutrition, in-depth family support and other services determined to be necessary by family needs assessments, in addition to education and cognitive development services. Rooted in the belief that “it takes a village,” Head Start programs create formal and informal partnerships with community-based programs to ensure that family strengths are built upon and needs are met, resulting in a multi-faceted community-based approach to serving families that meets them where they are and grows with them. The Office of Head Start Parent, Family, and Community Engagement Framework, implemented by all Head Start Programs, serves as a roadmap to chart progress in achieving the kinds of outcomes that lead to positive and enduring change for children and families in this community-based effort.

Head Start also specializes in services to children with disabilities and their families, integrating these services into the least restrictive environment by adjusting environments and curricula to meet individualized needs. Head Start is predicated on the belief that these comprehensive services are a vital ingredient to any school readiness program. These services are not present in SB 837, which would mean that many of the nearly 113,000 disadvantaged children might not receive the essential comprehensive services that are designed specifically to help them perform at par or better with their peers living above the poverty level.

**Program Standards of Quality:** Over 50 years of practice and research have resulted in Head Start Performance Standards and other measures of quality such as CLASS (Classroom Assessment and Scoring System), which ensure that developmentally appropriate practices are present in every aspect of a model early care program. As accountability was enhanced over the years, outcome measures have been required to illustrate that children and families are making the necessary gains as a result of the provision of services. Child outcomes reporting based on standardized assessments and family outcomes reporting, is based on quality of life measures that are a strong component of Head Start systems, whereas SB 837 is silent on such measurement systems.

Head Start standards have long been lauded as the hallmark of quality and have been incorporated into other standards such as those used by the National Association for the Education of Young Children (NAEYC), the American Academy of Pediatrics national standards for care of children in out-of-home settings, and California Community Care Title XXII Licensing Standards. Standards, such as these, are absent in the proposed TK for All legislation.

**Barriers to Collaboration:** While the proposed legislation calls for school districts to collaborate with existing child care entities, many of the requirements make it impossible for most providers, including Head Start, to partner.

- **Teacher Qualifications and Supervision:** There is question as to whether teachers in these programs may be considered school district staff in an effort to address pay equity. It also requires that teachers hold a bachelor's degree (an effort currently underway for Head Start Teachers) and an undetermined teaching credential as opposed to an early childhood specific credential, which appropriately addresses the developmental needs of four-year olds that are very different from those of school-aged children. Confusing the matter is language in SB 837 which says "For purposes of TK operated by a private local provider, 'immediate supervision' means being under the immediate supervision of an employee of the local provider who satisfies the requirements of Section 48005.35." This would seem to raise "exclusive control" problems within the meaning of Section 8, Part IX, of the Constitution.
- **The Use of Average Daily Attendance (ADA) Funding:** While SB 837 proposes to expand the existing TK to ensure the entitlement of this grade level for all California four-year olds and tap education's per child funding under Proposition 98 (ADA), it also would encourage, "shared use arrangements" with a broad array of public and private entities and allow school districts to subcontract transitional kindergarten to a county office of education or to "a private local provider." This language clearly does not require the involvement of community organizations with early care expertise nor does it ensure any method of a mixed delivery of services. Further, there is a legal question to whether public school services can be contracted to a non-public school, community-based provider under the Constitution.

Early care and education leaders in Contra Costa County believe that SB 837 must be revised to affirm and build on existing programs, plans and infrastructure for providing comprehensive, evidence-based, high quality early care and education which is developmentally appropriate for all four-year-olds in California. Building upon existing plans and resources provides an alternative to embedding these vital services in the K-12 service delivery system and burdening individual school districts with developing new plans to address SB 837. We also advocate for key stakeholder groups to be involved in planning discussions moving forward to ensure that multiple perspectives are heard and requirements resulting from the legislation align with current best practices in the field of early care and education.

**Introduced by Senators Steinberg, Beall, Block, DeSaulnier,  
Hancock, Hill, Lara, Leno, Liu, and Wolk**

(Coauthor: Assembly Member Bonta)

January 6, 2014

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An act to amend Sections 46300 and 48000 of, and to add Article 1.5 (commencing with Section 48005.10) to Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to transitional kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as introduced, Steinberg. Schools: transitional kindergarten.

Existing law authorizes a school district or charter school to maintain a transitional kindergarten program, and, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, requires the school district or charter school to comply with specified minimum age requirements for pupils participating in the transitional kindergarten program. Existing law also specifies that a transitional kindergarten program shall not be construed as a new program or higher level of service.

This bill, the Kindergarten Readiness Act of 2014, would instead require each school district or charter school that offers kindergarten to offer transitional kindergarten, and would require a child that meets specified minimum age requirements to be admitted to transitional kindergarten. The bill would authorize the average daily attendance of a school district to include the average daily attendance of pupils enrolled in transitional kindergarten and would require transitional kindergarten to receive a per pupil base grant for apportionment purposes, as specified. The bill would require transitional kindergarten to be taught by teachers and associate teachers who meet certain

requirements, and would require transitional kindergarten to include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system. The bill would require a school district or charter school offering transitional kindergarten to provide public notice of the availability of transitional kindergarten and to administer transitional kindergarten, as specified. The bill would authorize a school district or charter school administering transitional kindergarten to contract with a public local agency or private local provider, or both, to participate in the delivery of transitional kindergarten. The bill would require a private local provider participating in the delivery of transitional kindergarten to be considered a public school employer, as defined, for certain purposes. By requiring school districts and charter schools that offer kindergarten to offer transitional kindergarten, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Kindergarten Readiness Act of 2014.
- 3 SEC. 2. (a) The Legislature finds and declare all of the
- 4 following:
- 5 (1) Recent reforms such as implementation of the common core
- 6 state standards and the local control funding formula establish
- 7 increased quality and greater equity in California's public education
- 8 system.
- 9 (2) However, these reforms do not address the reality that an
- 10 achievement gap among children is present well before children
- 11 first step through the kindergarten classroom door.
- 12 (3) Recent research shows that by the age of two, low-income
- 13 children are six months behind in language development relative

1 to their higher income peers, and that by age five, low-income  
2 children are more than two years behind their higher income peers  
3 in language development.

4 (4) Research also shows that California children with the largest  
5 gaps in school readiness and achievement are the least likely to  
6 participate in any preschool and the least likely to attend  
7 high-quality preschool programs.

8 (5) Only half of California's low-income preschoolers benefit  
9 from existing state preschool programs or federal Head Start  
10 programs, and only one-quarter of all children are provided with  
11 transitional kindergarten.

12 (6) Children who do not read proficiently by the end of third  
13 grade are four times less likely to graduate from high school on  
14 time.

15 (7) Only 48% of California's third graders tests proficient or  
16 better in English language arts.

17 (8) Nationally, more than 100 studies have shown that  
18 high-quality preschool significantly improves a child's school  
19 readiness and school performance.

20 (9) Numerous longitudinal studies have shown that high-quality  
21 transitional kindergarten programs decrease grade retention and  
22 special education placements and increase high school graduation  
23 rates, college enrollment rates, and earnings in adulthood.  
24 High-quality transitional kindergarten programs also decrease  
25 taxpayer costs on criminal justice and welfare.

26 (10) If California were to invest in high-quality preschool  
27 programs, the savings in the prison system alone are estimated to  
28 reach \$1.1 billion per year due to reducing the prison population  
29 by 13,000 prisoners.

30 (b) It is the intent of the Legislature in enacting the Kindergarten  
31 Readiness Act of 2014 to accomplish all of the following:

32 (1) Make early childhood education in California a rational and  
33 efficient system so that all of California's four-year-old children  
34 have access to a voluntary, high-quality transitional kindergarten  
35 program one year before enrolling in kindergarten.

36 (2) More strategically use existing state and federal funds to  
37 provide full-day, developmentally appropriate services for  
38 four-year-old children from low-income families, and provide  
39 high-quality early learning and care to those children who need it  
40 the most.

1 (3) Ensure that children are four years of age by September 1  
2 in order to attend transitional kindergarten in that academic year.

3 (4) Ensure that parents and guardians receive timely information  
4 from local educational agencies about the new age requirements  
5 for enrollment in transitional kindergarten that are implemented  
6 pursuant to this act.

7 SEC. 3. Section 46300 of the Education Code is amended to  
8 read:

9 46300. (a) In computing average daily attendance of a school  
10 district or county office of education, there shall be included the  
11 attendance of pupils while engaged in educational activities  
12 required of those pupils and under the immediate supervision and  
13 control of an employee of the *school* district or county office of  
14 *education* who possessed a valid certification document, registered  
15 as required by law.

16 (b) (1) For purposes of a work experience education program  
17 in a secondary school that meets the standards of the California  
18 State Plan for Career Technical Education, “immediate  
19 supervision,” in the context of off-campus work training stations,  
20 means pupil participation in on-the-job training as outlined under  
21 a training agreement, coordinated by the school district under a  
22 state-approved plan, wherein the employer and certificated school  
23 personnel share the responsibility for on-the-job supervision.

24 (2) The pupil-teacher ratio in a work experience program shall  
25 not exceed 125 pupils per full-time equivalent certificated teacher  
26 coordinator. This ratio may be waived by the state board pursuant  
27 to Article 3 (commencing with Section 33050) of Chapter 1 of  
28 Part 20 of Division 2 under criteria developed by the state board.

29 (3) A pupil enrolled in a work experience program shall not be  
30 credited with more than one day of attendance per calendar day,  
31 and shall be a full-time pupil enrolled in regular classes that meet  
32 the requirements of Section 46141 or 46144.

33 (c) (1) For purposes of the rehabilitative schools, classes, or  
34 programs described in Section 48917 that require immediate  
35 supervision, “immediate supervision” means that the person to  
36 whom the pupil is required to report for training, counseling,  
37 tutoring, or other prescribed activity shares the responsibility for  
38 the supervision of the pupils in the rehabilitative activities with  
39 certificated personnel of the *school* district.



1 (2) A pupil enrolled in a rehabilitative school, class, or program  
2 shall not be credited with more than one day of attendance per  
3 calendar day.

4 (d) (1) For purposes of computing the average daily attendance  
5 of pupils engaged in the educational activities required of high  
6 school pupils who are also enrolled in a regional occupational  
7 center or regional occupational program, the school district shall  
8 receive proportional average daily attendance credit for those  
9 educational activities that are less than the minimum schoolday,  
10 pursuant to regulations adopted by the state board; however, none  
11 of that attendance shall be counted for purposes of computing  
12 attendance pursuant to Section 52324.

13 (2) A school district shall not receive proportional average daily  
14 attendance credit pursuant to this subdivision for a pupil in  
15 attendance for less than 145 minutes each day.

16 (3) The divisor for computing proportional average daily  
17 attendance pursuant to this subdivision is 240, except that, in the  
18 case of a pupil excused from physical education classes pursuant  
19 to Section 52316, the divisor is 180.

20 (4) Notwithstanding any other ~~provision of~~ law, travel time of  
21 pupils to attend a regional occupational center or regional  
22 occupational program shall not be used in any manner in the  
23 computation of average daily attendance.

24 (e) (1) In computing the average daily attendance of a school  
25 district, there shall also be included the attendance of pupils  
26 participating in independent study conducted pursuant to Article  
27 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
28 five or more consecutive schooldays.

29 (2) A pupil participating in independent study shall not be  
30 credited with more than one day of attendance per calendar day.

31 (f) For purposes of cooperative career technical education  
32 programs and community classrooms described in Section 52372.1,  
33 “immediate supervision” means pupil participation in paid and  
34 unpaid on-the-job experiences, as outlined under a training  
35 agreement and individualized training plans wherein the supervisor  
36 of the training site and certificated school personnel share the  
37 responsibility for the supervision of on-the-job experiences.

38 (g) (1) In computing the average daily attendance of a school  
39 district, there shall be included the attendance of pupils in  
40 ~~kindergarten after they have completed one school year in~~

1 kindergarten or pupils in a transitional kindergarten program after  
2 they have completed one year in that program if one of the  
3 following conditions is met: *transitional kindergarten and*  
4 *kindergarten.*

5 (A) The school district has on file for each of those pupils an  
6 agreement made pursuant to Section 48011, approved in form and  
7 content by the department and signed by the pupil's parent or  
8 guardian, that the pupil may continue in kindergarten for not more  
9 than one additional school year.

10 (B) The pupils participated in a transitional kindergarten  
11 program pursuant to subdivision (c) of Section 48000.

12 (2) A school district may not include for apportionment purposes  
13 the attendance of any pupil for more than two years in kindergarten  
14 or for more than two years in a combination of transitional  
15 kindergarten and kindergarten.

16 (3) *For purposes of transitional kindergarten operated by a*  
17 *private local provider pursuant to paragraph (2) of subdivision*  
18 *(a) of Section 48005.20, "immediate supervision" means being*  
19 *under the immediate supervision of an employee of the private*  
20 *local provider who satisfies the requirements of Section 48005.35.*

21 SEC. 4. Section 48000 of the Education Code is amended to  
22 read:

23 48000. (a) A child shall be admitted to a kindergarten  
24 maintained by the school district at the beginning of a school year,  
25 or at a later time in the same year, if the child will have his or her  
26 fifth birthday on or before one of the following dates:

- 27 (1) December 2 of the 2011–12 school year.  
28 (2) November 1 of the 2012–13 school year.  
29 (3) October 1 of the 2013–14 school year.  
30 (4) September 1 of the 2014–15 school year and each school  
31 year thereafter.

32 (b) *A child shall be admitted to a transitional kindergarten*  
33 *maintained by the school district at the beginning of a school year,*  
34 *or at a later time in the same year, if the child will have his or her*  
35 *fifth birthday between the following dates:*

- 36 (1) *September 2, 2015, to February 1, 2016, inclusive, for the*  
37 *2015–16 school year.*  
38 (2) *September 2, 2016, to April 1, 2017, inclusive, for the*  
39 *2016–17 school year.*

1 (3) September 2, 2017, to June 1, 2018, inclusive, for the  
2 2017–18 school year.

3 (4) September 2, 2018, to August 2, 2019, inclusive, for the  
4 2018–19 school year.

5 (c) A child shall be admitted to a transitional kindergarten  
6 maintained by the school district at the beginning of a school year;  
7 or at a later time in the same year, if the child will have his or her  
8 fourth birthday on or before September 1 of the 2019–20 school  
9 year and each school year thereafter.

10 ~~(b)~~

11 (d) The governing board of a school district maintaining one or  
12 more kindergartens may, on a case-by-case basis, admit to a  
13 kindergarten a child having attained the age of five years at any  
14 time during the school year with the approval of the parent or  
15 guardian, subject to the following conditions:

16 (1) The governing board of the school district determines that  
17 the admittance is in the best interests of the child.

18 (2) The parent or guardian is given information regarding the  
19 advantages and disadvantages and any other explanatory  
20 information about the effect of this early admittance.

21 ~~(e) As a condition of receipt of apportionment for pupils in a~~  
22 ~~transitional kindergarten program pursuant to subdivision (g) of~~  
23 ~~Section 46300, a school district or charter school shall ensure the~~  
24 ~~following:~~

25 ~~(1) In the 2012–13 school year, a child who will have his or her~~  
26 ~~fifth birthday between November 2 and December 2 shall be~~  
27 ~~admitted to a transitional kindergarten program maintained by the~~  
28 ~~school district.~~

29 ~~(2) In the 2013–14 school year, a child who will have his or her~~  
30 ~~fifth birthday between October 2 and December 2 shall be admitted~~  
31 ~~to a transitional kindergarten program maintained by the school~~  
32 ~~district.~~

33 ~~(3) In the 2014–15 school year and each school year thereafter,~~  
34 ~~a child who will have his or her fifth birthday between September~~  
35 ~~2 and December 2 shall be admitted to a transitional kindergarten~~  
36 ~~program maintained by the school district.~~

37 ~~(d)~~

38 (e) For purposes of this section, “transitional kindergarten”  
39 means the first year of a two-year kindergarten program that uses  
40 a modified kindergarten curriculum that is age and developmentally

1 ~~appropriate. a school-year long kindergarten readiness grade level~~  
2 ~~that is age and developmentally appropriate for a child who will~~  
3 ~~be four years old before September 1 of the year in which he or~~  
4 ~~she enrolls in transitional kindergarten.~~

5 ~~(e) A transitional kindergarten shall not be construed as a new~~  
6 ~~program or higher level of service.~~

7 SEC. 5. Article 1.5 (commencing with Section 48005.10) is  
8 added to Chapter 1 of Part 27 of Division 4 of Title 2 of the  
9 Education Code, to read:

10  
11 Article 1.5. Kindergarten Readiness Act of 2014  
12

13 48005.10. Transitional kindergarten is hereby established to  
14 do all of the following:

15 (a) Support all children in developing the skills necessary for  
16 success in school and life. These skills shall include, but are not  
17 limited to, all of the following:

18 (1) Cognitive skills such as language, early literacy, and  
19 numeracy.

20 (2) Social-emotional skills such as perseverance, self-control,  
21 self-esteem, motivation, and conscientiousness.

22 (3) Physical skills such as gross and fine motor development,  
23 and healthy eating habits.

24 (b) Be age and developmentally appropriate.

25 (c) Build on high-quality early learning and child care programs,  
26 including federal Head Start programs, to sustain the gains that  
27 children achieve attending those programs.

28 48005.15. (a) A school district or charter school that offers  
29 kindergarten shall make transitional kindergarten available to all  
30 eligible children and shall allow, to the greatest extent possible, a  
31 parent of an eligible child to choose the transitional kindergarten  
32 that the eligible child attends.

33 (b) On or before July 1, 2015, each county superintendent of  
34 schools shall conduct a review of the level of access to transitional  
35 kindergarten, state preschool, and Head Start provided to eligible  
36 children within the county. The review shall include, but is not  
37 limited to, a description of the plans of the school districts and  
38 charter schools in the county that offer kindergarten, to make  
39 transitional kindergarten available to all eligible children by the

1 2019–20 school year. The county superintendent of schools shall  
2 post the results of the review on its Internet Web site.

3 (c) To encourage the efficient use of existing facilities,  
4 transitional kindergarten may be operated using available classroom  
5 space at a public schoolsite meeting kindergarten classroom  
6 requirements, or at any public or private facility that has a child  
7 care license for age-eligible children, as defined in Division 12 of  
8 Title 22 of the California Code of Regulations.

9 (d) Federal funding for preschool programs, and state funding  
10 annually appropriated in the Budget Act for the support of state  
11 preschool programs, shall be used to provide services for eligible  
12 three-, four-, and five-year-old children, including augmenting  
13 transitional kindergarten to provide full-day learning and child  
14 care services for participants.

15 (e) Transitional kindergarten funds shall supplement, and not  
16 supplant, federal and state funding for existing child care and  
17 development programs.

18 48005.20. (a) A school district or charter school offering  
19 transitional kindergarten shall do both of the following:

20 (1) Provide public notice of the availability of transitional  
21 kindergarten using a variety of strategies to reach and inform  
22 families living in areas of poverty or high linguistic diversity,  
23 including, but not limited to, providing information through  
24 schoolsite councils, school advisory groups, community  
25 organizations, and parent meetings.

26 (2) Administer the program for participating children. A school  
27 district or charter school administering transitional kindergarten  
28 may contract with a public local agency, including, but not limited  
29 to, a county office of education, or a private local provider, or both,  
30 to participate in the delivery of transitional kindergarten consistent  
31 with the statutory requirements of transitional kindergarten.

32 (b) (1) It is the intent of the Legislature that a school district or  
33 charter school offering transitional kindergarten provide  
34 high-quality professional development aligned to transitional  
35 kindergarten standards adopted by the state board and designed to  
36 improve child learning and development. It is further the intent of  
37 the Legislature that professional development for transitional  
38 kindergarten teachers and associate teachers supports both of the  
39 following:

1 (A) Teacher-child interactions that promote child engagement  
2 and learning.

3 (B) The use of child-level and class-level data to inform  
4 instructional strategies.

5 (2) Professional development for transitional kindergarten  
6 teachers and associate teachers shall be aligned with the  
7 professional development provided to teachers and administrative  
8 staff in kindergarten and grades 1 to 3, inclusive.

9 48005.25. Transitional kindergarten shall include all of the  
10 following elements to promote integration and alignment with the  
11 early learning and child care system and the elementary education  
12 system:

13 (a) Until statewide transitional kindergarten standards are  
14 adopted, use of the research-based age and developmentally  
15 appropriate preschool learning foundations of the department for  
16 all eight early childhood domains and the kindergarten education  
17 content standards that are aligned with elementary education  
18 standards.

19 (b) Use and implementation of curriculum frameworks,  
20 instructional materials, and diagnostic assessment tools that are  
21 aligned with the California Preschool Learning Foundations and  
22 the kindergarten education content standards.

23 (c) Inclusion in the single school plan for pupil achievement  
24 and the local control and accountability plan.

25 (d) Participation in the California Longitudinal Pupil  
26 Achievement Data System and the California School Information  
27 Services.

28 (e) Coordination with other providers of services to young  
29 children, including, but not limited to, providers of health  
30 insurance, health services, including mental and behavioral health,  
31 developmental screening and assessment, parent literacy and  
32 education, and social services, especially through systems of care  
33 provided by First 5 California programs, preschool, and school  
34 health services and clinics.

35 (f) Coordination of services with full-day, full-year early  
36 learning and child care programs.

37 48005.30. (a) On or before July 1, 2015, the Superintendent  
38 shall develop, and the state board shall adopt, the regulations  
39 necessary to implement this article and transitional kindergarten  
40 and shall incorporate existing regulations and guidelines, as

1 appropriate. The state board may adopt emergency regulations for  
2 purposes of this subdivision, and the adoption of emergency  
3 regulations by the state board pursuant to this subdivision shall be  
4 deemed necessary for the immediate preservation of the public  
5 peace, health and safety, or general welfare.

6 (b) On or before July 1, 2016, the Superintendent shall develop,  
7 and the state board shall adopt, transitional kindergarten standards,  
8 curriculum frameworks, and instructional materials that include,  
9 but are not limited to, social-emotional development, English  
10 language arts, English language development, mathematics, and  
11 science, that are based on the California Preschool Learning  
12 Foundations and aligned to kindergarten education content  
13 standards.

14 (c) On or before January 31, 2017, the state board shall revise  
15 the local control and accountability plan template, adopted pursuant  
16 to Section 52064, to include any changes necessary to reflect the  
17 provision of high-quality transitional kindergarten to all eligible  
18 children.

19 48005.35. (a) On or before July 1, 2015, all transitional  
20 kindergarten classes shall be taught by a teacher who holds, at a  
21 minimum, an associate degree, and has a professional development  
22 plan that provides for a baccalaureate degree with at least 24 units  
23 in early childhood education and a teaching credential by July 1,  
24 2019.

25 (b) On or before July 1, 2019, all transitional kindergarten  
26 classes shall be taught by a teacher who holds a baccalaureate  
27 degree with at least 24 units in early childhood education and a  
28 teaching credential.

29 (c) On or before July 1, 2015, all transitional kindergarten  
30 associate teachers shall have, at a minimum, 24 units in early  
31 childhood education, and a professional development plan that  
32 provides for an associate degree by July 1, 2019.

33 (d) On or before July 1, 2019, all transitional kindergarten  
34 associate teachers shall have an associate degree with at least 24  
35 units in early childhood education.

36 (e) Commencing with the 2015–16 school year, for purposes  
37 of compensation, including salary and benefits, transitional  
38 kindergarten teachers and associate teachers shall provide two  
39 part-day sessions per day in order to be considered full-time  
40 employees.



(f) On or before July 1, 2015, the Superintendent, in collaboration with the Commission on Teacher Credentialing, the public postsecondary education system, including the California Community Colleges, and private postsecondary institutions, shall establish a workforce development plan for transitional kindergarten teachers and associate teachers that provides for adequate opportunities for existing early childhood educators to obtain the necessary transitional kindergarten qualifications by July 1, 2019.

(g) Commencing with the 2015–16 school year, transitional kindergarten shall be taught by at least one teacher and one associate teacher, and class size shall be limited to no more than 20 children.

48005.40. (a) Transitional kindergarten shall be eligible for school facilities funding.

(b) Funds made available to public schools for joint use facilities may be used for transitional kindergarten.

(c) Public local agencies or private local providers, or both, participating in the delivery of transitional kindergarten are encouraged to seek shared use agreements with a broad array of public and private entities.

48005.45. Commencing with the 2015–16 school year, transitional kindergarten shall receive a per pupil base grant per unit of average daily attendance equal to two-thirds of the annual per pupil base grant provided for in subparagraph (A) of paragraph (1) of subdivision (d) of Section 42238.02, as adjusted for inflation pursuant to paragraph (2) of subdivision (d) of Section 42238.02, plus an additional adjustment of 10.4 percent, and a supplemental grant add-on, as computed pursuant to subdivision (e) of Section 42238.02.

48005.50. For purposes of establishing collective bargaining rights for employees of a private local provider of transitional kindergarten pursuant to the terms of an agreement with the administering school district or charter school, as a condition of the receipt of funds, the private local provider shall be considered a public school employer, as defined in subdivision (k) of Section 3540.1 of the Government Code, and Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, shall apply to the private local provider.



1     SEC. 6. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

7.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-12  
**Referral Name:** State Legislation  
**Presenter:** Lara DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee may wish to consider providing direction to staff on the development of a position letter for consideration by the Board of Supervisors on the various bond measures in consideration by the Legislature.

#### **Referral Update:**

The Legislature has fewer than 100 days to pass a new water bond bill into law so that voters will have a bond to vote on in November. Our state has not passed a water bond since 2006, and funding from that bond will ostensibly run out by next year. The Legislature has voted twice to postpone a statewide vote on a 2009 water bond deal that has been deemed unpassable because it is an \$11.14 billion pork-barrel measure that was cobbled together in the dead of night in the backrooms of the Capitol.

It's clear that the public does not want the politics or the pork that has been the foundation of past bond negotiations. They want a water bond that will pay for projects that can maintain and supply clean and affordable water while protecting our coasts, rivers and watersheds. Funding for projects should be allocated by using fair and reasonable regional criteria.

However, time is of the essence. By law, the Legislature and the governor must pass a new bond by June 26 to replace the earmark-laden 2009 bond deal that is on the November ballot. Stakeholders and legislators have been meeting for more than nine months on various issues that are addressed in various Water Bond proposals.

Several water bond proposals have been proposed by legislators.

Last Tuesday, the Senate Natural Resources and Water Committee voted 7-2 to approve an \$8-billion bond measure drafted by Assemblymember Rendon to fund water quality, conservation and water storage projects. AM Rendon agreed to some changes, but opposed the idea of having the bond allocate funds to specific agencies including nine regional conservancies, warning such earmarking might be seen by voters as favoring some groups. However, Sen. Fran Pavley, the chairwoman of the panel, said allocating the money to specific agencies will make the program

more effective and the bill was changed to include the allocation to specific agencies. Senator Lois Wolk has expressed concerns that leaving the allocation of much of the money up to the governor's administration could result in some of it going to support Governor Brown's controversial tunnels project to divert water from the Sacramento-San Joaquin River Delta. Senator Wolk's bill, which has been supported by Contra Costa County, SB 848, would provide a \$6.825-billion bond measure, including funds earmarked for nine conservancy agencies. There are major differences between the Rendon and Wolk measures. Rendon's would provide \$2.5 billion for water storage projects to be allocated by the state. Wolk is proposing \$1.025 billion for water storage. Senator Anthony Cannella has his own, \$9.2-billion bond measure proposal, and opposed Rendon's bill, saying it does not provide enough money for water storage. Both bills have additional committee hearings scheduled, and negotiations will continue. Recent polling information suggests that the public support for a water bond is increasing as drought concerns grow. Voters are far more likely to approve a water bond on the November ballot if lawmakers shrink its size, according to a new survey<<http://www.ppic.org/main/publication.asp?i=1091>> that also found nine out of every 10 Californians say they have taken steps to conserve as the drought drags on. U-T San Diego article<<http://www.utsandiego.com/news/2014/mar/26/poll-ppic-water-brown-marijuana-rail/>>; Capital Public radio report<<http://www.capradio.org/20812>>; PPIC report<[http://www.ppic.org/content/pubs/survey/S\\_314MBS.pdf](http://www.ppic.org/content/pubs/survey/S_314MBS.pdf)>

**Recommendation(s)/Next Step(s):**

CONSIDER providing direction to staff on developing a position for Board of Supervisors' consideration regarding the various Water Bond proposals in development at the Legislature.

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**Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

8.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-13  
**Referral Name:** Support for Delta Conservancy Funding  
**Presenter:** Lara DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

Campbell Ingram, the Executive Officer of Sacramento-San Joaquin Delta Conservancy, requested on February 27, 2014 assistance from the Board of Supervisors and the Delta Counties Coalition with securing funding for the Conservancy through the FY 14/15 budget process.

#### **Referral Update:**

The Delta Conservancy was created by the Delta Reform Act of 2009. Funding to meet the Conservancy's legislative mandates was anticipated to come from the passage of the Safe, Clean, Reliable Drinking Water Supply Act of 2010 that has now twice been delayed.

As a result, the State's commitment to the Delta through creation of the Conservancy has gone unfunded for over three years. In the absence of project funding, the Conservancy has done a tremendous job of helping to develop the partnerships, coordination, and accountability that will be necessary for successful engagement in the Delta. We can no longer wait for a bond to pass! If a water bond passes in November of 2014, funding will not be available to the Conservancy until July of 2015. We should not go another 12 or more months without minimal bridge funding for the Conservancy.

We have been asked to urge the Budget Subcommittee to ensure that a minimum of \$6,000,000.00 be included in the FY 14/15 budget for the Conservancy so that it can continue to do the important work that we all believe is foundational to the future viability of the Delta and all its many services to the State.

The attached list of funding priorities identifies 7 projects that would move forward in FY 14/15.

#### **Recommendation(s)/Next Step(s):**

CONSIDER recommending a letter of support from the Board of Supervisors for the Delta Conservancy funding in the amount of \$6M for FY 14-15, as recommended by staff.

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## **Delta Conservancy Funding Needs for FY14/15**

The following is a list of priority funding needs for the Delta Conservancy to continue our efforts to establish a State partnership with the Delta community that will be critical for future implementation of the Delta Plan, ongoing efforts to implement the RPA's in the Biological Opinions for Delta smelt and salmon, and the Bay Delta Conservation Plan should it be approved. Total request: up to \$2,950,000.

### **1. Delta Agricultural Analysis**

- a. Background: A onetime project to conduct analysis of agricultural baseline, current and future trends and infrastructure needs to ensure strategic investment to maintain agricultural viability in the Delta (example – Rural Urban Connections Strategy model).
- b. Funding Request: **\$500,000**. (onetime expenditure)
- c. Justification: This type of analysis demonstrates the State's interest in understanding the relationships between potential impacts of ongoing planning efforts and how best to invest to maintain viability of Delta agriculture.

### **2. Development of Delta Community Plans and Implementation of Priority Projects**

- a. Background: In cooperation with the Delta Protection Commission the Conservancy would prepare plans for legacy communities that emphasize their distinctive character, encourage historic preservation, identify opportunities to encourage tourism, encourage partnerships to support recreation, or develop other appropriate uses, and reduce flood risks.
- b. Funding Request: **\$1,500,000**. \$500,000 (onetime expenditure) for development of plans and \$1,000,000 for implementation of high priority projects to be identified in the plans.
- c. Justification: This effort is required to establish the relationships and partnerships that will be necessary to implement the Delta Plan and the BDCP if it moves forward.

### **3. Delta Dialogues**

- a. Background: The Delta Dialogue is an effective interest based discussion with leaders from all interests groups in the Delta. This discussion is not happening anywhere else in the system and allows the participants an opportunity to come together for an entire day once a month to have very generative and constructive conversation around Delta issues.

- b. Funding Request: **\$450,000.** In Phase 2, the participants and a private foundation grants covered \$260,000 of the \$710,000 total budget for the 12 month process.
- c. Justification: The good will generated in this process, along with innovative ideas that result from these collaborative conversations, has the potential to offer solutions that better meet the needs of more Delta interests and therefore could result in a more implementable project.

#### **4. Delta Restoration Network**

- a. Background: The Conservancy convened the agencies expected to conduct ecosystem restoration in the Delta (DWR, DFW, SFWCA, Conservancy), twelve additional agencies that will have some involvement through permitting or coordination and the Delta community to develop a Draft Restoration Framework to ensure a coordinated and integrated restoration program. The Framework and the Delta Science Plan, call for the development of Regional Implementation Strategies to inform where, how, when and by whom restoration would take place, and how we collectively track efforts against targets and performance objectives. The Conservancy will continue to convene the group and will begin to develop Regional Conservation Strategies for priority areas.
- b. Funding Request: **\$500,000.** \$100,000 to support the Delta Restoration Network and \$400,000 to develop up to 3 of 6 priority Regional Conservation Strategies.
- c. Justification: Implementation of ongoing habitat restoration in the Delta, and at the scale contemplated by the Delta Plan and the BDCP will require extreme levels of coordination and integration. Absent such efforts, we are likely to repeat the accountability and effectiveness challenges suffered by previous restoration programs.

#### **Other Funding Priorities – Total \$2,750,000**

- 1) Develop and run a grant program to fund wildlife friendly farming projects (\$1,000,000)**
- 2) Develop and run a grant program to support agri-tourism efforts (\$250,000)**
- 3) Develop up to 1,000 acres of managed wetlands in the Delta for GHG emission reductions of over 7,000 metrics tons of CO2 per year, stop subsidence and provide habitat and water quality benefits. (\$1,500,000)**



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

9.

**Meeting Date:** 04/03/2014  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2014-14  
**Referral Name:** State Legislation  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee routinely reviews the Status Report on bills of interest to the County and can direct staff to follow-up or provide more information about particular bills.

#### **Referral Update:**

The status of bills of interest to the County is included in the attached report.

#### **Recommendation(s)/Next Step(s):**

The Legislation Committee may consider recommending a position to the Board of Supervisors on any of the bills of interest, or may request staff to provide additional information about a bill.

#### **Fiscal Impact (if any):**

None.

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### **Attachments**

Status Report on State Bills

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## Master List 2014

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CA AB 1519	<b>AUTHOR:</b>	Donnelly [R]
	<b>TITLE:</b>	<b>State Responsibility Areas: Fire Prevention Fees</b>
	<b>INTRODUCED:</b>	01/16/2014
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Natural Resources Committee
	<b>HEARING:</b>	04/07/2014 1:30 pm
	<b>SUMMARY:</b>	Amends existing law that requires the State Board of Equalization to collect a fire prevention fee to be charged on each structure on a parcel that is within a state responsibility area. Eliminates the specified civil penalty imposed for unpaid fire prevention fees.
	<b>STATUS:</b>	
	01/23/2014	To ASSEMBLY Committee on NATURAL RESOURCES.
	<b>Position:</b>	Watch
CA AB 1533	<b>AUTHOR:</b>	Waldron [R]
	<b>TITLE:</b>	<b>In Home Supportive Services: Criminal Background Checks</b>
	<b>INTRODUCED:</b>	01/21/2014
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Human Services Committee
	<b>HEARING:</b>	04/29/2014 1:30 pm
	<b>SUMMARY:</b>	Amends existing law that provides for an investigation of the qualifications of the In-Home Supportive Services provider applicant, including specified criminal background checks.
	<b>STATUS:</b>	
	01/30/2014	To ASSEMBLY Committee on HUMAN SERVICES.
	<b>Position:</b>	Watch
CA AB 1594	<b>AUTHOR:</b>	Williams [D]
	<b>TITLE:</b>	<b>Solid Waste: Recycling: Diversion: Green Material</b>
	<b>INTRODUCED:</b>	02/03/2014
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Natural Resources Committee
	<b>HEARING:</b>	04/07/2014 1:30 pm
	<b>SUMMARY:</b>	Authorizes the Department of Resources Recycling and Recovery, if the department makes a specified determination, to adopt regulations to provide that the use of green material as alternative daily cover or alternative intermediate cover does not constitute diversion through recycling and would be considered disposal for purposes of the Integrated Waste Management Act of 1989.
	<b>STATUS:</b>	

02/14/2014 To ASSEMBLY Committee on NATURAL RESOURCES.  
**Commentary:**  
Deidra reviewing

CA AB 1607 **AUTHOR:** Fox [D]  
**TITLE:** **Sexually Violent Predators**  
**INTRODUCED:** 02/05/2014  
**LAST AMEND:** 03/24/2014  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Public Safety Committee  
**SUMMARY:**  
Amends existing law that provides for the civil commitment of criminal offenders who have been determined to be sexually violent predators for treatment. Requires a person petitioning for conditional release to list the county or counties of potential domicile to which the petitioner wishes to be conditionally released and the reason why each county is chosen. Requires notice of any related hearing to determine the county of release. Requires released persons to submit to search and seizure requirements.  
**STATUS:**  
03/25/2014 In ASSEMBLY Committee on PUBLIC SAFETY: Not heard.  
**Position:** Watch

CA AB 1637 **AUTHOR:** Frazier [D]  
**TITLE:** **Driver's Licenses: Veteran Designation**  
**INTRODUCED:** 02/11/2014  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Veterans Affairs Committee  
**SUMMARY:**  
Allows an applicant for a driver's license or identification card to allow a person to request the driver's license or identification card be printed with the work VETERAN. Requires the applicant to present to the department a Certificate of Release or Discharge from Active Duty. Requires an additional fee.  
**STATUS:**  
03/24/2014 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on VETERANS AFFAIRS. (15-0)  
**Commentary:**  
Consistent with Board policy (supported in 2013). Sent letter of support.  
**Position:** Support

CA AB 1642 **AUTHOR:** Chesbro [D]  
**TITLE:** **Pest Control: Pierce's Disease**  
**INTRODUCED:** 02/11/2014  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Extends the repeal date of the Pierce's Disease Control program in the Department

of Food and Agriculture and the Pierce's Disease Management Account in the Food and Agriculture Fund. Includes the Glassy-Winged Sharpshooter Board.

**STATUS:**

03/26/2014

From ASSEMBLY Committee on AGRICULTURE: Do pass to Committee on APPROPRIATIONS.

**Position:**

Watch

CA AB 1653

**AUTHOR:**

Garcia [D]

**TITLE:**

**CalWORKs: Victims of Domestic Violence**

**INTRODUCED:**

02/11/2014

**DISPOSITION:**

Pending

**COMMITTEE:**

Assembly Human Services Committee

**HEARING:**

04/29/2014 1:30 pm

**SUMMARY:**

Requires the State Department of Social Services to establish a standard, statewide notice and process to ensure that applicants for, or recipients of, CalWORKs aid who are past or present victims of domestic violence are not placed at further risk or unfairly penalized by program requirements, rules, or procedures. Requires a county to waive certain program requirements that make it more difficult for a victim to escape domestic violence, or unfairly penalize the victim or family.

**STATUS:**

02/20/2014

To ASSEMBLY Committee on HUMAN SERVICES.

**Commentary:**

assess for impact on CalWORKS?- DV 3-18-2014

**Position:**

Support

CA AB 1725

**AUTHOR:**

Maienschein [R]

**TITLE:**

**Mental Health: Conservatorship Hearings**

**INTRODUCED:**

02/14/2014

**DISPOSITION:**

Pending

**LOCATION:**

Assembly Health Committee

**SUMMARY:**

Includes a person who is gravely disabled as a result of substance abuse as a person for whom a conservatorship may be requested and granted. Provides a procedure for a family member or interested person who believes a conservatorship is necessary to petition the probate court to establish a conservatorship.

**STATUS:**

02/27/2014

To ASSEMBLY Committees on HEALTH and JUDICIARY.

**Position:**

Watch

CA AB 1729

**AUTHOR:**

Logue [R]

**TITLE:**

**Local Government: Agricultural Land: Payments**

**INTRODUCED:**

02/14/2014

**LAST AMEND:**

03/20/2014

**DISPOSITION:**

Pending

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Appropriates a specified amount of money from the General Fund to make subvention payments to counties to reimburse the counties for property tax revenues not received as a result of contracts between the counties and owners of agricultural land in which the owners agree, under the Williamson Act, to continue using such property as agricultural for purposes of property taxation.

**STATUS:**

03/20/2014 To ASSEMBLY Committee on APPROPRIATIONS.

03/20/2014 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.

03/20/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Position:** Watch

CA AB 1799

**AUTHOR:** Gordon [D]

**TITLE:** Land Use: Mitigation Lands

**INTRODUCED:** 02/18/2014

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Local Government Committee

**HEARING:** 04/02/2014 1:30 pm

**SUMMARY:**

Eliminates the requirement of an endowment or other financial mechanism for long-term stewardship where a governmental entity or special district is the entity required to provide the long-term stewardship, if the governmental entity or special district provides evidence to the local or state agency that it possesses an investment-grade credit rating by a nationally recognized statistical rating organization.

**STATUS:**

02/27/2014 To ASSEMBLY Committee on LOCAL GOVERNMENT.

**Commentary:**

PW recommends a position of "Support" and requests Leg Com action.

**Position:** Watch

CA AB 1873

**AUTHOR:** Gonzalez [D]

**TITLE:** Mail Ballot Elections

**INTRODUCED:** 02/19/2014

**DISPOSITION:** Pending

**LOCATION:** Assembly Elections and Redistricting Committee

**SUMMARY:**

Authorizes a board of supervisors of a county to conduct a special election or special consolidated election to fill a congressional or legislative vacancy wholly by mail under specified conditions.

**STATUS:**

02/27/2014 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.

CA AB 1876	<p><b>AUTHOR:</b> Quirk [D]  <b>TITLE:</b> <b>County Jails: Telephone Service Contracts</b>  <b>INTRODUCED:</b> 02/19/2014  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Local Government Committee  <b>SUMMARY:</b>  Prohibits a county jail from accepting a commission or other payment from a telephone company as an incentive to adopt a contract for providing telephone services to inmates of the jail.  <b>STATUS:</b>  03/06/2014 To ASSEMBLY Committee on LOCAL GOVERNMENT.  <b>Position:</b> Watch</p>
CA AB 1961	<p><b>AUTHOR:</b> Eggman [D]  <b>TITLE:</b> <b>Land Use: Planning: Sustainable Farmland Strategy</b>  <b>INTRODUCED:</b> 02/19/2014  <b>LAST AMEND:</b> 03/25/2014  <b>DISPOSITION:</b> Pending  <b>COMMITTEE:</b> Assembly Local Government Committee  <b>HEARING:</b> 04/02/2014 1:30 pm  <b>SUMMARY:</b>  Requires each county with significant agricultural land resources to also develop a sustainable farmland strategy. Requires the sustainable farmland strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of such land to other uses or zones.  <b>STATUS:</b>  03/25/2014 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.  03/25/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.  <b>Position:</b> Watch</p>
CA AB 2151	<p><b>AUTHOR:</b> Wagner [R]  <b>TITLE:</b> <b>Counties: Search and Rescue: Costs</b>  <b>INTRODUCED:</b> 02/20/2014  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Local Government Committee  <b>SUMMARY:</b>  Provides that whenever a county or city and county is billed by another county or city and county for a search or rescue of one of its residents who is 16 years of age or older, the county of city and county may in turn seek reimbursement for the actual costs incurred from that resident, for the search and rescue necessitated the use of extraordinary methods and specified acts or omissions were a contributing factor to the need for the search and rescue.</p>

**STATUS:**  
03/06/2014 To ASSEMBLY Committee on LOCAL GOVERNMENT.  
**Position:** Watch

CA AB 2217 **AUTHOR:** Melendez [R]  
**TITLE:** **Pupil and Personnel Health**  
**INTRODUCED:** 02/20/2014  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
States the intent of the Legislature to encourage all public schools to acquire and maintain at least one automatic external defibrillator. Authorizes a public school to solicit and receive nonstate funds to acquire and maintain an AED. Provides that the school district and employees of the school district are not liable for civil damages resulting from certain uses, attempted uses or non-uses of an AED.  
**STATUS:**  
02/20/2014 INTRODUCED.  
**Commentary:**  
Sending support letter. Aligns with Board policy. We supported last year's AB 939.  
**Position:** Support

CA AB 2241 **AUTHOR:** Eggman [D]  
**TITLE:** **Local Government: Agricultural Land**  
**INTRODUCED:** 02/21/2014  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**  
Requires a city or county to charge the property owner a recession fee of a specified percentage of the fair market value of the property at the time of the recession for both land under a Williamson Act contract and land designated as a farmland security zone.  
**STATUS:**  
03/26/2014 From ASSEMBLY Committee on AGRICULTURE: Do pass to Committee on LOCAL GOVERNMENT.  
**Position:** Watch

CA AB 2273 **AUTHOR:** Ridley-Thomas S [D]  
**TITLE:** **Payment of Election Expenses**  
**INTRODUCED:** 02/21/2014  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Elections and Redistricting Committee  
**HEARING:** 04/01/2014 1:30 pm  
**SUMMARY:**  
Provides that expenses authorized and necessarily incurred on or after a specified date, and for each year thereafter, for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in

the office of United States Senator or Member of United States House of Representatives, shall be paid by the state.

**STATUS:**

03/06/2014 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.

**Position:** Watch

CA AB 2275

**AUTHOR:** Ridley-Thomas S [D]

**TITLE:** Copies of Marriage, Birth, and Death Certificates

**INTRODUCED:** 02/21/2014

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Health Committee

**HEARING:** 04/08/2014 1:30 pm

**SUMMARY:**

Authorizes the request for a certified copy of a birth, death, marriage, or military service record and the notarized statement to be submitted in electronic form.

**STATUS:**

03/06/2014 To ASSEMBLY Committee on HEALTH.

**Position:** Watch

CA AB 2379

**AUTHOR:** Weber [D]

**TITLE:** Abuse of Dependent Adults: Multidisciplinary Teams

**INTRODUCED:** 02/21/2014

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Human Services Committee

**HEARING:** 04/08/2014 1:30 pm

**SUMMARY:**

Relates to abuse of dependent adults; Authorizes access to otherwise confidential records to members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the adult who was a dependent of the juvenile court.

**STATUS:**

03/10/2014 To ASSEMBLY Committees on HUMAN SERVICES and JUDICIARY.

**Position:** Support

CA AB 2402

**AUTHOR:** Buchanan [D]

**TITLE:** Noxious Weed Management

**INTRODUCED:** 02/21/2014

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Agriculture Committee

**HEARING:** 04/09/2014 1:30 pm

**SUMMARY:**

Relates to Noxious Weed Management Account in the Department of Food and Agriculture Fund and allocation of those funds. Revises the percentages of those allocations. Revises the purposes for which the percentage of funds allocated for

research may be used to include mapping, risk assessment and prioritization of weeds. Provides for a grant program.

**STATUS:**

03/10/2014

To ASSEMBLY Committee on AGRICULTURE.

**Position:**

Support

CA AB 2403

**AUTHOR:**

Rendon [D]

**TITLE:**

**Local Government: Assessments, fees, and charges**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**LOCATION:**

Assembly Local Government Committee

**SUMMARY:**

Provides that provisions of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provisions of written notice and the holding of a public hearing. Modifies the definition of water to specifically include recycled water and stormwater intended for water service.

**STATUS:**

03/10/2014

To ASSEMBLY Committee on LOCAL GOVERNMENT.

**Position:**

Support

CA AB 2471

**AUTHOR:**

Frazier [D]

**TITLE:**

**Public Contracts: Change Orders**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**LOCATION:**

Assembly Accountability and Administrative Review Committee

**SUMMARY:**

Requires a public entity, when authorized to order changes or additions in the work in a public works contract awarded to the lowest bidder, to issue a change order promptly. Requires if this requirement is not met, the public entity to be liable to the original contractor for payment of the contractor's invoice.

**STATUS:**

03/13/2014

To ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.

**Position:**

Watch

CA AB 2507

**AUTHOR:**

Bocanegra [D]

**TITLE:**

**Public Records Act: Exemptions**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**COMMITTEE:**

Assembly Judiciary Committee

**HEARING:**

04/01/2014 10:00 am

**SUMMARY:**

Provides that public agency attorney billing records, when they are prepared in connection with pending litigation, are exempt from the California Public Records



Act disclosure provisions during the pendency of the litigation.

**STATUS:**

03/13/2014

To ASSEMBLY Committees on JUDICIARY and LOCAL GOVERNMENT.

**Position:**

Watch

CA AB 2521

**AUTHOR:**

Hagman [R]

**TITLE:**

**Corrections: Data Collection**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**COMMITTEE:**

Assembly Public Safety Committee

**HEARING:**

04/01/2014 9:00 am

**SUMMARY:**

Relates to the Board of State and Community Corrections. Requires the board to collect and analyze data regarding recidivism rates of all persons who have received sentences for felonies punishable by imprisonment in a county jail or who have been placed on postrelease community supervision. Requires the data to include recidivism rates for offenders specified years after their release in the community.

**STATUS:**

03/13/2014

To ASSEMBLY Committee on PUBLIC SAFETY.

**Position:**

Watch

CA AB 2572

**AUTHOR:**

Ting [D]

**TITLE:**

**Environmental Justice: Reports**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**COMMITTEE:**

Assembly Natural Resources Committee

**HEARING:**

04/07/2014 1:30 pm

**SUMMARY:**

Amends existing law that requires the Secretary for Environmental Protection to submit a report on the implementation of provisions of law relating to environmental justice. Requires this report to identify and address any gaps in the Environmental Protection agency's existing programs, policies, or activities that may impede the achievement of environmental justice.

**STATUS:**

03/13/2014

To ASSEMBLY Committee on NATURAL RESOURCES.

**Position:**

Watch

CA AB 2703

**AUTHOR:**

Quirk-Silva [D]

**TITLE:**

**County Veterans Service Officers**

**INTRODUCED:**

02/21/2014

**DISPOSITION:**

Pending

**LOCATION:**

Assembly Veterans Affairs Committee

**SUMMARY:**

Relates to Department of Veterans Affairs. Requires the department to develop an allocation formula based upon performance to encourage innovation and reward

outstanding service by county veterans service officers. Appropriates funds.

**STATUS:**

03/17/2014 To ASSEMBLY Committee on VETERANS AFFAIRS.

**Commentary:**

Consistent with the Board's platform. Sent letter of support.

**Position:** Support

CA AJR 39

**AUTHOR:** Hernandez R [D]

**TITLE:** Cable and Video Service

**INTRODUCED:** 02/19/2014

**LAST AMEND:** 03/13/2014

**DISPOSITION:** Pending

**LOCATION:** Assembly Third Reading File

**SUMMARY:**

Calls on the United State Congress to amend a specified federal law to allow states and their municipalities to determine the best use of public, educational, and government channel support.

**STATUS:**

03/24/2014 From ASSEMBLY Committee on UTILITIES AND  
COMMERCE: Be adopted. (12-0)

03/24/2014 In ASSEMBLY. Ordered to third reading.

**Commentary:**

Consistent with the Board's platform. Sent letter of support.

**Position:** Support

CA SB 270

**AUTHOR:** Padilla [D]

**TITLE:** Solid Waste: Single-Use Carryout Bags

**FISCAL** yes

**COMMITTEE:**

**URGENCY** no

**CLAUSE:**

**INTRODUCED:** 02/14/2013

**LAST AMEND:** 02/06/2014

**DISPOSITION:** Pending

**LOCATION:** Assembly Rules Committee

**SUMMARY:**

Prohibits specified stores from providing a single-use carryout bag to a customer. Requires such stores to meet other requirements regarding providing recycled paper bags and compostable bags. Imposes these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores. Requires bags sold or provided to a store by a reusable grocery bag producer to meet specified requirements, and bag producers to provide certification. Authorizes local civil penalties.

**STATUS:**

02/10/2014 Withdrawn from ASSEMBLY Committee on LABOR AND  
EMPLOYMENT.

02/10/2014 Re-referred to ASSEMBLY Committee on RULES.

**Commentary:**

To BOS for support on 4/1/14 per Leg Com rec.

**Position:** Support

CA SB 498

**AUTHOR:** Lara [D]

**TITLE:** Solid Waste: Biomass Conversion

**FISCAL** yes

**COMMITTEE:**

**URGENCY** no

**CLAUSE:**

**INTRODUCED:** 02/21/2013

**LAST AMEND:** 01/27/2014

**DISPOSITION:** Pending

**LOCATION:** ASSEMBLY

**SUMMARY:**

Amends the State Integrated Waste Management Act of 1989 that requires each city, county, and regional agency to develop a source reduction and recycling element of an integrated waste management plan and defines the term biomass conversion.

Revises the definition of that term to mean the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal technologies on, those specified materials.

**STATUS:**

01/28/2014 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (34-0)

**Position:** Watch

CA SB 673

**AUTHOR:** DeSaulnier [D]

**TITLE:** Employees' Retirement: Contra Costa County

**FISCAL** yes

**COMMITTEE:**

**URGENCY** no

**CLAUSE:**

**INTRODUCED:** 02/22/2013

**LAST AMEND:** 01/23/2014

**DISPOSITION:** Pending

**LOCATION:** ASSEMBLY

**SUMMARY:**

Makes the Contra Costa County retirement system for purposes of the County Employees Retirement System. Authorizes the board of retirement to appoint an administrator and personnel as required to accomplish the work of the board.

Authorizes the administrator to make appointments on its behalf. Provides these employees are employees of the retirement system and not the county. Exempts such employees from civil service provisions and merit system rules. Makes the board a public agency for certain purposes.

**STATUS:**

01/28/2014 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To  
ASSEMBLY. (34-0)

**Commentary:**

County-sponsored. Sent letter of support.

**SUMMARY**

SB 673 is a district bill to designate the Contra Costa County Employee Retirement Association (CCCERA) as the statutory employer for all purposes of staff serving at the CCCERA.

**BACKGROUND**

Currently, the staff serving at the CCCERA is employed by the county, as provided in Government Code section 31522.1. Since the passage in 1996 of Article XVI, section 17 of the State Constitution, which gives retirement boards plenary authority to administer retirement systems, there have been several issues regarding the county's and CCCERA's respective rights and responsibilities for these employees. This matter first arose as to the ability to establish retirement benefits for these employees. The parties litigated this issue which was resolved by the appellate decision, *Corcoran v. Contra Costa County Employees Retirement Association* (1997) 60 Cal.App.4th 89. The Corcoran decision established that CCCERA sets retirement benefits for staff serving at CCCERA. A subsequent appellate decision, *Westley v. Cal. Pub. Employees Retirement System* (2003) 105 Cal.App.4th 1095, held that Article XVI, Section 17 did not give CalPERS authority to determine staff compensation.

Against this legal backdrop, administrative issues continued to arise concerning terms and conditions of employment for the staff serving at CCCERA. In 2011, CCCERA filed a legal action to clarify the parties' respective roles and responsibilities for the staff. This case was resolved in 2013 through a court-approved settlement providing that the staff would be employed by the CCCERA directly instead of employed by the county and that the parties would jointly seek the legislation necessary to implement this transition.

**THIS BILL**

SB 673 designates the CCCERA as the statutory employer for staff serving at the CCCERA. SB 673 maintains existing terms and conditions of employment for represented employees during the transition period. The County and the CCCERA jointly seek passage of this bill.

**Position:** Support  
**Priority:** High  
**Sponsored:** County Sponsored

CA SB 674

**AUTHOR:** Corbett [D]  
**TITLE:** CEQA: Exemption: Residential Infill Projects  
**FISCAL** yes  
**COMMITTEE:**

**URGENCY** no  
**CLAUSE:**  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 01/06/2014  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to California Environmental Quality Act exemptions for residential infill projects; exempts as residential a use consisting of residential units and primary neighborhood-serving goods, services, and retail uses that do not exceed a specified percentage of the total building square footage of the project.

**STATUS:**

01/23/2014 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (33-0)

**Commentary:**

Consistent with State Platform policy #105

**Position:** Support

CA SB 803

**AUTHOR:** DeSaulnier [D]  
**TITLE:** **Counties: Consolidation of Offices**  
**FISCAL** yes  
**COMMITTEE:**  
**URGENCY** no  
**CLAUSE:**  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 01/06/2014  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Authorizes Contra Costa County to, by ordinance, appoint the public administrator to the board of supervisors, appoint the same person to the office of the public administrator and public guardian, and separate the consolidated offices of district attorney and public administrator.

**STATUS:**

01/21/2014 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (31-1)

**Sponsored:** County Sponsored

CA SB 837

**AUTHOR:** Steinberg [D]  
**TITLE:** **Schools: Transitional Kindergarten**  
**FISCAL** yes  
**COMMITTEE:**  
**URGENCY** no  
**CLAUSE:**  
**INTRODUCED:** 01/06/2014  
**DISPOSITION:** Pending

**COMMITTEE:** Senate Education Committee

**HEARING:** 04/09/2014 9:00 am

**SUMMARY:**

Creates the Kindergarten Readiness Act of 2014. Requires each school district or charter school that offers kindergarten to offer transitional kindergarten. Requires a child that meets specified minimum age requirements to be admitted. Authorizes the average daily attendance of a school district to include the average daily attendance of pupils enrolled. Specifies teacher requirements. Requires informing the public of such kindergarten programs. Authorizes contracting with private local providers.

**STATUS:**

01/23/2014 To SENATE Committee on EDUCATION.

**Commentary:**

Camilla Rand preparing a memo for BOS expressing concerns.

**Position:** Watch

CA SB 909

**AUTHOR:** Pavley [D]

**TITLE:** **Dependent Children: Health Screenings**

**INTRODUCED:** 01/23/2014

**LAST AMEND:** 03/20/2014

**DISPOSITION:** Pending

**COMMITTEE:** Senate Human Services Committee

**HEARING:** 04/08/2014 1:30 pm

**SUMMARY:**

Permits a social worker to authorize an initial medical, dental, and mental health screening of a child in temporary custody, without parental consent or a court order. Adds mental health treatment to the medical and dental care that may be authorized for a child who is a dependent of the juvenile court, who is in temporary custody, or for whom a dependency petition has been filed.

**STATUS:**

03/20/2014 From SENATE Committee on HUMAN SERVICES with author's amendments.

03/20/2014 In SENATE. Read second time and amended. Re-referred to Committee on HUMAN SERVICES.

**Position:** Watch

CA SB 942

**AUTHOR:** Vidak [R]

**TITLE:** **Special Elections**

**FISCAL** yes

**COMMITTEE:**

**URGENCY** yes

**CLAUSE:**

**INTRODUCED:** 02/04/2014

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Provides that expenses authorized and necessarily incurred on or after and before

specified dates for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Member of the United States House of Representatives, shall be paid by the state.

**STATUS:**

03/18/2014 From SENATE Committee on ELECTIONS AND  
CONSTITUTIONAL AMENDMENTS: Do pass to  
Committee on APPROPRIATIONS. (5-0)

**Position:** Support

CA SB 955

**AUTHOR:** Mitchell [D]

**TITLE:** **Interception of Electronic Communications**

**INTRODUCED:** 02/06/2014

**DISPOSITION:** Pending

**COMMITTEE:** Senate Public Safety Committee

**HEARING:** 04/08/2014 9:30 am

**SUMMARY:**

Adds human trafficking to the list of offenses for which interception of electronic communications may be ordered pursuant to provisions of existing law.

**STATUS:**

02/20/2014 To SENATE Committee on PUBLIC SAFETY.

**Position:** Watch

CA SB 963

**AUTHOR:** Torres [D]

**TITLE:** **Elections: Payment of Expenses**

**INTRODUCED:** 02/06/2014

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Provides that expenses authorized and necessarily incurred for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Member of the United States House of Representatives, shall be paid by the state. Requires the state to pay only those additional expenses directly related to an election.

**STATUS:**

03/18/2014 From SENATE Committee on ELECTIONS AND  
CONSTITUTIONAL AMENDMENTS: Do pass to  
Committee on APPROPRIATIONS. (5-0)

**Position:** Support

CA SB 979

**AUTHOR:** Beall [D]

**TITLE:** **Public Employee Organizations: Differences: Panel**

**INTRODUCED:** 02/11/2014

**LAST AMEND:** 03/17/2014

**DISPOSITION:** Pending

**LOCATION:** Senate Public Employment and Retirement Committee

**SUMMARY:**

Amends existing law that authorizes a local employee organization to request that the differences in negotiations regarding wages, hours, and other terms and conditions of employment be submitted to a fact finding panel. Provides that the differences under existing law include those differences that arise from any dispute over any matter within the scope of representation as to which an obligation to meet and confer exists and are not limited to negotiations after impasse.

**STATUS:**

03/19/2014 Re-referred to SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.

**Position:** Watch

CA SB 983

**AUTHOR:** Hernandez E [D]

**TITLE:** **Local Sales Taxes: Card Lock Fuel: Place of Sale**

**INTRODUCED:** 02/11/2014

**DISPOSITION:** Pending

**COMMITTEE:** Senate Governance and Finance Committee

**HEARING:** 04/09/2014 9:30 am

**SUMMARY:**

Amends the Bradley-Burns Uniform Local Sales and Use Tax Law. Provides that, in the case of a sale of fuel for card lock systems, the place at which the retail sale of card lock fuel is consummated is the point of delivery of fuel to the vehicle.

**STATUS:**

02/20/2014 To SENATE Committee on GOVERNANCE AND FINANCE.

**Position:** Watch

CA SB 1014

**AUTHOR:** Jackson [D]

**TITLE:** **Pharmaceutical Waste: Home-Generated**

**INTRODUCED:** 02/13/2014

**DISPOSITION:** Pending

**LOCATION:** Senate Second Reading File

**SUMMARY:**

Enacts the Home-Generated Pharmaceutical Waste Collection Disposal Act. Requires a producer of covered pharmaceuticals to submit to the Department of Resources Recycling and Recovery a product stewardship plan. Authorizes producers to submit a plan or designate a stewardship organization to act as an agent on behalf of the producers to submit a plan. Requires the plan to contain elements with regard to the collection and disposal of home-generated pharmaceutical waste. Authorizes violation penalties.

**STATUS:**

03/26/2014 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Cmte on BUSINESS, PROFESSIONS & CONSUMER PROTECTION. (5-1)

**Commentary:**

Consistent with Board's adopted platform. Sent letter of support.

**Position:** Support



CA SB 1029      **AUTHOR:** Hancock [D]  
**TITLE:** CalWORK's and CalFresh Eligibility  
**INTRODUCED:** 02/14/2014  
**LAST AMEND:** 03/20/2014  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Human Services Committee  
**HEARING:** 04/08/2014 1:30 pm  
**SUMMARY:**  
Authorizes CalWORK's and CalFresh benefits to be paid to an individual who is convicted of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. Provides that if the individual is on supervised release, he or she would be ineligible during any revocation period. Requires a request for a federal waiver for preenrollment prior to the applicant's reentry. Requires the development of a related program if the waiver is granted.  
**STATUS:**  
03/20/2014      From SENATE Committee on HUMAN SERVICES with author's amendments.  
03/20/2014      In SENATE. Read second time and amended. Re-referred to Committee on HUMAN SERVICES.  
**Commentary:**  
BOS supported SB 283 (2013). Consistent with Board action. Sending letter of support.  
**Bureau:** WorkforceServices  
**Position:** Support

CA SB 1081      **AUTHOR:** Hernandez E [D]  
**TITLE:** Federally Qualified Health Centers  
**INTRODUCED:** 02/19/2014  
**DISPOSITION:** Pending  
**LOCATION:** Senate Health Committee  
**SUMMARY:**  
Relates to the Medi-Cal program, the State Department of Health Care Services and federally qualified health center services. Requires the department to authorize an alternative payment methodology pilot project that would be implemented in any county and FQHC willing to participate with capitated monthly payments for each Medi-Cal managed care enrollee. Requires an evaluation of the APM pilot project to be conducted by an independent entity.  
**STATUS:**  
02/27/2014      To SENATE Committee on HEALTH.  
**Commentary:**  
Sending letter of support, as requested by Dr. Walker. Consistent with Platform.  
**Position:** Support

CA SB 1089      **AUTHOR:** Mitchell [D]  
**TITLE:** Medi-Cal: Juvenile Inmates

**INTRODUCED:** 02/19/2014  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Relates to the Medi-Cal program. Relates to a process to allow counties to receive any available federal financial participation for acute inpatient hospital services and inpatient psychiatric services provided to juvenile inmates who are admitted as inpatients in a medical institution. Provides that the process developed be implemented in only those counties that elect to provide the county's pro rata portion of the nonfederal share of the state's administrative costs.

**STATUS:**

03/26/2014 From SENATE Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

**Position:** Watch

CA SB 1129

**AUTHOR:** Steinberg [D]  
**TITLE:** **Successor Agencies to Redevelopment Agencies**  
**INTRODUCED:** 02/19/2014  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Governance and Finance Committee  
**HEARING:** 04/09/2014 9:30 am  
**SUMMARY:**

Authorizes a successor agency to utilize the proceeds of bonds issued during the 2011 calendar year, upon the approval of the oversight board, if the oversight board, in consultation with the relevant metropolitan planning organization, determines that the use of the bond proceeds is consistent with the sustainable communities strategy. Prohibits required compensation agreements as part of the approval of a long-range property management plan. Requires the approval of a plan as expeditiously as possible.

**STATUS:**

02/27/2014 To SENATE Committee on GOVERNANCE AND FINANCE.

**Position:** Watch

CA SB 1136

**AUTHOR:** Huff [R]  
**TITLE:** **Foster Care Providers Criminal Records**  
**INTRODUCED:** 02/20/2014  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Human Services Committee  
**HEARING:** 04/08/2014 1:30 pm  
**SUMMARY:**

Authorizes the State Department of Social Services to share all information related to a criminal record clearance or exemption granted by the department with a county child welfare agency with responsibility to monitor the health and safety of persons receiving care, treatment, or services from state licensed foster homes, certified homes of foster family agencies and employees of those agencies, and licensed group homes.

**STATUS:**  
03/06/2014 To SENATE Committee on HUMAN SERVICES.  
**Position:** Watch

CA SB 1224 **AUTHOR:** Correa [D]  
**TITLE:** **Federally Qualified Health Centers**  
**INTRODUCED:** 02/20/2014  
**DISPOSITION:** Pending  
**LOCATION:** Senate Health Committee  
**SUMMARY:**  
Relates to the MediCal program. Relates to visits to federally qualified health centers and rural health centers. Provides that a maximum number of visits taking place on the same day at a single location shall be reimbursed when a patient suffers illness or injury requiring additional diagnosis or treatment or the patient has a medical visit and another health visit.

**STATUS:**  
03/06/2014 To SENATE Committee on HEALTH.  
**Position:** Watch

CA SB 1262 **AUTHOR:** Correa [D]  
**TITLE:** **Medical Marijuana: Regulation of Physicians, Dispensary**  
**INTRODUCED:** 02/21/2014  
**DISPOSITION:** Pending  
**LOCATION:** Senate Business, Professions & Economic Development Committee

**SUMMARY:**  
Requires the State Department of Public Health to license dispensing facilities and cultivation sites that provide, process, and grow marijuana for medical use, and would make these licenses subject to the restrictions of the local jurisdiction in which the facility operates or proposes to operate. Requires the establishment of quality testing of medical marijuana. Prohibits the use of specified pesticides. Requires the implementation of security measures. Provides a civil penalty for violations.

**STATUS:**  
03/06/2014 To SENATE Committees on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT and HEALTH.  
**Position:** Watch

CA SB 1300 **AUTHOR:** Hancock [D]  
**TITLE:** **Refineries: Turnarounds**  
**INTRODUCED:** 02/21/2014  
**DISPOSITION:** Pending  
**LOCATION:** Senate Judiciary Committee

**SUMMARY:**  
Requires every petroleum refinery employee to submit to the Division of Occupational Safety and Health, a full schedule of planned turnarounds, meaning a

planned, periodic shutdown of a refinery process unit or plant to perform maintenance, overhaul, and repair operations and to inspect, test, and replace process materials and equipment for the following calendar year. Provides any information provided that is a trade secret is confidential. Authorizes the charging of fees for actions regarding refineries.

**STATUS:**

03/26/2014 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on JUDICIARY. (3-0)

**Position:** Watch

CA SB 1353

**AUTHOR:** Nielsen [R]

**TITLE:** **Local Government: Williamson Act**

**INTRODUCED:** 02/21/2014

**DISPOSITION:** Pending

**COMMITTEE:** Senate Governance and Finance Committee

**HEARING:** 04/02/2014 9:30 am

**SUMMARY:**

Amends the Williamson Act, which authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation.

**STATUS:**

03/13/2014 To SENATE Committee on GOVERNANCE AND FINANCE.

**Position:** Watch

CA SB 1388

**AUTHOR:** Lieu [D]

**TITLE:** **General Subject: Human Trafficking**

**INTRODUCED:** 02/21/2014

**DISPOSITION:** Pending

**COMMITTEE:** Senate Public Safety Committee

**HEARING:** 04/22/2014 9:30 am

**SUMMARY:**

Makes a person who seeks to purchase or purchases a commercial sex act guilty of a misdemeanor, punishable by imprisonment and by a fine. Provides that fines shall be deposited in the Victim-Witness Assistance Fund and the Commercial Sexual Exploitation of Children Services Fund.

**STATUS:**

03/13/2014 To SENATE Committee on PUBLIC SAFETY.

**Position:** Watch