

**SOLANO COUNTY BOARD OF SUPERVISORS
Legislative Committee Meeting**

Committee

Supervisor Linda J. Seifert (Chair)
Supervisor Erin Hannigan

Staff

Michelle Heppner

April 1, 2013

1:30 P.M.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- I. **Public Comment** (Items not on the agenda)
- II. **Discussion of Federal issues and consider making a recommendation (Waterman & Associates)**
 - a. Federal Legislative Update (Oral Report)
 - b. Resolution Supporting Nomination of NACo's Transportation Chairman to the U.S. Department of Transportation's National Freight Advisory Committee (NFAC) **(Pg 2)**
- III. **Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)**
 - a. Legislation
 - Delta Bills
 - [SB 42](#) (Wolk-D) - The California Clean, Secure Water Supply and Delta Recovery Act of 2014 **(Pg 4)**
 - [SB 735](#) (Wolk-D) - Sacramento-San Joaquin Delta Reform Act of 2009: covered actions **(Pg 13)**
 - Governance
 - [AB 194](#) (Campos-D) - Open meetings: protections for public criticism: penalties for violations **(Pg 17)**
 - Public Safety
 - [SB 122](#) (Lieu-D) - Vessels: abandonment: abatement **(Pg 21)**
 - [AB 720](#) (Skinner D) - Inmates: health care enrollment **(Pg 31)**
 - Veterans
 - [AB 639](#) (John A. Pérez-D) - Veterans Housing and Homeless Prevention Act of 2014 **(Pg 34)**
 - Water
 - [AB 142](#) (Perea-D) - Safe, Clean, and Reliable Drinking Water Supply Act of 2012 **(Pg 45)**
 - b. State Legislative Update (Oral Report)
- IV. **Adjourn**

Heppner, Michelle

To: Huston, Nancy L.
Subject: County Resolution Needed ASAP

-----Original Message-----

From: James D. Healy [<mailto:JDH@gsrnh.com>]

Sent: Thursday, March 14, 2013 11:46 AM

To: oneill@peoriacounty.org; donishi@co.hawaii.hi.us; rafael.e.ortega@co.ramsey.mn.us; ortner1942@yahoo.com; joshel@aocweb.org; Jostlund@co.yellowstone.mt.gov; bjowens123@yahoo.com; jrader@dekalbcountyga.gov; ereckhow@gmail.com; doug@augcoeng.com; lindsey.roberts@courts.state.md.us; drucillaj@centurylink.net; mryan@coconino.az.gov; lasaenz@the-i.net; mark.servi@co.barron.wi.us; christopher.shoff@co.freeborn.mn.us; bsmith@borough.kenai.ak.us; vinces@co.steuben.ny.us; rikki.spector@baltimorecity.gov; Sperring, Jim P.; lstaker@co.bonneville.id.us; steenn@co.teller.co.us; karns@co.summit.co.us; dstolman@lakecountyil.gov; vances@co.blue-earth.mn.us; sullivanw@jccal.org; p.thomas10@comcast.net; claytont@stel.net; rvaughn@oklahomacounty.org; gaylew@okacco.com; coalcocommjdwad@yahoo.com; jdwebb@collincountytx.gov; gwebb@pbcgov.org; lisa.weik@co.washington.mn.us; jhwest@frontiernet.net; holtcd@forsyth.cc; tomjrwhite54@yahoo.com; holtcd@forsyth.cc; rwinterton@duchesne.utah.gov; James D. Healy
Subject: County Resolution Needed ASAP

Commissioner:

We need a Resolution from your County - ASAP!

NACo is submitting my name for membership on a Freight Task Force that will have only 25 members. Secretary LaHood said he would like a local elected official as a member, so we are putting on a "full court press" to make that official a County Commissioner.

We are asking NACo Members to adopt a resolution by their County (see sample attached), and have it PDF'd and emailed to me by March 21, 2013. If you can not send the Resolution until later, please still do the Resolution, we will supplement the initial filing as the Resolutions come in. PLEASE help, NACo needs to raise its united voice to be heard.

If you have any questions, please feel free to call me at 630-202-1162 (cell).

Thank you - we know this is short notice.

Jim Healy
County Commissioner
DuPage County, Illinois

PS Send all Resolutions to jdh@gsrnh.com

Solano County
Resolution Supporting Nomination of
Hon. James D. Healy to
National Freight Advisory Committee

WHEREAS, the U.S. Department of Transportation is establishing a National Freight Advisory Committee (NFAC) and soliciting nominations for membership; and

WHEREAS, the NFAC will provide advice and recommendations to the Secretary of Transportation on matters related to freight transportation in the United States, including: (1) Implementation of the freight transportation requirements of MAP 21; (2) Establishment of the National Freight Network; (3) Development of a National Freight Strategic Plan; (4) Development of strategies to help States implement State Freight Advisor Committee and State Freight Plans; and (5) Development of measures of conditions and performance in freight transportation; (6) Development of freight transportation investment, data, and planning tools; and (7) Legislative recommendations; and

WHEREAS, the Secretary of Transportation has requested nominations for members of the Committee to ensure a wide range of members and a balanced Committee; and

WHEREAS, the Secretary of Transportation will appoint committee members with a view toward achieving varied perspectives on freight transportation, including from government bodies, and seeking to balance the interests of many groups including those of local elected officials; and

WHEREAS, Counties play an integral role in the movement of freight in America owning and operating: 44% of all public roads and highways; 228,026 bridges of all kinds; 27% of public transit systems; and 30% of public airports; and

WHEREAS, Elected County Officials play a key role in economic development efforts in their regions and development of new regional transportation infrastructure, serving on, or being actively involved in, all of the nations Port Authorities, Metropolitan Planning Organizations and Development Organizations ; and

WHEREAS, the Honorable James D. Healy, County Commissioner, serves as Transportation Chairman for the National Association of Counties (NACo), having also served NACo as Chairman of the Highway, Airport and Transit Authorization Sub-Committees, and serves as a member of the Board of Directors for the National Association of Regional Councils (NARC), and served as the Chairman and Vice-Chairman of the Transportation and Public Works Committees in his home County, as well as a past member of his local regional planning organization;

WHEREAS, the Honorable James D. Healy has been a vocal proponent of local governments working together in cooperation with the freight, shipping and railroad industries, hosting the first freight/railroad summit last year bringing together 250 local elected officials and representatives of the freight, shipping and railroad industry, and is singularly responsible for the positive dialogue now occurring between local government officials and the railroad industry.

NOW THEREFORE, BE IT RESOLVED the Board of Supervisors for Solano County, do hereby request the Secretary of Transportation to appoint the Honorable James D. Healy, County Commissioner, as a member of the NFAC Committee, to represent the views and interests of local governments in America.

Enacted this 9th Day of April, 2013

Introduced by Senator WolkDecember 11, 2012

An act to repeal and add Division 26.7 (commencing with Section 79700) of the Water Code, and to repeal Section 2 of Chapter 3 of the Seventh Extraordinary Session of the Statutes of 2012, relating to a clean, secure water supply and Delta recovery program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as introduced, Wolk. The California Clean, Secure Water Supply and Delta Recovery Act of 2014.

(1) Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

This bill would repeal these provisions.

(2) Under existing law, various measures have been approved by the voters to provide funds for water supply and protection facilities and programs.

This bill would enact the California Clean, Secure Water Supply and Delta Recovery Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a clean, secure water supply and Sacramento-San Joaquin Delta recovery program.

The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Division 26.7 (commencing with Section 79700)
2 of the Water Code is repealed.

3 SEC. 2. Division 26.7 (commencing with Section 79700) is
4 added to the Water Code, to read:

5
6 DIVISION 26.7. THE CALIFORNIA CLEAN, SECURE
7 WATER SUPPLY AND DELTA RECOVERY ACT OF 2014

8
9 CHAPTER 1. GENERAL PROVISIONS

10
11 79700. This division shall be known and may be cited as the
12 California Clean, Secure Water Supply and Delta Recovery Act
13 of 2014.

14 79702. The Legislature finds and declares all of the following:

15 (a) Clean and secure water supplies are critical to sustaining
16 California’s communities, strengthening businesses, and preserving
17 our state’s strong agricultural heritage.

18 (b) The Delta’s agricultural heritage, water supply infrastructure,
19 and ecological resources are vital to California’s economy.

20 (c) Immediate action is necessary to reverse the severe
21 ecosystem decline of the Delta and to safeguard the communities,
22 economy, and vital infrastructure of the Delta.

23 (d) The security of critical state resources within the Delta relies
24 upon the strength and integrity of the levee system.

25 (e) Adequate flood protection is essential to protecting
26 California’s communities.

27 (f) Frequent drought, polluted groundwater aquifers, aging water
28 supply infrastructure, rising water treatment costs, inadequate flood
29 protection, a changing climate, and watershed degradation, among
30 other challenges, threaten California’s ability to sustain and protect
31 its communities, its businesses, and its farms.

1 (g) Improved local, regional, and statewide water resource
2 management ensures California communities are able to efficiently
3 respond to drought and climate change.

4 (h) Funds provided by this division shall not be expended for
5 the design, construction, operation, or maintenance of Delta
6 conveyance projects. These costs are the responsibility of the water
7 agencies that benefit from those facilities.

8 (i) Ecosystem restoration funds provided by this division shall
9 not be expended for environmental mitigation measures except as
10 part of the environmental mitigation costs associated with projects
11 funded by this division.

12 79704. The proceeds of bonds issued and sold pursuant to this
13 division shall be deposited in the Clean, Secure Water Supply and
14 Delta Recovery Program Fund, which is hereby created.

15 79706. As used in this division, the following terms have the
16 following meanings:

17 (a) "Committee" means the Finance Committee created pursuant
18 to Section 79774.

19 (b) "Fund" means the Clean, Secure Water Supply and Delta
20 Recovery Program Fund created pursuant to Section 79704.

21 (c) "Delta" means the Sacramento-San Joaquin Delta.

22
23 CHAPTER 2. DELTA SECURITY AND RECOVERY
24

25 79710. (a) This chapter provides state funding for public
26 benefit projects that assist in recovering and safeguarding the
27 Delta's resources including agriculture, water quality, water supply,
28 recreation, fish, and wildlife.

29 (b) The sum of ____ dollars (\$____) shall be available, upon
30 appropriation by the Legislature, to the Sacramento-San Joaquin
31 Delta Conservancy for grants and direct expenditures to help ensure
32 economic sustainability, Delta levee integrity, water quality
33 improvements, local water supply reliability, protection of critical
34 infrastructure, and terrestrial and aquatic ecosystem restoration
35 within the Delta and the Suisun Marsh.

36 (c) For purposes of implementing this chapter, the
37 Sacramento-San Joaquin Delta Conservancy shall take into
38 consideration the economic sustainability plan developed by the
39 Delta Protection Commission pursuant to Section 29759 of the

1 Public Resources Code and the Delta Plan developed by the Delta
2 Stewardship Council pursuant to Section 85300.

3

4 CHAPTER 3. REGIONAL WATER SUPPLY SECURITY

5

6 79720. The sum of ____ dollars (\$____) shall be available,
7 upon appropriation by the Legislature, for projects that help achieve
8 local and regional water management objectives, including, but
9 not limited to, improved drinking water supplies, water quality,
10 water treatment, municipal and agricultural water efficiency,
11 reduced reliance on the Delta, climate change resiliency, and
12 watershed ecosystem stewardship. Projects shall implement
13 adopted integrated regional water management plans in accordance
14 with Part 2.2 (commencing with Section 10530) of Division 6.

15 79722. From the funds described in Section 79720, at least
16 ____ dollars (\$____) shall be available for water recycling and
17 advanced treatment technology projects that improve regional
18 water quality or regional water supply.

19 79724. From the funds described in Section 79720, at least
20 ____ dollars (\$____) shall be available for groundwater
21 management projects that prevent or reduce the contamination of
22 groundwater that serves as a source of drinking water.

23

24 CHAPTER 4. CLEAN DRINKING WATER

25

26 79730. The sum of ____ dollars (\$____) shall be available,
27 upon appropriation by the Legislature, for projects that help ensure
28 access to clean, safe, and affordable drinking water for California's
29 communities. Eligible expenditures include, but are not limited
30 to, projects that address the critical and immediate needs of
31 disadvantaged, rural, or small communities and projects that
32 leverage state and federal drinking water quality and wastewater
33 treatment funds.

34

35 CHAPTER 5. PROTECTION OF RIVERS, LAKES, AND WATERSHEDS

36

37 79740. The sum of ____ dollars (\$____) shall be available,
38 upon appropriation by the Legislature, to the Wildlife Conservation
39 Board for projects that protect and restore natural hydrologic and

1 ecological systems in watersheds that serve as sources of drinking
2 water.

3 79742. Prior to the expenditure of funds appropriated pursuant
4 to Section 79740, the Wildlife Conservation Board, in coordination
5 with state conservancies and the Natural Resources Agency, shall
6 develop an expenditure plan to guide the expenditure of funds.
7 The expenditure plan shall recognize and address regional and
8 statewide watershed protection and restoration priorities. Projects
9 funded by this chapter shall be selected through a competitive
10 process.

11
12 CHAPTER 6. STATEWIDE WATER SUPPLY IMPROVEMENTS
13

14 79750. The sum of ____ dollars (\$____) shall be available,
15 upon appropriation by the Legislature, for public benefits
16 associated with water storage and delivery projects that advance
17 adopted state water policies. Priority shall be given to the
18 construction, rehabilitation, or expansion of facilities that enable
19 reduced reliance on Delta exports during ecologically sensitive
20 periods, as well as projects that reoperate existing facilities to
21 maximize water supply or ecosystem benefits. Public benefits
22 eligible for funding under this section are limited to ecosystem
23 restoration, water quality improvements, and flood protection.
24 Projects funded by this chapter shall be selected through a
25 competitive process.

26
27 CHAPTER 7. FLOOD PROTECTION
28

29 79760. The sum of ____ dollars (\$____) shall be available,
30 upon appropriation by the Legislature, to the Department of Water
31 Resources for projects that support integrated flood management
32 in the Sacramento and San Joaquin Valleys, in accordance with
33 the Central Valley Flood Protection Plan described in Section
34 9612.

35
36 CHAPTER 8. FISCAL PROVISIONS
37

38 79770. Bonds in the total amount of ____ dollars (\$____), or
39 so much thereof as is necessary, not including the amount of any
40 refunding bonds, or so much thereof as is necessary, may be issued

1 and sold to provide a fund to be used for carrying out the purposes
2 expressed in this division and to reimburse the General Obligation
3 Bond Expense Revolving Fund pursuant to Section 16724.5 of the
4 Government Code. The bonds, when sold, shall be and constitute
5 a valid and binding obligation of the State of California, and the
6 full faith and credit of the State of California is hereby pledged
7 for the punctual payment of both principal of, and interest on, the
8 bonds as the principal and interest become due and payable.

9 79772. The bonds authorized by this chapter shall be prepared,
10 executed, issued, sold, paid, and redeemed as provided in the State
11 General Obligation Bond Law (Chapter 4 (commencing with
12 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
13 Code), and all of the provisions of that law apply to the bonds and
14 to this division and are hereby incorporated in this division as
15 though set forth in full in this division, except Section 16727 of
16 the Government Code shall not apply to the extent that it is
17 inconsistent with any other provision of this division.

18 79774. (a) Solely for the purpose of authorizing the issuance
19 and sale pursuant to the State General Obligation Bond Law
20 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
21 4 of Title 2 of the Government Code) of the bonds authorized by
22 this division, the California Clean, Secure Water Supply and Delta
23 Recovery Finance Committee is hereby created. For purposes of
24 this division, the California Clean, Secure Water Supply and Delta
25 Recovery Finance Committee is “the committee” as that term is
26 used in the State General Obligation Bond Law. The committee
27 consists of the Director of Finance, the Treasurer, the Controller,
28 the Director of Water Resources, and the Secretary of the Natural
29 Resources Agency, or their designated representatives. The
30 Treasurer shall serve as chairperson of the committee. A majority
31 of the committee may act for the committee.

32 (b) For purposes of the State General Obligation Bond Law, the
33 Department of Water Resources is designated the “board.”

34 79776. The committee shall determine whether or not it is
35 necessary or desirable to issue bonds authorized pursuant to this
36 division in order to carry out the actions specified in this division
37 and, if so, the amount of bonds to be issued and sold. Successive
38 issues of bonds may be authorized and sold to carry out those
39 actions progressively, and it is not necessary that all of the bonds
40 authorized to be issued be sold at any one time.

1 79778. There shall be collected each year and in the same
2 manner and at the same time as other state revenue is collected,
3 in addition to the ordinary revenues of the state, a sum in an amount
4 required to pay the principal of, and interest on, the bonds each
5 year. It is the duty of all officers charged by law with any duty in
6 regard to the collection of the revenue to do and perform each and
7 every act that is necessary to collect that additional sum.

8 79780. Notwithstanding Section 13340 of the Government
9 Code, there is hereby appropriated from the General Fund in the
10 State Treasury, for the purposes of this division, an amount that
11 will equal the total of the following:

12 (a) The sum annually necessary to pay the principal of, and
13 interest on, bonds issued and sold pursuant to this division, as the
14 principal and interest become due and payable.

15 (b) The sum necessary to carry out Section 79782, appropriated
16 without regard to fiscal years.

17 79782. For the purposes of carrying out this division, the
18 Director of Finance may authorize the withdrawal from the General
19 Fund of an amount not to exceed the amount of the unsold bonds
20 that have been authorized by the committee to be sold for the
21 purpose of carrying out this division. Any amounts withdrawn
22 shall be deposited in the fund. Any money made available under
23 this section shall be returned to the General Fund from proceeds
24 received from the sale of bonds for the purpose of carrying out
25 this division.

26 79784. All money deposited in the fund that is derived from
27 premium and accrued interest on bonds sold shall be reserved in
28 the fund and shall be available for transfer to the General Fund as
29 a credit to expenditures for bond interest.

30 79786. Pursuant to Chapter 4 (commencing with Section
31 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
32 the cost of bond issuance shall be paid out of the bond proceeds.
33 These costs shall be shared proportionally by each program funded
34 through this bond act.

35 79788. The Department of Water Resources may request the
36 Pooled Money Investment Board to make a loan from the Pooled
37 Money Investment Account, including other authorized forms of
38 interim financing that include, but are not limited to, commercial
39 paper, in accordance with Section 16312 of the Government Code,
40 for purposes of carrying out this division. The amount of the

1 request shall not exceed the amount of the unsold bonds that the
2 committee, by resolution, has authorized to be sold for the purpose
3 of carrying out this division. The Department of Water Resources
4 shall execute any documents required by the Pooled Money
5 Investment Board to obtain and repay the loan. Any amounts
6 loaned shall be deposited in the fund to be allocated by the board
7 in accordance with this division.

8 79790. The bonds may be refunded in accordance with Article
9 6 (commencing with Section 16780) of Chapter 4 of Part 3 of
10 Division 4 of Title 2 of the Government Code, which is a part of
11 the State General Obligation Bond Law. Approval by the voters
12 of the state for the issuance of the bonds described in this division
13 includes the approval of the issuance of any bonds issued to refund
14 any bonds originally issued under this division or any previously
15 issued refunding bonds.

16 79792. Notwithstanding any other provision of this division,
17 or of the State General Obligation Bond Law, if the Treasurer sells
18 bonds pursuant to this division that include a bond counsel opinion
19 to the effect that the interest on the bonds is excluded from gross
20 income for federal tax purposes, subject to designated conditions,
21 the Treasurer may maintain separate accounts for the investment
22 of bond proceeds and for the investment of earnings on those
23 proceeds. The Treasurer may use or direct the use of those proceeds
24 or earnings to pay any rebate, penalty, or other payment required
25 under federal law or take any other action with respect to the
26 investment and use of those bond proceeds required or desirable
27 under federal law to maintain the tax exempt status of those bonds
28 and to obtain any other advantage under federal law on behalf of
29 the funds of this state.

30 79794. The Legislature hereby finds and declares that,
31 inasmuch as the proceeds from the sale of bonds authorized by
32 this division are not “proceeds of taxes” as that term is used in
33 Article XIII B of the California Constitution, the disbursement of
34 these proceeds is not subject to the limitations imposed by that
35 article.

36 SEC. 3. Section 2 of Chapter 3 of the Seventh Extraordinary
37 Session of the Statutes of 2009, as amended by Section 1 of
38 Chapter 74 of the Statutes of 2012, is repealed.

39 SEC. 4. Section 2 of this act shall be submitted to the voters
40 at the November 4, 2014, statewide general election in accordance

1 with provisions of the Government Code and the Elections Code
2 governing the submission of a statewide measure to the voters.
3 SEC. 5. Section 2 of this act shall take effect upon the approval
4 by the voters of the California Clean, Secure Water Supply and
5 Delta Recovery Act of 2014, as set forth in that section at the
6 November 4, 2014, statewide general election.

O

**Introduced by Senator Wolk
(Coauthor: Senator DeSaulnier)**

February 22, 2013

An act to amend Section 85057.5 of the Water Code, relating to the Sacramento-San Joaquin Delta Reform Act of 2009.

LEGISLATIVE COUNSEL'S DIGEST

SB 735, as introduced, Wolk. Sacramento-San Joaquin Delta Reform Act of 2009: covered actions.

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta by January 1, 2012. The act requires a state or local public agency that proposes to undertake a covered action to prepare a written certification, as prescribed, as to whether the covered action is consistent with the Delta Plan. The act defines "covered action" to mean a plan, program, or project that meets specified conditions.

This bill would exclude from the definition of "covered action" the approval or implementation of a project which is a part of a larger conservation plan submitted pursuant to the federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered or threatened species issued to specified entities located within certain counties.

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

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

1 SECTION 1. Section 85057.5 of the Water Code is amended
2 to read:

3 85057.5. (a) “Covered action” means a plan, program, or
4 project as defined pursuant to Section 21065 of the Public
5 Resources Code that meets all of the following conditions:

6 (1) Will occur, in whole or in part, within the boundaries of the
7 Delta or Suisun Marsh.

8 (2) Will be carried out, approved, or funded by the state or a
9 local public agency.

10 (3) Is covered by one or more provisions of the Delta Plan.

11 (4) Will have a significant impact on achievement of one or
12 both of the coequal goals or the implementation of
13 government-sponsored flood control programs to reduce risks to
14 people, property, and state interests in the Delta.

15 (b) “Covered action” does not include any of the following:

16 (1) A regulatory action of a state agency.

17 (2) Routine maintenance and operation of the State Water
18 Project or the federal Central Valley Project.

19 (3) Regional transportation plans prepared pursuant to Section
20 65080 of the Government Code.

21 (4) A plan, program, project, or activity within the secondary
22 zone of the Delta that the applicable metropolitan planning
23 organization pursuant to Section 65080 of the Government Code
24 has determined is consistent with either a sustainable communities
25 strategy or an alternative planning strategy that the State Air
26 Resources Board has determined would, if implemented, achieve
27 the greenhouse gas emission reduction targets established by that
28 board pursuant to subparagraph (A) of paragraph (2) of subdivision
29 (b) of Section 65080 of the Government Code. For purposes of
30 this paragraph, “consistent with” means consistent with the use
31 designation, density, building intensity, transportation plan, and
32 applicable policies specified for the area in the sustainable
33 communities strategy or the alternative planning strategy, as
34 applicable, and any infrastructure necessary to support the plan,
35 program, project, or activity.

36 (5) Routine maintenance and operation of a facility located, in
37 whole or in part, in the Delta, that is owned or operated by a local
38 public agency.

1 (6) A plan, program, project, or activity that occurs, in whole
2 or in part, in the Delta, if both of the following conditions are met:

3 (A) The plan, program, project, or activity is undertaken by a
4 local public agency that is located, in whole or in part, in the Delta.

5 (B) Either a notice of determination is filed, pursuant to Section
6 21152 of the Public Resources Code, for the plan, program, project,
7 or activity by, or the plan, program, project, or activity is fully
8 permitted by, September 30, 2009.

9 (7) (A) A project within the secondary zone, as defined pursuant
10 to Section 29731 of the Public Resources Code as of January 1,
11 2009, for which a notice of approval or determination pursuant to
12 Section 21152 of the Public Resources Code has been filed before
13 the date on which the Delta Plan becomes effective.

14 (B) A project for which a notice of approval or determination
15 is filed on or after the date on which the final Bay Delta
16 Conservation Plan becomes effective, and before the date on which
17 the Delta Plan becomes effective, is not a covered action but shall
18 be consistent with the Bay Delta Conservation Plan.

19 (C) Subparagraphs (A) and (B) do not apply to either of the
20 following:

21 (i) A project that is within a Restoration Opportunity Area as
22 shown in Figure 3.1 of Chapter 3: Draft Conservation Strategy of
23 the Bay Delta Conservation Plan, August 3, 2009, or as shown in
24 a final Bay Delta Conservation Plan.

25 (ii) A project that is within the alignment of a conveyance
26 facility as shown in Figures 1 to 5, inclusive, of the Final Draft
27 Initial Assessment of Dual Delta Water Conveyance Report, April
28 23, 2008, and in future revisions of this document by the
29 department.

30 (8) Leases approved by a special district if all of the following
31 apply:

32 (A) The uses proposed by the lease are authorized by the
33 applicable general plan and zoning ordinances of the city where
34 the special district is located.

35 (B) The uses proposed by the lease are approved by the city
36 where the special district is located and the city complies with
37 Chapter 3 (commencing with Section 85225) of Part 3, if
38 applicable, prior to approval of the lease by the special district.

1 (C) The special district complies with the California
2 Environmental Quality Act (Division 13 (commencing with Section
3 21000) of the Public Resources Code) prior to approving the lease.

4 (9) (A) Routine dredging activities that are necessary for
5 maintenance of facilities operated by a special district.

6 (B) For purposes of this paragraph, “routine dredging activities”
7 are limited to the following:

8 (i) Dredging to maintain the Stockton Deep Water Ship Channel
9 at a depth of 40 feet in the sediment trap at the confluence of the
10 San Joaquin River, between river mile 39.3 to river mile 40.2, and
11 to maintain the remaining Stockton Deep Water Ship Channel at
12 a depth of 35 feet plus two feet overdredge from river mile 35 to
13 river mile 43.

14 (ii) Dredging designed to maintain the Sacramento Deep Water
15 Ship Channel at a depth of 30 feet plus 2 feet of overdredge from
16 river mile 0.0 to river mile 30, and at a depth of 35 feet from river
17 mile 35 to river mile 43.

18 (C) Except as provided by this subdivision, it is the intent of
19 the Legislature that this exemption shall not be interpreted or
20 treated as changing or modifying current substantive and procedural
21 regulations applicable to the decision to approve dredging
22 operations.

23 *(10) The approval or implementation of (a) a project that is a*
24 *part of a larger conservation plan submitted pursuant to Section*
25 *1539 of the federal Endangered Species Act (16 U.S.C. Sec. 1531*
26 *et seq.), (b) a natural community conservation plan submitted*
27 *pursuant to the Natural Community Conservation Planning Act*
28 *(Chapter 10 (commencing with Section 2800) of Division 3 of the*
29 *Fish and Game Code), or (c) a permit issued pursuant to Section*
30 *2081 of the Fish and Game Code that is issued to a city, county,*
31 *special district, or Joint Powers Authority consisting of cities or*
32 *counties, or both, within the Counties of Contra Costa, Sacramento,*
33 *San Joaquin, Solano, or Yolo.*

34 (c) For purposes of this section, “special district” means the
35 Port of Stockton or the Port of West Sacramento.

36 (d) This section shall not be interpreted to authorize the
37 abrogation of a vested right whether created by statute or by
38 common law.

O

ASSEMBLY BILL

No. 194

Introduced by Assembly Member Campos

January 28, 2013

An act to amend Section 54960.1 of, and to add Section 54959.5, to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 194, as introduced, Campos. Open meetings: protections for public criticism: penalties for violations.

(1) The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act prohibits a legislative body of a local agency from preventing public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body, as specified.

This bill would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified.

Because this bill would establish a new misdemeanor crime, the bill would impose a state-mandated local program.

(2) 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.

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. Section 54959.5 is added to the Government
2 Code, to read:

3 54959.5. A member of a legislative body who, while acting as
4 the chairperson of that legislative body, prohibits public criticism
5 of the policies, procedures, programs, or services of the agency,
6 or of the acts or omissions of the legislative body, as protected
7 under subdivision (c) of Section 54954.3, shall be guilty of a
8 misdemeanor.

9 SEC. 2. Section 54960.1 of the Government Code is amended
10 to read:

11 54960.1. (a) The district attorney or any interested person may
12 commence an action by mandamus or injunction for the purpose
13 of obtaining a judicial determination that an action taken by a
14 legislative body of a local agency in violation of Section 54953,
15 54954.2, 54954.3, 54954.5, 54954.6, 54956, or 54956.5 is null
16 and void under this section. Nothing in this chapter shall be
17 construed to prevent a legislative body from curing or correcting
18 an action challenged pursuant to this section.

19 (b) Prior to any action being commenced pursuant to subdivision
20 (a), the district attorney or interested person shall make a demand
21 of the legislative body to cure or correct the action alleged to have
22 been taken in violation of Section 54953, 54954.2, 54954.3,
23 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in
24 writing and clearly describe the challenged action of the legislative
25 body and nature of the alleged violation.

26 (c) (1) The written demand shall be made within 90 days from
27 the date the action was taken unless the action was taken in an
28 open session but in violation of Section 54954.2, in which case
29 the written demand shall be made within 30 days from the date
30 the action was taken.

31 (2) Within 30 days of receipt of the demand, the legislative body
32 shall cure or correct the challenged action and inform the
33 demanding party in writing of its actions to cure or correct or

1 inform the demanding party in writing of its decision not to cure
2 or correct the challenged action.

3 (3) If the legislative body takes no action within the 30-day
4 period, the inaction shall be deemed a decision not to cure or
5 correct the challenged action, and the 15-day period to commence
6 the action described in subdivision (a) shall commence to run the
7 day after the 30-day period to cure or correct expires.

8 (4) Within 15 days of receipt of the written notice of the
9 legislative body's decision to cure or correct, or not to cure or
10 correct, or within 15 days of the expiration of the 30-day period
11 to cure or correct, whichever is earlier, the demanding party shall
12 be required to commence the action pursuant to subdivision (a) or
13 thereafter be barred from commencing the action.

14 (d) An action taken that is alleged to have been taken in violation
15 of Section 54953, 54954.2, 54954.3, 54954.5, 54954.6, 54956, or
16 54956.5 shall not be determined to be null and void if any of the
17 following conditions exist:

18 (1) The action taken was in substantial compliance with Sections
19 54953, 54954.2, 54954.3, 54954.5, 54954.6, 54956, and 54956.5.

20 (2) The action taken was in connection with the sale or issuance
21 of notes, bonds, or other evidences of indebtedness or any contract,
22 instrument, or agreement thereto.

23 (3) The action taken gave rise to a contractual obligation,
24 including a contract let by competitive bid other than compensation
25 for services in the form of salary or fees for professional services,
26 upon which a party has, in good faith and without notice of a
27 challenge to the validity of the action, detrimentally relied.

28 (4) The action taken was in connection with the collection of
29 any tax.

30 (5) Any person, city, city and county, county, district, or any
31 agency or subdivision of the state alleging noncompliance with
32 subdivision (a) of Section 54954.2, Section 54956, or Section
33 54956.5, because of any defect, error, irregularity, or omission in
34 the notice given pursuant to those provisions, had actual notice of
35 the item of business at least 72 hours prior to the meeting at which
36 the action was taken, if the meeting was noticed pursuant to Section
37 54954.2, or 24 hours prior to the meeting at which the action was
38 taken if the meeting was noticed pursuant to Section 54956, or
39 prior to the meeting at which the action was taken if the meeting
40 is held pursuant to Section 54956.5.

1 (e) During any action seeking a judicial determination pursuant
2 to subdivision (a) if the court determines, pursuant to a showing
3 by the legislative body that an action alleged to have been taken
4 in violation of Section 54953, 54954.2, 54954.3, 54954.5, 54954.6,
5 54956, or 54956.5 has been cured or corrected by a subsequent
6 action of the legislative body, the action filed pursuant to
7 subdivision (a) shall be dismissed with prejudice.

8 (f) The fact that a legislative body takes a subsequent action to
9 cure or correct an action taken pursuant to this section shall not
10 be construed or admissible as evidence of a violation of this
11 chapter.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

O

Introduced by Senator LieuJanuary 18, 2013

An act to amend Section 526.1 of, and to amend and repeal Sections 525 and 526 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as introduced, Lieu. Vessels: abandonment: abatement.

Existing law makes it an infraction punishable by a maximum \$3,000 fine, and until January 1, 2014, a minimum \$1,000 fine for a person to abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except for the urgent and immediate concern for the safety of those aboard the vessel. Existing law authorizes a public agency to sell or otherwise dispose of certain vessels that are unseaworthy derelict or hulk, or abandoned property removed from a navigable waterway, as specified, if the public agency removed or caused the removal of the property, subject to specified conditions, including certain notice requirements and that the property has been appraised by disinterested persons for an estimated value of less than \$2,000. Except, until January 1, 2014, a surrendered vessel, as defined, may be disposed of immediately upon acceptance by a public agency and is not subject to the specified conditions.

This bill would delete the January 1, 2014, repeal date of certain above-described provisions and delete alternative provisions that were to become operative on January 1, 2014, which would have reduces the minimum fine to \$500 and eliminated the exception for a surrendered vessel. The bill would also delete an obsolete reporting requirement relating to the department's duty to track and report to specified legislative committees on the number of surrendered vessels accepted

by a public agency between January 1, 2010, and January 1, 2013, pursuant to those provisions.

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

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

1 SECTION 1. Section 525 of the Harbors and Navigation Code,
2 as amended by Section 1 of Chapter 416 of the Statutes of 2009,
3 is amended to read:

4 525. (a) Except for the urgent and immediate concern for the
5 safety of those aboard a vessel, a person shall not abandon a vessel
6 upon a public waterway or public or private property without the
7 express or implied consent of the owner or person in lawful
8 possession or control of the property.

9 (b) The abandonment of a vessel in a manner as provided in
10 subdivision (a) is prima facie evidence that the last registered
11 owner of record, not having notified the appropriate registration
12 or documenting agency of any relinquishment of title or interest
13 therein, is responsible for the abandonment and is thereby liable
14 for the cost of the removal and disposition of the vessel.

15 (c) A violation of this section is an infraction and shall be
16 punished by a fine of not less than one thousand dollars (\$1,000),
17 nor more than three thousand dollars (\$3,000). In addition, the
18 court may order the defendant to pay to the agency that removes
19 and disposes of the vessel the actual costs incurred by the agency
20 for that removal and disposition.

21 (d) Fines imposed and collected pursuant to this section shall
22 be allocated as follows:

23 (1) (A) Eighty percent of the moneys shall be deposited in the
24 Abandoned Watercraft Abatement Fund, which is hereby created
25 as a special fund. Moneys in the fund shall be used exclusively,
26 upon appropriation by the Legislature, for grants to be awarded
27 by the department to local agencies for the abatement, removal,
28 storage, and disposal as public nuisances of any abandoned
29 property as described in Section 522 or for the disposal of
30 surrendered vessels as defined in Section 526.1, wrecked or
31 dismantled vessels, or parts thereof, or any other partially
32 submerged objects that pose a substantial hazard to navigation,
33 from navigable waterways or adjacent public property, or private

1 property with the landowner’s consent. These grants shall not be
2 utilized for abatement, removal, storage, or disposal of commercial
3 vessels.

4 (B) In evaluating a grant request submitted by a local agency
5 pursuant to subparagraph (A), the department shall place great
6 weight on the following two factors:

7 (i) The existence of an active local enforcement program to
8 control and prevent the abandonment of watercraft within the local
9 agency’s jurisdiction.

10 (ii) The existence of a submerged navigational hazard abatement
11 plan at the local level that provides for the control or abatement
12 of water hazards, including, but not limited to, abandoned
13 watercraft, wrecked watercraft, hazardous floating debris,
14 submerged vessels and objects, and abandoned piers and pilings.

15 (C) A grant awarded by the department pursuant to subparagraph
16 (A) shall be matched by a 10-percent contribution from the local
17 agency receiving the grant.

18 (D) As a condition of receiving grant funding pursuant to this
19 paragraph, a local agency shall report to the department data, as
20 deemed appropriate by the department, regarding abandoned and
21 surrendered vessels removed or anticipated for removal pursuant
22 to this article.

23 (2) Twenty percent shall be allocated as set forth in Section
24 1463.001 of the Penal Code.

25 (e) The state shall not assume liability for any injuries or
26 damages to a person or entity, public or private, connected to or
27 resulting from the processing or disposal of a surrendered vessel,
28 as defined in Section 526.1.

29 (f) The department may adopt rules and regulations for the
30 purpose of administering this section.

31 ~~(g) This section shall remain in effect only until January 1, 2014,~~
32 ~~and as of that date is repealed, unless a later enacted statute, that~~
33 ~~is enacted before January 1, 2014, deletes or extends that date.~~

34 SEC. 2. Section 525 of the Harbors and Navigation Code, as
35 added by Section 2 of Chapter 416 of the Statutes of 2009, is
36 repealed.

37 ~~525. (a) Except for the urgent and immediate concern for the~~
38 ~~safety of those aboard a vessel, a person shall not abandon a vessel~~
39 ~~upon a public waterway or public or private property without the~~

1 ~~express or implied consent of the owner or person in lawful~~
2 ~~possession or control of the property.~~

3 ~~(b) The abandonment of a vessel in a manner as provided in~~
4 ~~subdivision (a) is prima facie evidence that the last registered~~
5 ~~owner of record, not having notified the appropriate registration~~
6 ~~or documenting agency of any relinquishment of title or interest~~
7 ~~therein, is responsible for the abandonment and is thereby liable~~
8 ~~for the cost of the removal and disposition of the vessel.~~

9 ~~(c) A violation of this section is an infraction and shall be~~
10 ~~punished by a fine of not less than five hundred dollars (\$500);~~
11 ~~nor more than three thousand dollars (\$3,000). In addition, the~~
12 ~~court may order the defendant to pay to the agency that removes~~
13 ~~and disposes of the vessel the actual costs incurred by the agency~~
14 ~~for that removal and disposition.~~

15 ~~(d) Fines imposed and collected pursuant to this section shall~~
16 ~~be allocated as follows:~~

17 ~~(1) (A) Eighty percent of the moneys shall be deposited in the~~
18 ~~Abandoned Watercraft Abatement Fund, which is hereby created~~
19 ~~as a special fund. Moneys in the fund shall be used exclusively,~~
20 ~~upon appropriation by the Legislature, for grants to be awarded~~
21 ~~by the department to local agencies for the abatement, removal,~~
22 ~~storage, and disposal as public nuisances of any abandoned,~~
23 ~~wrecked, or dismantled vessels, or parts thereof, or any other~~
24 ~~partially submerged objects that pose a substantial hazard to~~
25 ~~navigation, from navigable waterways or adjacent public property,~~
26 ~~or private property with the landowner's consent. These grants~~
27 ~~shall not be utilized for abatement, removal, storage, or disposal~~
28 ~~of commercial vessels.~~

29 ~~(B) In evaluating a grant request submitted by a local agency~~
30 ~~pursuant to subparagraph (A), the department shall place great~~
31 ~~weight on the following two factors:~~

32 ~~(i) The existence of an active local enforcement program to~~
33 ~~control and prevent the abandonment of watercraft within the local~~
34 ~~agency's jurisdiction.~~

35 ~~(ii) The existence of a submerged navigational hazard abatement~~
36 ~~plan at the local level that provides for the control or abatement~~
37 ~~of water hazards, including, but not limited to, abandoned~~
38 ~~watercraft, wrecked watercraft, hazardous floating debris,~~
39 ~~submerged vessels and objects, and abandoned piers and pilings.~~

1 ~~(C) A grant awarded by the department pursuant to subparagraph~~
 2 ~~(A) shall be matched by a 10-percent contribution from the local~~
 3 ~~agency receiving the grant.~~

4 ~~(2) Twenty percent shall be allocated as set forth in Section~~
 5 ~~1463.001 of the Penal Code.~~

6 ~~(e) This section shall become operative on January 1, 2014.~~

7 SEC. 3. Section 526 of the Harbors and Navigation Code, as
 8 amended by Section 3 of Chapter 416 of the Statutes of 2009, is
 9 amended to read:

10 526. (a) Notwithstanding any other provision of law, any
 11 wrecked property that is an unseaworthy derelict or hulk,
 12 abandoned property as described in Section 522, or property
 13 removed from a navigable waterway pursuant to Section 523 or
 14 524 that is an unseaworthy derelict or hulk, may be sold or
 15 otherwise disposed of by the public agency that removed or caused
 16 the removal of the property pursuant to this section, subject to the
 17 following conditions, except a surrendered vessel, as defined in
 18 Section 526.1, may be disposed of immediately upon acceptance
 19 by a public agency and is not subject to the following conditions:

20 (1) The property has been appraised by disinterested persons,
 21 and has an estimated value of less than two thousand dollars
 22 (\$2,000).

23 (2) There is no discernable registration, license, hull
 24 identification number, or other identifying insignia on the property,
 25 or the Department of Motor Vehicles is unable to produce any
 26 record of the registered or legal owners or lienholders.

27 (3) Not less than 72 hours before the property was removed,
 28 the peace officer or authorized public employee securely attached
 29 to the property a distinctive notice stating that the property would
 30 be removed by the public agency.

31 (4) Within 48 hours after the removal, excluding weekends and
 32 holidays, the public agency that removed or caused the removal
 33 of the property sent notice of the removal to the registered and
 34 legal owners, if known or discovered subsequent to the removal,
 35 at their addresses of record with the Department of Motor Vehicles,
 36 and to any other person known to have an interest in the property.
 37 A notice sent by the public agency shall be sent by certified or
 38 first-class mail.

39 (5) If the public agency is unable to locate the registered and
 40 legal owners of the property or persons known to have an interest

1 in the property as provided in paragraph (4), the public agency
2 published, or caused to be published, the notice of removal for at
3 least two weeks in succession in one or more daily newspapers
4 circulated in the county.

5 (b) The notice of removal required by paragraphs (3) to (5),
6 inclusive, of subdivision (a) shall state all of the following:

7 (1) The name, address, and telephone number of the public
8 agency providing the notice.

9 (2) A description of the property removed.

10 (3) The location from which the property is to be or was
11 removed.

12 (4) The location of the intended or actual place of storage.

13 (5) The authority and purpose for removal of the property.

14 (6) A statement that the property may be claimed and recovered
15 within 15 days of the date the notice of removal was issued
16 pursuant to paragraph (4) or (5) of subdivision (a), whichever is
17 later, after payment of any costs incurred by the public agency
18 related to salvage and storage of the property, and that following
19 the expiration of the 15-day period, the property will be sold or
20 otherwise disposed of by the public agency.

21 (7) A statement that the registered or legal owners or any other
22 person known to have an interest in the property has the
23 opportunity for a poststorage hearing before the public agency that
24 removed, or caused the removal of, the property to determine the
25 validity of the removal and storage if a request for a hearing is
26 made in person or in writing to that public agency within 10 days
27 from the date of notice; that if the registered or legal owners or
28 any other person known to have an interest in the property disagree
29 with the decision of the public agency, the decision may be
30 reviewed pursuant to Section 11523 of the Government Code; and
31 that during the time of the initial hearing, or during the time the
32 decision is being reviewed pursuant to Section 11523 of the
33 Government Code, the vessel in question shall not be sold or
34 otherwise disposed of.

35 (c) (1) Any requested hearing shall be conducted within 48
36 hours of the time the request for a hearing is received by the public
37 agency, excluding weekends and holidays. The public agency that
38 removed the vehicle may authorize its own officers or employees
39 to conduct the hearing, but the hearing officer shall not be the same
40 person who directed the removal and storage of the property.

1 (2) The failure of either the registered or legal owners or any
2 other person known to have an interest in the property to request
3 or attend a scheduled hearing shall not affect the validity of the
4 hearing.

5 (d) The property may be claimed and recovered by its registered
6 and legal owners, or by any other person known to have an interest
7 in the property, within 15 days of the date the notice of removal
8 was issued pursuant to paragraph (4) or (5) of subdivision (a),
9 whichever is later, after payment of any costs incurred by the public
10 agency related to salvage and storage of the property.

11 (e) The property may be sold or otherwise disposed of by the
12 public agency not less than 15 days from the date the notice of
13 removal was issued pursuant to paragraph (4) or (5) of subdivision
14 (a), whichever is later, or the date of actual removal, whichever is
15 later.

16 (f) The proceeds from the sale of the property, after deducting
17 expenses for salvage, storage, sales costs, and any property tax
18 liens, shall be deposited in the Abandoned Watercraft Abatement
19 Fund for grants to local agencies, as specified in paragraph (1) of
20 subdivision (d) of Section 525.

21 (g) It is the intent of the Legislature that this section shall not
22 be construed to authorize the lien sale or destruction of any
23 seaworthy vessel, other than a surrendered vessel as defined in
24 Section 526.1, that is currently registered and operated in
25 accordance with local, state, and federal law.

26 ~~(h) This section shall remain in effect only until January 1, 2014,~~
27 ~~and as of that date is repealed, unless a later enacted statute, that~~
28 ~~is enacted before January 1, 2014, deletes or extends that date.~~

29 SEC. 4. Section 526 of the Harbors and Navigation Code, as
30 added by Section 4 of Chapter 416 of the Statutes of 2009, is
31 repealed.

32 ~~526. (a) Notwithstanding any other provision of law, any~~
33 ~~wrecked property that is an unseaworthy derelict or hulk, or~~
34 ~~abandoned property as described in Section 522, property removed~~
35 ~~from a navigable waterway pursuant to Section 523 or 524 that is~~
36 ~~an unseaworthy derelict or hulk, may be sold or otherwise disposed~~
37 ~~of by the public agency that removed or caused the removal of the~~
38 ~~property pursuant to this section, subject to the following~~
39 ~~conditions:~~

1 ~~(1) The property has been appraised by disinterested persons,~~
2 ~~and has an estimated value of less than two thousand dollars~~
3 ~~(\$2,000).~~

4 ~~(2) There is no discernable registration, license, hull~~
5 ~~identification number, or other identifying insignia on the property,~~
6 ~~or the Department of Motor Vehicles is unable to produce any~~
7 ~~record of the registered or legal owners or lienholders.~~

8 ~~(3) Not less than 72 hours before the property was removed,~~
9 ~~the peace officer or authorized public employee securely attached~~
10 ~~to the property a distinctive notice stating that the property would~~
11 ~~be removed by the public agency.~~

12 ~~(4) Within 48 hours after the removal, excluding weekends and~~
13 ~~holidays, the public agency that removed or caused the removal~~
14 ~~of the property sent notice of the removal to the registered and~~
15 ~~legal owners, if known or discovered subsequent to the removal,~~
16 ~~at their addresses of record with the Department of Motor Vehicles,~~
17 ~~and to any other person known to have an interest in the property.~~
18 ~~A notice sent by the public agency shall be sent by certified or~~
19 ~~first-class mail.~~

20 ~~(5) If the public agency is unable to locate the registered and~~
21 ~~legal owners of the property or persons known to have an interest~~
22 ~~in the property as provided in paragraph (4), the public agency~~
23 ~~published, or caused to be published, the notice of removal for at~~
24 ~~least two weeks in succession in one or more daily newspapers~~
25 ~~circulated in the county.~~

26 ~~(b) The notice of removal required by paragraphs (3) to (5),~~
27 ~~inclusive, of subdivision (a) shall state all of the following:~~

28 ~~(1) The name, address, and telephone number of the public~~
29 ~~agency providing the notice.~~

30 ~~(2) A description of the property removed.~~

31 ~~(3) The location from which the property is to be or was~~
32 ~~removed.~~

33 ~~(4) The location of the intended or actual place of storage.~~

34 ~~(5) The authority and purpose for removal of the property.~~

35 ~~(6) A statement that the property may be claimed and recovered~~
36 ~~within 15 days of the date the notice of removal was issued~~
37 ~~pursuant to paragraph (4) or (5) of subdivision (a), whichever is~~
38 ~~later, after payment of any costs incurred by the public agency~~
39 ~~related to salvage and storage of the property, and that following~~

1 the expiration of the 15-day period, the property will be sold or
2 otherwise disposed of by the public agency.

3 ~~(7) A statement that the registered or legal owners or any other
4 person known to have an interest in the property have the
5 opportunity for a poststorage hearing before the public agency that
6 removed, or caused the removal of, the property to determine the
7 validity of the removal and storage if a request for a hearing is
8 made in person or in writing to that public agency within 10 days
9 from the date of notice; that if the registered or legal owners or
10 any other person known to have an interest in the property disagree
11 with the decision of the public agency, the decision may be
12 reviewed pursuant to Section 11523 of the Government Code; and
13 that during the time of the initial hearing, or during the time the
14 decision is being reviewed pursuant to Section 11523 of the
15 Government Code, the vessel in question shall not be sold or
16 otherwise disposed of.~~

17 ~~(e) (1) Any requested hearing shall be conducted within 48
18 hours of the time the request for a hearing is received by the public
19 agency, excluding weekends and holidays. The public agency that
20 removed the vehicle may authorize its own officers or employees
21 to conduct the hearing, but the hearing officer shall not be the same
22 person who directed the removal and storage of the property.~~

23 ~~(2) The failure of either the registered or legal owners or any
24 other person known to have an interest in the property to request
25 or attend a scheduled hearing shall not affect the validity of the
26 hearing.~~

27 ~~(d) The property may be claimed and recovered by its registered
28 and legal owners, or by any other person known to have an interest
29 in the property, within 15 days of the date the notice of removal
30 was issued pursuant to paragraph (4) or (5) of subdivision (a),
31 whichever is later, after payment of any costs incurred by the public
32 agency related to salvage and storage of the property.~~

33 ~~(e) The property may be sold or otherwise disposed of by the
34 public agency not less than 15 days from the date the notice of
35 removal was issued pursuant to paragraph (4) or (5) of subdivision
36 (a), whichever is later, or the date of actual removal, whichever is
37 later.~~

38 ~~(f) The proceeds from the sale of the property, after deducting
39 expenses for salvage, storage, sales costs, and any property tax
40 liens, shall be deposited in the Abandoned Watercraft Abatement~~

1 Fund for grants to local agencies, as specified in paragraph (1) of
2 subdivision (d) of Section 525.

3 ~~(g) It is the intent of the Legislature that this section shall not
4 be construed to authorize the lien sale or destruction of any
5 seaworthy vessel that is currently registered and operated in
6 accordance with local, state, and federal law.~~

7 ~~(h) This section shall become operative on January 1, 2014.~~

8 SEC. 5. Section 526.1 of the Harbors and Navigation Code is
9 amended to read:

10 526.1. ~~(a)~~ For purposes of this article, “surrendered vessel”
11 means a recreational vessel that the verified titleholder has
12 willingly surrendered to a willing public agency under both of the
13 following conditions:

14 ~~(1)~~

15 (a) The public agency has determined, in its sole discretion,
16 that the vessel is in danger of being abandoned, and therefore has
17 a likelihood of causing environmental degradation or becoming a
18 hazard to navigation.

19 ~~(2)~~

20 (b) The decision to accept a vessel is based solely on the
21 potential of the vessel to likely be abandoned and cause
22 environmental degradation or become a hazard to navigation.

23 ~~(b) The department shall track the number of surrendered vessels
24 accepted by a public agency that disposes of surrendered vessels
25 using grant funds from the Abandoned Watercraft Abatement Fund
26 between January 1, 2010, and January 1, 2013. The department
27 shall also track the total expenditure from the fund for surrendered
28 vessel abatement during the same period. On or before July 1,
29 2013, the department shall report on the information gathered
30 between January 1, 2010, and January 1, 2013, to the Assembly
31 Committee on Transportation and the Senate Committee on Natural
32 Resources and Water, along with any recommendations to revise
33 or continue the use of fund moneys for these purposes.~~

34 ~~(c) This section shall remain in effect only until January 1, 2014,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2014, deletes or extends that date.~~

O

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as introduced, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

This bill would require the county sheriff, or his or her designee, to assist all individuals sentenced to county jail who are otherwise eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released. The bill would authorize the county sheriff, or his or her designee, to assist all individuals who are not sentenced to county jail but are detained in county jail, and who are eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released. The bill would provide that individuals who are currently enrolled in the Medi-Cal program in the county where they reside would retain enrollment in that program while temporarily detained before any criminal conviction. The bill would require the county sheriff, or his or her designee, to supply appropriate information

regarding the Health Care Exchange to those individuals detained in a county jail who are not eligible for federal Medi-Cal benefits and who do not have health care insurance, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above.

By imposing additional duties on local law enforcement entities, this 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. Section 4011.11 is added to the Penal Code, to
2 read:

3 4011.11. (a) The Legislature finds and declares the following:

4 (1) The Patient Protection and Affordable Care Act of 2010,
5 also known as Health Care Reform, is designed to ensure every
6 American has access to affordable quality health care. To help
7 ensure access, the federal low-income health insurance program,
8 the Medi-Cal program in California, was expanded to previously
9 uncovered populations, including single men making less than 133
10 percent of the federal poverty line.

11 (2) The Medi-Cal expansion is fully paid by the federal
12 government until 2017, when the federal government will cover
13 90 percent of the Medi-Cal expansion.

14 (3) According to research done by the National Health Law
15 Program, a large portion of individuals currently sentenced to
16 county jail, and those recently released, are now eligible for
17 Medi-Cal once released.

18 (4) According to a study published in the American Journal of
19 Public Health, many people coming out of county jail have
20 significant medical, mental health, and substance abuse needs that
21 are currently unmet.

1 (5) According to a study funded by the National Criminal Justice
2 Reference Service, individuals who are enrolled in Medicaid on
3 the day of release committed fewer repeat offenses, and the time
4 between offenses was longer.

5 (6) Therefore, it is the intent of the Legislature to enroll
6 individuals in the federally funded Medi-Cal program to provide
7 medical, mental health, and substance abuse services to individuals
8 when released from county jail, at no cost to the State of California
9 until 2017 and at minimal state cost beginning in 2017.

10 (b) The county sheriff, or his or her designee, shall assist all
11 individuals sentenced to county jail who are otherwise eligible for
12 federal Medicaid benefits to enroll in the Medi-Cal program
13 available in that county 30 days before he or she is scheduled to
14 be released.

15 (c) The county sheriff, or his or her designee, may assist all
16 individuals who are not sentenced to county jail but are detained
17 in county jail and who are eligible for federal Medicaid benefits
18 to enroll in the Medi-Cal program available in that county 30 days
19 before he or she is scheduled to be released.

20 (d) Consistent with federal regulations, individuals who are
21 currently enrolled in the Medi-Cal program in the county where
22 they reside shall retain enrollment in that program while
23 temporarily detained before any criminal conviction.

24 (e) The county sheriff, or his or her designee, shall supply
25 appropriate information regarding the Health Care Exchange to
26 those individuals detained in a county jail who are not eligible for
27 federal Medi-Cal benefits and who do not have health care
28 insurance, 30 days before their scheduled release.

29 SEC. 2. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 639

**Introduced by Assembly Member John A. Pérez
(Principal coauthors: Assembly Members Atkins and Muratsuchi)**

February 20, 2013

An act to amend Section 51005 of the Health and Safety Code, and to amend Section 998.403 of, and to add Article 5y (commencing with Section 998.540) to Chapter 6 of Division 4 of, the Military and Veterans Code, relating to the financing of a program to provide housing to veterans through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 639, as introduced, John A. Pérez. Veterans Housing and Homeless Prevention Act of 2014.

Existing law, the Veterans' Bond Act of 2008, as approved by the voters, authorizes the issuance of bonds in the amount of \$900,000,000, pursuant to the State General Obligation Bond Law, for purposes of financing the Cal-Vet program for farm, home, and mobilehome purchase assistance for veterans.

This bill would amend the Veterans' Bond Act of 2008 to reduce the amount of bonds that are authorized to be issued under the act from \$900,000,000 to \$300,000,000. The bill would instead authorize the issuance of bonds in the amount of \$600,000,000, as specified, for expenditure by the Department of Housing and Community Development for purposes of the construction, rehabilitation, and preservation of multifamily housing for veterans, in collaboration with the Department of Veterans Affairs. The bill would authorize the

Legislature to amend the provisions of this act, by majority vote, under specified criteria. The bill would impose a specified reporting requirement on the California Housing Finance Agency.

The bill would provide for submission of its provisions to the voters at the November 4, 2014, general election, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 51005 of the Health and Safety Code is
2 amended to read:
3 51005. (a) The agency shall, by November 1 of each year,
4 submit an annual report of its activities under this division for the
5 preceding year to the Governor, the Secretary of the Business and
6 Transportation Agency, the Director of Housing and Community
7 Development, the Treasurer, the Joint Legislative Budget
8 Committee, the Legislative Analyst, and the Legislature. The report
9 shall set forth a complete operating and financial statement of the
10 agency during the concluded fiscal year. The report shall specify
11 the number of units assisted, the distribution of units among the
12 metropolitan, nonmetropolitan, and rural areas of the state, and
13 shall contain a summary of statistical data relative to the incomes
14 of households occupying assisted units, the monthly rentals charged
15 to occupants of rental housing developments, and the sales prices
16 of residential structures purchased during the previous fiscal year
17 by persons or families of low or moderate income. The report shall
18 also include a statement of accomplishment during the previous
19 year with respect to the agency’s progress, priorities, and
20 affirmative action efforts. The agency shall specifically include in
21 its report on affirmative action goals, statistical data on the numbers
22 and percentages of minority sponsors, developers, contractors,
23 subcontractors, suppliers, architects, engineers, attorneys, mortgage
24 bankers or other lenders, insurance agents, and managing agents.
25 (b) The report shall also include specific information evaluating
26 the extent to which the programs administered by the agency have
27 attained the statutory objectives of the agency, including, but not
28 limited to, (1) the primary purpose of the agency in meeting the

1 housing needs of persons and families of low or moderate income
2 pursuant to Section 50950, (2) the occupancy requirements for
3 very low income households established pursuant to Sections
4 50951 and 51226, (3) the elderly and orthopedic disability
5 occupancy requirements established pursuant to Section 51230,
6 (4) the use of surplus moneys pursuant to Section 51007, (5) the
7 metropolitan, nonmetropolitan, and rural goals established pursuant
8 to subdivision (h) of Section 50952, (6) the California Statewide
9 Housing Plan, as required by Section 50154, (7) the statistical and
10 other information developed and maintained pursuant to Section
11 51610, (8) the number of manufactured housing units assisted by
12 the agency, (9) information with respect to the proceeds derived
13 from the issuance of bonds or securities and any interest or other
14 increment derived from the investment of bonds or securities, and
15 the uses for which those proceeds or increments are being made
16 as provided for in Section 51365, including the amount by which
17 each fund balance exceeds indenture requirements, (10) any
18 recommendations described in subdivision (d), (11) any
19 recommendations described in Section 51227, (12) the revenue
20 bonding authority plan adopted pursuant to Section 51004.5, (13)
21 the statistical and other information required to be provided
22 pursuant to Section 50156, (14) an analysis of the agency's
23 compliance with the targeting requirements of subsection (d) of
24 Section 142 of the Internal Revenue Code of 1986 (26 U.S.C. Sec.
25 142) with respect to any issue of bonds subject to those
26 requirements under Section 103 of the Internal Revenue Code of
27 1986 (26 U.S.C. Sec. 103), including the numbers of rental units
28 subject to this reporting requirement by categories based on the
29 number of bedrooms per unit, and (15) the statistical and other
30 information relating to congregate housing for the elderly pursuant
31 to Section 51218.

32 The agency may, at its option, include the information required
33 by this section in a single document or may separately report the
34 statistical portion of the information in a supplement appended to
35 its annual report. This statistical supplement shall be distributed
36 with copies of the agency's annual report, but need not be provided
37 to bond rating agencies, underwriters, investors, developers, or
38 financial institutions.

39 (c) The agency shall cause an audit of its books and accounts
40 with respect to its activities under this division to be made at least

1 once during each fiscal year by an independent certified public
 2 accountant and the agency shall be subject to audit by the
 3 Department of Finance not more often than once each fiscal year.

4 (d) The agency shall assess any obstacles or problems that it
 5 has encountered in meeting its mandate to serve nonmetropolitan
 6 and rural metropolitan areas, and recommend legislative and
 7 administrative solutions to overcome these obstacles or problems.
 8 The agency shall separately assess its progress in meeting the
 9 rehabilitation needs of rural areas and the new construction needs
 10 of rural areas, and separately assess its progress as to single and
 11 multifamily units. The agency shall include in its report a
 12 quantification and evaluation of its progress in meeting the housing
 13 needs of communities of various sizes in rural areas.

14 (e) By December 1 of each fiscal year, the agency shall ascertain
 15 that not less than 25 percent of the total units financed by mortgage
 16 loans during the preceding 12 months pursuant to this part were
 17 made available to very low income households. If the agency finds
 18 that these very low income occupancy goals have not been met,
 19 the agency shall immediately notify the Governor, the Speaker of
 20 the Assembly, and the Senate Committee on Rules, and shall
 21 recommend legislation or other action as may be required to make
 22 (1) at least 25 percent of the units so available, and (2) at least 25
 23 percent of the units thereafter financed so available. In housing
 24 developments for which the agency provides a construction loan
 25 but not a mortgage loan, the agency shall report annually on the
 26 percentage of units projected to be made available for occupancy
 27 and actually occupied by lower income households.

28 (f) *The annual report required pursuant to this section shall*
 29 *also include an evaluation of any program established by the*
 30 *department pursuant to Article 5y (commencing with Section*
 31 *998.540) of Chapter 6 of Division 4 of the Military and Veterans*
 32 *Code.*

33 SEC. 2. Section 998.403 of the Military and Veterans Code is
 34 amended to read:

35 998.403. For the purpose of creating a fund to provide farm
 36 and home aid for veterans in accordance with the Veterans' Farm
 37 and Home Purchase Act of 1974 (Article 3.1 (commencing with
 38 Section 987.50)), and of all acts amendatory thereof and
 39 supplemental thereto, the committee may create a debt or debts,
 40 liability or liabilities, of the State of California, in the aggregate

1 amount of not more than ~~nine~~ *three* hundred million dollars
2 (~~\$900,000,000~~) (*\$300,000,000*), exclusive of refunding bonds, in
3 the manner provided herein.

4 SEC. 3. Article 5y (commencing with Section 998.540) is
5 added to Chapter 6 of Division 4 of the Military and Veterans
6 Code, to read:

7
8 Article 5y. The Veterans Housing and Homeless Prevention
9 Act of 2014

10
11 998.540. This article shall be known and may be cited as the
12 Veterans Housing and Homeless Prevention Act of 2014.

13 998.541. (a) California is home to almost two million veterans,
14 more than any other state in the nation, and with the winding down
15 of the wars in Iraq and Afghanistan, an unprecedented number of
16 California veterans will return to our communities, many in need
17 of housing, employment, mental health and drug treatment, and
18 physical rehabilitation.

19 (b) Unfortunately, California also leads the nation in the number
20 of homeless veterans, roughly 25 percent of the nation’s homeless
21 veterans live in California, approximately 19,000 veterans.
22 According to the California Research Bureau, Los Angeles is
23 number one in terms of the number of homeless veterans followed
24 by the San Diego region at number three, and the San Francisco
25 Bay Area at number nine.

26 (c) Moreover, the face of the nation’s homeless veterans’
27 population is changing as more OIF/OEF veterans find themselves
28 in a downward spiral towards homelessness and, increasingly,
29 female veterans and their children comprise more and more of the
30 homeless veteran demographic.

31 (d) With their higher rates of posttraumatic stress disorder,
32 substance abuse, and unemployment, as well as the higher
33 incidence of sexual trauma experienced by our female veterans,
34 the current homeless veteran, all too often, cycles in and out of
35 our jails, hospitals, and treatment programs, disproportionately
36 drawing down services without receiving the proper services to
37 stabilize their lives.

38 (e) The Legislature must advance a comprehensive, coordinated,
39 and cost-effective approach to respond to the housing and services

1 needs of our veterans. Such an approach should leverage public
2 and private resources as well as align housing and services.

3 (f) Five years ago, Californians overwhelmingly affirmed their
4 gratitude to our veterans by approving Proposition 12, a \$900
5 million general obligation bond intended to help veterans
6 specifically purchase single family homes, farms, and mobilehomes
7 through the CalVet Home Loan Program.

8 (g) As a result of the nation's economic crisis and state's housing
9 downturn coupled with the changing demographics of our veterans,
10 the Farm and Home Loan Program, as approved by Proposition
11 12, has been significantly undersubscribed. Five years since its
12 passage, the full \$900 million remains unspent as does a portion
13 of the \$500 million from Proposition 32, which was approved by
14 the voters in 2000.

15 (h) Meanwhile, veterans in need of multifamily housing that is
16 affordable, supportive, and transitional remains unmet and public
17 and private resources available for these purposes remain
18 underutilized.

19 (i) California voters should be granted the opportunity to
20 restructure the Proposition 12 veterans' bond program to better
21 respond to the housing and services needs as well as the changing
22 demographics of the current veteran.

23 (j) The Veterans Housing and Homeless Prevention Act of 2014
24 will restructure \$600 million of the existing Proposition 12 bond
25 moneys to allow for the construction and rehabilitation of
26 multifamily housing for veterans and prioritize projects that align
27 housing with services. Even with this restructuring of bond moneys,
28 the act still preserves over half a billion dollars for the existing
29 CalVet Farm and Home Loan Program.

30 (k) The Veterans Housing and Homeless Prevention Act of 2014
31 will expand housing and service options for veterans,
32 cost-effectively leverage public dollars, reduce the number of
33 homeless veterans and its attendant public costs, and place
34 California at the forefront of our nation's efforts to end veterans
35 homelessness by 2015.

36 998.542. (a) The State General Obligation Bond Law (Chapter
37 4 (commencing with Section 16720) of Part 3 of Division 4 of
38 Title 2 of the Government Code), except as otherwise provided
39 herein, is adopted for the purpose of the issuance, sale, and
40 repayment of, and otherwise providing with respect to, the bonds

1 authorized to be issued by this article, and the provisions of that
2 law are included in this article as though set out in full in this
3 article. All references in this article to “herein” refer both to this
4 article and that law.

5 (b) For purposes of the State General Obligation Bond Law, the
6 Department of Housing and Community Development is designated
7 the board.

8 998.543. As used herein, the following terms have the following
9 meanings:

10 (a) “Board” means the Department of Housing and Community
11 Development.

12 (b) “Bond” means a veterans’ bond, a state general obligation
13 bond, issued pursuant to this article adopting the provisions of the
14 State General Obligation Bond Law.

15 (c) “Bond act” means this article authorizing the issuance of
16 state general obligation bonds and adopting the State General
17 Obligation Bond Law by reference.

18 (d) “Committee” means the Housing for Veterans Finance
19 Committee, established pursuant to Section 998.547.

20 (e) “Fund” means the Housing for Veterans Fund, established
21 pursuant to Section 998.544.

22 998.544. (a) Bonds in the total amount of six hundred million
23 dollars (\$600,000,000), or so much thereof as is necessary, not
24 including the amount of any refunding bonds, or so much thereof
25 as is necessary, may be issued and sold to provide a fund to be
26 used for carrying out the purposes expressed in subdivision (b)
27 and to reimburse the General Obligation Bond Expense Revolving
28 Fund pursuant to Section 16724.5 of the Government Code. The
29 bonds, when sold, shall be and constitute a valid and binding
30 obligation of the State of California, and the full faith and credit
31 of the State of California is hereby pledged for the punctual
32 payment of both principal of, and interest on, the bonds as the
33 principal and interest become due and payable.

34 (b) (1) The proceeds of bonds issued and sold pursuant to this
35 section shall be made available to the board for the purposes of
36 the construction, rehabilitation, and preservation of multifamily
37 housing that is affordable, supportive, and transitional. The bond
38 proceeds shall only be used for units designated for veterans and
39 their families.

1 (2) The program established pursuant to paragraph (1) shall be
2 administered by the board, in collaboration with the Department
3 of Veterans Affairs.

4 (3) The board shall establish a program to focus on veterans at
5 risk for homelessness or experiencing temporary or chronic
6 homelessness.

7 (4) To the extent feasible, the board shall establish and
8 implement programs that, among other things, do the following:

9 (A) Leverage public (federal, state, and local), private, and
10 nonprofit program and fiscal resources.

11 (B) Prioritize projects that combine housing and supportive
12 services, such as job training, mental health and drug treatment,
13 or physical rehabilitation.

14 (C) Promote public and private partnerships.

15 (D) Foster innovative financing opportunities.

16 (5) The Legislature may, from time to time, by majority vote,
17 amend the provisions of this act for the purpose of improving
18 program efficiency, effectiveness, and accountability, or for the
19 purpose of furthering overall program goals.

20 (c) The proceeds of bonds issued and sold pursuant to this article
21 shall be deposited in the Housing for Veterans Fund, which is
22 hereby created.

23 (d) Bonds deposited in the Housing for Veterans Fund shall be
24 subject to annual appropriation, as determined by the Legislature.

25 998.546. The bonds authorized by this article shall be prepared,
26 executed, issued, sold, paid, and redeemed as provided in the State
27 General Obligation Bond Law (Chapter 4 (commencing with
28 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
29 Code), and all of the provisions of that law, except Section 16727
30 of the Government Code, shall apply to the bonds and to this article
31 and are hereby incorporated in this article as though set forth in
32 full in this article.

33 998.547. Solely for the purpose of authorizing the issuance
34 and sale pursuant to the State General Obligation Bond Law of
35 the bonds authorized by this article, the Housing for Veterans
36 Finance Committee is hereby created. For purposes of this article,
37 the Housing for Veterans Finance Committee is “the committee”
38 as that term is used in the State General Obligation Bond Law.
39 The committee consists of the Controller, Treasurer, Director of
40 Finance, and the Director of Housing and Community

1 Development, or their designated representatives. The Treasurer
2 shall serve as chairperson of the committee. A majority of the
3 committee may act for the committee.

4 998.548. The committee shall determine whether or not it is
5 necessary or desirable to issue bonds authorized pursuant to this
6 article in order to carry out the actions specified in Section 998.544
7 and, if so, the amount of bonds to be issued and sold. Successive
8 issues of bonds may be authorized and sold to carry out those
9 actions progressively, and it is not necessary that all of the bonds
10 authorized to be issued be sold at any one time.

11 998.549. There shall be collected each year and in the same
12 manner and at the same time as other state revenue is collected,
13 in addition to the ordinary revenues of the state, a sum in an amount
14 required to pay the principal of, and interest on, the bonds each
15 year. It is the duty of all officers charged by law with any duty in
16 regard to the collection of the revenue to do and perform each and
17 every act that is necessary to collect that additional sum.

18 998.550. Notwithstanding Section 13340 of the Government
19 Code, there is hereby appropriated from the General Fund in the
20 State Treasury, for the purposes of this article, an amount that will
21 equal the total of the following:

22 (a) The sum annually necessary to pay the principal of, and
23 interest on, bonds issued and sold pursuant to this article, as the
24 principal and interest become due and payable.

25 (b) The sum necessary to carry out Section 998.551,
26 appropriated without regard to fiscal years.

27 998.551. For the purposes of carrying out this article, the
28 Director of Finance may authorize the withdrawal from the General
29 Fund of an amount not to exceed the amount of the unsold bonds
30 that have been authorized by the committee to be sold for the
31 purpose of carrying out this article. Any amounts withdrawn shall
32 be deposited in the fund. Any money made available under this
33 section shall be returned to the General Fund from proceeds
34 received from the sale of bonds for the purpose of carrying out
35 this article.

36 998.552. All money deposited in the fund that is derived from
37 premium and accrued interest on bonds sold shall be reserved in
38 the fund and shall be available for transfer to the General Fund as
39 a credit to expenditures for bond interest.

1 998.553. Pursuant to Chapter 4 (commencing with Section
2 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
3 the cost of bond issuance shall be paid out of the bond proceeds.
4 These costs shall be shared proportionally by each program funded
5 through this bond act.

6 998.554. The board may request the Pooled Money Investment
7 Board to make a loan from the Pooled Money Investment Account,
8 including other authorized forms of interim financing that include,
9 but are not limited to, commercial paper, in accordance with
10 Section 16312 of the Government Code, for purposes of carrying
11 out this article. The amount of the request shall not exceed the
12 amount of the unsold bonds that the committee, by resolution, has
13 authorized to be sold for the purpose of carrying out this article.
14 The board shall execute any documents required by the Pooled
15 Money Investment Board to obtain and repay the loan. Any
16 amounts loaned shall be deposited in the fund to be allocated by
17 the board in accordance with this article.

18 998.555. The bonds may be refunded in accordance with Article
19 6 (commencing with Section 16780) of Chapter 4 of Part 3 of
20 Division 4 of Title 2 of the Government Code, which is a part of
21 the State General Obligation Bond Law. Approval by the voters
22 of the state for the issuance of the bonds described in this article
23 includes the approval of the issuance of any bonds issued to refund
24 any bonds originally issued under this article or any previously
25 issued refunding bonds.

26 998.556. Notwithstanding any other provision of this article,
27 or of the State General Obligation Bond Law, if the Treasurer sells
28 bonds pursuant to this article that include a bond counsel opinion
29 to the effect that the interest on the bonds is excluded from gross
30 income for federal tax purposes, subject to designated conditions,
31 the Treasurer may maintain separate accounts for the investment
32 of bond proceeds and for the investment of earnings on those
33 proceeds. The Treasurer may use or direct the use of those proceeds
34 or earnings to pay any rebate, penalty, or other payment required
35 under federal law or take any other action with respect to the
36 investment and use of those bond proceeds required or desirable
37 under federal law to maintain the tax exempt status of those bonds
38 and to obtain any other advantage under federal law on behalf of
39 the funds of this state.

1 998.557. The Legislature hereby finds and declares that,
2 inasmuch as the proceeds from the sale of bonds authorized by
3 this article are not “proceeds of taxes” as that term is used in Article
4 XIII B of the California Constitution, the disbursement of these
5 proceeds is not subject to the limitations imposed by that article.

6 SEC. 4. Sections 1 to 3, inclusive, of this act shall take effect
7 upon the approval by the voters of the Veterans Housing and
8 Homeless Prevention Act of 2014, as set forth in Section 3 of this
9 act.

10 SEC. 5. (a) Notwithstanding Sections 9040, 9043, 9044, 9061,
11 9094, and 13115 of the Elections Code or any other law, a ballot
12 measure that sets forth Sections 1 to 3, inclusive, of this act shall
13 be submitted to the voters at the November 4, 2014, general
14 election.

15 (b) The Secretary of State shall ensure the placement of the
16 ballot measure as set forth in Sections 1 to 3, inclusive, of this act
17 on the November 4, 2014, general election ballot, in substantial
18 compliance with any statutory time requirements applicable to the
19 submission of statewide measures to the voters at a statewide
20 election.

21 (c) The Secretary of State shall include, in the ballot pamphlet
22 mailed pursuant to Section 9094 of the Elections Code, the
23 information specified in Section 9084 of the Elections Code
24 regarding the provisions contained in Sections 1 to 3, inclusive,
25 of this act.

26 SEC. 6. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the Constitution and shall go into
29 immediate effect. The facts constituting the necessity are:

30 In order that this act be included on the November 4, 2014,
31 general election ballot for purposes of assisting veterans at the
32 earliest possible time, it is necessary that this act take effect
33 immediately.

O

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 142

Introduced by Assembly Member Perea

January 17, 2013

An act to add Division 26.8 (commencing with Section 79850) to the Water Code, relating to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012.

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as amended, Perea. Safe, Clean, and Reliable Drinking Water Supply Act of 2012.

Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

~~This bill would state the intent of the Legislature to enact legislation to amend the Safe, Clean, and Reliable Drinking Water Supply Act of 2012.~~

This bill would require a state department that expends moneys in grants or other expenditures from the bond act to provide information to the Treasurer within a specified time period including the total amount of moneys spent on each project or program, the specific location of the project, and a detailed description of the project. This bill would further require the Treasurer to post this information on its Internet Web site, as specified.

This bill would take effect only if the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 is approved by the voters.

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. Division 26.8 (commencing with Section 79850)
2 is added to the Water Code, to read:

3
4 DIVISION 26.8. IMPLEMENTATION OF THE SAFE, CLEAN,
5 AND RELIABLE DRINKING WATER SUPPLY ACT OF 2012
6

7 79850. (a) No later than 60 days after a state department has
8 expended moneys in grants or other expenditures pursuant to
9 Division 26.7 (commencing with Section 79700), that state
10 department shall submit to the Treasurer all of the following
11 information:

12 (1) The total dollar amount of moneys awarded or expended
13 each project or program.

14 (2) The specific location of the project or program.

15 (3) A detailed description of the project or program.

16 (b) The Treasurer shall post and update at least every six
17 months, all of the information provided pursuant to subdivision
18 (a) on the Treasurer’s Internet Web site in a manner accessible
19 to the general public.

20 SEC. 2. This act shall take effect only if the Safe, Clean, and
21 Reliable Drinking Water Supply Act of 2012 is approved by the
22 voters.

23 ~~SECTION 1. It is the intent of the Legislature to review the~~
24 ~~amount of bonds that would be authorized to be issued pursuant~~
25 ~~to the Safe, Clean, and Reliable Drinking Water Supply Act of~~
26 ~~2012 and to enact legislation to amend that act.~~

O

Solano County 2012 Bill List
Thursday, March 28, 2013

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 23 Donnelly R State responsibility areas: fire prevention fees.	2/12/2013-A. NAT. RES. 2/12/2013-Re-referred to Com. on NAT. RES.	Existing law requires the State Board of Forestry and Fire Protection, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. This bill would repeal the above provisions relating to the fire prevention fees. Last Amended on 2/11/2013			
AB 142 Perea D Safe, Clean, and Reliable Drinking Water Supply Act of 2012.	3/20/2013-A. W.,P. & W. 3/20/2013-Re-referred to Com. on W.,P. & W. 4/2/2013 Anticipated Hearing ASSEMBLY W.,P. & W., Not in daily file.	Current law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. This bill would require a state department that expends moneys in grants or other expenditures from the bond act to provide information to the Treasurer within a specified time period including the total amount of moneys spent on each project or program, the specific location of the project, and a detailed description of the project. This bill contains other related provisions. Last Amended on 3/19/2013		Pending	Watch
AB 182 Buchanan D Bonds: school districts and community college districts.	3/13/2013-A. ED. 3/20/2013-Do pass as amended.	Current law requires bonds to bear a rate of interest that does not exceed 8% per annum and requires the number of years the whole or any part of the bonds are to run to not exceed 25 years. This bill would require the ratio of total debt service to principal for each bond series to not exceed 4 to one. The bill would require each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to mandatory tender for purchase or redemption before its fixed maturity date, as specified, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued. This bill contains other related provisions and other existing laws. Last Amended on 3/12/2013			
AB 194 Campos D Open meetings: protections for public criticism: penalties for violations.	2/7/2013-A. L. GOV. 2/7/2013-Referred to Com. on L. GOV.	Would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified. This bill contains other related provisions and other existing laws.		Pending	Watch
AB 197 Stone D CalWORKs eligibility: asset limits: vehicles.	2/7/2013-A. HUM. S. 2/7/2013-Referred to Com. on HUM. S. 4/2/2013 1:30 p.m. - State Capitol, Room 437 ASSEMBLY HUMAN SERVICES, STONE, Chair	Would delete existing requirements for assessing the value of a motor vehicle for purposes of eligibility for public aid, including the CalWORKs program. The bill would exclude the value of a licensed motor vehicle from consideration when determining or redetermining eligibility for aid. By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.			
AB 531 Frazier D Driver's licenses: veteran	3/21/2013-A. TRANS. 3/21/2013-Re-referred to Com. on TRANS. 4/8/2013 1:30 p.m. - State Capitol, Room 4202	Would , commencing January 1, 2015, require the application for a driver's license or identification card to also allow a person to present to the department of Motor Vehicles, in a manner determined by the department, a Certificate of Release or Discharge from Active Duty, as specified, and to request the driver's license or identification card be printed with			

designation.	ASSEMBLY TRANSPORTATION, LOWENTH AL, Chair	the word "VETERAN." The bill would require the department to allow an applicant to present a verification from the county veterans service officer that the person has received that form. The department would be required to print the word "VETERAN" on the face of a driver's license or identification card issued to a person who makes that request and presents that form to the department. This bill contains other related provisions and other existing laws. Last Amended on 3/20/2013			
AB 639 John A. Pérez D Veterans Housing and Homeless Prevention Act of 2014.	3/4/2013-A. H. & C.D. 3/4/2013-Referred to Coms. on H. & C.D. and V.A. 4/17/2013 9 a.m. - State Capitol, Room 126 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, TORRES, Chair	Would authorize the issuance of bonds in the amount of \$600,000,000, as specified, for expenditure by the Department of Housing and Community Development for purposes of the construction, rehabilitation, and preservation of multifamily housing for veterans, in collaboration with the Department of Veterans Affairs. The bill would authorize the Legislature to amend the provisions of this act, by majority vote, under specified criteria. The bill would impose a specified reporting requirement on the California Housing Finance Agency. This bill contains other related provisions.		Pending	Support in Concept
AB 720 Skinner D Inmates: health care enrollment.	3/4/2013-A. PUB. S. 3/4/2013-Referred to Com. on PUB. S. 4/2/2013 Anticipated Hearing ASSEMBLY PUB. S., Not in daily file.	Would require the county sheriff, or his or her designee, to assist all individuals sentenced to county jail who are otherwise eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released. The bill would require the county sheriff, or his or her designee, to supply appropriate information regarding the Health Care Exchange to those individuals detained in a county jail who are not eligible for federal Medi-Cal benefits and who do not have health care insurance, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above. This bill contains other related provisions and other existing laws.		Support	
AB 741 Brown D Local government finance: tax equity allocation formula: qualifying cities.	3/11/2013-A. L. GOV. 3/11/2013-Referred to Com. on L. GOV.	Would, commencing with the 2012-13 fiscal year and each fiscal year thereafter, increase the allocation of property tax revenues under a new TEA formula, as specified, for qualifying cities, as defined. This bill contains other related provisions and other existing laws.			
AB 935 Frazier D San Francisco Bay Area Water Emergency Transportation Authority: terms of board members.	3/19/2013-A. L. GOV. 3/19/2013-Re-referred to Com. on L. GOV. 4/10/2013 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, ACHADJIAN, Chair	Would expand the number of members appointed by the Senate Committee on Rules and the Speaker of the Assembly to 2 members each. The bill would require that the initial terms of the additional members appointed by the Senate Committee on Rules and the Speaker of the Assembly pursuant to its provisions shall be 2 years and 6 years, respectively. The bill would also require that the 3 members appointed by the Governor be a resident of the County of Contra Costa selected from a list of 3 nominees provided by the Contra Costa Transportation Authority , a resident of the County of San Mateo selected from a list of 3 nominees provided by the San Mateo County Transportation Authority , and a resident of the County of Solano selected from a list of 3 nominees provided by the Solano Transportation Authority . The bill would require the Governor to appoint a resident of the county of one of these transportation authorities that fails to submit a list of 3 nominees to the Governor within 45 days of a vacancy. This bill contains other existing laws. Last Amended on 3/18/2013			
SB 42 Wolk D The California Clean, Secure Water Supply and Delta	1/10/2013-S. N.R. & W. 1/10/2013-Referred to Com. on N.R. & W.	Current law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Current law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general			

Recovery Act of 2014.		election. This bill would repeal these provisions. This bill contains other related provisions and other current laws.			
SB 122 Lieu D	1/31/2013-S. N.R. & W. 3/13/2013-Set for hearing April 9.	Existing law makes it an infraction punishable by a maximum \$3,000 fine, and until January 1, 2014, a minimum \$1,000 fine for a person to abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except for the urgent and immediate concern for the safety of those aboard the vessel. This bill would delete the January 1, 2014, repeal date of certain above-described provisions and delete alternative provisions that were to become operative on January 1, 2014, which would have reduced the minimum fine to \$500 and eliminated the exception for a surrendered vessel.			Watch
Vessels: abandonment: abatement.	4/9/2013 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair				
SB 191 Padilla D	3/11/2013-S. HEALTH 3/15/2013-Set for hearing April 10.	Existing law, until January 1, 2014, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers. This bill would extend the operative date of these provisions indefinitely. The bill would also make a technical, nonsubstantive change to these provisions.			
Emergency medical services.	4/10/2013 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE HEALTH, HERNANDEZ, Chair				
SB 199 De León D	2/21/2013-S. PUB. S. 2/21/2013-Referred to Com. on PUB. S.	Would add a rank-and-file deputy sheriff or a rank-and-file police officer, and a rank-and-file probation officer or a deputy probation officer, each to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file deputy sheriff or rank-and-file police officer, and the rank-and-file probation officer or a deputy probation officer, on the local plan.			
Probation: community corrections community corrections.					
SB 283 Hancock D	2/28/2013-S. HUM. S. 3/12/2013-Set for hearing April 9.	Would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release. This bill contains other related provisions and other existing laws.			
CalWORKs and CalFresh eligibility.	4/9/2013 1:30 p.m. - Room 3191 SENATE HUMAN SERVICES, YEE, Chair				
SB 296 Correa D	2/28/2013-S. V. A. 3/13/2013-Set for hearing April 9.	Current law requires funds to be disbursed each fiscal year on a pro rata basis to counties that have established and maintained a county veterans service officer in accordance with the staffing level and workload of each county veterans service officer, under a specified formula. This bill would appropriate the sum of \$5,000,000 from the General Fund to the Department of Veterans Affairs for the disbursement to counties to fund the activities of county veterans service officers, as specified.			
County veterans service officers.	4/9/2013 1:30 p.m. - Rose Ann Vuich Hearing Room (2040) SENATE VETERANS AFFAIRS, CORREA, Chair				
SB 480 Yee D	3/11/2013-S. HUM. S. 3/19/2013-Hearing postponed by committee. (Refers to 3/19/2013 hearing)	This bill, commencing the later of January 1, 2015, or the date that any necessary federal approvals are obtained, would require that a person who is an inmate of a public institution be suspended as a member of the CalWORKs assistance unit for the duration of his or her incarceration, but would return the person to the assistance unit without reapplying, if he or she is still eligible for CalWORKs benefits upon release. This bill contains other related provisions and other existing laws.		Co-Sponsor	
CalWORKs, Medi-Cal, and CalFresh: suspension of benefits.					
SB 720 Correa D	3/11/2013-S. RLS. 3/11/2013-Referred to Com. on RLS.	Current law establishes in state government the Military Department, which includes the office of the Adjutant General, the State Military Reserve, the California Cadet Corps, and the Naval Militia. This bill would make nonsubstantive changes to this provision.			
Military Department.					
SB 735 Wolk D	3/11/2013-S. N.R. & W. 3/13/2013-Set for hearing April 9.	The Sacramento-San Joaquin Delta Reform Act of 2009 defines "covered action" to mean a plan, program, or project that meets specified conditions. This bill would exclude from the		Pending	

Sacramento-San Joaquin
Delta Reform Act of 2009:
covered actions.

4/9/2013 9:30 a.m. - Room 112
SENATE NATURAL RESOURCES AND
WATER, PAVLEY, Chair

definition of "covered action" the approval or implementation of a project which is a part of a larger conservation plan submitted pursuant to the federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered or threatened species issued to specified entities located within certain counties.

Total Measures: 19

Total Tracking Forms: 19