



**Government Finance & Administration
Policy Committee
CSAC Legislative Conference
Thursday, April 25, 2019 — 9:00 a.m. – 10:30 a.m.
Hyatt Regency Hotel, Regency A Ballroom
Sacramento County, California**

**Supervisor Judy Morris, Trinity County, Chair
Supervisor Chuck Washington, Riverside County, Vice Chair**

- 9:00 a.m. I. **Welcome and Introductions**
*Supervisor Judy Morris, Trinity County, Chair
Supervisor Chuck Washington, Riverside County, Vice Chair*
- 9:05 a.m. II. **Redistricting:
Who Should Draw the Lines? And Where?**
*Leticia Perez, Supervisor, Kern County
Das Williams, Supervisor, Santa Barbara County
Margarita Fernández, Chief of Public Affairs and Quality Assurance,
California State Auditor's Office
Nicolas Heidorn, Policy & Legal Director, California Common Cause*
- 9:40 a.m. III. **The Once and Future Sales Tax:
Its Importance to Counties and Possible Future Reforms**
*Fiona Ma, California State Treasurer
Deana Carrillo, Executive Director, CAEATFA
Ronda Paschal, Deputy Legislative Secretary, Governor's Office of
Legislative Affairs
Colin Grinnell, Staff Director, Senate Governance and Finance
Committee
Andy Nickerson, President / CEO, HdL Companies*
- 10:25 a.m. IV. **Legislative Update**
*Geoff Neill, Legislative Representative, CSAC
Josh Gauger, Legislative Representative, CSAC*
- 10:30 a.m. V. **Adjourn**

**All speakers invited.*

ATTACHMENTS

Redistricting: Who Should Draw the Lines? And Where?

- Attachment One..... Redistricting Memo
- Attachment Two..... AB 849 Committee Analysis
- Attachment Three CSAC / RCRC / UCC Letter on AB 849
- Attachment Four SB 139 Committee Analysis

The Once and Future Sales Tax: Its Importance to Counties and Possible Future Reforms

- Attachment Five..... CSAC Letter Supporting AB 147
- Attachment Six Extracts from LAO Report “Understanding California’s Sales Tax” – “From Collection to Distribution Chart”, “What Is Taxed” and “Are Revenues Growing”
- Attachment Seven Executive Summary and Recommendations from LAO Report “Evaluation of a Sales Tax Exemption for Certain Manufacturers”

State Legislative Update

- Attachment Eight Bill Reports: “Finance and Administration” and “Employment”

Attachment One
Redistricting Memo



® April 12, 2019

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To: CSAC Government Finance and Administration Policy Committee

From: Geoff Neill, Legislative Representative

RE: **Redistricting: Who Should Draw the Lines? And Where?**

Background.

Every ten years, after the national census, jurisdictions across the country redraw the boundaries for state and local districts. The practice has come under scrutiny in recent years as allegations of gerrymandering have become more widespread and measureable.

In most cases, decisions about district boundaries rest with the agency's governing body: legislatures draw legislative districts, county boards draw supervisorial districts, and so on. However, before the last round of redistricting, California's voters passed two ballot measures that required the state's legislative and congressional districts to be drawn by an independent commission instead. That commission's process was more transparent than had previously been the case and their product was widely, though not universally, praised as producing maps that more accurately reflected California's demographic changes than the ones drawn the previous decade by the Legislature.

With that success, and with the issue of unrepresentative districts remaining in the public eye nationally, state legislators have introduced bills to improve the transparency and independence of redistricting at the local level. The two most significant measures are:

AB 849, by Assembly Member Rob Bonta (D - Alameda), which would rewrite redistricting laws for all types of local agencies, including counties, standardizing the process and introducing significant new transparency requirements. The bill in its current form would also change the criteria local boards must use to make their decisions about district boundaries.

SB 139, by Senator Ben Allen (D - Santa Monica), which would require independent redistricting commissions for counties with a population of at least 250,000 (Los Angeles and San Diego Counties are already required to have independent commissions and all other local agencies are permitted to). They would be based on the state's redistricting commission, but would require significant new duties of county registrars in evaluating applicants.

Neither bill currently includes funding.

Attachments.

- 1) Committee analysis of AB 849
- 2) CSAC / RCRC / UCC letter on AB 849
- 3) Committee analysis of SB 139

Contacts. Contact Geoff Neill at gneill@counties.org or (916) 650-8115 for more information.

Attachment Two
AB 849 Committee Analysis

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 849 (Bonta) – As Amended March 14, 2019

SUBJECT: Elections: local redistricting.

SUMMARY: Revises the criteria and process to be used by local jurisdictions when they adopt or adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies. Standardizes the criteria and process so that it is generally consistent across all levels of local government. Requires local jurisdictions to comply with substantial public hearing and outreach requirements as part of the process for adopting or adjusting boundaries. Specifically, **this bill:**

- 1) Requires counties, cities, special districts, school districts, community college districts, and county boards of education, when adopting or adjusting the boundaries of districts or trustee areas within the jurisdiction, to develop districts that comply with the following criteria:
 - a) Requires the districts to be substantially equal in population as determined by the census, as specified. Prohibits inmates of a state correctional facility from being counted in the jurisdiction's population except for those inmates whose last known place of residence can be assigned to a census block in the jurisdiction, as specified.
 - b) Requires the districts to comply with the United States and California Constitutions, and the federal Voting Rights Act (VRA).
 - c) Requires the district boundaries to be established using the following criteria in the following order of priority:
 - i) Requires districts to be geographically contiguous to the extent practicable, as specified.
 - ii) Requires districts to respect the geographic integrity of local neighborhoods and communities of interest to the extent practicable, as specified. Provides that the term "communities of interest" does not include relationships with political parties, incumbents, or political candidates.
 - iii) In the case of counties and special districts, requires districts to respect the geographic integrity of a city in a manner that minimizes its division, to the extent practicable.
 - iv) Provides that district boundaries should be easily identifiable and understandable by residents, and requires such boundaries to follow natural and artificial boundaries to the extent practicable, as specified.
 - v) Requires district boundaries to be drawn to encourage geographical compactness, as specified, to the extent practicable and where doing so does not conflict with higher-ranked criteria.
 - d) Prohibits districts from being drawn for the purpose of favoring or discriminating against a political party.

- e) Requires districts to be assigned numbers or letters in a manner that results in the greatest number of residents possible ending up in a district that shares the same number or letter as the resident's old district area number or letter, except as specified.
- 2) Establishes the following timelines and deadlines for local government agencies to adjust district boundaries in the year following the decennial census:
 - a) Prohibits a local jurisdiction from adjusting district boundaries before August 31 of the year following the census. Permits hearings or workshops to be held prior to August 31, provided that the boundaries of new districts are not adopted before that date.
 - b) Requires district boundaries to be adjusted no later than 151 days before the jurisdiction's first regular election occurring after March 1 of the second year following the census (i.e., a year ending in the number "2").
 - 3) Requires the chief legal officer of a local government agency, if an entity fails to adopt district boundaries by the deadline, to petition the superior court in the county for an order adopting district boundaries. Permits a resident to petition the court if the legal officer fails to do so within five days after the deadline.
 - a) Requires the court to adopt boundaries using the criteria specified above. Requires the new boundaries to be used in the agency's next regular election. Permits the court to order the adjustment of deadlines as necessary to implement the new boundaries.
 - b) Requires the court to hold at least one public hearing before adopting district boundaries.
 - c) Permits the court to appoint a special master to assist the court in adopting boundaries. Requires the agency to pay for the cost of the special master.
 - 4) Requires a local government agency that is transitioning from at-large to district-based elections, or when adjusting district boundaries following the federal decennial census, to comply with the following public hearing requirements:
 - a) In local governments with a population of fewer than 50,000 residents, a minimum of four hearings, subject to the following conditions:
 - i) At least one hearing before the agency draws a draft map of proposed district boundaries, and at least three hearings after drawing a draft map;
 - ii) At least one hearing must be held in a different geographic area; and,
 - iii) At least one hearing must be held on a weekend, or after 6 p.m. on a weekday.
 - b) In local governments with a population of 50,000 – 99,999 residents, a minimum of six hearings, subject to the following conditions:
 - i) At least two hearings before the agency draws a draft map, and at least four hearings after drawing a draft map;
 - ii) At least two hearings must be held in a different geographic area; and,

- iii) At least two hearings must be held on a weekend, or after 6 p.m. on a weekday.
 - c) In local governments with a population of 100,000 residents or more, a minimum of 10 hearings, subject to the following conditions:
 - i) At least four hearings before the agency draws a draft map, and at least six hearings after drawing a draft map;
 - ii) At least three hearings must be held in a different geographic area; and,
 - iii) At least three hearings must be held on a weekend, or after 6 p.m. on a weekday.
 - d) Requires hearing buildings to be accessible to persons with disabilities. Specifies that where practicable, hearing buildings should be located within walking distance of free parking and public transit.
 - e) Requires a hearing to be noticed for and to begin at a fixed time if it is consolidated with a regular or special meeting of the governmental agency that includes other substantive agenda items.
- 5) Requires a local government agency that is transitioning from at-large to district-based elections, or when adjusting district boundaries following the federal decennial census, to comply with the following outreach, language assistance, and public notice requirements:
- a) Requires the agency to encourage residents, including those in underrepresented and non-English speaking communities, to participate in the process, including the following:
 - i) Providing information in English and other languages in which the jurisdiction is required to provide language assistance pursuant to state or federal law, as specified.
 - ii) Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the jurisdiction, including those active in language minority communities.
 - b) Requires the agency to arrange live translation of any public hearing or workshop into a language in which the jurisdiction is required to provide language assistance, as specified, if a request is made at least 72 hours before the hearing or workshop.
 - c) Requires the agenda for any public hearing or workshop to be published on the internet at least five days before the hearing or workshop.
 - d) Requires the first version of a draft map of district boundaries to be published on the internet at least seven days before being considered at a hearing. Requires a draft map that is revised, as specified, to be published on the internet for at least seven days before being adopted by the agency, unless there are fewer than 165 days until the jurisdiction's next regular election, in which case the draft must be published for at least three days.
 - e) Requires each draft map prepared by the agency to be accompanied by specified demographic information that the agency has about the proposed districts.

- f) Requires the public to be permitted to submit testimony or draft maps in writing and electronically.
- g) Requires all hearings to be audio- or video-recorded, and made available on the internet within 72 hours of the hearing.
- h) Requires the jurisdiction to create and maintain a website during the districting or redistricting process, and for at least 10 years thereafter. Requires the website to include or link to the following information:
 - i) An explanation of the redistricting process for the jurisdiction, in English and any other languages in which the jurisdiction is required to provide language assistance.
 - ii) The procedures for public testimony during a hearing, and for submitting written testimony to the agency, in English and other languages in which the jurisdiction is required to provide language assistance.
 - iii) A calendar of hearings and workshop dates.
 - iv) The notice and agenda for each hearing and workshop.
 - v) The audio- or video-recording, draft minutes, and adopted minutes of each hearing.
 - vi) Each draft map considered by the agency at a hearing.
 - vii) The adopted map of district boundaries and the report that explains how the body made its decisions in achieving compliance with the required criteria.
- 6) Provides that if the boundaries of a city or special district expand as the result of the addition of new territory, the new territory shall be added to the nearest district without changing the boundaries of the other districts. Permits new boundaries to be adopted, notwithstanding the general prohibition on mid-decade redistricting that would be created by this bill, if both of the following conditions are met:
 - a) There are more than four years until the next scheduled redistricting; and,
 - b) The population of the new territory being added is greater than 25 percent of the jurisdiction's population, as specified.
- 7) Prohibits a county, city, or special district, after districting or redistricting, from adopting new district boundaries until after the next federal census except as follows:
 - a) If a court orders the jurisdiction to redistrict.
 - b) If the jurisdiction is settling a legal claim that its district boundaries violate the United States Constitution, the VRA, or relevant provisions of state law.
 - c) If the boundaries of the jurisdiction change by the addition or subtraction of territory.

- 8) Establishes the following deadlines for a city or special district to adopt district boundaries, if the jurisdiction has legally committed, as specified, to adopt new district boundaries:
 - a) If the commitment was made more than 180 days before the jurisdiction's next regular election, the jurisdiction must adopt boundaries at least 151 days before that election.
 - b) If the commitment was made between 180 and 151 days before the election, the jurisdiction must adopt boundaries at least 125 days before the election.
- 9) Requires the body responsible for adopting boundary lines to issue a report within two weeks of adopting the lines that explains the basis on which the body made its decisions in achieving compliance with the criteria specified in this bill.
- 10) Provides, in the case of a county, city, or special district, that this bill generally shall not be interpreted to limit the discretionary remedial authority of federal or state courts, or to limit a court's ability to fashion a remedy that conflicts with the provisions of this bill.
- 11) Provides that the following provisions of this bill do not apply to a charter city, as specified:
 - a) The criteria for drawing districts, if the city has redistricting criteria in its city charter.
 - b) The deadlines for redistricting, if the city has adopted a different deadline by ordinance or in its charter.
 - c) The provisions governing the adjustment of boundaries when a city adds territory, if the city has adopted a different standard by ordinance or in its charter.
 - d) The provisions governing mid-cycle redistricting, if the city has adopted different rules for mid-cycle redistricting in its charter.
 - e) The provisions governing situations where a city fails to redistrict by the deadline, if the city has adopted in its charter a different method for adopting district boundaries when it misses a redistricting deadline.
- 12) Makes corresponding and conforming changes.

EXISTING STATE LAW:

- 1) Establishes rules that counties, cities, county boards of education, community college districts, and school districts must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies, as follows:
 - a) **Criteria** – Generally requires districts to have equal populations. Permits, but does not require counties, cities, special districts, and county boards of education to consider topography; geography; cohesiveness, contiguity, integrity, and compactness of territory; and communities of interest when establishing or adjusting district boundaries.
 - b) **Mid-Decade Redistricting** – Permits most types of governmental entities, after adjusting district boundaries following the decennial census, to adjust those boundaries again before the next decennial census, subject to certain conditions.

- c) **Deadlines** – Establishes varying deadlines for a jurisdiction to adopt district boundaries following the decennial census, depending on the type of governmental entity. State law generally provides that jurisdictional boundary changes must occur at least 125 days before an election in order to be effective for that election.
 - d) **Failure to Redistrict** – Specifies varying remedies in situations where a jurisdiction fails to adjust district boundaries by the required deadline following the decennial census, depending on the type of governmental entity, including electing governing board members at-large, instead of by districts. For some governmental entities, existing law does not specify a remedy if the jurisdiction fails to adjust district boundaries as required.
 - e) **Public Hearings** – Requires most types of governmental entities to hold at least one public hearing on a proposal to adjust district boundaries prior to the hearing at which the jurisdiction votes to approve or defeat the proposal.
- 2) Requires the Secretary of State, by January 1 of each year in which the Governor is elected, to determine the precincts where three percent or more of the voting age residents are members of a single language minority and lack sufficient skills in English to vote without assistance. Requires county elections officials, for each specified precinct, to provide a facsimile ballot and related instructions in the specified language or languages, as specified.
 - 3) Requires the California Department of Corrections and Rehabilitation (CDCR) to furnish information to the Legislature and the Citizens Redistricting Commission (CRC) about the last known pre-incarceration place of residence of inmates incarcerated in state correctional facilities on the day of the decennial federal census. Requires the Legislature, in coordination with the CRC, to ensure that the information provided by CDCR is included in a specified computerized database that is used for redistricting. Requests the CRC to use this information to deem each person incarcerated in a CDCR facility as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, when carrying out its redistricting responsibilities.

EXISTING FEDERAL LAW:

- 1) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate that is higher than the national illiteracy rate, and the number of the United States citizens of voting age in that language group within the jurisdiction meets at least one of the following:
 - a) Numbers more than 10,000;
 - b) Makes up more than five percent of all voting age citizens; or,
 - c) On an Indian reservation, exceeds five percent of all reservation residents.
- 2) Defines language minorities or language minority groups, for the purposes of the above provisions, to mean persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:1) **Purpose of the Bill:** According to the author:

Redistricting is of crucial importance to local democracy. How county supervisor, city council, school board, and other local government election districts are drawn can help determine, for the next decade, whether or not a community will be represented at their closest levels of government...

AB 849 would reform California's local redistricting laws to improve criteria, transparency and public engagement. AB 849 demonstrates our State's commitment that representative and inclusive democracy matters at all levels of government, including local. These reforms will result in a redistricting process that is fairer to California's diverse communities, more transparent, better organized, and more consistently-applied across all local governments.

AB 849 would specifically:

- Strengthen the criteria for local redistricting and minimize the possibility of gerrymandering by prioritizing keeping neighborhoods and communities intact;
- Bring new voices into the redistricting process, by requiring public engagement that includes engaging non-English-speaking communities that are otherwise all-too-often overlooked;
- Improve transparency by requiring local governments publish draft maps online for 7 days before they can be adopted; and
- Adopt logical redistricting deadlines that expand opportunities for public participation and set up consistent and fair remedies for when those deadlines are missed.

2) **Local Redistricting Requirements:** State laws governing redistricting for local agencies vary depending on the level of government: for instance, different rules apply to school districts and community college districts than apply to cities. Similarly, different rules apply to counties than to special districts. Notwithstanding these differences, many of the local redistricting rules are similar: the criteria required to be used when drawing district lines is very similar for counties, cities, special districts, and county boards of education, for example. Similarly, most local jurisdictions are required to hold at least two public hearings when adjusting district boundaries. Other local redistricting rules vary much more significantly. For example, a variety of different deadlines apply for local jurisdictions to adopt boundaries.

While the Legislature has approved bills in recent years to permit local jurisdictions to create redistricting commissions (see "Previous Legislation" below), the rules that govern the redistricting process itself generally have not been changed in years or even decades. The criteria that must be used for drawing county supervisorial districts, for example, has largely been unchanged since at least 1947 (the only notable change since that time was an update to state law to require that supervisorial districts comply with the VRA).

This bill updates the rules that apply to local redistricting and provides greater standardization of the rules that apply to different types of local governmental entities.

- 3) **Public Engagement Requirements:** Existing law requires most local entities to hold at least one public hearing on the topic of adjusting district boundaries before the hearing at which boundaries are adopted. Additionally, jurisdictions that are transitioning from at-large to district-based elections generally must hold at least four public hearings—at least two before drawing any draft map of districts, and at least two after releasing a draft map.

This bill imposes significant new public hearing, outreach, notice, and transparency requirements. Under this bill, jurisdictions with populations of 100,000 or more residents would be required to hold at least 10 hearings, including at least three on weekends or after 6 p.m. on weekdays, and at least three in different geographic locations. Jurisdictions would additionally be required to provide live translations of hearings—if requested 72 hours in advance—into any language in which the jurisdiction is required to provide language assistance under specified provisions of state and federal law.

These requirements could be challenging to meet. Los Angeles County, for instance, would be required to offer live translations in as many as nine languages other than English; Fresno County in as many as eight languages; and as many as seven languages in Alameda, Sacramento, and San Diego Counties. Other potentially challenging requirements for local governments include public notice requirements that exceed the rules in the Brown Act and a requirement that the agency prepare a report that explains the basis on which the body made its decisions in achieving compliance with the required criteria.

Notwithstanding the goal of standardizing redistricting procedures and requirements, the author and the committee may wish to consider whether the one-size-fits-all approach embodied in this bill is sufficiently flexible to provide a workable solution in every local government jurisdiction in the state that is divided into districts, and thus that will be required to adjust district boundaries after each federal decennial census. While the bill does contain different requirements on the number of hearings that are required depending on the population of the jurisdiction, this bill nonetheless imposes significant restrictions governing the hearings in all jurisdictions, regardless of population. These requirements may be especially difficult for local governments with small staffs, and for governmental bodies that meet only occasionally, to meet, regardless of the population of the jurisdiction.

- 4) **Transitions to Districts and Suggested Amendments:** Most of the provisions of this bill apply both to situations where a local government agency is redrawing existing district boundaries, as well as when an agency is transitioning from at-large to district-based elections. Over the last 12 years, more than 200 local government bodies have transitioned from at-large to district-based elections. Those transitions largely have been driven by the California Voting Rights Act (CVRA).

The CVRA, which was enacted through the passage of SB 976 (Polanco), Chapter 129, Statutes of 2002, was designed to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically supports candidates that differ from candidates preferred by minority communities. In such situations,

breaking a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class. In an effort to increase the likelihood that attorneys would be willing to bring challenges to at-large elections, the CVRA permits a prevailing plaintiff party to recover attorneys' fees and litigation expenses.

In recent years, the Legislature has taken steps to establish more formal mechanisms for prospective plaintiffs and local jurisdictions to address at-large election systems that are potentially unlawful under the CVRA prior to litigation being filed. Notably, AB 350 (Alejo), Chapter 737, Statutes of 2016, required that written notice be provided before an action can be brought against a political subdivision under the CVRA, and capped the amount of attorneys' fees that a prospective plaintiff could recover from a political subdivision under the CVRA if the subdivision promptly transitioned from an at-large to a district-based method of election upon receiving such a written notice. To take full advantage of the cap on attorneys' fees, a jurisdiction has a maximum of 135 days after receiving the written notice to adopt district-based elections and finalize the district boundaries, unless the person who sent the written notice agrees to a longer period of time.

Jurisdictions that elect governing board members by districts know that they will need to adjust those district boundaries following the federal decennial census, so they are able to plan for that process in advance and develop timelines accordingly. By contrast, a jurisdiction that conducts at-large elections can receive a written notice described above at any time, without any advance notice. Given the short period of time that a jurisdiction has to adopt district boundaries in order to take advantage on the cap on attorneys' fees, it may be unreasonable to expect a jurisdiction that is transitioning from at-large to district-based elections to comply with the extensive public outreach, hearing, notice, and related public engagement requirements included in this bill as a part of that transition. Accordingly, the author and the committee may wish to consider amendments to exclude jurisdictions that are establishing districts for the first time from these public engagement requirements.

Additionally, this bill requires a city or special district that makes a commitment to transition from at-large to district-based elections at least 151 days before the jurisdiction's next regular election, as specified, to adopt district boundaries in time for that election. As noted above, state law generally provides that jurisdictional boundary changes must occur at least 125 days before an election in order to be effective for that election. As a result, a jurisdiction could have as little as 26 days to complete the entire process of enacting district-based elections and adopting district boundaries under this bill. Such a timeline seems inconsistent with the public engagement requirements both in this bill and in existing law. Accordingly, committee staff recommends that this bill be amended to delete the provisions that set deadlines for cities or special districts to adopt district boundaries when transitioning to district-based elections.

- 5) **Broad Court Authority and Suggested Amendment:** Various provisions of this bill provide that state law governing local redistricting "shall not be interpreted to limit the discretionary remedial authority of any federal or state court, or to limit a federal or state

court's ability to fashion a remedy that conflicts with” specified provisions of state law.

If the author and supporters of this bill believe that the remedies that are available to courts under existing law and this bill are insufficient, the appropriate way to address that concern is to consider amending state law to allow for additional remedies. The language in this bill, by contrast, appears to give courts unfettered discretion to adopt remedies that conflict with the standards and best practices that this bill seeks to codify, potentially even including remedies that were considered and rejected as part of the legislative process. Accordingly, committee staff recommends that this bill be amended to delete these provisions of the bill.

- 6) **Court-Adopted Boundaries:** This bill requires the superior court in the relevant county to adopt new district boundaries for a jurisdiction when the jurisdiction fails to do so by the 151st day before its next regularly scheduled election. State law requires jurisdictional changes to occur at least 125 days before an election in order to be used for that election. Although this bill allows a superior court to order the adjustment of electoral deadlines as necessary to implement the new district boundaries in the next regular election, practical considerations will limit the ability to adjust many deadlines by more than a nominal amount. Elections officials, for example, need time to establish precincts and provide for candidate filing before ballots can be finalized for an election. Under state law, ballots start being mailed out to overseas and military voters on the 60th day before an election. Given these tight timeframes, the deadlines in this bill may make it difficult for a court to adopt a jurisdiction’s redistricting plan in time for the next election.
- 7) **Prison Inmates and Redistricting:** The United States Census Bureau's policy for counting people in correctional facilities on census day is that those individuals are to be counted at the facility of incarceration. As a result, census data, which typically is the basis for redistricting, shows people who are housed in correctional facilities as residing at those facilities. Due to concerns that this policy artificially inflates the political influence of districts where prisons are located at the expense of other voters, state law requests that the CRC deem individuals who are incarcerated in state prison as residing at their last known residences for redistricting purposes, rather than the institutions of at which they are incarcerated. State law also provides for the state’s redistricting database to be adjusted accordingly. This bill generally requires local governments to use the adjusted data that reflects the last known residences of individuals who are incarcerated in state prison, rather than considering those individuals to be residents of the prison.
- 8) **Technical Amendment:** Committee staff recommends the following technical amendment to correct a drafting error in this bill:

On page 39, line 34, strike out “(b)” and insert “(c)”.

- 9) **Arguments in Support:** One of the co-sponsors of this bill, Asian Americans Advancing Justice-California, writes:

How local election district lines are drawn in 2021 and 2022 will help to determine which communities will be represented – or potentially ignored – for the next decade in California. This next redistricting will take place against a backdrop of already severe underrepresentation in local government for many California communities. For example, while Latinos are nearly 45% of

California's population, they represent only 10% of county supervisors and 15% of city councilmembers, according to a 2016 NALEO study. It is therefore critical that the 2021 local redistricting cycle, and subsequent redistrictings, promote – and not impede – the goal of fair representation for all of California's diverse communities.

Unfortunately, the current laws governing local redistricting are obsolete, illogical, and inconsistent with the goal of promoting fair representation. For example, unlike for state and congressional redistricting, there is no standard requiring that local governments redistrict to keep communities intact. District maps can be drafted in secret then introduced and adopted at the same meeting without first being published and shared with the public. Despite the democratic importance of this once-per-decade process, there is no public outreach requirement, including to non-English-speaking communities who are less likely to be aware of the process. And, contrary to reason and the remainder of state public policy, if a general law city misses the redistricting deadline it perplexingly reverts to holding at-large elections, which may have the effect of undermining minority representation.

- 10) **Arguments in Opposition:** In a joint letter of opposition to this bill, the California Special Districts Association, City Clerks Association of California, and League of California Cities writes:

This bill appears to be a solution in search of a problem. In 2016, Senate Bill 1108 authorized all California cities and counties to create independent citizens commissions to redraw district lines. However, rather than allow those independent commissions to be established and determine the amount of public meetings they need to accomplish their goals and meet the needs of their communities, this bill strips local control and mandates how every type of local government must outreach to their own communities.

Unfortunately, the requirements AB 849 will create unworkable confusion and implementation challenges for thousands of local government agencies, remove virtually all local discretion on essentially every aspect of how an agency can establish, adopt and [redraw] electoral boundaries— resulting in hundreds of millions of dollars of mandates which will either be unfunded or suspended by the State. For years our organizations individually and collectively have worked in good faith with the sponsors of this measure on issues pertaining to the California Voting Rights Act, California Public Records Act as well as a variety of other elections issues and transparency issues. Rather than pursue an adversarial measure that completely upends the entire process by which our local agencies establish boundaries, our organizations would be willing to work in a collaborative manner to find ways to address concerns.

Three other organizations that represent counties (the California State Association of Counties, Rural County Representatives of California, and Urban Counties of California) are opposed unless the bill is amended to (1) appropriate funding for counties to meet the obligations in the bill, and (2) revise the procedures when a county fails to adopt district boundaries by the required deadlines, as the organizations believe it would create a

“potentially-troubling conflict” to require the county counsel to petition the superior court to establish district boundaries in such a situation, as would be required by this bill.

- 11) **Related Legislation:** AB 1724 (Salas), which is also being heard in this committee today, requires general law cities and counties to establish independent redistricting commissions that are modeled after the CRC, as specified.

SB 139 (Allen), requires a county with a population of more than 250,000 residents to establish an independent redistricting commission to adopt the county’s supervisorial districts following each federal decennial census. SB 139 was approved by the Senate Elections & Constitutional Amendments Committee on a 4-0 vote, and is pending in the Senate Governance & Finance Committee.

- 12) **Previous Legislation:** SB 1108 (Allen), Chapter 784, Statutes of 2016, permits a county or a general law city to establish a redistricting commission, subject to certain conditions.

SB 1018 (Allen), Chapter 462, Statutes of 2018, allows school, community college, and special districts to establish redistricting commissions, allows local jurisdictions to establish hybrid redistricting commissions, and modifies the conditions for individuals who are permitted to serve on independent redistricting commissions.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans Advancing Justice – California (co-sponsor)
California Common Cause (co-sponsor)
League of Women Voters of California (co-sponsor)
American Civil Liberties Union of California
California League of Conservation Voters
California League of United Latin American Citizens
Council on American-Islamic Relations – California
Mexican American Legal Defense and Educational Fund
Mi Familia Vota
RepresentUs
1 individual

Opposition

Association of California Healthcare Districts
California Special Districts Association
California State Association of Counties (unless amended)
City Clerks Association of California
League of California Cities
Rural County Representatives of California (unless amended)
Urban Counties of California (unless amended)

Analysis Prepared by: Ethan Jones / E. & R. / (916) 319-2094

Attachment Three

CSAC / RCRC / UCC Letter on AB 849



California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814
(916) 327-7500



Urban Counties of California
1100 K Street, Suite 101
Sacramento, CA 95814
(916) 327-7531



Rural County Representatives of California
1215 K Street, Suite 1650
Sacramento, CA 95814
(916) 447-4806

April 4, 2019

The Honorable Marc Berman, Chair
Assembly Elections and Redistricting Committee
State Capitol, Room 6011
Sacramento, CA 95814

Re: AB 849 (Bonta): Elections: local redistricting
As amended 3/14/19 – OPPOSE UNLESS AMENDED
Set for hearing 4/10/19 – Assembly Elections and Redistricting Committee

Dear Assembly Member Berman:

On behalf of the California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC), we write to express our “Oppose Unless Amended” position for Assembly Bill 849 (Bonta) which imposes significant new requirements on local agencies tasked with adopting district boundaries.

Counties are concerned with a number of new requirements for adopting supervisorial district boundaries that are contained in AB 849. These include:

- 1) additional public hearings with specific location, time, and accessibility requirements
- 2) obligations to maintain a new, separate website with specific components
- 3) requiring specific outreach efforts to underrepresented groups

Each of these new mandates requires a considerable investment of financial and human resources by counties. While AB 849 clearly constitutes a reimbursable mandate, we are concerned that – as past experience has indicated – the state will avoid paying mandated costs by suspending the mandate, which leaves the statute intact, but makes its implementation optional by way of not providing funding. This puts counties in a quandary; the public has an expectation that the new program or higher level of service will be provided, but if a county does so, it does so at its own cost. The result of this quandary – particularly in election law – is that counties accept the cost, an outcome that is patently unfair. To that end, we request amendments to provide appropriate funding to allow counties to meet the obligations set forth in the bill.

We are also concerned about the language in Section 35 of AB 849 that requires the county counsel to petition the court for an order imposing maps when the board of supervisors does not adopt district boundaries by the deadline imposed in the bill. This creates an awkward and potentially-troubling conflict between the board and its appointed county counsel, whose primary responsibility is to advise

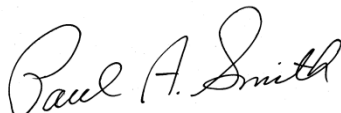
the board on legal matters. This section of the bill requires additional work to ensure that there is a reasonable process to resolve this conflict.

While we appreciate and acknowledge the importance of transparent redistricting process, the requirements outlined in AB 849 are burdensome, duplicative, and, most importantly, expensive. Counties' history with elections mandates indicates that once a reimbursement obligation is approved, it is unlikely to be funded and we anticipate the case will be no different for AB 849. For these reasons, CSAC, RCRC, and UCC respectfully request amendments to AB 849 that will address our concerns. Please feel free to contact us if we can provide additional assistance.

Sincerely,



Geoff Neill
Legislative Representative
CSAC



Paul A. Smith
Vice President, Government Affairs
RCRC



Jean Kinney Hurst
Legislative Representative
UCC

cc: Members and Consultants, Assembly Elections and Redistricting Committee
The Honorable Rob Bonta, Member of the California State Assembly

Attachment Four
SB 139 Committee Analysis

restrictions on family members, on paid campaign or political party work, employment with an elected official of the local jurisdiction, official business and appointments being considered by the local jurisdiction, and seeking office of the local jurisdiction.

- 7) Prohibits the composition of an independent redistricting commission from being entirely of members who are registered to vote with the same political party preference.
- 8) Requires a map of proposed boundaries be published and made available to the public for at least seven days prior to being adopted.
- 9) Requires an independent redistricting commission to hold at least three public hearings prior to the hearing at which the new boundaries are adopted.
- 10) Prohibits an independent redistricting commission from drawing districts that favor or discriminates against an incumbent or political candidate.
- 11) Requires that district boundaries adopted for a legislative body using an independent redistricting commission model not be altered until after the next federal census unless those boundaries have been invalidated by a court.
- 12) Permits specified local jurisdictions that are partially or wholly located within a county that has an existing independent redistricting commission to contract with that county to have the commission adopt the district boundaries for that local jurisdiction if certain conditions are met.
- 13) Requires the County of Los Angeles and the County of San Diego to create independent redistricting commissions to adjust the boundary lines of their respective county's supervisorial districts, as specified.
- 14) Requires the Department of Finance to annually transmit an estimate of the percentage change in the population of the county and that percentage would be used to calculate the county's population.
- 15) Specifies, pursuant to the California Constitution, that charter counties are subject to state statutes that relate to apportioning population of governing body districts.

This bill:

- 1) Requires a county with more than 250,000 residents on and after January 1, 2019, and on and after January 1 of every subsequent year ending in the number 9, to establish an independent redistricting commission to adopt the county's supervisorial districts after each federal decennial census. Uses the Department of Finance's population estimate to determine a county's total population.
- 2) Requires that a hybrid or independent redistricting commissioner be a resident of the local jurisdiction.

- 3) Provides that if a county with a population over 250,000 residents does not establish a redistricting commission by July 1, 2020 and July 1 of every subsequent year ending in the number 0, then the county is required to establish a nine-member independent redistricting commission with specified procedures. These procedures include:
- a) Establishing a three-member screening panel to aid in the nomination of qualified applicants to the commission.
 - b) Requiring that each member of the screening panel meet the various and numerous restrictions for an individual, or a family member of the individual, preceding service that applies to an independent redistricting commissioner.
 - c) Requiring the screening panel to include one of each of the following:
 - i) A retired judge or a former member of a county civil grand jury.
 - ii) A professor of law, government, political science, or public policy who teaches at an accredited postsecondary institution.
 - iii) A representative of a nonprofit good government organization that is located in, or has members who reside in, the county.
 - d) Requiring the county elections official to recruit applicants for the screening panel for at least two consecutive months and randomly select members of the screening panel from a pool of qualified applicants.
 - e) Requiring that commissioners meet the same requirements regarding prohibitions and restrictions for an individual, or a family member of the individual, preceding service, during service, and following service on an independent redistricting commission.
 - f) Requiring commissioners to possess experience that demonstrates impartiality, an appreciation for the diverse demographics and geography of the county, and analytical skills relevant to the redistricting process, voting rights, and applicable state and federal legal requirements.
 - g) Requiring the county elections official to work with local organizations to encourage eligible residents to serve on the commission.
 - h) Requiring the county elections official to designate an application period of least two months, accept applications, and review applications to ensure that applicants meet the established eligibility requirements for membership on the commission. Requires the county elections official to maintain and periodically update a public list of qualifying applicants.
 - i) Requiring the screening panel, at a public hearing and after receiving public comments, to nominate no less than 35 and no more than 45 of the most qualified applicants to the commission with at least four applicants from each supervisorial district.

- j) Prohibiting a member of the board, or an agent for a member of the board, from communicating with the screening panel or a member of the screening panel except at a public hearing.
 - k) Requiring the county elections official to create an applicant subpool for each of the five supervisorial districts and, at a regularly scheduled meeting, select one commissioner from each subpool.
 - l) Requiring the selected commissioners to review the remaining applicants and appoint four additional applicants to the commission. The four appointees are required to be chosen based on relevant experience, analytical skills, the ability to be impartial, and to ensure that the commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. Commissioners cannot apply formulas or specific ratios and the entire commission cannot be comprised entirely of members of the same political party preference.
 - m) Requiring the original five commissioners to select two alternates. The commission may appoint an alternate to fill a vacancy by a majority vote.
 - n) Establishing that the term of office for each commissioner expires upon the appointment of the first members of a successor commission.
 - o) Requiring that five members of the commission constitutes a quorum and the requirement that five or more affirmative votes of the commission are required to take an official action.
 - p) Requiring the commission to conduct at least five public hearings, with at least one public hearing held in each supervisorial district and to publish the agenda, including any draft map eligible for adoption, on the county's internet website at least seven days before the hearing.
 - q) Requiring the commission to provide a live translation for public hearings, as specified.
 - r) Requiring the commission to take steps to encourage county residents to participate in the redistricting public review process.
 - s) Requiring the county board to provide for reasonable funding and staffing for the commission.
 - t) Requiring the commission to issue a report that explains the basis on which any final map is adopted.
- 4) Makes technical and clarifying changes.

BACKGROUND

California Citizens Redistricting Commission. In November 2008, California voters passed Proposition 11 and authorized the creation of the California Citizens

Redistricting Commission (CCRC). The CCRC was tasked with establishing district lines for the Assembly, Senate, and Board of Equalization. In 2010, voters passed Proposition 20 which, among other provisions, included establishing lines for California’s congressional districts into the CCRC’s responsibilities.

The CCRC has 14 members from throughout California and includes five who are registered with the largest political party, five who are registered with the second largest political party, and four who are not registered with either two of the largest parties. For the 2010 redistricting process, the breakdown was five Democrats, five Republicans, and four individuals without a party preference (i.e. Decline to State).

State and local redistricting. In 2016, the Legislature passed and Governor Brown signed SB 1108 (Allen), Chapter 784, Statutes of 2016. SB 1108 permitted all counties and cities to establish a redistricting commission to either adopt a redistricting plan themselves or recommend changes. At the time, state law prevented charter counties, general law counties, and general law cities from establishing independent redistricting commissions with the ability to adopt a redistricting plan. While the bill did not require all counties and cities to create a redistricting commission, it removed the barrier and granted the authority to do so.

As follow-up language for SB 1108, the Legislature passed and Governor Brown signed SB 1018 (Allen), Chapter 462, Statutes of 2018. SB 1018 allowed school districts, community college districts, and special district to create a redistricting commission, permitted local jurisdictions to use a hybrid redistricting commission, and modified some of the requirements for serving on a local redistricting commission.

Creation of Local Commissions. Since the establishment of the CCRC, many local governments created their own redistricting entities. According to the California Local Redistricting Project’s 2017 updated report, California Local Redistricting Commissions: Landscape, Consideration, and Best Practices, 37 California local governments have either established or used a redistricting commission to recommend or redraw election district boundaries following the 2010 census. In addition, even though most of these commissions were established for the 2010 redistricting cycle, 17 are permanent commissions with each having their own parameters and reestablished after each census.

Population by County. According to the Department of Finance’s county population projections, there are 26 counties with a projected population of over 250,000 residents for 2019. These counties include:

County	2019 Estimated Population
Alameda	1,686,072
Contra Costa	1,165,190
Fresno	1,021,856
Kern	919,366
Los Angeles	10,381,835
Marin	264,349
Merced	283,084
Monterey	450,846

Orange	3,240,543
Placer	391,993
Riverside	2,463,191
Sacramento	1,555,021
San Bernardino	2,207,672
San Diego	3,372,342
San Francisco	897,312
San Joaquin	771,535
San Luis Obispo	282,230
San Mateo	785,847
Santa Barbara	457,138
Santa Clara	1,989,441
Santa Cruz	280,630
Solano	448,332
Sonoma	511,308
Stanislaus	565,196
Tulare	482,697
Ventura	864,821

It should be noted that these are estimated projections and are subject to change. Yolo County is projected to reach 250,000 residents in 2027 and Butte County in 2032. Additionally, the Department of Finance annually transmits an estimate of the percentage in the population of the county and that percentage would be used to calculate the county's population pursuant to this bill.

Screening Panels. As a way to screen for unqualified or biased commission applicants from being selected, jurisdictions have a variation of mechanisms to narrow down the field of applicants. Oftentimes, it is the elections official who helps determine a list of qualified applicants. In other jurisdictions, a nonpolitical screening body performs this duty. For example, for the CCRC, a panel of three state auditors review the applications and select 120 of the most qualified applicants for interviews in Sacramento. While it is not the only step in the screening process for the CCRC, a panel begins to narrow the list of potential commissioners.

For the purposes of this bill, the screening panel prescribed closely resembles the process for the Oakland City Council and the Oakland Unified School Board of Directors. This screening panel is composed of one retired judge who resides in Oakland, one student attending an accredited law school or a graduate public policy, and one representative of a local 501(c)(3) nonprofit good government organization. This screening panel selects the thirty most qualified applicants who are reflective of the geographic, racial, ethnic, and economic diversity of the City of Oakland.

COMMENTS

- 1) According to the author: In 2008, California voters approved Proposition 11, which created the Citizens Redistricting Commission (CRC), giving it the responsibility to establish district lines for the state Assembly, state Senate, and Board of Equalization. Proposition 20, approved by the voters in 2010, gave the CRC the additional responsibility of establishing lines for California's congressional districts. Responding to local interest in reform, Senator Allen authored SB 1108 in 2016 and

SB 1018 in 2018, which authorized all counties, cities, school, community college and special districts to establish independent, hybrid or advisory redistricting commissions. These laws are permissive and jurisdictions can choose whether to adopt redistricting commissions.

Unfortunately gerrymandering has continued at the local level. A 2015 National Association of Latino Elected and Appointed Officials (NALEO) report found that Latinos constitute only 10% of county supervisors in California even though almost 40% of the state's population is Latino. Similarly, although many jurisdictions' residents are politically diverse, there is often near single-party rule in many counties. In many jurisdictions, incumbents have used the local line-drawing process to disenfranchise growing ethnic and language minority communities, reduce the voting power of political minorities, and even draw political opponents out of the district they were planning to run in.

SB 139 requires counties with more than 250,000 residents to establish an independent redistricting commission that will have the full power to draft and adopt district maps, independent of the board of supervisors. SB 139 requires that the commission members be politically independent. Draft maps must be published for seven days before they can be adopted. The commissions must engage the public by holding at least three public hearings prior to adopting any maps. For the first time, the bill also prohibits partisan gerrymandering in redistricting. Independent redistricting of county supervisorial districts will ensure a more democratic process and will lead to a more accurate reflection of the demographics of the electorate on governing bodies.

- 2) Differences between Existing County Redistricting Commissions. Current law stipulated that the counties of Los Angeles and San Diego both create an independent redistricting commission for the 2020 redistricting process. One notable difference between these county redistricting commissions and the commissions prescribed under this bill is the inclusion of political party preferences in the selection of commissioners. The Los Angeles and San Diego redistricting commissions both require that the commission be as proportional as possible to the total number of voters affiliated with a political party preference. To ensure a better reflection of the diversity of a county, the author may want to consider amending the bill to include party preference as part of the selection process of the final four commissioners.

It should also be noted eligibility requirements to serve on a county redistricting commission would also need to be amended into the bill to require that only registered voters are able to apply.

- 3) Screening Panels. For counties that do not create an independent redistricting commission by July 1, 2020, the process mandated by this bill would require the establishment of a screening panel as part of the selection process for redistricting commissioners. Depending on the county, being able to find a wide-range or a high number of applicants who meet one of the screening panel's three criteria may be challenging, especially without further clarification. The author may wish to consider amending the bill to extend the application to professors who teach in a related field to law, government, political science, and public policy.

The bill currently stipulates that a good government organization either is located in or has members who reside in the county. The provisions of the bill further states that a good government organization needs to be a 501(c)(3). Additionally, the author may wish to clarify and define a “nonprofit good government organization” in order to provide better clarity for potential applicants.

- 4) Minor Amendment. On page 8, Line 17, a minor technical correction is needed.

The amendment should read, “...each of the five supervisorial districtss in the county.”

The author has accepted this amendment and will be taken in the Committee on Governance and Finance.

- 5) Argument in Support. In a letter supporting and cosponsoring SB 139, the League of Women Voters of California stated, in part, the following:

While California is at the vanguard, having established independent, nonpartisan redistricting for congressional, state legislative, and Board of Equalization districts, gerrymandering has continued at the local level. Current law permits, but does not require, counties, cities, school, community college and special districts to establish independent, hybrid or advisory redistricting commissions. Where 40% of our population but only 10% of our county supervisors are Latino, and where single-party rule continues to exist in politically diverse jurisdictions, it is clear that we need to do more to ensure representative local government. The local line-drawing process has been used by incumbents in a cynical fashion to disenfranchise growing ethnic and language minority communities, reduce the voting power of political minorities, and even draw political opponents out of the district. It's time to require a transparent, non-partisan process in which independent commissions draw the lines for large-county supervisorial districts.

- 6) Double-Referral. This bill has been double-referred to the Senate Committee on Governance and Finance.

RELATED/PRIOR LEGISLATION

AB 1724 (Salas) of 2019, would require each general law city and county to establish an independent redistricting commission. This bill is pending consideration in the Assembly Committee on Elections and Redistricting.

SB 1018 (Allen), Chapter 462, Statutes of 2018, allows school districts, community college districts, and special district to create a redistricting commission, permitted local jurisdictions to use a hybrid redistricting commission, and modified some of the requirements for serving on a local redistricting commission.

SB 1108 (Allen), Chapter 784, Statutes of 2016, allows any county or general law city to establish a redistricting commission to change the boundaries of county supervisors' or city council members' electoral districts following a federal census.

SB 958 (Lara), Chapter 781, Statutes of 2016, establishes a 14-member Citizens Redistricting Commission in the County of Los Angeles, which is charged with adjusting the boundary lines of the districts of the Board of Supervisors.

AB 801 (Weber), Chapter 711, Statutes of 2017, revised the existing membership of the County of San Diego Citizens Redistricting Commission to a 14-member commission charged with adjusting the boundary lines of the districts of the Board of Supervisors.

SB 1331 (Kehoe), Chapter 508, Statutes of 2012, established the Independent Redistricting Commission in San Diego County and stipulated that only retired state or federal judges are eligible to serve on the redistricting commission.

POSITIONS

Sponsor: California Common Cause
League of Women Voters of California

Support: California Clean Money Campaign
California Voices for Progress
Mi Familia Vota
RepresentUs
Solano County Board of Supervisors Office of the 2nd District, Monica Brown

Oppose: None received

-- END --

Attachment Five
CSAC Letter Supporting AB 147



® April 9, 2019

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

The Honorable Gavin Newsom
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: **Assembly Bill 147 (Burke) – Use taxes and marketplace facilitators
Request for Signature**

Dear Governor Newsom:

On behalf of the California State Association of Counties (CSAC), I respectfully request your signature on Assembly Bill 147, by Assembly Member Burke and Senator McGuire, which would change the state's tax collection rules to exercise the authority granted by the U.S. Supreme Court's decision in *South Dakota v. Wayfair, Inc.*

Counties appreciate the bill's effort to both collect taxes from those who owe it and ease the transition for retailers and marketplace facilitators. Comprehensive and efficient administration of sales and use taxes is important to counties because use tax revenues fund a wide variety of both local and state services, including behavioral health, transportation, public safety, health, and human services.

AB 147 makes several changes, but most notably it requires online marketplaces to collect use tax on behalf of their third-party retailers, eliminates the requirement for retailers to track sales in each tax district, and increases the threshold to trigger collection requirements.

CSAC believes this is a thoughtful approach that recognizes the structure of the modern marketplace and successfully balances competing priorities, and we therefore support AB 147 and respectfully request that you sign this important measure. Please do not hesitate to contact me if you have any questions about our position at (916) 650-8115.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Geoff Neill'.

Geoff Neill
Legislative Representative

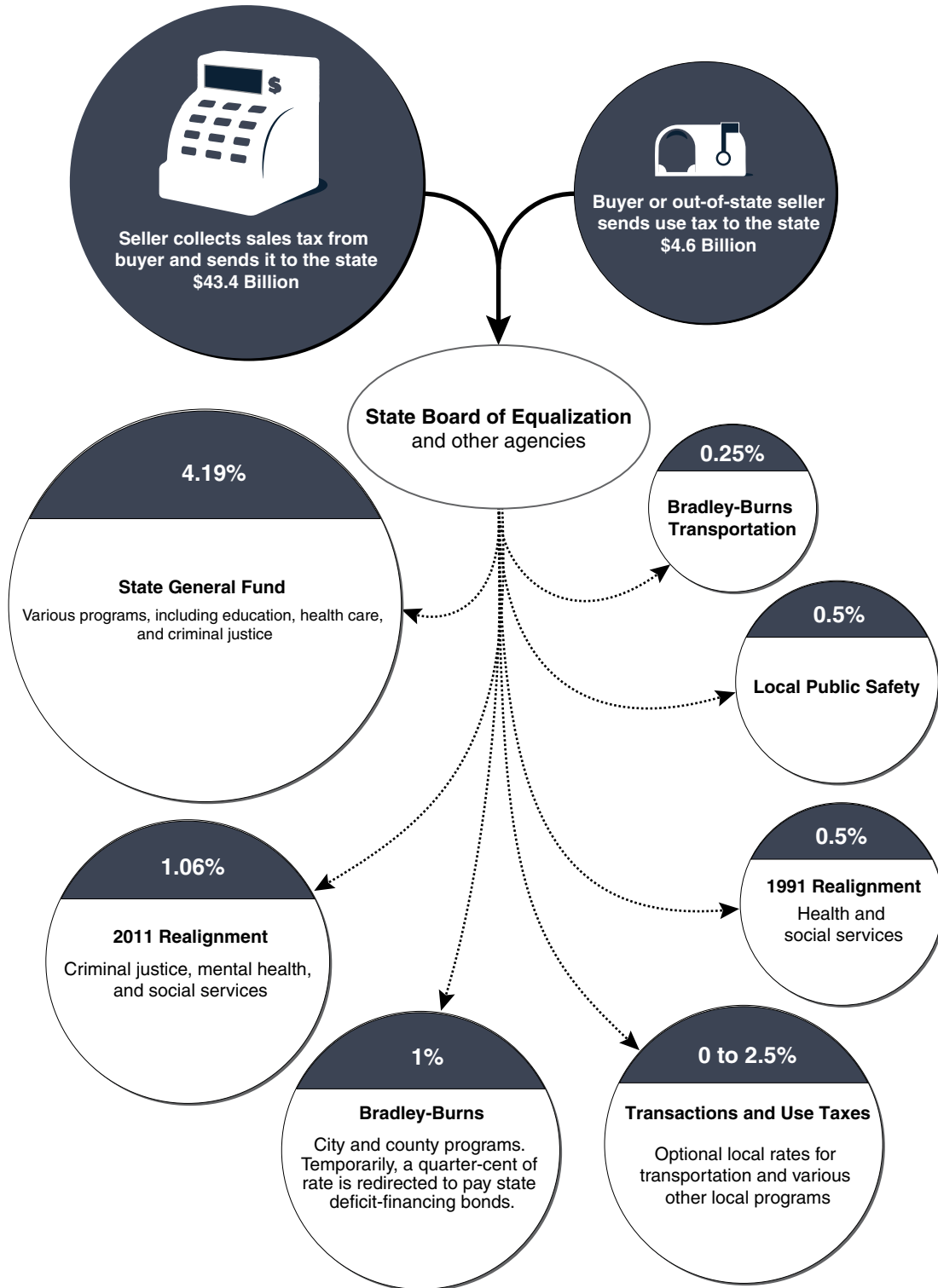
cc: Honorable Autumn Burke, California State Assembly
Honorable Mike McGuire, California State Senate
Anthony Williams, Legislative Affairs, Office of Governor Newsom

Attachment Six

Extracts from LAO Report “Understanding California’s Sales Tax” –
“From Collection to Distribution Chart”, “What Is Taxed” and “Are Revenues Growing”

Figure 2

Sales Taxes: From Collection to Distribution



WHAT IS TAXED?

Sales Tax Applies to Tangible Goods

California levies its sales tax on the retail sale of tangible personal property. State law defines these terms as follows:

- “Retail sale” excludes goods that businesses purchase for resale. It also generally excludes materials that go into products.
- “Tangible” generally refers to physical materials that people can touch. Products that are not tangible—such as services or digital goods—are not subject to sales tax.
- “Personal property” is movable from one place to another. Real property—land and things that are attached to land, like buildings—is not subject to sales tax.

California’s sales tax applies to a retailer’s sales to most buyers, including individuals, businesses, nonprofit and religious organizations, and California’s state and local governments. However, sales to some buyers, such as the federal government, are exempt from tax.

Sales Taxes on Discounted Goods. When a retailer sells a taxable good at a discount—through a club card, a retailer’s coupon, or an online “deal of the day”—the retailer generally calculates sales taxes based on the product’s discounted price, not its full retail price. However, for some types of discounts, sales tax applies to the full retail price before the discount is applied. Specifically, if the customer compensates the retailer for the discount—for example, by trading in a used car—then sales tax generally applies to the full retail price, not the discounted price. In addition, if the discount is available only through a bundled transaction (such as a mobile phone purchased together with a service contract), then sales tax

applies to the full unbundled price of the taxable good (the full retail price of the mobile phone).

When Is Use Tax Due?

Sometimes, California consumers buy tangible goods from retailers who do not collect California sales tax. Those consumers generally owe use tax. For example, use tax is due in these common situations:

- **Bringing Out-of-State Purchases Into California.** Californians purchase tangible goods while they are traveling outside of the state. When they use those goods in California, they owe California use tax.
- **Making Online Purchases From Out of State.** Sales tax applies to tangible goods Californians purchase over the Internet. If the seller does not collect the tax on a taxable item (possibly because the seller is not located in California), the consumer owes use tax.
- **Buying a Car From a Private Party.** Individuals often sell used cars directly to other individuals. When this happens, the purchaser owes use tax. (Individuals who frequently sell used cars, however, are required to register as a retailer with the BOE and pay sales taxes.)

As discussed later in this report, many Californians are not familiar with the use tax, and compliance with this tax is uneven.

Household Spending and the Sales Tax

Most Household Spending Not Subject to Sales Tax. Figure 5 divides spending by households in California’s largest metropolitan areas—on average, about \$60,000 per year—into 14 categories.

Some categories of household spending—such as restaurant food, furniture, cars, and clothes—generally are subject to the sales tax. However, many other categories are not. For example, housing—by far the largest expenditure category—generally is not subject to sales tax. Homes attached to land are real property rather than personal property, so their sale is not subject to sales tax. (However, homes are subject to property taxes.) Household utilities generally are not subject to sales tax but often are subject to local utility user taxes. Groceries and prescription medicines are also exempt from sales tax, along with many other tangible goods that account for small portions of household spending.

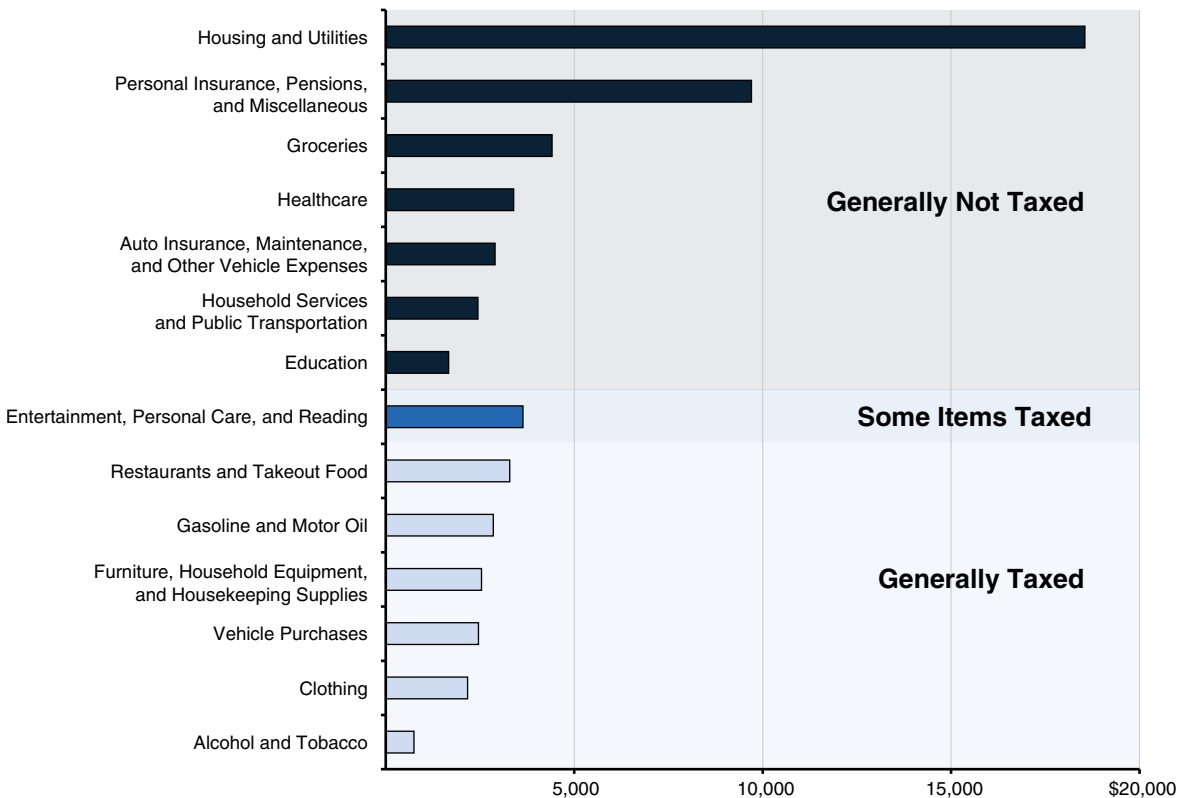
Many household purchases are not subject to sales tax because they are not tangible personal property. For example, insurance, healthcare, and education are generally not part of the “tax base”—the set of things taxed—because they are not tangible goods. However, sales tax does apply to a very limited number of services that are closely connected to sales of tangible goods, such as mandatory service charges at restaurants.

Each Household’s Taxable Spending Fluctuates From Year to Year. Some taxable sales are “big-ticket items”—infrequent, major purchases of durable goods, like cars or household appliances. In some years, a household might make several such purchases, resulting in relatively high sales tax payments. In other years, the same household

Figure 5

Most Household Spending Is Not Subject to the Sales Tax

Dollars Spent Per Household Per Year in California’s Three Largest Metro Areas, 2012-2013



might not make any such purchases, resulting in much lower sales tax payments.

Some Untaxed Products Are Similar to Taxed Goods

As shown in Figure 6, many similar items are treated differently for sales tax purposes.

Some Services Are Similar to Tangible Goods.

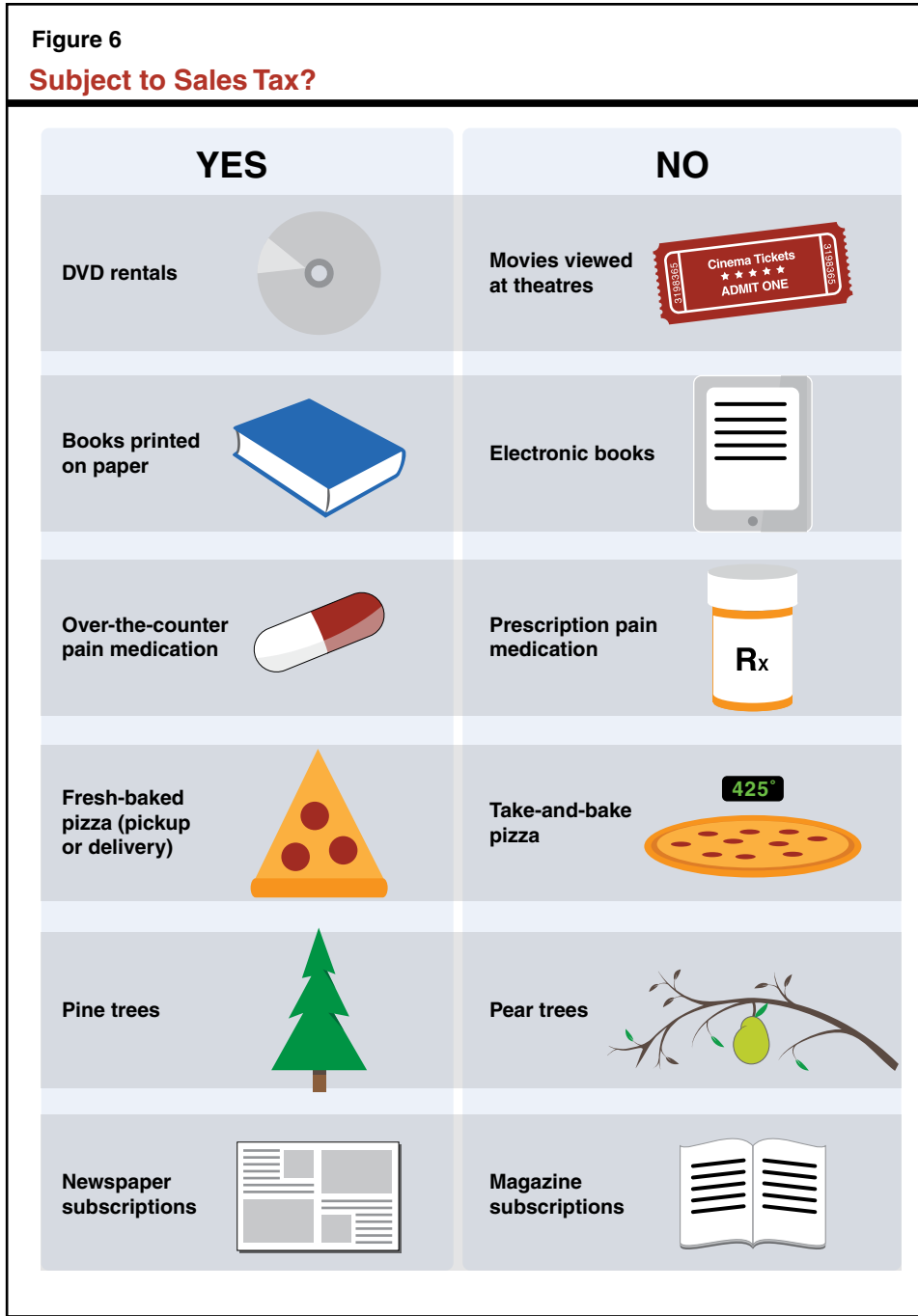
Under California law, DVD purchases and rentals are subject to sales tax, but movies viewed at theaters are not. From a consumer’s perspective, the experiences are similar—all involve watching a movie. However, DVD consumers acquire physical objects, which are tangible goods and therefore subject to sales tax. Seeing a movie at a theater, in

contrast, is a service, not a physical object. When consumers purchase such services, they do not pay sales tax—even if they could have similar experiences by buying or renting tangible goods.

Some Digital Goods Are Similar to Tangible Goods. DVDs are subject to sales tax, but streamed or downloaded movies are not. Books printed on paper are subject to sales tax, but electronic books are not. Digital goods are not tangible, so sales tax generally does not apply to them. As a result, many goods are taxable in tangible form but not in digital form.

Some Exempt Tangible Goods Are Similar to Taxed Tangible Goods.

Over-the-counter pain medication is subject to sales tax, but prescription pain



medication is not. The Legislature created the sales tax exemption for prescription medicine in 1961.

Some Exempt Food Items Are Similar to Taxed Food Items. Food for home consumption is exempt from sales tax. In practice, it can be difficult to identify whether a particular food item is for home consumption, so the state has developed a complex system of rules for distinguishing taxable food from exempt food. One such rule is that food heated right before it is sold is generally subject to sales tax. For example, fresh-baked pizza—whether picked up by the customer or delivered by the seller—is subject to sales tax. However, “take-and-bake” pizza—which is not heated prior to sale—is exempt from sales tax. Similarly, a sandwich purchased to go may shift from tax-exempt to taxable if the customer chooses to have the bread toasted.

Constitutional Restriction on Food Tax Rule Changes. In 1991, the state passed a law that extended the sales tax to certain foods—popularly known as the “snack tax.” In 1992, a ballot measure (Proposition 163) amended the California Constitution, repealing the snack tax and constraining the Legislature’s authority to tax food.

Many Goods Used to Produce Food Also Exempt. People who landscape their yards with pine trees pay sales tax. If they bought pear trees instead their purchases would not be taxed. Pear trees are exempt from sales tax because they produce food for human consumption. This exemption applies to plants, animals, seeds, fertilizer, feed, and medicine used for food production.

Some Exemptions Are Narrow. Magazine subscriptions are exempt from sales tax. However, magazines sold at stores are taxed, as are subscriptions to daily newspapers. This narrow exemption—like many others—emerged from efforts to balance a variety of competing interests. The Legislature created a broad sales

tax exemption for all types of periodicals in 1945. In 1991, lawmakers eliminated this exemption as part of a broader effort to raise revenue. After magazine publishers objected to this change, the Legislature reinstated the exemption for magazine subscriptions but not for other sales of periodicals.

Sales Tax Bases Vary Across States

Most States Have State and Local Sales Taxes. Most states assess sales tax at the state and local levels. Some states, like Kentucky, have sales taxes at the state level but do not allow local governments to levy local sale taxes. Alaska is the opposite—local governments impose sales taxes, but the state does not.

A few states, such as Hawaii, levy taxes that are similar to sales taxes, but broader. These “gross receipts taxes” apply to many types of transactions, not just retail sales. A handful of states, like Oregon, do not levy sales or gross receipts taxes.

Exemptions for Tangible Goods Vary Across States. The nine states listed in Figure 7 (see next page) highlight the wide range of variation in state sales tax policies. The first three columns of the figure highlight cross-state variation in exemptions for three types of tangible goods: groceries, clothing, and manufacturing equipment.

As shown in the figure, groceries are completely exempt from sales tax in many states, including California. Some states—like Oklahoma—tax groceries at the full rate, while other states—like Tennessee—tax groceries at a reduced rate. Although many states exempt groceries, some of these exemptions are narrower than California’s. For example, Wisconsin levies sales taxes on various “snack foods”—a policy that California voters prohibited when they approved Proposition 163 in 1992.

Taxation of clothing also varies across states. In Pennsylvania, most clothing is exempt. New York charges sales tax on clothing items over \$110 but

exempts less expensive items. California, like many other states, taxes clothing at the full rate.

As shown in the third column, many states exempt manufacturing equipment from sales tax. Some states, like Kentucky, generally tax manufacturing equipment at the full rate but offer some limited exemptions. Other states, like California and Colorado, tax manufacturing equipment at a reduced rate. Since 2014, California has exempted manufacturing equipment from the General Fund portion of the sales tax rate but not from the other parts of the rate. (Under current law, this partial exemption will expire on July 1, 2022.)

Taxation of Digital Goods Varies Across States. The fourth column of the figure shows

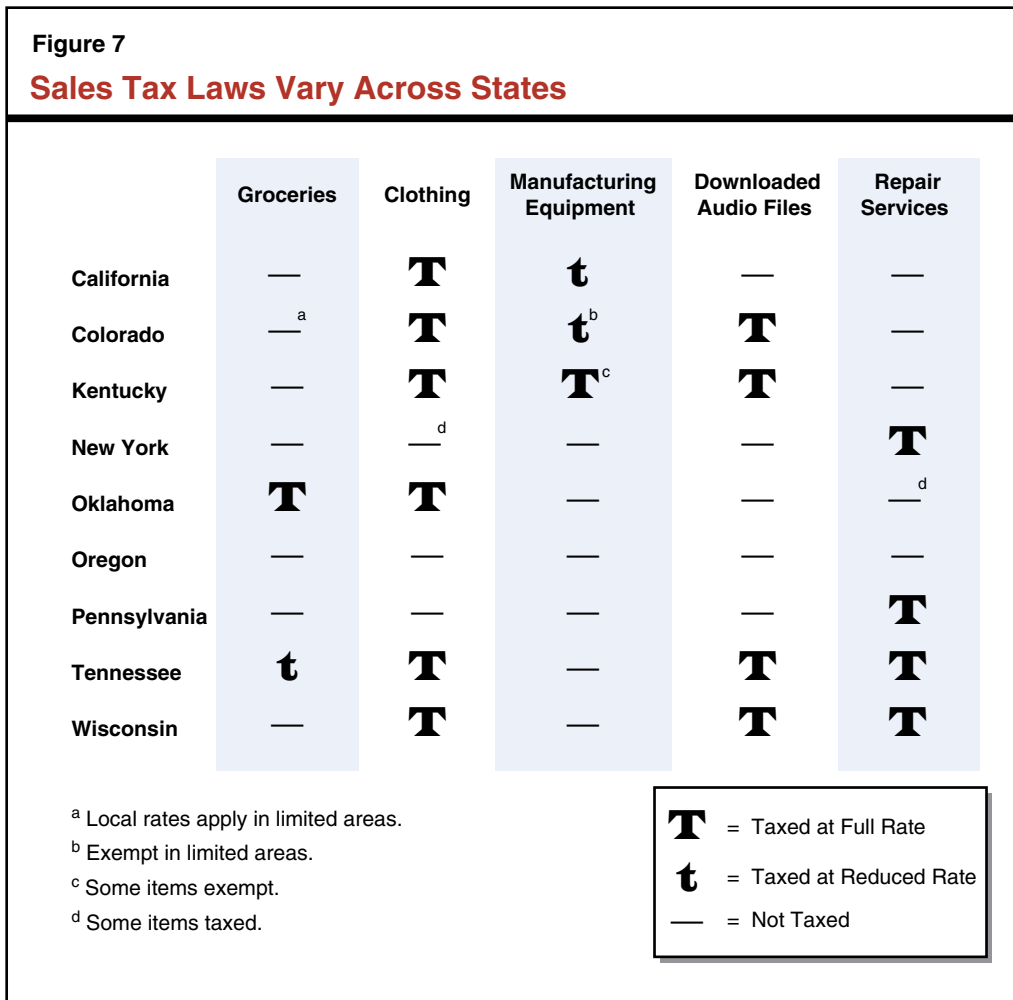
that some states levy sales taxes on downloaded music files. Some of these states, like Wisconsin, have passed laws expanding their sales tax bases to include digital goods in addition to tangible goods. Others, like Colorado, tax digital goods because they interpret “tangible personal property” more broadly than California does. In both cases, states that tax digital goods must tackle some difficult legal issues. For example, they must develop—and then enforce—rules for determining where digital goods are sold.

Taxation of Services Varies Across States.

Some states, like California, charge sales tax on a very small set of services—those that are essentially inseparable from sales of tangible goods. However, some states charge sales tax on a broader range of

services, such as services performed on tangible goods. For example, some of the states shown in the figure levy sales taxes on automotive and appliance repair services.

Some States Have Locally Varying Sales Tax Bases. In California and many other states, the sales tax base is standard across cities and counties. That is, a retail transaction



that is taxable in one part of the state is taxable in other parts of the state. However, in other states, like Colorado and New York, sales tax bases vary considerably across local areas. For example, New York City's sales tax applies to various personal care services, like haircuts, that are not taxed elsewhere in New York State. In Colorado, groceries and manufacturing equipment are exempt from the state's sales tax but are taxed in some cities. Colorado's largest cities exempt groceries, but some smaller cities do not. Manufacturing equipment is partially exempt in some areas of Colorado but fully exempt in others.

Changing the Sales Tax Base

In the eight decades since California created its sales tax, the state has made several major changes to the tax base. Most of these changes have narrowed the base by exempting certain types of tangible goods. For example, the Legislature is currently considering additional exemptions for various tangible goods, including energy-efficient appliances, low-emission vehicles, and diapers.

In recent years, lawmakers have also considered whether to expand the base. For example, the *2009-10 Governor's Budget* included a proposal to apply the sales tax to veterinarian services, amusement parks, sporting events, golf, and various repair services. The Legislature is currently considering a bill (SB 8 [Hertzberg]) that would create a broad sales tax on services with some specified exemptions.

As discussed earlier, every state makes decisions as to which purchases by households and businesses are subject to sales taxes—and these decisions change over time. Thus, the Legislature could enlarge or reduce the set of purchases subject to the sales tax. As the Legislature considers its options, it is important to note that the California Constitution limits the Legislature's authority to include certain items (such as food or insurance) in the sales tax base. In addition, legislation narrowing the base of a tax can be approved by a majority vote of the Legislature, but expanding the tax base requires approval by two-thirds of the Legislature.

ARE REVENUES GROWING?

Sales and Use Tax Revenue Has Grown Faster Than Personal Income

California’s state and local revenue from the sales tax—which totaled \$48 billion in 2013-14—has grown at an annual rate of 7.3 percent since 1970-71. Over the same period, total sales tax revenue has grown faster than personal income—a measure of the size of the state’s economy. Personal income has grown 7 percent per year.

Sales tax revenue growth varies from year to year. In the last four decades, sales tax revenue grew fastest in 1974-75 (22 percent annual growth) and slowest in 2008-09 (a 10 percent annual decline). Revenue from other taxes also varies from year to year. However, these year-to-year fluctuations—often described as revenue “volatility”—are more pronounced for some taxes than for others. From the state government’s perspective, the sales tax is a relatively stable tax because it is less volatile than

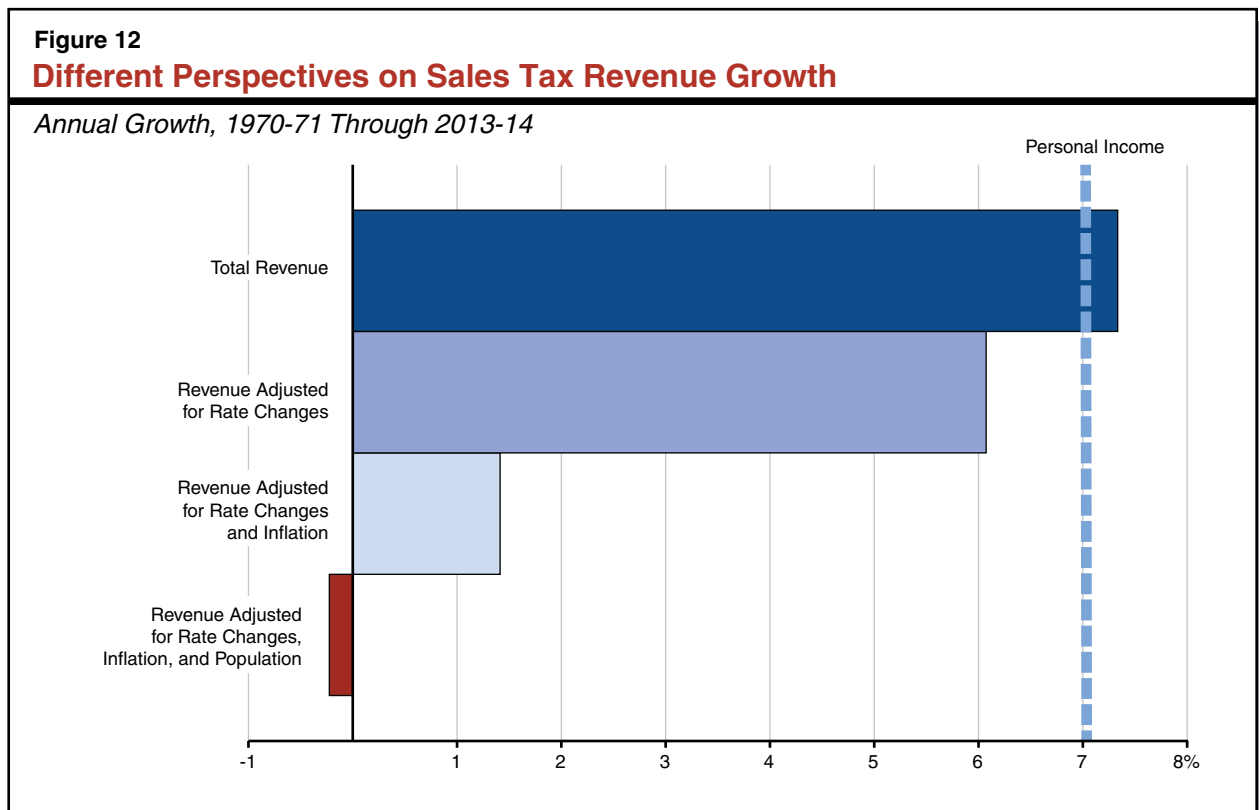
the personal income tax, the state’s main revenue source. From the perspective of local governments, the sales tax is a relatively volatile tax since it is more volatile than the main local tax, the property tax.

The Real Per Capita Tax Base Has Not Grown

Year-over-year growth in sales tax revenue does not necessarily reflect underlying growth in the tax base. For example, the economy was in a recession in 1974-75, but sales tax revenue grew very fast that year—largely due to high inflation and a one-cent rate increase.

To illustrate a more meaningful growth measure, Figure 12 shows sales tax revenue growth from 1970-71 to 2013-14, with adjustments for rate changes, inflation, and population growth.

- **Rate Change Adjustment.** The sales tax rate was 5 percent in 1970-71 and 8.4 percent in



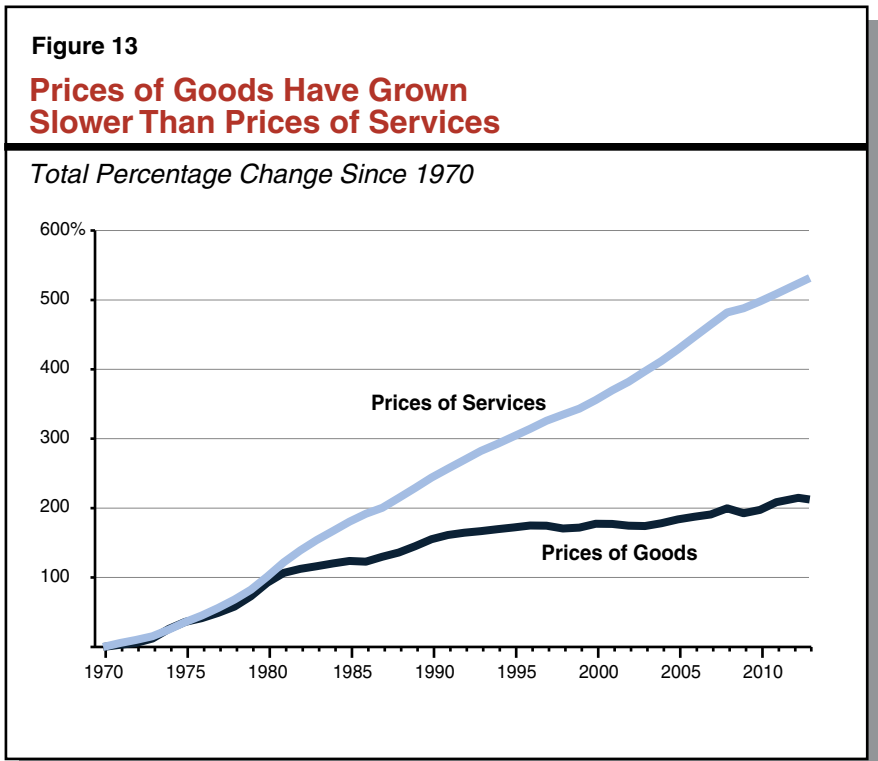
2013-14. Adjusting sales tax revenues for each year’s rate allows us to focus on growth in the tax base—taxable sales—rather than growth in revenue. As shown in Figure 12, rate-adjusted revenue has grown 6.1 percent per year since 1970-71.

- Inflation Adjustment.** Prices tend to rise over time—including the prices of state and local government purchases. As a result, one dollar of state or local spending represents fewer real resources in 2014 than it did in 1970. Adjusted for rate changes and inflation, sales tax revenue has grown about 1.4 percent per year since 1970-71.
- Population Adjustment.** As the number of Californians increases, so does the size of the state’s economy, which leads to higher revenue from sales tax and other taxes. However, the state’s main expenditures—education and health care—provide services to individuals. Consequently, population growth also increases the demand for state services. For these reasons, it is useful to consider not just total revenue, but also revenue per person. Adjusting for rate changes, inflation, and population, sales tax revenue has remained roughly constant over the long run, declining 0.2 percent per year since 1970-71.

Consumers Are Spending a Declining Share of Income on Taxable Goods

As described in our 2013 report, *Why Have Sales Taxes Grown Slower Than the Economy?*, the share of Californians’ personal income that they spend on taxable items peaked in 1979. In that year, consumers spent about half their income on taxable items. Since then, the state’s sales tax base has grown slower than the state’s economy. As a result, consumers now spend about one-third of their income on taxable goods.

This shift in consumer spending has occurred primarily because prices for services (which generally are not subject to the sales tax) have grown four times as much as prices for goods (which generally are subject to the sales tax), as shown in Figure 13. Prices of goods have grown slowly for several reasons, including growth in manufacturing productivity and imports of low-cost goods. Unlike production of most goods, production of services tends to be labor-intensive and customized, making it harder to cut costs.



This factor—along with many other developments, like growing demand for healthcare services for an aging population—has led to relatively rapid growth in prices of services.

Use Tax Compliance Is Uneven

Two Main Challenges: Awareness and Enforcement. Many Californians are not familiar with the use tax, so they do not attempt to comply with it. Additionally, the use tax is difficult to enforce since the obligation to pay generally falls on buyers—including households, businesses, and others.

Uncollected Use Tax Could Be Substantial. Due to data limitations, it is difficult to estimate the “tax gap”—the difference between taxes owed and taxes paid. Recent estimates indicate that California’s use tax gap could be \$1 billion or more.

Despite Challenges, Use Tax Revenue Is Growing. State and local use tax revenue totaled \$4.6 billion in 2013-14, up from \$4.4 billion in 2012-13 and \$3.9 billion in 2011-12. Use tax revenue grew faster than sales tax revenue over this period.

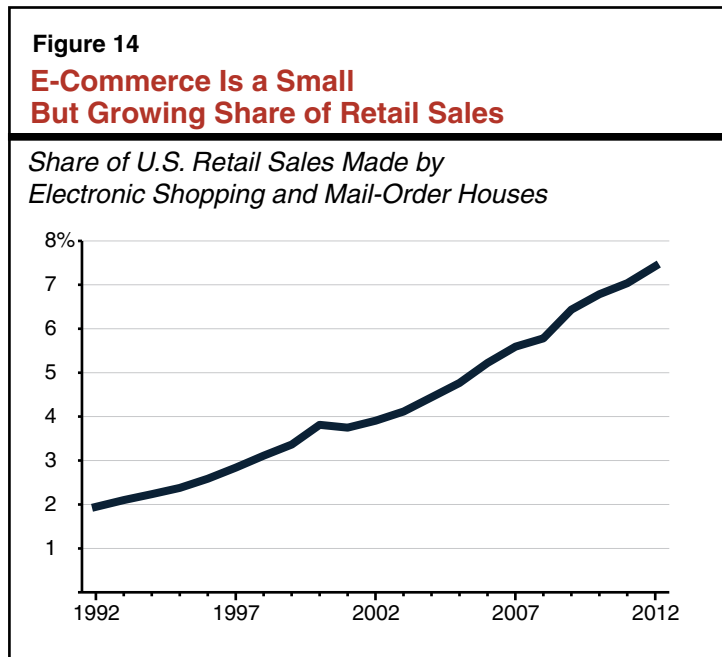
E-Commerce Has Grown Faster Than Other Retail Sales. Although the challenges of use tax awareness and enforcement are not new, they have become more relevant as the Internet has made out-of-state purchases more convenient. As shown in Figure 14, retailers that specialize in selling goods over the Internet or by mail are a small but growing share of retail sales. Nationwide, this category grew from 2 percent of nationwide retail sales in 1992 to over 7 percent in 2012.

Federal Law Limits State’s Power to Collect Use Tax. The most direct strategy for collecting the use tax is to collect the money from the seller rather than the buyer. However, federal law—particularly the U.S. Constitution’s commerce clause—limits states’ ability to collect use tax from out-of-state retailers. If an out-of-state retailer does not have a “physical presence”—employees, offices, warehouses, or the like—within a state, that state cannot require the business to collect use tax. This physical presence test is based on a series of legal decisions—particularly the U.S. Supreme Court ruling in *Quill Corp. v. North Dakota* (1992). In *Quill*, the court ruled that North Dakota could not levy a tax on Quill Corporation because the business had no physical presence in the state.

Based on the *Quill* decision, Congress may pass a law allowing states to require out-of-state retailers to collect use tax. The U.S. Senate passed such a bill in 2013 (S. 743). Around the same time, the House of Representatives referred a similar bill (H.R. 684) to two committees but has not acted on it since.

State Employs Multiple Strategies to Collect Use Tax. California’s efforts to collect use tax include:

- **Registering Out-Of-State Retailers.** State law requires all retailers “engaged in business” in



California—those with a physical presence in the state—to register with BOE to collect use tax. Revenues from these businesses account for half of all use tax collected. Because many relationships among businesses are complex, it is sometimes unclear whether a particular business is physically present. Chapter 313, Statutes of 2011 (AB 155, Calderon and Skinner), specifies that the requirement to collect use tax extends to: (1) out-of-state retailers in the same “commonly controlled group,” or corporate family, as in-state businesses; and (2) out-of-state retailers who work with in-state “affiliates”—people who refer potential customers to those retailers.

- ***Registering Buyers.*** The state has several programs through which in-state buyers—primarily businesses—register with BOE to pay use tax on their purchases. For example, the “qualified purchasers” program requires some service businesses (like law or accounting firms) to report the use tax owed on goods they purchase from out of state.
- ***Other Interactions With Taxpayers.*** California drivers who buy vehicles from private parties or from out-of-state dealers pay use tax when they register those vehicles with the Department of Motor Vehicles. In addition, the Franchise Tax Board allows taxpayers to report and pay use tax on their state income tax returns.

Attachment Seven
Executive Summary and Recommendations from LAO Report
“Evaluation of a Sales Tax Exemption for Certain Manufacturers”



Evaluation of a Sales Tax Exemption For Certain Manufacturers

MAC TAYLOR
LEGISLATIVE ANALYST
DECEMBER 2018

LAO 

Executive Summary

Authority Under Treasurer Administers Tax Exemption. The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) administers a sales tax exemption for equipment used for certain manufacturing activities. This program aims to expand California's economy and reduce pollution. Under current law, the program will end on January 1, 2021.

CAEATFA Allocates the Exemption Through Formal Application Process. CAEATFA evaluates each application based on the exemption's estimated effects on state and local government budgets, the exemption's estimated effects on pollution, and some other criteria.

Program Likely Increases Participants' Equipment Purchases. We estimate that the current program increases participants' equipment purchases in California by roughly 5 percent to 9 percent. The exemption also likely increases participants' output and employment in the state, though by a smaller amount than the increase in equipment purchases.

Overall Economic Effects Highly Uncertain. The economic effects of the CAEATFA exemption extend well beyond the direct effects described above. Available data and methods cannot support credible, precise estimates of the net effects of the program on jobs or economic output. Depending on the alternative uses of the forgone sales tax revenue, the net economic effects of the program could be positive or negative.

Some Environmental Benefits Likely, but Overall Effects Limited. The CAEATFA exemption likely produces some environmental benefits. However, several factors limit the overall net environmental effects of the program. For example, much of the increase in California-based output likely is offset by reductions in other states or countries. As a result, the net increase in global production of "green" goods—a key factor determining environmental benefits—likely is much smaller than the increase in production within California.

Allocation Process Unnecessarily Complex. To use the CAEATFA exemption, equipment purchasers must fill out extensive applications, wait for board approval, and submit periodic reports to CAEATFA. These requirements make participation more costly, likely reducing the effectiveness of the exemption. In addition, most of the information provided by applicants is not useful for allocating the exemption. These requirements have, however, led to greater transparency than the state typically provides regarding the use of tax expenditures.

State Has Overlapping Tax Exemptions. Most purchases that qualify for the CAEATFA exemption would be eligible for a different program—the partial sales tax exemption for manufacturing, research and development, and electricity-related equipment. The partial exemption is broader than the CAEATFA exemption and easier for businesses to use.

Recommend Allowing CAEATFA Exemption to Expire. We do not see a need for the state to administer both the CAEATFA exemption and the partial exemption. Of the two programs, the CAEATFA exemption is narrower and harder for businesses to use. Consequently, we recommend that the Legislature allow the CAEATFA exemption to expire as scheduled under current law. To the extent that some CAEATFA participants would not be eligible for the partial exemption, the Legislature could expand the partial exemption to include them.

Alternatively, Streamline Process for Claiming Exemption. If the Legislature renews the CAEATFA exemption, we recommend streamlining the process for claiming it and transferring the program to the California Department of Tax and Fee Administration, which administers most sales tax exemptions.

RECOMMENDATIONS AND OPTIONS

Main Recommendation

Allow CAEATFA Exemption to Expire. As discussed above, the CAEATFA exemption overlaps heavily with another program—the partial exemption for manufacturing, R&D, and electricity-related equipment. We do not see a need for the state to administer two separate programs that provide similar benefits. Compared to the partial exemption, the CAEATFA exemption is narrower and harder for businesses to use. Consequently, we recommend that the Legislature allow the CAEATFA exemption to sunset as scheduled under current law. To the extent that some CAEATFA participants would not be eligible for the partial exemption, the Legislature could expand the partial exemption to include them.

Alternative Legislative Actions

If the Legislature renews the CAEATFA exemption, we recommend modifying the program as follows.

Streamline Process for Claiming Exemption . . . As described above, the program’s extensive application process is not worthwhile. We recommend that the Legislature make the process for claiming the CAEATFA exemption similar to the process for claiming the partial exemption: filling out a simple form at the time of purchase. The state could use the information from these forms to provide the public with information about businesses’ use of the program, preserving the transparency provided by the current application process.

. . . And Transfer Program to CDTFA. With a more streamlined process for claiming the exemption, there would be no reason for CAEATFA to administer the program. Instead, the program could be administered by CDTFA—the department that administers the sales tax.

Options for Further Legislative Action

Consider Changes to Partial Exemption. In addition to the actions described above, the Legislature could consider making some changes

to the partial exemption. In particular, if the Legislature views some aspects of the CAEATFA exemption favorably, it could add those features to the partial exemption. Such changes could include:

- **Make Program More Transparent.** As noted above, the public has very little information about use of the partial exemption. The Legislature could make the program much more transparent by directing CDTFA to publish basic information about the purchasers of exempt equipment. This information could help the Legislature and the public make future policy decisions.
- **Increase to Full Exemption.** As noted above, larger exemptions provide stronger investment incentives but also result in larger revenue losses. If the Legislature wants to strengthen investment incentives, it could turn the partial exemption into a full exemption. (In this case, the additional revenue losses would be borne entirely by local governments.)
- **Eliminate Individual Cap.** As described above, each purchaser can apply the partial exemption to no more than \$200 million worth of purchases per year—equivalent to \$8 million of tax exemptions. Like the prior option, this one would strengthen investment incentives but result in larger revenue losses.

Take Broader Look at Sales Tax Base. In this report, we have called the CAEATFA exemption “narrow.” Indeed, CAEATFA-eligible purchases represent a small share of the business-to-business sales that the Legislature reasonably could exempt from the sales tax. The partial exemption is much broader than the CAEATFA exemption, but it also represents a small share of business-to-business sales. Instead of continuing this piecemeal approach, the Legislature could use the sunset of the CAEATFA exemption as an opportunity to think more broadly about what should be included in the sales tax base.

Attachment Eight
Bill Reports: "Finance and Administration" and "Employment"

**Finance and Operations Related Bills
Last Updated 4/12/2019**

200: Taxes (General)

[AB 498](#) (Weber D) Business licensing: fees: exemptions: veterans.

Location: 4/10/2019-A. APPR.

Summary: Current law provides that every person who is honorably discharged or honorably relieved from the military, naval, or air service of the United States and is a resident of this state is entitled to obtain a license to distribute circulars and sell any goods, except alcohol, without payment of any business license fees. This bill would also exempt a veteran who is honorably discharged or honorably relieved from the Armed Forces of the United States and is a resident of this state from paying any state or local business license fees for a business that sells or provides services if the veteran is the sole proprietor of the business.

CSAC Position

Pending

[AB 994](#) (Mathis R) Business license fees: veterans.

Location: 3/21/2019-A. L. GOV.

Summary: Current law exempts every soldier, sailor, or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from the payment of any license tax or fee imposed by any county or the state for hawking, peddling, or vending any goods, wares, or merchandise owned by that soldier, sailor, or marine, except as specified, and requires the county board of supervisors to issue, without cost, to the soldier, sailor, or marine, a license therefor. This bill would revise that provision to exempt any veteran who has served in any branch of the United States Armed Forces and has been honorably discharged from active service and who owns a business by at least 51 percent from the payment of any license tax or fee imposed by any county or the state, and would require the county board of supervisors to issue a license to the veteran without cost.

CSAC Position

Pending

[AB 1296](#) (Gonzalez D) Tax Recovery in the Underground Economy Criminal Enforcement Program.

Location: 4/2/2019-A. REV. & TAX

Summary: Would establish the Tax Recovery in the Underground Economy Criminal Enforcement Program in the Department of Justice to combat underground economic activities through a multiagency collaboration to, among other things, pool resources, collaborate and share data, prosecute violations, and recover state revenue lost to the underground economy, as specified. The bill would require Tax Recovery in the Underground Economy Criminal Enforcement Program teams to be located in Sacramento, Los Angeles, San Diego, the San Francisco Bay area, and Fresno.

CSAC Position

Pending

[AB 1743](#) (Bloom D) Local government: community facilities districts: special taxes: exemption.

Location: 3/18/2019-A. L. GOV.

Summary: The Mello-Roos Community Facilities Act of 1982 requires properties or entities of the state, federal, or local governments, except as otherwise provided, to be exempt from the special tax. This bill would also require property receiving a welfare exemption, as specified, to be exempt from the special tax. The bill would require this exemption to apply to taxes imposed by an ordinance adopted on or after January 1, 2020.

CSAC Position

Pending

[ACA 1](#) (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Location: 3/27/2019-A. APPR.

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

CSAC Position

Support

ACA 2 (Nazarian D) State tax agency.

Location: 12/3/2018-A. PRINT

Summary: Would authorize the Legislature to vest all powers, duties, and responsibilities in a single state tax agency or separately in multiple state tax agencies. The measure would deem the California Department of Tax and Fee Administration and the office of Tax Appeals to be state tax agencies for purposes of these provisions and vest in those entities specified powers, duties and responsibilities currently vested in the State Board of Equalization.

CSAC Position

Pending

SB 246 (Wieckowski D) Oil and gas severance tax.

Location: 2/11/2019-S. RLS.

Summary: Current law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges. This bill would impose an oil and gas severance tax of upon any operator for the privilege of severing oil or gas from the earth or water in this state at specified rates, calculated as provided.

CSAC Position

Pending

SB 522 (Hertzberg D) Taxation.

Location: 2/21/2019-S. RLS.

Summary: Current law imposes various taxes, including sales and use taxes and income taxes. This bill would make legislative findings regarding the need for further efforts to modernize and restructure the state's tax system and would state the intent of the Legislature to enact legislation that would accomplish specified purposes, including realigning the state's outdated tax code with the realities of California's 21st century economy.

CSAC Position

Pending

203: Property Tax

AB 42 (Gallagher R) Disaster relief: County of Butte: Camp Fire.

Location: 12/3/2018-A. PRINT

Summary: Would state the intent of the Legislature to enact legislation that would provide for state allocations with respect to property tax revenue reductions resulting from reassessments for damages incurred within the County of Butte due to the 2018 Camp Fire.

CSAC Position

Support

AB 133 (Quirk-Silva D) Property tax postponement: eligibility: income level.

Location: 4/3/2019-A. APPR. SUSPENSE FILE

Summary: Current law authorizes a claimant to file a claim with the Controller to postpone the payment of property taxes that are due on the residential dwelling of the claimant pursuant to the Senior Citizens and Disabled Citizens Property Tax Postponement Law, the Senior Citizens Tenant-Stockholder Property Tax Postponement Law, the Senior Citizens Manufactured Home Property Tax Postponement Law, and the Senior Citizens Possessory Interest Holder Property Tax Postponement Law. Current law, for purposes of these laws, does not allow a postponement of property taxes if the claimant's household income exceeds \$35,000. This bill would revise the income limitations to instead provide that a claimant's household income cannot exceed \$45,000 or the "low income" limit for a two-person household in the county in which the household is located, as published annually by the Department of Housing and Community Development, whichever is greater.

CSAC Position

Pending

AB 248 (Dahle R) Disaster relief: Carr and Klamathon Fires.

Location: 1/22/2019-A. PRINT

Summary: Would state the intent of the Legislature to enact legislation that would provide for state allocations with respect to property tax revenue reductions resulting from reassessments for damages incurred within the Counties of Shasta and Siskiyou due to the Carr and Klamathon Fires.

CSAC Position
Support

AB 608 (Petrie-Norris D) Property taxation: exemption: low-value properties.

Location: 4/9/2019-A. APPR.

Summary: The California Constitution authorizes the Legislature, with the approval of 2/3 of the membership of each legislative house, to allow a county board of supervisors to exempt from property taxation those properties having a full value too low to justify the costs of assessment and collection. Current property tax law implementing this authority generally limits any exemption granted under this constitutional provision by a county board of supervisors to real property with a total base year value, or personal property with a full value, not exceeding \$10,000. Current property tax law increases this limit to \$50,000 in the case of a possessory interest, for a temporary and transitory use, in a publicly owned fairground, fairground facility, convention facility, or cultural facility. This bill, for lien dates occurring on or after January 1, 2020, and before January 1, 2025, would delete this requirement that the possessory interest be for a temporary and transitory use of a publicly owned fairground, fairground facility, convention facility, or cultural facility, thereby allowing the exemption from taxation under these provisions of any possessory interest valued at \$50,000 or less.

CSAC Position
Support

AB 723 (Wicks D) Low-income housing incentives: leased rental housing: Counties of Alameda and Contra Costa.

Location: 4/9/2019-A. H. & C.D.

Summary: Current property tax law, in accordance with authorization provided by the California Constitution, provides a welfare exemption for property used exclusively for religious, hospital, scientific, or charitable purposes and that is owned or operated by certain types of nonprofit entities, if certain qualifying criteria are met. Current property tax law additionally exempts from taxation on the possessory and fee interest property that is leased for 35 years or more, if the lessor is not otherwise qualified for the welfare exemption and the property is used exclusively and solely for rental housing and related facilities for low-income tenants, as provided, and leased and operated by specified entities. This bill would authorize the Counties of Alameda and Contra Costa to provide the lessor of an eligible property located within its territorial boundaries with a low-income rental housing incentive.

CSAC Position
Pending

AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Location: 4/3/2019-A. APPR. SUSPENSE FILE

Summary: Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

CSAC Position
Pending

AB 872 (Aguilar-Curry D) Property taxation: change in ownership: parent to child transfer: stock.

Location: 3/4/2019-A. REV. & TAX

Summary: The California Constitution and current property tax law exclude from the definition of "change in ownership" real property transfers of a principal residence and the first \$1,000,000 of the value of other real property between parents and their children, as defined by the Legislature. Existing property tax law defines "real property" for purposes of this provision and excludes from this definition an interest in a legal entity. This bill would also exclude from the definition of "change in ownership" any parent to child transfer of stock in a qualified corporation, as defined, that results in a change in ownership of the qualified property, as defined, owned by the qualified corporation, provided that the transfer of stock is due to the death of a parent or parents.

CSAC Position
Pending

AB 885 (Irwin D) Property taxation: new construction: definition.

Location: 4/9/2019-A. APPR.

Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or,

thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. Current law defines "newly constructed" and "new construction" to mean any addition to real property since the last lien date and any alteration of land or of any improvement since the last lien date that constitutes a major rehabilitation thereof or that converts the property to a different use. Current law, where real property has been damaged or destroyed by misfortune or calamity, excludes from the definition of "newly constructed" and "new construction" any timely reconstruction of the real property, or portion thereof, where the property after reconstruction is substantially equivalent to the property prior to damage or destruction. This bill would define the term "substantially equivalent" for purposes of the provisions described above to mean the size of the improvement after reconstruction does not exceed 120% of the size of the improvement prior to damage or destruction or the full cash value of the improvement after reconstruction does not exceed 120% of the full cash value of the improvement prior to damage or destruction.

CSAC Position

Pending

[AB 1257](#) (Salas D) Sales and use taxes: exemption: adaptive automotive equipment: disabled veterans.

Location: 3/11/2019-A. REV. & TAX

Summary: Would, on and after July 1, 2020, and before July 1, 2030, would exempt from sales and use taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, add-on automotive adaptive equipment sold to a qualified person. The bill would define qualified person as a veteran who has a disability that is service connected, as defined.

CSAC Position

Pending

[AB 1326](#) (Gloria D) Property taxation: welfare exemption: low income housing.

Location: 3/11/2019-A. REV. & TAX

Summary: Current law, through the 2027–28 fiscal year, treats a unit of property owned by an owner who is eligible for the federal low-income housing tax credit as occupied by a lower income household if the occupants were lower income households on the lien date in the fiscal year in which occupancy of the unit commenced and the unit continues to be rent restricted, notwithstanding an increase in the income of the occupants of the unit to 140% of area median income, but that the unit would cease to be treated as a lower income unit if the income of the occupants of the unit increases above 140% of area median income. Current law, through the 2027–28 fiscal year, requires a claim for the welfare exemption on qualified property to be accompanied by an affidavit containing specified information regarding the units occupied by lower income households for which the exemption is claimed and provides that affidavit is not subject to public disclosure. This bill would extend indefinitely the treatment of a unit of property whose owner is eligible for specified federal low-income housing tax credits as occupied by a lower income household, as provided.

CSAC Position

Pending

[AB 1453](#) (Chiu D) Property tax: welfare exemptions: rental housing and related facilities.

Location: 3/14/2019-A. REV. & TAX

Summary: Current property tax law establishes a partial welfare exemption for property that is used exclusively for rental housing and related facilities that is owned and operated by an eligible nonprofit entity, including a limited partnership in which the managing general partner is an eligible nonprofit corporation or eligible limited liability company, or a veterans organization, as provided. This bill would authorize the partial welfare exemption to apply to property that is owned and operated by a limited partnership in which the managing general partner is an S corporation that qualifies as a nonprofit corporation, and the property is eligible for, and receives, federal low-income housing credits and federal historic tax credits.

CSAC Position

Pending

[AB 1734](#) (Chiu D) Property taxation: welfare exemption: rental housing: moderate income housing.

Location: 3/18/2019-A. REV. & TAX

Summary: Current property tax law, in accordance with the California Constitution, provides for a "welfare exemption" for property used exclusively for religious, hospital, scientific, or charitable purposes and that is owned or operated by certain types of nonprofit entities, if certain qualifying criteria are met. Under existing property tax law, property that meets these requirements that is used exclusively for rental housing and related facilities is entitled to a partial exemption, equal to that percentage of the value of the property that is equal to the percentage that the number of units serving lower income households represents of the total number of residential units, in any year that any of certain criteria apply. This bill, on and after January 1, 2020, would provide a similar exemption for qualified property, as defined, that meets the requirements of the welfare exemption and that is used exclusively for rental housing and related facilities, equal to that percentage of the value of the property that is equal to the percentage that the number of units serving moderate-income

households, as defined, represents of the total number of residential units.

CSAC Position

Pending

SB 131 (Bates R) Real estate: Uniform Standards of Professional Appraisal Practice.

Location: 1/24/2019-S. B., P. & E.D.

Summary: The Real Estate Appraisers' Licensing and Certification Law, until January 1, 2020, provides that a licensee is not required to comply with provisions of the Uniform Standards of Professional Appraisal Practice that provide a limitation on restricted appraisal reports to intended users other than or in addition to the client, if certain requirements are met, including that the consent of the client is obtained in advance. This bill would provide that a licensee is not required to comply with the provisions of the Uniform Standards of Professional Appraisal Practice, as described above, until January 1, 2022.

CSAC Position

Neutral

SB 196 (Beall D) Property taxes: welfare exemption: community land trust.

Location: 2/13/2019-S. GOV. & F.

Summary: Current property tax law, in accordance with the California Constitution, provides for a "welfare exemption" for property used exclusively for religious, hospital, scientific, or charitable purposes and that is owned or operated by certain types of nonprofit entities, if certain qualifying criteria are met. This bill, for lien dates occurring on and after January 1, 2020, would provide that property is within the welfare exemption if that property is owned by a community land trust, as defined, otherwise qualifying for the welfare exemption, and specified conditions are met, including that the property is being or will be developed or rehabilitated as housing, as specified.

CSAC Position

Pending

SB 294 (Hill D) Property taxation: welfare exemption: low income housing.

Location: 4/8/2019-S. APPR. SUSPENSE FILE

Summary: Would require any outstanding qualified ad valorem property tax in excess of the \$20,000,000 limitation, and related interest or penalty, which was levied or imposed on and after January 1, 2019, and before January 1, 2020, with respect to qualified property for which a qualified claim was filed, to be canceled to the extent that the amount canceled does not result in a total assessed value exemption amount in excess of \$250,000,000 being allowed to a qualified taxpayer with respect to a single property or multiple properties for any fiscal year. The bill would, on and after January 1, 2020, prohibit an escape assessment from being levied on qualified property if that amount would be subject to cancellation pursuant to this bill.

CSAC Position

Pending

SB 364 (Stone R) Property taxation: senior and disabled veterans.

Location: 3/27/2019-S. V. A.

Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value, as defined, of that property, and provides that the full cash value base may be adjusted each year by the inflationary rate not to exceed 2% for any given year. Current property tax law implementing this constitutional authority provides that the taxable value of real property is the lesser of its base year value compounded annually by an inflation factor not to exceed 2%, as provided, or its full cash value. Current property tax law also provides that the taxable value of a manufactured home is the lesser of its base year value compounded annually by an inflation factor not to exceed 2% or its full cash value. This bill, for any assessment year commencing on or after January 1, 2020, would provide that the inflation factor shall not apply to the principal place of residence, including a manufactured home, of a qualified veteran, as defined, who is 65 years of age or older on the lien date, was honorably discharged from military service, and meets specified requirements.

CSAC Position

Pending

SB 532 (Portantino D) Redevelopment: bond proceeds: affordable housing.

Location: 4/10/2019-S. HOUSING

Summary: This bill, notwithstanding the requirement that the remaining bond proceeds be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation, would authorize a successor agency to use the remaining bond proceeds for the purposes of increasing, improving, and preserving affordable housing, as defined. The bill, if the remaining bond proceeds are used for these purposes, would require the Last and Final Recognized Obligation Payment Schedule to be adjusted to allow for the allocation of revenues from the Redevelopment Property Tax Trust Fund to the successor agency for purposes of paying the remaining principal and

interest on the bonds.

CSAC Position

Oppose

SB 562 (Morrell R) Property taxation: exemption: principal residence: veterans and their unmarried surviving spouses.

Location: 4/3/2019-S. V. A.

Summary: Current property tax law, pursuant to the authorization of the California Constitution, provides a disabled veteran's property tax exemption for the principal place of residence of a veteran, the veteran's spouse, or the veteran and veteran's spouse jointly, and the unmarried surviving spouse of a veteran, as provided, if the veteran is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service, or if the veteran has, as a result of a service-connected injury or disease, died while on active duty in military service. This bill, for the 2020–21 fiscal year and for each fiscal year thereafter, would increase these exemption amounts to \$200,000, or \$250,000 if the household income of the claimant does not exceed \$65,000, as adjusted for inflation.

CSAC Position

Pending

SB 663 (Jones R) Property taxation: exemptions: veterans' organizations.

Location: 3/28/2019-S. V. A.

Summary: Current property tax law establishes a veterans' organization exemption under which property is exempt from taxation if, among other things, that property is used exclusively for charitable purposes and is owned by a veterans' organization. This bill would provide that the veterans' organization exemption shall not be denied to a property on the basis that the property is used for fraternal, lodge, or social club purposes, and would make specific findings and declarations in that regard.

CSAC Position

Pending

SCA 3 (Hill D) Property taxation: change in ownership: inheritance exclusion.

Location: 3/20/2019-S. GOV. & F.

Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California Constitution specifies various transfers that are not deemed to be a "purchase" or "change in ownership" of a property for these purposes, including the purchase or transfer of a principal residence from parents to their children, or, under certain circumstances, from grandparents to their grandchildren, and the purchase or transfer of the first \$1,000,000 of the full cash value of all other real property transferred from parents or grandparents to their children or grandchildren. This measure would limit the above-described \$1,000,000 exclusion for purchases or transfers of real property other than a principal residence to purchases or transfers of nonresidential real property.

CSAC Position

Pending

SCA 4 (Galgiani D) The California Home Fairness and Primary Residence Act.

Location: 3/20/2019-S. GOV. & F.

Summary: This measure, on and after January 1, 2021, would limit the exclusion for the purchase or transfer of a principal residence between parents and their children and between grandparents and their grandchild or grandchildren to instances in which the residence continues as the principal residence of the transferee. The measure would prescribe the method for calculating the new base year value of the principal residence of the transferee. The measure, commencing January 1, 2022, and each January 1 thereafter, would require the county assessor to adjust the amount of the exclusion, as specified.

CSAC Position

Pending

204: Sales & Use Tax

AB 31 (Garcia, Cristina D) Sales and use taxes: exemption: sanitary napkins: tampons: menstrual sponges and menstrual cups.

Location: 1/17/2019-A. REV. & TAX

Summary: Current sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. Those laws provide various exemptions from those taxes. This bill, on and after January 1, 2020, and until January 1, 2025, would exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, tampons, sanitary napkins, menstrual sponges, and menstrual cups.

CSAC Position

Oppose_Unless_Amended

[AB 66](#)

(Gonzalez D) Sales and use taxes: exemption: diapers.

Location: 1/17/2019-A. REV. & TAX

Summary: until January 1, 2025, would sales and use taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, diapers for infants and toddlers.

CSAC Position

Oppose_Unless_Amended

[AB 147](#)

(Burke D) Use taxes: collection: retailer engaged in business in this state: marketplace facilitators.

Location: 4/8/2019-A. ENROLLMENT

Summary: Would specify that, on and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. The bill would allow the California Department of Tax and Fee Administration to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022.

CSAC Position

Support

[AB 176](#)

(Cervantes D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.

Location: 3/28/2019-A. REV. & TAX

Summary: The California Alternative Energy and Advanced Transportation Financing Authority Act authorizes, until January 1, 2021, the California Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance in the form of a sales and use tax exclusion for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding \$100,000,000 for each calendar year. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2031, and would extend the sales and use tax exclusion until January 1, 2031.

CSAC Position

Pending

[AB 321](#)

(Patterson R) Sales and use taxes: exemptions: trucks for use in interstate or out-of-state commerce.

Location: 4/9/2019-A. APPR.

Summary: The Sales and Use Tax Law provides various exemptions from those taxes, including an exemption for the sale of, or the storage, use, or other consumption of, a new or remanufactured trailer or semitrailer with an unladen weight of 6,000 pounds or more that is purchased for use without this state and is delivered to the purchaser within this state, and the purchaser drives or moves the vehicle to any point outside this state within 30 or 75 days, as applicable, from and after the date of delivery, if the purchaser furnishes certain documents to the manufacturer or remanufacturer. This bill, until January 1, 2024, would additionally include within this exemption the sale of, or the storage, use, or consumption of, a new, used, or remanufactured truck with an unladen weight of 6,000 pounds or more that is purchased for use without this state.

CSAC Position

Pending

[AB 745](#)

(Petrie-Norris D) Sales and use taxes: exemption: retail hydrogen vehicle fuel.

Location: 2/28/2019-A. REV. & TAX

Summary: Would, on and after January 1, 2020, and before January 1, 2024, exempt from sales and use taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, retail hydrogen vehicle fuel, as defined.

CSAC Position

Pending

[AB 784](#) (Mullin D) Sales and use taxes: exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit bus vehicles.

Location: 3/14/2019-A. REV. & TAX

Summary: Current state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would, until January 1, 2024, provide an exemption from those taxes with respect to the sale of, and the storage and use of, or other consumption in this state of, specified zero-emission technology medium- and heavy-duty transit bus vehicles.

CSAC Position
Neutral

[AB 938](#) (Rivas, Robert D) Sales and use taxes: exclusion: low-emission motor vehicle: trade-in.

Location: 3/4/2019-A. REV. & TAX

Summary: Would, before January 1, 2025, exclude from the terms "gross receipts" and "sales price" the value of a qualified trade-in motor vehicle that is traded in for a qualified motor vehicle, as defined, if the value of the qualified trade-in motor vehicle is separately stated on the invoice or bill of sale or similar document provided to the purchaser.

CSAC Position
Pending

[AB 1120](#) (Cunningham R) Sales and use taxes: exemptions: oak barrels.

Location: 3/7/2019-A. REV. & TAX

Summary: Current sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would exempt from these taxes the gross receipts in this state of, and the storage, use, or other consumption in this state of, a new or used oak barrel to a person who purchases that oak barrel for the purpose of incorporating oak into distilled spirits. The bill would repeal this exemption on January 1, 2025.

CSAC Position
Pending

[AB 1413](#) (Gloria D) Transportation: local transportation authorities: transactions and use taxes.

Location: 3/14/2019-A. L. GOV.

Summary: Would authorize a local transportation authority to impose a tax applicable to only a portion of its county if 2/3 of the voters voting on the measure within the portion of the county to which the tax would apply vote to approve the tax, as specified, and other requirements are met, including that the revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply.

CSAC Position
Pending

[AB 1776](#) (Levine D) Sales and use taxes: exemptions: newspapers.

Location: 3/18/2019-A. REV. & TAX

Summary: Until July 15, 1991, existing law provided for the sale of, or the storage, use, or consumption of, any newspaper or periodical regularly issued at specified intervals, any tangible property that becomes an ingredient or component part of that newspaper or periodical, and any photograph transferred under specified conditions for the purpose of being reproduced in that newspaper. This bill, on and after January 1, 2020, and before January 1, 2025, would reinstate the exemption from those taxes on the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, photographs transferred under specified conditions for the purpose of being reproduced in that newspaper, and would make an exemption from those taxes on the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, newspapers.

CSAC Position
Oppose_Unless_Amended

[ACA 13](#) (Obornolte R) Local sales taxes: online sales.

Location: 3/26/2019-A. PRINT

Summary: Would provide that, on and after January 1, 2021, for the purpose of distributing the revenues derived under a sales tax imposed pursuant to the Bradley-Burns Uniform Local Sales and

Use Tax Law, the retail sale of tangible personal property by a qualified retailer, as defined, that is transacted online is instead consummated at the point of the delivery of that tangible personal property to the purchaser's address or to any other delivery address designated by the purchaser.

CSAC Position

Pending

[SB 162](#) ([Galgiani D](#)) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.

Location: 4/10/2019-S. APPR.

Summary: The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2021, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2030, and would extend the sales and use tax exclusion until January 1, 2030.

CSAC Position

Pending

[SB 468](#) ([Jackson D](#)) Taxation: tax expenditures: repeal date.

Location: 4/3/2019-S. GOV. & F.

Summary: Current law, including, but not limited to, property tax law, the Sales and Use Tax Law, the Personal Income Tax Law, the Corporation Tax Law, the Motor Vehicle Fuel Tax Law, the law governing the taxation of insurers, the Use Fuel Tax Law, and the Diesel Fuel Tax Law provide for tax expenditures, including exemptions, deductions, exclusions, and credits against the taxes imposed by those laws. This bill would repeal all tax expenditures, as defined, on December 31, 2023, not including any tax expenditures under the Personal Income Tax Law, and would require, if a tax expenditure is amended to remove or extend the repeal date, the act doing so to include specified information related to the efficacy of the tax expenditure.

CSAC Position

Pending

221: Vehicle License Fees

[AB 461](#) ([Lackey R](#)) Vehicles: renewal of registration.

Location: 2/21/2019-A. TRANS.

Summary: Would require the Department of Motor Vehicles to provide an indigent person, as defined, with a payment plan option that allows the person to apply for renewal of registration any time after enrolling in the payment plan and pay any outstanding fees in monthly installments. For persons enrolled in a payment plan, the bill would waive specified late penalties and suspend wage garnishments, bank levies, or offsets for the collection of delinquent registration fees, provided that the person complies with the payment plan, and would allow a person who becomes delinquent on a payment plan one 45-day extension to resume payments.

CSAC Position

Oppose_Unless_Amended

[AB 818](#) ([Cooley D](#)) Local government finance: vehicle license fee adjustment amounts.

Location: 4/3/2019-A. APPR. SUSPENSE FILE

Summary: Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

CSAC Position

Pending

[AB 867](#) ([Wood D](#)) Department of Motor Vehicles.

Location: 3/4/2019-A. TRANS.

Summary: Current law authorizes the Department of Motor Vehicles to assess and collect certain fees, including an annual fee for the registration of a vehicle. This bill would require the department, by no later than July 1, 2020, to accept credit cards as payment for any fees at all of its field offices. The bill would also require the department, by no later than July 1, 2020, to allow annual vehicle registration fees to be paid in monthly, bimonthly, or semiannual installment payments. The bill would require the department to adopt regulations to implement the acceptance of installment payments.

CSAC Position

Oppose_Unless_Amended

[AB 1103](#) (Patterson R) Vehicles: registration: payment plans.

Location: 3/7/2019-A. TRANS.

Summary: Current law establishes fees for the registration of vehicles to be collected by the Department of Motor Vehicles (DMV), and requires that a penalty be assessed for delinquent payment of vehicle registration, as specified. This bill would require the department to permit the payment of registration renewal fees in installments, as specified. The bill would subject a registered owner who fails to pay the registration renewal fees in full by the due date to the delinquent payment penalties described above.

CSAC Position

Oppose_Unless_Amended

[SB 460](#) (Beall D) Vehicles: biennial registration.

Location: 4/10/2019-S. APPR.

Summary: Current law generally establishes an annual registration period for vehicles and imposes annual registration fees on vehicles. This bill would authorize the Director of Motor Vehicles, on or after January 1, 2020, to establish a biennial registration period for a vehicle, with subsequent renewals being required at biennial intervals thereafter, as specified.

CSAC Position

Oppose_Unless_Amended

240: Local Finance

[AB 41](#) (Gallagher R) Disaster relief: Camp Fire.

Location: 4/4/2019-A. APPR.

Summary: The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share is up to 100% of total state eligible costs connected with the Camp Fire that started on November 8, 2018, in the County of Butte.

CSAC Position

Support

[AB 213](#) (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Location: 4/10/2019-A. APPR. SUSPENSE FILE

Summary: Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

CSAC Position

Pending

[AB 570](#) (Aguiar-Curry D) Local Government Investment Act.

Location: 3/25/2019-A. L. GOV.

Summary: Would define the term “affordable housing” for purposes of specified provisions of the California Constitution to include a first-time home buyer program offered by a local agency. The bill would also specify that a parcel tax imposed pursuant to a specified constitutional provision may include an exemption for persons who are 65 years of age or older, receiving Supplemental Security Income for a disability, or receiving Social Security Disability Insurance Benefits and whose yearly income does not exceed specified amounts.

CSAC Position

Pending

[AB 610](#) (Obernolte R) Elections: local bond measures: tax rate statement.

Location: 2/25/2019-A. E. & R.

Summary: Current law requires local governments, when submitting for voter approval a bond measure that will be secured by an ad valorem tax, to provide the voters with a statement that includes estimates of the tax rates required to fund the measure. Tax rates are expressed as the rate per \$100 of assessed valuation on all property to be taxed to fund the bond measure. This bill would instead require that the tax rate be expressed as the rate per \$100,000 of assessed valuation on all property to be taxed to fund the bond measure.

CSAC Position

Pending

[AB 1253](#) (Rivas, Robert D) Local agency formation commissions: grant program.

Location: 4/3/2019-A. APPR. SUSPENSE FILE

Summary: This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

CSAC Position

Support

[AB 1637](#) (Smith D) Unclaimed Property Law.

Location: 4/9/2019-A. CONSENT CALENDAR

Summary: Under current law, a person who claims to have been the owner, as defined, of property paid or delivered to the Controller under the Unclaimed Property Law may file a claim to the property or to the net proceeds from its sale. Current law requires to Controller to consider each claim, as specified, to determine if the claimant is the owner. This bill would permit property reported to, and received by, the Controller in the name of a state or local agency, as defined, to be transferred by the Controller directly to that agency without the filing of a claim.

CSAC Position

Support

[AB 1640](#) (Boerner Horvath D) Local government finance: budget reserves.

Location: 3/18/2019-A. L. GOV.

Summary: Would require a local government by September 1, 2020, and annually thereafter, to submit a written report to the State Controller's office on how it plans to spend any of its budget reserves, as defined, on specified priorities over a 5-year fiscal period, including, among others, mental and behavioral health services and affordable housing. The bill would provide this reporting requirement only applies to a local government if the local government's budget reserve in the immediately preceding fiscal year was in excess of 30 percent of the total expenditures of the local government in that fiscal year.

CSAC Position

Oppose

[SB 379](#) (Committee on Governance and Finance) Validations.

Location: 4/4/2019-A. DESK

Summary: This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

CSAC Position

Support

[SB 380](#) (Committee on Governance and Finance) Validations.

Location: 4/4/2019-A. DESK

Summary: This bill would enact the Second Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified

districts, agencies, and entities.

CSAC Position
Support

SB 381 (Committee on Governance and Finance) Validations.

Location: 4/4/2019-A. DESK

Summary: This bill would enact the Third Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

CSAC Position
Support

244: Eminent Domain

AB 1681 (Gonzalez D) Public employees: collective bargaining: unit determinations.

Location: 3/18/2019-A. P.E. & R.

Summary: Current law establishes a process for an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as specified. Under current law, in each case where the appropriateness of the unit is an issue, the Public Employment Relations Board is required to decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district. Current law establishes a standard in the case of a district that employs 20 or more supervisory peace officer employees, providing that a negotiating unit of supervisory employees employed by such a district shall be appropriate if the unit includes all supervisory peace officer employees or all supervisory nonpeace officer employees, or both. This bill would eliminate the threshold of 20 or more supervisory peace officer employees for that appropriateness standard, thereby applying the standard to any district that employs such employees.

CSAC Position
Pending

245: Broadband

AB 1409 (Chau D) California Teleconnect Fund Administrative Committee Fund: Digital Divide Grant Program: homework gap projects.

Location: 3/25/2019-A. C. & C.

Summary: Current law requires 15% of the revenues from fees collected from the lease of state-owned real property to the providers of wireless telecommunication services, with certain exceptions, and certain penalties on holders of state franchises for the provision of video service, to be deposited into the Digital Divide Account, which is established in the fund, to be used only for digital divide pilot projects, and defines for this purpose "digital divide projects" to mean community technology programs, as defined, involved in certain activities. This bill would expressly require the Department of General Services to timely deposit those revenues into the account, and would continuously appropriate the moneys in the account to the commission for purposes of the Digital Divide Grant Program.

CSAC Position
Pending

260: School Finance

AB 247 (Dahle R) Disaster relief: Carr and Klamathon fires.

Location: 4/4/2019-A. APPR.

Summary: The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share is up to 100% of total state eligible costs connected with the Klamathon fire that started on July 5, 2018, in the County of Siskiyou, and the Carr fire that started on July 23, 2018, in the County of Shasta.

CSAC Position
Support

270: State Finance

[AB 1698](#) **(Wicks D) Infrastructure investment and financing.**

Location: 2/22/2019-A. PRINT

Summary: Would state the intent of the Legislature to establish and provide initial funding for the Resilient Activities and Development Agency and the California Resourcient Infrastructure Corporation, as provided.

CSAC Position

Pending

275: Mandates Process & Reimbursement

[AB 400](#) **(Lackey R) State mandates.**

Location: 2/28/2019-A. L. GOV.

Summary: The California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of a new program or a higher level of service, with specified exceptions, when the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts. Current law authorizes a local agency or school district, by February 15, to file an annual reimbursement claim detailing these state-mandated costs, as specified. This bill would extend that date to March 1.

CSAC Position

Pending

[AB 1471](#) **(Gray D) State-mandated local costs: preventable loss revenue.**

Location: 3/14/2019-A. L. GOV.

Summary: Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local agency the state is required to provide a subvention of funds to reimburse the local agency, with specified exceptions, including if, among other things, a statute or executive order imposes duties that are necessary to implement, or are expressly included in, a ballot measure approved by the voters in a statewide or local election. Current law establishes a procedure for local agencies to file a test claim for reimbursement of these costs with the Commission on State Mandates. This bill would provide that reimbursement to an underprivileged or disadvantaged local agency for preventable lost revenue sustained as a result of the delayed implementation of a state action shall be provided pursuant to the same procedures described above.

CSAC Position

Pending

[SB 287](#) **(Nielsen R) Commission on State Mandates: test claims: filing date.**

Location: 4/8/2019-S. APPR. SUSPENSE FILE

Summary: Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Current law requires a local agency or school district text claim to be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later. This bill would specify that for purposes of filing a test claim based on the date of incurring increased costs, "within 12 months" means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.

CSAC Position

Support

280: Miscellaneous

[AB 212](#) **(Bonta D) Counties: recording fees.**

Location: 4/8/2019-S. DESK

Summary: Current law establishes a fee for recording documents with the county recorder at \$10 for the first page and \$3 for each additional page and authorizes a county recorder to assess additional specified fees, including a fee of \$1 for each document filed in order to defray the cost of converting the county recorder's document storage system to micrographics. This bill, until January 1, 2026, would authorize the \$1 fee to additionally be used for restoration and preservation of the county recorder's

permanent archival microfilm, to implement and fund a county recorder archive program as determined by the county recorder, or to implement and maintain or utilize a trusted system for the permanent preservation of recorded document images.

CSAC Position

Support

[SB 246](#) ([Wieckowski D](#)) Oil and gas severance tax.

Location: 2/11/2019-S. RLS.

Summary: Current law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges. This bill would impose an oil and gas severance tax of upon any operator for the privilege of severing oil or gas from the earth or water in this state at specified rates, calculated as provided.

CSAC Position

Pending

[SB 373](#) ([Hertzberg D](#)) County recorder: vital records: blockchain technology.

Location: 4/3/2019-S. HEALTH

Summary: Would authorize a county to issue certified copies of birth, death, and marriage records by means of blockchain technology, as defined, and would exempt those records from the required physical properties and features in the provisions described above.

CSAC Position

Pending

[SB 598](#) ([Moorlach R](#)) Open Financial Statements Act.

Location: 4/10/2019-S. G.O.

Summary: Would enact the Open Financial Statements Act. The bill would establish the Open Financial Statement Commission, consisting of 9 members. The bill would authorize the commission to contract, through an open and competitive request for proposal process, with vendors possessing the necessary software and financial data standards development expertise to build one or more extensible Business Reporting Language (XBRL) taxonomies suitable for public agency financial filings and create a software tool that enables a public agency to easily create Inline eXtensible Business Reporting Language (iXBRL) documents consistent with these taxonomies.

CSAC Position

Pending

285: Conflict of Interest/ FPPC

[AB 1306](#) ([Garcia, Cristina D](#)) Political Reform Act of 1974: misuse of funds.

Location: 4/10/2019-A. APPR.

Summary: Would amend the Political Reform Act of 1974 to prohibit any elected state or local officer, including any state or local appointee, employee, or consultant, from using or permitting others to use public resources for a campaign activity. The bill would authorize the FPPC to impose an administrative or civil penalty against a person for a misuse of public resources for campaign activity, not to exceed \$1,000 for each day on which a violation occurs, plus three times the value of the unlawful use of public resources.

CSAC Position

Oppose

[AB 1675](#) ([Diep R](#)) Local government: counties: board of supervisors.

Location: 2/22/2019-A. PRINT

Summary: Current law requires each county to have a board of supervisors consisting of 5 members and requires that no more than 3 members be elected at the same general election. This bill would make nonsubstantive changes to these provisions.

CSAC Position

Pending

[SB 47](#) ([Allen D](#)) Initiative, referendum, and recall petitions: disclosures.

Location: 4/2/2019-S. PUB. S.

Summary: Would require, for a state or local initiative, referendum, or recall petition that requires voter signatures and for which the circulation is paid for by a committee, as specified, that an Official Top Funders disclosure be made, either on the petition or on a separate sheet, that identifies the name of the committee, any top contributors, as defined, and the month and year during which the

Official Top Funders disclosure is valid, among other things. The bill would require the committee to create an Official Top Funders sheet meeting certain requirements and would authorize the committee to create a page on an Internet Web site that includes a link to the most recent Official Top Funders sheet and a link to the full text of the measure.

CSAC Position

Pending

290: Elections

[AB 49](#) (Cervantes D) California Voter Protection Act of 2019.

Location: 4/11/2019-A. APPR.

Summary: Current law authorizes certain counties, on or after specified dates, to conduct any election as an all-mailed ballot election if, among other conditions, the county elections official permits a voter to vote a ballot at a vote center. This bill, the California Voter Protection Act of 2019, would also require the county elections official to ensure that at least one vote center is open in each Assembly district within the county at all times when any vote center is open in the county, if the Assembly district includes at least 50,000 registered voters in the county

CSAC Position

Pending

[AB 59](#) (Kalra D) Elections: polling places: college and university campuses.

Location: 4/11/2019-A. APPR.

Summary: Would require a the local elections official designate at least one location on the main campus of each California State University within the official's jurisdiction as a vote center or satellite office, as specified. This bill would also require the local elections official to request the use of University of California campuses as vote centers and satellite offices, as specified, and it would encourage the University of California to comply with these requests.

CSAC Position

Pending

[AB 610](#) (Obernolte R) Elections: local bond measures: tax rate statement.

Location: 2/25/2019-A. E. & R.

Summary: Current law requires local governments, when submitting for voter approval a bond measure that will be secured by an ad valorem tax, to provide the voters with a statement that includes estimates of the tax rates required to fund the measure. Tax rates are expressed as the rate per \$100 of assessed valuation on all property to be taxed to fund the bond measure. This bill would instead require that the tax rate be expressed as the rate per \$100,000 of assessed valuation on all property to be taxed to fund the bond measure.

CSAC Position

Pending

[AB 693](#) (Berman D) Conditional voter registration: voting.

Location: 2/28/2019-A. E. & R.

Summary: Would authorize an elections official to offer a nonprovisional ballot to a conditional voter registrant if the official uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 to make certain verifications before issuing the nonprovisional ballot and, if the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

CSAC Position

Pending

[AB 730](#) (Berman D) Voter registration: preregistration.

Location: 2/28/2019-A. E. & R.

Summary: Current law provides that certain information on a voter's affidavit of registration, including the voter's home address and signature, is confidential and prohibits disclosure of the information except in specified circumstances. This bill would additionally provide that the affidavit of registration of a preregistered person who is not yet a registered voter is confidential, and would prohibit its disclosure to any person without exception.

CSAC Position

Pending

[AB 849](#) (Bonta D) Elections: local redistricting.

Location: 4/10/2019-A. L. GOV.

Summary: Current law establishes criteria and procedures pursuant to which local jurisdictions, including cities, counties, special districts, school districts, community college districts, and county boards of education, adjust or adopt district, division, or trustee area boundaries, as applicable, for the purpose of electing members of the local jurisdiction's governing body. This bill would revise and recast these provisions. The bill would require the governing body of each local jurisdiction described above to adopt new district, division, or trustee area boundaries after each federal decennial census, except as specified.

CSAC Position

Oppose_Unless_Amended

[AB 1724](#) (Salas D) Elections: general law city and county redistricting.

Location: 3/18/2019-A. E. & R.

Summary: Would declare the intent of the Legislature to require each general law city and county to establish an independent redistricting commission that is modeled after the Citizens Redistricting Commission. The bill would require each of those local jurisdictions to establish an independent redistricting commission for the purpose of adjusting the boundary lines of districts for the legislative body of the local jurisdiction after each federal decennial census. The bill would require the auditor of each local jurisdiction to implement an application process for members to the commission, as specified.

CSAC Position

Pending

[AB 1784](#) (Santiago D) Elections: open-source paper ballot voting systems.

Location: 3/28/2019-A. E. & R.

Summary: Current law prohibits the use of a voting system unless it has been certified or conditionally approved by the Secretary of State, or approved by the Secretary of State as part of a pilot program, prior to the election at which it is to be used. This bill would establish the Open-Source Paper Ballot Voting System Program and authorize the Secretary of State to award up to \$12,000,000 in matching funds, upon appropriation by the Legislature, to counties for the development of open-source paper ballot voting systems.

CSAC Position

Pending

[SB 72](#) (Umberg D) Conditional voter registration: provisional ballots.

Location: 4/2/2019-S. APPR.

Summary: Would specifically require, rather than permit, a county elections official to offer conditional voter registration and provisional voting at all satellite offices of the county elections official and all polling places in the county. If the elections official is able to determine a conditionally registered voter's precinct, and the ballot for that precinct is available, the bill would require the elections official to provide the voter with a ballot for the voter's precinct.

CSAC Position

Pending

[SB 139](#) (Allen D) Independent redistricting commissions.

Location: 4/2/2019-S. GOV. & F.

Summary: Would, with certain exceptions, require a county with more than 250,000 residents on and after January 1, 2019, and on and after January 1 of every subsequent year ending in the number 9, to establish a 10-member independent redistricting commission to adopt the county's supervisorial districts after each federal decennial census pursuant to a specified procedure.

CSAC Position

Pending

[SB 212](#) (Allen D) Elections: local voting methods.

Location: 2/13/2019-S. E. & C.A.

Summary: Under current law, a candidate for nonpartisan office who receives votes on the majority of all ballots cast at a primary election is elected to that office, and the office does not appear on the ballot in the ensuing general election. Current law prescribes which candidates appear on the ballot in the ensuing general election if no candidate has been elected pursuant to this provision, or if the number of candidates elected at the primary election is less than the total number to be elected to that office. Under current law, these provisions do not apply to elections to fill certain enumerated offices. This bill would apply these provisions, upon approval by a jurisdiction's voters, to the nomination of officers for general law cities and school districts, except as specified.

CSAC Position

Pending

[SB 641](#) (Allen D) Special elections: ranked choice voting.

Location: 3/27/2019-S. E. & C.A.

Summary: Would authorize the Governor to require that a special election to fill a vacancy in a congressional or legislative office be conducted by ranked choice voting, as defined, if the affected jurisdiction is capable of using this voting method and the Secretary of State has approved the specific ranked choice voting method to be used. This bill would also change the period of time in which a special election may be conducted for consolidation purposes to at least 100 and not more than 200 days following the proclamation.

CSAC Position

Pending

SCA 2

(Allen D) Elections: recalls.

Location: 3/20/2019-S. E. & C.A.

Summary: The California Constitution provides that voters may recall a state officer and, in the same election, elect a successor. The Constitution prohibits an officer who is the subject of a recall election from being a candidate for successor. The Constitution also prohibits a successor candidacy for the office of judge of the Supreme Court or a court of appeal. This bill would instead require that the name of an officer, other than a judicial officer, be placed on the ballot as a successor candidate if the officer does not resign no later than 10 days after the date of certification of sufficient signatures. If the officer does so resign, the office would be deemed vacant and the recall election would not be held.

CSAC Position

Pending

295: County Governance

AB 632

(Aguiar-Curry D) Counties: offices: consolidation.

Location: 4/10/2019-A. CONSENT CALENDAR

Summary: Current law authorizes the board of supervisors of specified counties to, by ordinance, consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector. This bill would additionally authorize the board of supervisors of the County of Lake to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax-Collector when a vacancy in either the office of Auditor-Controller or in the office of Treasurer-Tax Collector occurs.

CSAC Position

Pending

AB 931

(Boerner Horvath D) State and local boards and commissions: representation: appointments.

Location: 2/20/2019-A. A. & A.R.

Summary: Current law establishes the policy of the Legislature to ensure equal access to specific information about the many local regulating and advisory boards, commissions, and committees and to ensure equal opportunity to be informed of vacancies on those boards. Existing law requires each legislative body of a local agency to prepare an appointments list of all regular and ongoing boards, commissions, and committees that are appointed by the legislative body of the local agency. This bill, on and after January 1, 2025, would require the composition of each state and local board and commission with appointed members to have a specified minimum number of women board members or commissioners based on the total number of board members or commissioners on that board.

CSAC Position

Oppose

SB 355

(Portantino D) Joint powers agencies: meetings.

Location: 2/28/2019-S. GOV. & F.

Summary: Current law authorizes a joint powers agency to include in its joint powers agreement provisions authorizing, among others, any designated alternate member of the legislative body of the joint powers agency is also a member of the legislative body of a member local agency, and who is attending in lieu of that agency's regularly appointed member, to attend closed sessions of the joint powers agency, as specified. This bill would eliminate the requirement that the designated alternate member of the legislative body of the joint powers agency also be a member of the legislative body of a member local agency.

CSAC Position

Pending

SB 531

(Glazer D) Local agencies: retailers.

Location: 4/3/2019-S. GOV. & F.

Summary: Current law prohibits a local agency, defined to mean all cities and counties, from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion,

or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would additionally prohibit, on or after January 1, 2020, a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any retailer, as defined, in exchange for the retailer locating a warehouse, sales center, or fulfillment center within the territorial jurisdiction of the local agency if the warehouse, sales center, or fulfillment center would generate revenue for the local agency under the Bradley-Burns Uniform Local Sales and Use Tax Law.

CSAC Position

Pending

300: Retirement

[AB 33](#) (Bonta D) State public retirement systems: divestiture from private prison companies.

Location: 1/17/2019-A. P.E. & R.

Summary: Would prohibit the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a private prison company, as defined. This bill would require the boards to liquidate investments in private prison companies on or before July 1, 2020, and would require the boards, in making a determination to liquidate investments, to constructively engage with private prison companies to establish whether the companies are transitioning their business models to another industry.

CSAC Position

Oppose

[AB 1320](#) (Nazarian D) Public employee retirement systems: prohibited investments: Turkey.

Location: 4/3/2019-A. APPR.

Summary: Current law prohibits the boards of administration of the Public Employees' Retirement System and the State Teachers' Retirement System from making investments in certain countries and in thermal coal companies, as specified, subject to the boards' plenary authority and fiduciary responsibility for investment of moneys and administration of the systems. This bill, upon the passage of a federal law that imposes sanctions on the government of Turkey for failure to officially acknowledge its responsibility for the Armenian Genocide, would prohibit the boards of administration of the Public Employees' Retirement System and the State Teachers' Retirement System from making additional or new investments, or renewing existing investments, of public employee retirement funds in an investment vehicle in the government of Turkey that is issued by the government of Turkey or that is owned, controlled, or managed by the government of Turkey.

CSAC Position

Oppose

[AB 1332](#) (Bonta D) Sanctuary State Contracting and Investment Act.

Location: 4/11/2019-A. JUD.

Summary: Would enact the Sanctuary State Contracting and Investment Act, which would, among other things, prohibit a state or local agency from entering into a new, amended, or extended contract or agreement with any person or entity that provides a federal immigration agency with any data broker, extreme vetting, or detention facilities services, as defined, unless the state or local agency has made a finding that no reasonable alternative exists, as specified. The bill would exempt certain contracts or agreements from these provisions related to the administration of retirement benefits and investment of moneys for retirement benefits, as specified.

CSAC Position

Oppose

[SB 241](#) (Moorlach R) Public agencies: joint powers authorities: contracts.

Location: 2/21/2019-S. GOV. & F.

Summary: Would require the governing body of a majority of the member agencies of an agency established pursuant to a joint powers agreement to approve and ratify each memorandum of understanding negotiated between the joint powers agency and its employees, and submit that approval and ratification to the governing body of the agency, within 45 calendar days of receipt.

CSAC Position

Pending

[SB 266](#) (Leyva D) Public Employees' Retirement System: disallowed compensation: benefit adjustments.

Location: 4/8/2019-S. APPR. SUSPENSE FILE

Summary: Would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on compensation that conflicts with PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies.

CSAC Position

Oppose

315: Labor Relations/ MMBA

[AB 314](#) (Bonta D) Public employment: labor relations: release time.

Location: 4/3/2019-A. APPR.

Summary: Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. These acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time. This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts.

CSAC Position

Oppose_Unless_Amended

[AB 418](#) (Kalra D) Evidentiary privileges: union agent-represented worker privilege.

Location: 3/13/2019-A. THIRD READING

Summary: Would establish a privilege between a union agent, as defined, and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified. The bill would permit a represented employee or represented former employee to prevent another person from disclosing a privileged communication, except as specified.

CSAC Position

Oppose

[AB 648](#) (Nazarian D) Wellness programs.

Location: 4/4/2019-A. APPR.

Summary: Would prohibit health care service plans and insurers from sharing any personal information or data collected through a wellness program, and would prohibit health care service plans or insurers from taking any adverse action, as defined, against an enrollee or member, or insured ("individual"), if the action of the health care service plans or insurers is in response to a matter related to a wellness program, such as an individual's election to not participate in a wellness program. The bill would establish and impose upon health care service plans and insurers various requirements related to a wellness programs, such as requiring a health care service plan or insurer to provide an individual information concerning its policies and practices pertaining to wellness programs, as specified.

CSAC Position

Pending

340: Privacy/ Identity Theft

[AB 874](#) (Irwin D) California Consumer Privacy Act of 2018.

Location: 3/25/2019-A. P. & C.P.

Summary: The California Consumer Privacy Act of 2018 excludes "publicly available information" from the definition of "personal information," and defines the term "publicly available" to mean information that is lawfully made available from federal, state, or local government records, if any conditions associated with that information. Current law further specifies that information is not "publicly available" if that data is used for a purpose that is not compatible with the purpose for which the data is maintained and made available in the government records or for which it is publicly maintained and

specifies that “publicly available” does not include consumer information that is deidentified or aggregate consumer information. This bill would redefine “publicly available” to mean information that is lawfully made available from federal, state, or local records.

CSAC Position

Pending

[AB 1416](#) (Cooley D) Business: collection and disclosures of Consumer personal information.

Location: 3/14/2019-A. P. & C.P.

Summary: Would specify that the California Consumer Privacy Act of 2018 does not restrict a business’s ability comply with any rules or regulations. The bill would further specify that the act does not restrict a business’s ability to collect, use, retain, sell, authenticate, or disclose personal information in order to: (1) exercise, defend, or protect against legal claims, (2) protect against or prevent fraud or unauthorized transactions, (3) protect against or prevent security incidents or other malicious, deceptive, or illegal activity, or (4) investigate, report, or prosecute those responsible for protecting against fraud, unauthorized transactions, and preventing security incidents or other specified activities.

CSAC Position

Sponsor

[SB 753](#) (Stern D) California Consumer Privacy Act: definition of sale: advertisement service exception.

Location: 4/10/2019-S. JUD.

Summary: Would provide that, for purposes of the California Consumer Privacy Act of 2018, a business does not sell personal information if the business, pursuant to a written contract, shares, discloses, or otherwise communicates to another business or third party a unique identifier only to the extent necessary to serve or audit a specific advertisement to the consumer. The bill would require the contract to prohibit the other business or third party from sharing, selling, or otherwise communicating the information except as necessary to serve or audit advertisement from the business.

CSAC Position

Pending

345: Public Records Act/ Brown Act

[AB 510](#) (Cooley D) Local government records: destruction of records.

Location: 2/21/2019-A. L. GOV.

Summary: Current law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of telephone and radio communications maintained by that county, city, or special district after 100 days if that person receives approval from the legislative body and the written consent of the agency attorney. This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.

CSAC Position

Support

[SB 518](#) (Wieckowski D) Public records: disclosure: court costs and attorney’s fees.

Location: 3/7/2019-S. JUD.

Summary: The California Public Records Act, when it appears to a superior court that certain public records are being improperly withheld from a member of the public, requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why that officer or person should not do so. The act requires the court to award court costs and reasonable attorney’s fees to the plaintiff if the plaintiff prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney’s fees to the public agency if the court finds that the plaintiff’s case is clearly frivolous. This bill, for purposes of the award of court costs and reasonable attorney’s fees pursuant to the above provisions, would specifically notwithstanding a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.

CSAC Position

Oppose

800: Economic Development

[AB 11](#) (Chiu D) Community Redevelopment Law of 2019.

Location: 4/10/2019-A. L. GOV.

Summary: Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2019, would authorize a city or county, or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, including that the resolution of intention include a passthrough provision and an override passthrough provision, as defined.

CSAC Position

Concerns

[AB 485](#)

(Medina D) Local government: economic development subsidies.

Location: 4/10/2019-A. APPR.

Summary: Current law requires each local agency, as defined, to provide specified information to the public before approving an economic development subsidy within its jurisdiction, and to, among other things, hold hearings and report on those subsidies, as provided. Current law defines "economic development subsidy" for these purposes. This bill, on and after January 1, 2020, would similarly require each local agency to provide specified information to the public before approving an economic development subsidy for a warehouse distribution center, as defined, and to, among things, hold hearings and report on those subsidies, as provided.

CSAC Position

Pending

[AB 742](#)

(Cervantes D) Place-Based Economic Strategies Act.

Location: 4/2/2019-A. REV. & TAX

Summary: Would enact the Place-Based Economic Strategies Act, which would create the Office of Place-Based Economic Strategies, headed by the deputy director of the Office of Place-Based Economic Strategies, for the purposes of supporting place-based and other geographically targeted economic development programs, including, but not limited to, federal California Promise and California Opportunity Zones. The bill would require the office to serve as a liaison between community and economic stakeholders and the state agencies that oversee programs and offer services that are intended to finance and support business and economic development needs, as specified.

CSAC Position

Pending

[AB 906](#)

(Cooley D) California Economic Development Strategic Action Plan.

Location: 3/4/2019-A. J., E.D. & E.

Summary: Would require the economic development activities of this state to be guided by the policies, priorities, and actions identified in the California Economic Development Strategic Action Plan, which would, among other things, set a comprehensive agenda and framework for the purpose of increasing the state's overall national and international competitiveness, to support regional economic priorities, and lead the state toward inclusive economic growth. This bill would require GO-Biz to develop the action plan with public input and a stakeholder advisory group, and to post the first action plan on its Internet Web site on or before January 10, 2021.

CSAC Position

Pending

[AB 1084](#)

(Mayes R) Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund.

Location: 4/10/2019-A. APPR.

Summary: Would expand the definition of "excess surplus" to also include, for a housing successor that owns and operates affordable housing that was transferred to the housing successor as a housing asset of the former redevelopment agency, an unencumbered amount in the housing successor's Low and Moderate Income Housing Asset Fund that exceeds the greater of \$1,000,000 or the aggregate amount deposited into the account during the housing successor's preceding 8 fiscal years, whichever is greater.

CSAC Position

Pending

[AB 1437](#)

(Chen R) Local government: redevelopment: revenues from property tax override rates.

Location: 4/10/2019-A. L. GOV.

Summary: Would require certain revenues attributable to a property tax rate approved by the voters of a city, county, city and county, or special district to make payments in support of a mobile intensive care program called "Paramedics" to be allocated to, and when collected to be paid into, the fund of that taxing entity instead of the Redevelopment Property Tax Fund of each successor agency, unless the revenues are pledged as security for the payment of any indebtedness, as provided. The bill would require all allocations of revenues derived from the imposition of that property tax rate made by any county auditor-controller prior to January 1, 2020, to be deemed correct, and would prohibit any city,

county, county auditor-controller, successor agency, or affected taxing entity from being subject to any claim, as specified.

CSAC Position

Pending

[AB 1479](#) (Cervantes D) Opportunity Zone Credit Enhancement Act.

Location: 4/9/2019-A. REV. & TAX

Summary: Would require the California Infrastructure and Economic Development Bank to consider providing a credit enhancement to support an economic development facility in a qualified opportunity zone and to establish procedures for the expeditious review of applications for those credit enhancements. The bill would further authorize the bank to provide credit enhancements that support financing for economic development facilities located in a qualified opportunity zone.

CSAC Position

Pending

[AB 1698](#) (Wicks D) Infrastructure investment and financing.

Location: 2/22/2019-A. PRINT

Summary: Would state the intent of the Legislature to establish and provide initial funding for the Resilient Activities and Development Agency and the California Resourcient Infrastructure Corporation, as provided.

CSAC Position

Pending

[AB 1701](#) (Cervantes D) California Infrastructure and Economic Development Bank: economic development facilities: redevelopment agencies.

Location: 3/18/2019-A. J., E.D. & E.

Summary: Would require the I-Bank to establish criteria, priorities, and guidelines for receiving and reviewing applications to enter into a development agreement with a redevelopment agency in which the redevelopment agency would agree to commit a portion of property tax increment to finance a project for economic development facilities in a low-income census tract, including an Opportunity Zone designated by the United States Treasury.

CSAC Position

Pending

[SB 5](#) (Beall D) Affordable Housing and Community Development Investment Program.

Location: 4/2/2019-S. APPR.

Summary: Would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria.

CSAC Position

Pending

[SB 15](#) (Portantino D) Property tax revenue allocations: Local-State Sustainable Investment Program.

Location: 4/10/2019-S. HOUSING

Summary: Would establish the Local-State Sustainable Investment Program, which would be administered by the Department of Finance. The bill would authorize a city, a county, or a specified joint powers agency to apply to the Department of Finance for funding for projects that further certain purposes, including increasing the availability of affordable housing. The bill would require that funding under the program be provided by an allocation of ad valorem property tax revenues, as provided, and would limit the amount of funding approved under the program to \$200,000,000 per fiscal year and \$1,000,000,000 total.

CSAC Position

Oppose

[SB 128](#) (Beall D) Enhanced infrastructure financing districts: bonds: issuance.

Location: 3/28/2019-A. DESK

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. Current law requires a public financing authority to adopt an infrastructure financing plan and hold a public hearing on the plan, as specified. Current law authorizes the public financing authority to issue bonds for these

purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Current law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance. This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters.

CSAC Position

Support

[SB 162](#) (Galgiani D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.

Location: 4/10/2019-S. APPR.

Summary: The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2021, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2030, and would extend the sales and use tax exclusion until January 1, 2030.

CSAC Position

Pending

[SB 315](#) (Hertzberg D) Governor's Office of Business and Economic Development: opportunity zones: promise zones.

Location: 2/28/2019-S. B., P. & E.D.

Summary: Would require the Governor's Office of Business and Economic Development, in cooperation with the Office of Planning and Research, to track specified information regarding California Opportunity Zone and California Promise Zone investments and to post that information on the Governor's Office of Business and Economic Development's internet website.

CSAC Position

Pending

[SB 528](#) (Hueso D) California Infrastructure and Economic Development Bank.

Location: 4/10/2019-S. B. & F. I.

Summary: Would establish the Infrastructure and Economic Development Bank Commission and place the I-Bank under the supervision of the commission. The bill would require that the commission be comprised of the Governor, the Treasurer, the Attorney General, and the person who served as Governor immediately preceding the current Governor. The bill would require the commission to oversee the activities of the board of directors and the executive director, and to appoint the members of the board of directors and the executive director subject to confirmation by both houses of the Legislature.

CSAC Position

Pending

[SB 532](#) (Portantino D) Redevelopment: bond proceeds: affordable housing.

Location: 4/10/2019-S. HOUSING

Summary: This bill, notwithstanding the requirement that the remaining bond proceeds be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation, would authorize a successor agency to use the remaining bond proceeds for the purposes of increasing, improving, and preserving affordable housing, as defined. The bill, if the remaining bond proceeds are used for these purposes, would require the Last and Final Recognized Obligation Payment Schedule to be adjusted to allow for the allocation of revenues from the Redevelopment Property Tax Trust Fund to the successor agency for purposes of paying the remaining principal and interest on the bonds.

CSAC Position

Oppose

Total Measures: 118
Total Tracking Forms: 118

Employment Related Bills Last Updated 4/12/2019

310: Personnel Management

[AB 9](#)

(Reyes D) Employment discrimination: limitation of actions.

Location: 4/3/2019-A. APPR. SUSPENSE FILE

Summary: The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Current law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified.

CSAC Position

Oppose_Unless_Amended

[AB 51](#)

(Gonzalez D) Employment discrimination: enforcement.

Location: 4/10/2019-A. APPR. SUSPENSE FILE

Summary: Would prohibit a person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act (FEHA) or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment.

CSAC Position

Pending

[AB 160](#)

(Voepel R) Employment policy: voluntary veterans' preference.

Location: 3/26/2019-A. L. & E.

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of California Fair Employment and Housing Act (FEHA).

CSAC Position

Pending

[AB 171](#)

(Gonzalez D) Employment: sexual harassment.

Location: 4/10/2019-A. APPR. SUSPENSE FILE

Summary: Would also prohibit an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment, as defined by the California Fair Employment and Housing Act. The bill would establish a rebuttable presumption of unlawful retaliation based on the employee's status as a victim of domestic violence, sexual assault, sexual harassment, or stalking if an employer takes specific actions within 90 days following either the date when the victim provides notice to the employer or when the employer has actual knowledge of the status.

CSAC Position

Oppose

[AB 196](#)

(Gonzalez D) Paid family leave.

Location: 3/25/2019-A. INS.

Calendar: 4/24/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, DALY, Chair

Summary: Would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2020, by redefining the weekly benefit amount to be equal to 100% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

CSAC Position

Pending

[AB 243](#) (Kamlager-Dove D) Implicit bias training: peace officers.

Location: 3/25/2019-A. PUB. S.

Calendar: 4/23/2019 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, JONES-SAWYER, Chair

Summary: Current law requires every peace officer to participate in expanded training prescribed by the Commission on Peace Officer Standards and Training that includes and examines evidence-based patterns, practices, and protocols that make up racial and identity profiling, including implicit bias. Once basic training is completed, current law requires specified peace officers to complete a refresher course on racial and identity profiling at least every 5 years. This bill would require those peace officers currently required to take the refresher course every five years, and additional peace officers, as specified, to instead take 8 hours of refresher training on racial and identity profiling at least every 2 years.

CSAC Position

Pending

[AB 403](#) (Kalra D) Division of Labor Standards Enforcement: complaint.

Location: 4/4/2019-A. JUD.

Calendar: 4/23/2019 8 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, STONE, MARK, Chair

Summary: Current law authorizes a person who believes they have been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. This bill would extend the period to file a complaint to within 3 years after the occurrence of the violation.

CSAC Position

Pending

[AB 443](#) (Flora R) Wage records: private attorney general actions: attorney's fees.

Location: 3/25/2019-A. L. & E.

Summary: Current law establishes the Division of Labor Standards Enforcement within the Labor and Workforce Development Agency and grants to the division general enforcement authority for the Labor Code, except as specified. Current law establishes the Labor Code Private Attorneys General Act of 2004, which authorizes aggrieved employees, subject to a prescribed process, to recover civil penalties for violations of provisions of the Labor Code that may be collected by Labor and Workforce Development Agency or any of its departments or divisions. This bill would limit attorney's fees in connection with an action for a violation of the wage information requirements described above.

CSAC Position

Pending

[AB 555](#) (Gonzalez D) Paid sick leave.

Location: 3/28/2019-A. L. & E.

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Would modify an employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified.

CSAC Position

Pending

[AB 593](#) (Carrillo D) Unemployment insurance: use of information: public workforce development programs.

Location: 3/20/2019-A. APPR.

Summary: Would add city and county departments or agencies that administer public workforce development programs and local workforce development boards to the list of entities permitted to use information obtained in the administration of the Unemployment Insurance Code, for the purpose of evaluating, researching, or forecasting the effectiveness of public workforce development programs when the evaluation, research, or forecast is directly connected with those programs.

CSAC Position

Pending

[AB 628](#) (Bonta D) Employment: victims of sexual harassment: protections.

Location: 4/9/2019-A. APPR.

Summary: Current law prohibits an employer from discriminating or retaliating against an employee who is a victim of domestic violence, sexual assault, or stalking because of the employee's status as a victim, if the employer has notice or knowledge of that status. Current law additionally prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against an employee who is a victim, in this regard, who takes time off to obtain specified services or counseling. This bill would extend these employment protections to victims of sexual harassment, as defined. The bill would also extend these employment protections to family members, as defined, of the victims for taking time off from work to provide assistance to the victims when seeking relief or obtaining services and counseling, as specified.

CSAC Position

Oppose

[AB 673](#) (Carrillo D) Failure to pay wages: penalties.

Location: 2/28/2019-A. L. & E.

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Current law provides for a civil penalty, in addition to, and entirely independent and apart from other penalties, on every person who fails to pay the wages of each employee, as specified, and requires the Labor Commissioner to recover that penalty. Current law requires that a specified percentage of the penalty recovered under that provision be paid into a fund within the Labor and Workforce Development Agency dedicated to educating employers about state labor laws and that the remainder be paid into the State Treasury to the credit of the General Fund. This bill would also authorize the affected employee, as defined, to bring an action to recover civil penalties against the employer in an amount equal to the penalties provided by the Labor Commissioner described above.

CSAC Position

Pending

[AB 749](#) (Stone, Mark D) Settlement agreements: restraints in trade.

Location: 4/10/2019-A. THIRD READING

Summary: Would prohibit an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. The bill would provide that a provision in an agreement entered into on or after January 1, 2020, that violates this prohibition is void as a matter of law and against public policy.

CSAC Position

Pending

[AB 758](#) (Carrillo D) Solicitation of employees: strikes, lockouts, and labor disturbances.

Location: 4/4/2019-A. JUD.

Calendar: 4/23/2019 8 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, STONE, MARK, Chair

Summary: Current law prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, unless the employer demonstrates that one or more specific factors, reasonably applied, account for the entire wage differential. Current law also similarly prohibits an employer from paying any employee a wage rate less than the rate paid to an employee of another race or ethnicity for substantially similar work. This bill would state that, for purposes of these provisions, "sex" also includes a person's gender identity or gender-related appearance.

CSAC Position

Pending

[AB 789](#) (Flora R) Itemized wage statements: violations: actions: Labor Code Private Attorneys General Act of 2004.

Location: 3/21/2019-A. L. & E.

Summary: The Labor Code Private Attorneys General Act of 2004 provides, as an alternative to civil penalties being assessed and collected by the Labor and Workforce Development Agency, that civil penalties may be recovered through a civil action brought by an aggrieved employee on behalf of themselves and other employees. The act requires the employee to follow prescribed procedures before bringing an action and authorizes an employer to cure specified itemized wage statement violations within 33 days of receiving notice of the violation. This bill would require, for an action under any of the above provisions to recover for any violation of the itemized wage statement requirement, that an employee or representative give prescribed notice of the alleged violation to the employer.

CSAC Position

Pending

[AB 882](#) (McCarty D) Termination of employment: drug testing: medication-assisted treatment.

Location: 3/4/2019-A. L. & E.

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Current law requires an employer who regularly employs 25 or more employees to reasonably accommodate any employee who voluntarily participates in an alcohol or drug rehabilitation program, provided the employer does not suffer undue hardship. This bill would prohibit an employer, regardless of the number of employees, from discharging an employee for testing positive for a drug that is being used as a medical-assisted treatment, under the care of a physician or licensed treatment program, as specified.

CSAC Position

Pending

[AB 1125](#) (Cooley D) Animal Control Officer Standards Act.

Location: 4/3/2019-A. THIRD READING

Summary: Would create the Animal Control Officer Standards Act (the act). The act would require the California Animal Welfare Association (CAWA) to develop and maintain standards for a program to certify animal control officers. The bill would require the board of directors of the CAWA to adopt rules setting forth the minimum training and experience requirements necessary for an applicant to qualify as a certified animal control officer (CACO).

CSAC Position

Pending

[AB 1224](#) (Gray D) Employee leave: limitations.

Location: 4/4/2019-A. INS.

Summary: Would create an additional employee leave program and would make it an unlawful business practice to refuse a request for an employee to take up to 12 weeks of leave without a determination by their physician that they are disabled, so long as that employee has worked for 900 or more hours for any employer in the prior 12 months and all other conditions for taking leave under the CFRA are satisfied. The bill would also prohibit leave taken under these provisions from being required to be taken concurrently with leave taken under the CFRA.

CSAC Position

Pending

[AB 1478](#) (Carrillo D) Employment discrimination.

Location: 4/4/2019-A. JUD.

Summary: Current law authorizes an aggrieved employee to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Current law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee on behalf of that employee and other current or former employees to bring a civil action to recover specified civil penalties, which would otherwise be assessed and collected by the Labor and Workforce Development Agency, for the violation of certain provisions affecting employees. The act prescribes specified civil penalties for violations brought under these provisions. This bill would authorize an employee aggrieved under these provisions to bring a private civil action against the employee's employer and would not require that employee to pursue any other remedy prior to bringing that action.

CSAC Position

Pending

[AB 1554](#) (Gonzalez D) Employers: dependent care assistance program: notice to employees.

Location: 3/14/2019-A. L. & E.

Calendar: 4/24/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Current law relating to the obligations of an employer requires an employer to notify employees of prescribed information relating to employment and benefits. This bill would require an employer to notify, in a prescribed manner, an employee who participates in a dependent care assistance program provided by the employer pursuant to specified federal law of any deadline to withdraw funds before the end of the plan year.

CSAC Position

Pending

[SB 135](#) (Jackson D) Paid family leave.

Location: 4/3/2019-S. L., P.E. & R.

Calendar: 4/24/2019 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR, PUBLIC

EMPLOYMENT AND RETIREMENT, HILL, Chair

Summary: Current law prohibits an employer with 50 or more employees in a 75-mile radius to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee worked 1,250 hours in the prior 12 months. Current law includes within "family care and medical leave" the birth, adoption, or foster care placement of a child and the serious health condition of the employee's child, parent, or spouse. This bill would expand the scope of those provisions to instead prohibit an employer with 5 or more employees to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer.

CSAC Position

Pending

SB 142 (Wiener D) Employees: lactation accommodation.

Location: 4/11/2019-S. HOUSING

Summary: Would require the California Building Standards Commission to adopt prescribed mandatory building standards for the installation of lactation space for employees in nonresidential buildings newly constructed or remodeled for workplace occupancy, as specified, when there is a tenant improvement project to the building and certain criteria are met.

CSAC Position

Oppose

SB 218 (Bradford D) Employment: discrimination enforcement: local government.

Location: 2/13/2019-S. JUD.

Calendar: 4/23/2019 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

Summary: The California Fair Employment and Housing Act (FEHA) prohibits discrimination in housing and employment on specified bases and provides procedures for enforcement by the Department of Fair Employment and Housing. Under current law, it is the intention of the Legislature that the act occupy the field of regulation of discrimination in employment, but that the act not limit or restrict the application of the Unruh Civil Rights Act. The Unruh Civil Rights Act generally prohibits business establishments from discriminating on specified bases. This bill, among other things, would instead authorize the legislative body of a local government to enact their own antidiscrimination laws relating to employment, including establishing remedies and penalties for violations.

CSAC Position

Pending

SB 238 (Grove R) Worker status: factors for determination of employee status.

Location: 4/10/2019-S. L., P.E. & R.

Calendar: 4/24/2019 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, HILL, Chair

Summary: Current law, as established in the case of *Dynamex Operations W. v. Superior Court* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee. Current law requires a 3-part test, commonly known as the "ABC" test, to establish that a worker is an independent contractor for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. This bill would instead, for purposes of claims for wages and benefits arising under wage orders, analyze whether the worker is economically dependent upon the hiring entity to determine whether that worker is an employee based upon the economic reality of the relationship with the hiring entity.

CSAC Position

Pending

SB 322 (Bradford D) Health facilities: inspections: employee reporting.

Location: 3/27/2019-S. APPR.

Calendar: 4/22/2019 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law provides for the licensure and regulation of health facilities by the State Department of Public Health. Current law prohibits a health facility from discriminating or retaliating against a patient, employee, member of the medical staff, or other healthcare worker of the health facility because that person has presented a grievance, complaint, or report to the facility, or has initiated, participated, or cooperated in an investigation or administrative proceeding related to the quality of care, services, or conditions at the facility. This bill would provide an employee or the employee's representative with the right to discuss possible regulatory violations or patient safety concerns with the department's inspector privately during the course of an investigation or inspection by the department.

CSAC Position

Pending

[SB 688](#)

(Monning D) Failure to pay wages: penalties.

Location: 4/10/2019-S. JUD.

Calendar: 4/23/2019 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

Summary: Current law makes an employer or other person acting individually or as an officer, agent, or employee of another person who fails to pay or causes a failure to pay an employee a wage less than the minimum wage subject to citation by the Labor Commissioner, a civil penalty, restitution of wages, liquidated damages, and certain other applicable penalties. This bill would also apply these provisions to wages or compensation provided for under a contract.

CSAC Position

Pending

[SB 760](#)

(Durazo D) Employment.

Location: 2/22/2019-S. RLS.

Summary: Current law establishes the Department of Industrial Relations within the Labor and Workforce Development Agency and provides that one of the functions of the department is to foster, promote, and develop the welfare of wage earners of this state. This bill would state the intent of the Legislature to enact legislation relating to employment.

CSAC Position

Pending

[SB 778](#)

(Committee on Labor, Public Employment and Retirement) Employers: sexual harassment training: requirements.

Location: 4/10/2019-S. APPR.

Calendar: 4/22/2019 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law, by January 1, 2020, requires an employer with 5 or more employees to provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within 6 months of their assumption of a position. Current law also specifies that an employer who has provided this training to an employee after January 1, 2019, is not required to provide sexual harassment training and education by the January 1, 2020, deadline. This bill would require an employer with 5 or more employees to provide the above-described training and education by January 1, 2021, and thereafter once every 2 years.

CSAC Position

Support

320: Risk Management

[AB 290](#)

(Wood D) Health care service plans and health insurance: third-party payments.

Location: 3/19/2019-A. APPR.

Summary: Would require a health care service plan or an insurer that provides a policy of health insurance to accept payments from specified third-party entities, including an Indian tribe or a local, state, or federal government program. The bill would also require a financially interested entity, as defined, other than those entities, that is making a third-party premium payment to provide that assistance in a specified manner and to perform other related duties, including disclosing to the plan or the insurer the name of the enrollee or insured, as applicable, for each plan or policy on whose behalf a third-party premium payment will be made.

CSAC Position

Pending

[AB 457](#)

(Quirk D) Occupational safety and health: lead: permissible exposure levels.

Location: 4/11/2019-A. THIRD READING

Summary: Current law requires the Division of Occupational Safety and Health in the Department of Industrial Relations, known as Cal-OSHA, to propose to the board for its review and adoption, a standard that protects the health and safety of employees who engage in lead-related construction work and meets all requirements imposed by the federal Occupational Safety and Health Administration. Existing regulations promulgated by the division require an employer to ensure that an employee is not exposed to lead at concentrations greater than 50 micrograms per cubic meter of air averaged over an 8-hour period. This bill would require Cal-OSHA to complete rulemaking, as specified, to establish a revised permissible exposure limit for lead in the regulations described above by February 1, 2020.

CSAC Position

Pending

- [AB 593](#) (Carrillo D) Unemployment insurance: use of information: public workforce development programs.**
Location: 3/20/2019-A. APPR.
Summary: Would add city and county departments or agencies that administer public workforce development programs and local workforce development boards to the list of entities permitted to use information obtained in the administration of the Unemployment Insurance Code, for the purpose of evaluating, researching, or forecasting the effectiveness of public workforce development programs when the evaluation, research, or forecast is directly connected with those programs.
- CSAC Position**
Pending
- [AB 1066](#) (Gonzalez D) Unemployment insurance: trade disputes: eligibility for benefits.**
Location: 3/25/2019-A. INS.
Calendar: 4/24/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, DALY, Chair
Summary: Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. Under current law, unemployment benefits are paid from the Unemployment Fund, which is continuously appropriated for these purposes. Current law makes an employee ineligible for benefits if the employee left work because of a trade dispute and specifies that the employee remains ineligible for the duration of the trade dispute. This bill would restore eligibility after the first 2 weeks for an employee who left work because of a trade dispute.
- CSAC Position**
Pending
- [AB 1124](#) (Maienschein D) Employment safety: outdoor workers: wildfire smoke.**
Location: 4/4/2019-A. APPR.
Summary: Would require, by June 13, 2019, the Occupational Safety and Health Standards Board to adopt emergency regulations that require employers to make respirators available to outdoor workers on any day the outdoor worker could reasonably be expected to be exposed to harmful levels of smoke from wildfires, or burning structures due to a wildfire, while working. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.
- CSAC Position**
Pending

330: Workers Compensation

- [AB 932](#) (Low D) Workers' compensation: off-duty firefighters.**
Location: 4/3/2019-A. APPR.
Summary: Current law grants workers' compensation benefits to a firefighter, or the firefighter's dependents, if the firefighter is injured, dies, or is disabled by proceeding to or engaging in a fire-suppression or rescue operation, or the protection of life or property, anywhere in California, but is not acting under the immediate supervision of the employer. This bill would expand the scope of this provision to apply when a firefighter engages in a fire-suppression or rescue operation, or the protection or preservation of life or property, outside of this state.
- CSAC Position**
Oppose_Unless_Amended
- [AB 1107](#) (Chu D) Workers' compensation: medical treatment: exemption from utilization review.**
Location: 3/25/2019-A. INS.
Calendar: 4/24/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, DALY, Chair
Summary: Would exempt medical treatment requested by a primary or secondary treating physician from the utilization review process and from dispute on the grounds of medical necessity if either (1) the employee suffers from a serious chronic condition, as defined, the requested treatment has been previously authorized by the employer, and the employer fails to demonstrate a specified change in the employee's circumstances or condition, or (2) the employer has established a medical provider network and the requesting physician is a member of the medical provider network. The bill would require the appeals board to resolve disputes arising under this exemption.
- CSAC Position**
Pending
- [AB 1368](#) (Garcia, Eduardo D) Death benefits: tribal firefighters.**
Location: 3/25/2019-A. INS.
Summary: Current law provides for the payment of a scholarship to dependents of specified

firefighters killed in the performance of duty. Current law also requires the employer of a firefighter who is killed in the performance of duty, or who dies as a result of specified accidents or injuries, to continue providing health benefits to the deceased firefighter's spouse unless the spouse elects to receive a lump-sum survivor's benefit in lieu of monthly benefits. This bill would extend those benefits to a firefighter employed by a tribal fire department.

CSAC Position

Pending

AB 1400 (Kamlager-Dove D) Workers' compensation: fire service personnel.

Location: 3/14/2019-A. INS.

Calendar: 4/24/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, DALY, Chair

Summary: Current law provides that in the case of active firefighting members of certain fire departments, a compensable injury includes cancer that develops or manifests itself during the period when the firefighter demonstrates that the firefighter was exposed while in the service of the public agency to a known carcinogen, as defined. Existing law establishes a presumption that the cancer in these cases arose out of, and in the course of, employment, unless the presumption is controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer. This bill would make that presumption applicable to fire service personnel with exposure to active fires or health hazards resulting from firefighting operations, rather than active firefighting members.

CSAC Position

Oppose

AB 1750 (Burke D) Workers' compensation: rehabilitation.

Location: 3/28/2019-A. INS.

Summary: Would require the Department of Rehabilitation to issue a report to the Legislature on or before January 1, 2022, and every 5 years thereafter, that outlines the extent to which injured full-time public employees were rehabilitated or retrained and rehired for other available positions in public service.

CSAC Position

Pending

AB 1815 (Committee on Insurance) Workers' compensation.

Location: 3/21/2019-A. INS.

Calendar: 4/24/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, DALY, Chair

Summary: Current law requires the Division of Workers' Compensation to annually report to the Director of Industrial Relations the number of collective bargaining agreements received, the number of labor-management agreements received, and the number of employees covered by those agreements. Existing law also requires certain other related, but obsolete, reporting requirements, among other things, to biannually include updated loss experience with respect to aggregate data for employers participating in an alternative program established pursuant to these provisions, including, among other information, the projected incurred costs and actual costs of claims and the number of workers participating in vocational rehabilitation and light duty programs. This bill would make those reporting requirements to provide updated information apply to the collective bargaining agreements and labor management agreements described above, make the reporting requirements annual, rather than biannual, and delete obsolete provisions and cross-references.

CSAC Position

Pending

SB 416 (Hueso D) Employment: workers' compensation.

Location: 4/8/2019-S. APPR. SUSPENSE FILE

Summary: Current law designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of the employer, as specified. This bill would expand the coverage of the above provisions relating to compensable injuries, to include all persons defined as peace officers under certain provisions of law, except as specified.

CSAC Position

Oppose

SB 537 (Hill D) Workers' compensation: treatment and disability.

Location: 4/10/2019-S. APPR.

Summary: Would require the Administrative Director of the Division of Workers' Compensation to issue a report to the Legislature, on or before January 1, 2023, comparing potential payment alternatives for providers to the official medical fee schedule. The bill would also require, on or before January 1, 2023,

and annually thereafter, the administrative director to publish on the division's internet website provider utilization data for physicians, as defined above, who treated 10 or more injured workers during the 12 months before July 1 of the previous year, including the number of injured workers treated by the physician and the number of utilization review decisions that resulted in a modification or denial of a request for authorization of medical treatment.

CSAC Position

Pending

SB 542 (Stern D) Workers' compensation.

Location: 4/10/2019-S. APPR.

Calendar: 4/22/2019 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would provide that in the case of certain state and local firefighting personnel and peace officers, the term "injury" also includes a mental health condition or mental disability that results in a diagnosis of post-traumatic stress or mental health disorder that develops or manifests itself during a period in which the firefighting member or peace officer is in the service of the department or unit. These provisions would apply to claims for benefits filed or pending on or after January 1, 2017.

CSAC Position

Oppose

SB 567 (Caballero D) Workers' compensation: hospital employees.

Location: 3/7/2019-S. L., P.E. & R.

Calendar: 4/24/2019 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, HILL, Chair

Summary: Would define "injury," for a hospital employee who provides direct patient care in an acute care hospital, to include infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would create rebuttable presumptions that these injuries that develop or manifest in a hospital employee who provides direct patient care in an acute care hospital arose out of and in the course of the employment. The bill would extend these presumptions for specified time periods after the hospital employee's termination of employment. The bill would also make related findings and declarations.

CSAC Position

Oppose

SB 731 (Bradford D) Workers' compensation: risk factors.

Location: 3/14/2019-S. L., P.E. & R.

Calendar: 4/24/2019 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, HILL, Chair

Summary: Current law requires a physician who prepares a report addressing the issue of permanent disability due to an industrial injury to address the cause of the permanent disability in the report, including what approximate percentage of the permanent disability was caused by other factors before and after the industrial injury, if the physician is able to make an apportionment determination. This bill would prohibit consideration of race, religious creed, color, national origin, age, gender, marital status, sex, sexual identity, sexual orientation, or genetic characteristics to determine the approximate percentage of the permanent disability caused by other factors.

CSAC Position

Support_If_Amended

Total Measures: 44

Total Tracking Forms: 44