



County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 24, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains information on the following:

- **Legislative Deadlines.** Today is the last day for amendments to be taken on the floor of either house on pending legislation, and next week is the final week of the 2011-12 Legislative Session. Each house has until midnight on August 31, 2012 to pass bills for the Governor's consideration.
- **Change in Advocacy Position on County-opposed SB 1002 (Yee).** This measure would have amended the California Public Records Act to mandate local agencies, upon request, to provide a copy of an electronic record in an "open format," to be searchable by commonly used software. The bill was amended August 20, 2012 to delete this requirement and instead require that, by January 1, 2014, the State Chief Information Officer conduct a study to determine the feasibility of providing electronic records in an open format. As amended, this bill no longer negatively impacts the County. **Therefore, unless otherwise instructed by the Board, the County will remove opposition to SB 1002 and take no position on this measure.**

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- **Status of County-Advocacy Legislation.** The Legislature continues to act on a number of bills including the following County-advocacy measures:
 - **County-support-and-amend AB 1569 (Allen)** – related to the extension of Laura’s Law passed both houses and now proceeds to the Governor.
 - **County-opposed AB 1670 (Lara)** – related to estate administration passed the Senate and now proceeds to the Assembly for concurrence.
 - **County-opposed AB 1968 (Wieckowski)** – related to the arming of probation officers passed the Senate Appropriations Committee. This measure is currently on the Senate Floor.
 - **County-supported AB 2109 (Pan)** – related to exemptions from school immunization requirements passed the Senate and now proceeds to the Assembly for concurrence.
 - **County-opposed AB 2451 (Pérez)** – related to workers’ compensation passed the Senate and now proceeds to the Assembly for concurrence.
 - **County-supported SB 1044 (Liu)** – related to public libraries passed the Assembly and now proceeds to the Governor.
 - **County-supported SB 1167 (Calderon)** – related to the extension of film credits passed the Senate and now proceeds to the Assembly.
 - **County-supported SB 1301 (Hernandez)** – related to pharmacy services passed the Senate and now proceeds to the Governor.

Additional information on these County-advocacy measures is provided below.

Legislative Deadlines

Today is the last day for amendments to be taken on the floor of either house on pending legislation, and next week is the final week of the 2011-12 Legislative Session. Each house has until midnight on August 31, 2012 to pass bills for the Governor’s consideration.

Change in County Position on Legislation

County-Opposed SB 1002 (Yee), which would have amended the California Public Records Act to mandate an agency, including local governments, upon request, to provide a copy of an electronic record in an "open format," in which the text in the electronic record is searchable by commonly used software, was amended August 20, 2012. The new amendments delete the proposed open records mandate and instead require that by January 1, 2014, the State Chief Information Officer conduct a study to determine the feasibility of providing electronic records in an open format. The study will include: 1) the types of records appropriate for an open format; 2) the proper definition of "open format"; and 3) the cost to both State and local governments of providing information in an open format.

The County opposed SB 1002, as previously amended, based on existing Board policy to oppose legislation that imposes unreasonable burdens or creates unfunded mandates to provide access to records, information managed and maintained by County agencies. Because the bill now requires a study that would examine the issues raised by our opposition, and it no longer creates an unfunded mandate, the Chief Information Office, the Executive Office of the Board of Supervisors, and this office no longer oppose this measure. Therefore, **unless otherwise instructed by the Board, the County will remove opposition to SB 1002 and take no position on this measure.**

SB 1002 passed the Assembly Appropriations Committee by a vote of 17 to 0 on August 16, 2012. This measure is currently on the Assembly Floor for consideration.

Status of County-Advocacy Legislation

County-support-and-amend AB 1569 (Allen), which as amended July 3, 2012, would extend the sunset date for Laura's Law to January 1, 2017, and allow counties to continue to provide assisted outpatient mental health treatment for persons with serious mental illnesses, if they are likely to become a danger to themselves or others without the court-ordered outpatient treatment, passed the Assembly by a vote of 61 to 3 on August 22, 2012. This measure now proceeds to the Governor.

Since the measure now proceeds to the Governor and it can no longer be amended, **the County will support AB 1569, as it would extend the sunset date for Laura's Law which is important to the County.**

County-opposed AB 1670 (Lara), which as amended June 25, 2012, would until January 1, 2016, authorize a court to appoint a person nominated by a non-resident heir as an administrator of a decedent's estate, with specific stipulations to allow courts to

consider whether the nominee, who must be a California resident, is capable of faithfully executing the duties of the office, passed the Senate by a vote of 21 to 16 on August 23, 2012. This measure now returns to the Assembly for concurrence in Senate amendments.

County-opposed AB 1968 (Wieckowski), which would authorize a probation officer to carry a firearm as determined by the chief probation officer on a case-by-case basis and would require chief probation officers to develop a policy for arming probation officers who supervise high-risk probationers by June 30, 2013, was amended on August 22, 2012. As amended, AB 1968 would apply the provisions of the bill related to the development of an arming plan to those county probation departments that either do not arm or do not have an arming policy in place by January 1, 2013.

Though the amendments make improvements to the bill, the measure could impede future decisions by county boards of supervisors and chief probation officers related to the arming of probation officers because it establishes a mandate on counties and it would infringe on boards of supervisors' authority to make decisions on matters of local control. **Therefore, the County will continue to remain opposed to AB 1968.**

This measure passed the Senate Appropriations Committee by a vote of 7 to 0 on August 16, 2012 and is now on the Senate Floor for consideration.

County-supported AB 2109 (Pan), which as amended August 20, 2012, would require, effective January 1, 2014, a separate form by the California Department of Public Health to accompany a letter or affidavit to exempt a child from school immunization requirements because they are contrary to beliefs of the child's parent or guardian, passed the Senate by a vote of 22 to 14 on August 22, 2012. This measure now returns to the Assembly for concurrence in Senate amendments.

County-opposed AB 2451 (Pérez), which would authorize a claim for death benefits for firefighters or peace officers whose death is caused by certain presumptive-type illnesses, including cancer, heart disease, tuberculosis, and blood-borne diseases, as long as it is filed within one year from the date of death, was amended on August 20, 2012. As amended, the bill maintains similar authorization, but it now includes a statute that limits claim filing to no more than 480 weeks from the date of injury. The previous version of this measure had no statute of limitations. Current law limits the claim period to no more than 240 weeks from the date of injury.

CEO Risk Management Branch indicates that while the current amendments significantly narrow and reduce the potential impact to the County, the bill continues to expand benefits for some presumptive cases. This would increase workers' compensation costs for local agencies at a time when public employers cannot afford

these additional fiscal pressures. Therefore, consistent with existing Board policy to oppose legislation that: 1) mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors; and 2) increases workers' compensation benefits unless it maintains a fair and equitable balance for employers and employees within the reforms previously adopted by the Legislature, **the Sacramento Advocates will continue to oppose AB 2451.**

AB 2451 passed the Senate by a vote of 21 to 7 on August 23, 2012 and returns to the Assembly for concurrence in Senate amendments.

County-supported SB 1044 (Liu), which as amended on March 19, 2012, would repeal the Library of California Act of 1998 and make conforming changes to the California Library Services Act of 1977 relating to the administration of public libraries, passed the Assembly by a vote of 79 to 0 on August 16, 2012. This measure now proceeds to the Governor.

County-supported SB 1167 (Calderon), which as amended on July 5, 2012, would: 1) extend the requirement that the California Film Commission annually issues \$100.0 million in tax credits to qualifying motion picture productions as specified, through FY 2016-17; and 2) extend the limitation on the aggregate amount of credits that may be allocated through FY 2016-17, passed the Senate by a vote of 32 to 3 on August 21, 2012. This measure now proceeds to the Assembly.

County-supported SB 1301 (Hernandez), which as amended August 6, 2012, would allow a pharmacist to dispense up to a 90-day supply of a prescription drug refill, unless the prescriber indicates otherwise, passed the Senate by a vote of 38 to 0 on August 21, 2012. This measure now proceeds to the Governor.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:ma

c: All Department Heads
Legislative Strategist
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Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
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