



TO: Monterey County Legislative Committee **DATE:** April 8, 2019

FROM: Jennifer Capitolo, Senior Policy Advisor, Nossaman LLP
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RE: Legislative Program: State Advocacy Updates

1. State Budget

- a. Interlake Tunnel Member Request:** At the request of the County and Water Resources Agency, Nossaman requested support for a State budget request from Senator Monning and Assemblyman Rivas for \$17 million for the fish screens for the Interlake Tunnel. See attached letters, which have been submitted to the Senate and Assembly Budget Committees. On April 2, 2019, Nossaman organized and attended meetings in Sacramento with Supervisor Alejo and Shauna Lorange, the Interim General Manager for the Water Resources Agency, to speak with key individuals in support of the request. These meetings included: Susan Chan, Assembly Budget Subcommittee #3, Marie Liu, Office of Speaker Rendon, California Natural Resources Undersecretary Tom Gibson, California Department of Fish and Wildlife (CDFW) Director Bonham, and Joanne Roy, Senate Budget Subcommittee #2. The project was well received. Director Bonham committed to supporting the request as it moves through the process and stated that his support for the project and all requests for funding are clearly outlined in the MOU. Nossaman is working to schedule additional meetings in support of this request and we will continue to follow up with key members and their staff.
- b. Safe and Affordable Drinking Water:** On March 21 and 22, 2019, the Assembly Budget Subcommittee #3 and Senate Budget Subcommittee #2 both held hearings on the Administration's proposals related to safe drinking water, including the proposed budget trailer bill. Both subcommittees held the item "open," which means that there won't be a final vote on the item until after the May Revise of the proposed state budget is issued and evaluated. Subcommittees will typically hold a final hearing after the issuance of the May Revise to address any outstanding "open" items remaining unaddressed. They will then close out those items and send the package to the entire budget committee of each house for further action, leading to an eventual Assembly-Senate Budget Conference Committee where many of the more challenging and unresolved issues will be addressed.
- c. County Public Administrator, Public Guardian, Public Conservator Programs: Ongoing State Funding Augmentation – RECOMMEND SUPPORT:** CSAC, the California Behavioral Health Directors, and SEIU have put forward a budget ask for \$68 million for county programs for Public Administrators, Public Guardians, and Public Conservators. County staff have reviewed this ask and recommend a support position.

2. Sponsored Legislation

- a. **SB 657 (Monning): Cannabis cultivation: county agricultural commissioners: reporting:** On April 2, 2019, SB 657 was heard in the Senate Agricultural Committee. This bill allows cannabis to be included, as an addendum, in a County's annual crop report. The bill received wide support including CSAC, RCRC and the cannabis industry. The bill passed 4-0. Supervisor Alejo and Monterey County's Agricultural Commissioner attended the hearing to testify in support of the bill.

3. Legislation

- a. **ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval – RECOMMEND SUPPORT:** This bill proposes amendments to the California Constitution to allow a city, county, or special district, with 55% voter approval, to incur bonded debt or impose special taxes to fund projects for affordable housing, permanent supportive house, or public infrastructure. County staff has reviewed this bill and recommend a support position.
- b. **AB 206 (Chiu) Public Nuisance: Abatement: Lead-Based Paint – RECOMMEND SUPPORT:** This bill protects property owners and public entities that voluntarily participate in a lead abatement program and this bill provides limited immunity from lawsuits and other claims associated with the property owner or public entities' participation in the lead abatement program. County staff has reviewed this bill and recommend a support position.
- c. **SB 45 (Allen) Wildfire, Drought, and Flood Protection Bond Act of 2020 – RECOMMEND LETTER ON COUNTY'S FUNDING PRIORITIES:** SB 45 is a \$4 billion bond measure for resource projects. The County has been asked to co-sign a letter with Santa Cruz County in support of funding for the Parajo River Flood Control Project. Additionally, Nossaman has worked with County staff to identify projects and draft language to include in the bond to ensure the County can compete for funding for fire mitigation projects, Interlake tunnel, and dam and spillway improvements. See attached draft letter outlining project priorities that the County is seeking be amended into the bill.
- d. **SB 51 (Hertzberg) Financial Institutions: cannabis – RECOMMEND WATCH:** This bill authorizes the creation of limited charter banks and credit unions and authorizes the use of special purpose checks issued by these institutions. SB 930 in 2018 was substantially similar to this bill. The County was contacted by Senator Hertzberg's office requesting support for this bill. The County Treasurer-Tax Collector continues to recommend the County maintain its "watch" position on this bill.
- e. **SB 67 (McGuire) Cannabis: temporary licenses – RECOMMEND SUPPORT:** This bill extends temporary licenses until December 31, 2019 for applicants who submitted an annual application before the expiration date of their temporary license. Also, this bill authorizes licensing authorities to issue provisional licenses to individuals without a temporary license. County staff has reviewed this bill and recommend a support position.

- f. **SB 185 (McGuire) Cannabis: marketing – RECOMMEND SUPPORT:** This bill requires that the California Department of Food and Agriculture establish a program for cannabis and cannabis products comparable to the National Organic Program and the California Organic Food and Farming Act. Supervisor Alejo has requested that the County support this bill.
- g. **SB 189 (Monning) Fort Ord Reuse Authority: member agencies: land use and zoning: dissolution.** Senator Monning recently amended his bill to extend the authority for two additional years and change the composition of the board from 13 to 5 voting members. County staff is reviewing the most recent amendments.
- h. **SB 347 (Monning) Sugar-sweetened beverages: safety warnings – RECOMMEND SUPPORT:** Establishes the Sugar-Sweetened Beverages Safety Warning Act, to be administered by the Department of Public Health, and requires a safety warning on all sealed sugar-sweetened beverage containers. Requires the safety warning label to be posted in a place that is easily visible at the point-of-purchase of an establishment. County staff has reviewed this bill and recommend a support position.
- i. **AB 138 (Bloom) California Community Health Fund – RECOMMEND SUPPORT:** Imposes a 2 cent per ounce tax on sugar sweetened beverages and creates the California Community Health Fund to invest in prevention and health equity. County staff has reviewed this bill and recommend a support position.
- j. **AB 1718 (Levine) State parks: state coastal beaches: smoking ban – RECOMMEND SUPPORT:** Would make it an infraction for a person to smoke or dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime, and provide that no reimbursement is required by this act. County staff has reviewed this bill and recommend a support position.
- k. **AB 739 (McCarty) Flavored tobacco products – RECOMMEND SUPPORT:** This bill would prohibit a tobacco retailer from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product, as defined. The bill would make a violation of this prohibition an infraction punishable by a fine of \$250 for each violation. The bill would state the intent of the Legislature that these provisions not be construed to preempt or prohibit the adoption and implementation of local ordinances related to the prohibition on the sale of flavored tobacco products. The bill would state that its provisions are severable. By creating a new crime, the bill would impose a state-mandated local program, and provide that no reimbursement is required for this act. County staff has reviewed this bill and recommend a support position.
- l. **SB 38 (Hill) Flavored tobacco products – RECOMMEND SUPPORT:** Prohibits a tobacco retailer, or any of the tobacco retailer's agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale a flavored tobacco product. County staff has reviewed this bill and recommend a support position.
- m. **SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services – RECOMMEND SUPPORT:** Requires a federally qualified health center and a rural health center to receive Medi-Cal reimbursement for two visits on the same day

at the same location if after the first visit the patient suffers from illness or injury that requires additional treatment and diagnosis, or if the patient has a medical visit and a mental health or dental visit in the same day. County staff has reviewed this bill and recommend a support position.

- n. **AB 388 (Limon) Alzheimer's Disease – RECOMMEND SUPPORT:** Requires the California Department of Public Health (CDPH) to take a number of actions to address Alzheimer's disease. 1) Requires CDPH to implement the action agenda items identified in the most recent "Healthy Brain Initiative" report published by the United States Centers for Disease Control and Prevention (CDC), which include a range of public health activities: prevention, public and professional education, policy advocacy, health care quality efforts, emergency response planning, data collection, disease surveillance, and evaluation. 2) Requires CDPH to coordinate a statewide public awareness campaign on the signs and symptoms of the disease to promote early detection and timely diagnosis. 3) Upon appropriation by the Legislature, requires the department to operate a pilot program in up to eight counties to develop local initiatives consistent with the Healthy Brain Initiative, and submit an evaluation report to the Legislature by January 1, 2023. County staff has reviewed this bill and recommend a support position.
- o. **SB 25 (Caballero) California Environmental Quality Act: projects funded by qualified opportunity zone funds or other public funds. - RECOMMEND SUPPORT:** This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for projects that are funded, in whole or in part, by specified public funds or public agencies. The bill would apply certain rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects located in a qualified opportunity zone. The bill would require a party seeking to file an action or proceeding pursuant to CEQA to provide the lead agency and the real party in interest a notice of intent to sue within 10 days of the posting of a certain notice and would prohibit a court from accepting the filing of an action or proceeding from a party that fails to provide the notice of intent to sue. The bill would prohibit a court, in an action or proceeding challenging the lead agency's action for a project on the grounds of noncompliance with CEQA, from staying or enjoining the construction or operation of the project, except as provided. Supervisor Alejo has requested that the County support this bill.

4. Other Issues

- a) **Student Homelessness:** The Joint Committee on Legislative Audit approved a State Auditor report that will study barriers that schools face in identifying students experiencing homelessness, why those students are going unreported, and best practices to identify and provide services to them. Supervisor Adams had several meetings on this issue in Sacramento on March 13th as described below. As a follow-up, Nossaman has drafted a letter, see attached, outlining the issue in Monterey County and asking that the State Auditor include in their report data on percentages of homeless students by County and distribution of McKinney-Vento Act funding to local educational agencies in those counties.

- b) 2019 Monterey County Legislative Program meetings:** Nossaman coordinated a productive day of meetings in Sacramento on March 13th for Supervisor Adams, focused on County priorities. We met with the County's legislative delegation to present the new 2019-20 Legislative Program and highlight significant changes from last year. In addition, we focused on three legislative issues: SB 45 (Allen) – the Wildfire, Drought, and Flood Protection Bond Act of 2020, Student Homelessness, and the lack of restroom facilities in Big Sur. Additionally, we met with Assemblymember Chiu's office to discuss his efforts on Public Banking, and Senator Allen's office to discuss amendments to SB 45 that would benefit County projects. Nossaman is engaging in all follow up advocacy efforts.
- c) CSAC Legislative Conference:** The annual CSAC Legislative Conference will be held in Sacramento on April 24-25, 2019. Please let us know if you plan to attend and if you would like to conduct any legislative outreach, while you are in town.
- d) State Bill/Issue Track:** Attached.