



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

September 12, 2013

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

From: William T Fujioka
Chief Executive Officer

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Third District

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Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Prison Population Reduction Plan.** SB 105 (Steinberg and Huff), the compromise prison population reduction plan, was signed by Governor Brown on September 12, 2013.
- **Status of County-Co-Sponsored SB 473 (Block)** - related to human trafficking is now a two-year bill.
- **Status of County-Advocacy Legislation.** Updates on two County-advocacy measures related to: 1) hydraulic fracturing; and 2) monitoring of sex offenders.
- **Status of California Environmental Quality Act (CEQA) Legislation.** An update on two measures related to CEQA.
- **Status of Legislation of County Interest.** A report on three measures of County interest related to: 1) HIV tests at primary care clinics; 2) Medi-Cal interpreters; and 3) Laura's Law.

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Prison Population Reduction Plan

The Governor's Prison Population Reduction Plan, **SB 105 (Steinberg and Huff)**, which as amended on September 9, 2013, would: 1) authorize the State to enter into agreements with public and private, State and out-of-State facilities to house State prison inmates; 2) appropriate \$315.0 million in FY 2013-14 to fund the capacity expansion in order to comply with the Federal three-judge panel's court-ordered population cap; 3) direct the State to work with stakeholders over the next year to seek longer-term solutions to reduce recidivism and the prison population; and 4) extend and revise the formula for SB 678 of 2009 to provide stable and ongoing funding to county probation departments who reduce their prison admission rate, passed the Assembly and the Senate on September 11, 2013, and was signed by the Governor on September 12, 2013. This measure becomes effective immediately.

Status of County-Sponsored Legislation

County-co-sponsored SB 473 (Block), which as amended on September 3, 2013, would add human trafficking to the list of felony offenses that may be used to establish a pattern of criminal gang activity pursuant to Proposition 21 and make an individual eligible for enhanced criminal sentences and penalties, was placed on the Assembly In-Active File on September 11, 2013 at the request of the author, and is now a two-year bill.

Status of County-Advocacy Legislation

County-supported SB 4 (Pavley), which as amended on August 19, 2013, would: 1) require an independent scientific study on well stimulation treatments (such as hydraulic fracturing and acid injection) to be conducted by January 1, 2015; 2) provide a comprehensive regulatory framework for the regulation of well stimulation treatments in California; 3) require air and water quality monitoring by State agencies and local water quality boards in districts where well stimulation treatments take place; and 4) require the State Water Resources Control Board, on or before January 1, 2015, to develop a groundwater monitoring model criteria to be implemented either on a well-by-well basis or on a regional scale, on how to conduct appropriate monitoring on individual oil and gas wells subject to a well stimulation treatment to protect all waters designated for beneficial uses and to prioritize the monitoring of groundwater that is, or has the potential to be, a source of drinking water, was amended on September 6, 2013.

The amendments add provisions which would: 1) add more details regarding what will be required by the independent study, including a review and evaluation of acid matrix stimulation treatments and geological features near wells; 2) add requirements that a copy of the approved well stimulation treatment permit and information on the available water sampling and testing must be provided to every tenant of the surface property and every surface property owner or authorized agent within certain radius of the well when a permit has been approved; 3) change the date for the State Water Resources Control Board to develop ground water monitoring model criteria to July 1, 2015; 4) require the State to commence a process to develop an Internet Web site for operators to report specific information related to well stimulation treatments and would require the Internet Web site to be operational no later than January 1, 2016; 5) specify that well stimulation treatments as defined are allowed until the regulations are implemented as long as the owner or operator of the well complies with certain disclosure requirements; 6) require the Division of Oil, Gas, and Geothermal Resources (DOGGR) to conduct an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) in order to provide the public with detailed information regarding any potential environmental impacts of well stimulation in the state; and 7) requires that DOGGR certify that EIR no later than July 1, 2015.

The framework of the bill remains the same in that it still requires the independent scientific study of well stimulation treatments to be conducted by January 1, 2015 and adoption of a comprehensive regulatory framework for well stimulation treatments. Because the bill as amended still falls within the directive of the Board-approved motion of April 2, 2013 to support SB 4 and other fracking-related legislation that would provide at least SB 4's level of protection for public health and safety, **the Sacramento advocates will continue to support SB 4.**

SB 4 passed the Assembly Floor by a vote of 54 to 20 and the Senate Floor by a vote of 29 to 8 on September 11, 2013. This measure now proceeds to the Governor, who indicated on September 11, 2013, that he intends to sign the bill once it reaches his desk.

County-supported SB 57 (Lieu), which as amended on September 3, 2013, would prohibit a person who is required to register as a sex offender and who is subject to parole supervision from removing an electronic, Global Positioning System (GPS), or other monitoring device affixed as a condition of parole and would require, upon a first violation, the parole authority to revoke the person's parole and impose a mandatory, 180-day period of incarceration, passed the Assembly Floor by a vote of 77 to 0 and the Senate Floor by a vote of 39 to 0 on September 11, 2013. This measure now proceeds to the Governor.

Status of California Environmental Quality Act (CEQA) Legislation

SB 731 (Steinberg), which as amended on August 6, 2013, would revise the California Environmental Quality Act (CEQA) to: 1) establish Statewide standardized thresholds for the environmental impacts of transportation and noise for infill projects; 2) expedite disposition of legal challenges under CEQA by requiring concurrent preparation of the record of proceedings and allowing courts to issue writs of mandates limited to only the portion of environmental documents found to be in violation of CEQA; 3) revise CEQA notice and document posting requirements; and 4) clarify types of information that would require a supplemental environmental review for previously exempt projects, among other provisions, was amended on September 6 and September 9, 2013.

As amended, the bill would require posting of public noticing and mitigation monitoring only one time and only upon request, rather than annually. In addition, the amendments would make the concurrent preparation of the administrative record, offered to shorten the time frame of judicial review under CEQA, optional and will occur only with the agreement of the project developer and lead agency. Finally, amendments were made which would expand the authority of the State's Office of Planning and Research to establish alternative performance measures to address traffic impacts outside transit priority areas. This could include additional mass transit stops or other options as opposed to the more expensive and time consuming remedies of expanding roadway capacity.

Senator Steinberg issued a press release noting that these amendments were being made to address traffic issues and to address provisions which business community insisted would increase the possibility of new litigation under the proposed law. However, after the leading business coalition which had been backing CEQA reform announced that they would not support the bill, Senator Steinberg announced on September 11, 2013 that he was abandoning efforts to pass the bill before the end of session this year and would instead make SB 731 a two-year bill. He also announced that he would add two key Statewide CEQA changes to SB 743 which are detailed below.

SB 743 (Steinberg), which as introduced on February 22, 2013, would have revised existing authority increase electricity rates charged under the California Alternate Rates for Energy (CARE) program, was amended on September 6, 2013. As amended, the measure would: 1) establish special administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for the City of Sacramento's proposed entertainment and sports center project (i.e., Sacramento Kings arena) intended to decrease potential impediments to construction of the project; and 2) revise

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a previous CEQA streamlining bill (AB 900, Chapter 354, Statutes of 2011) to correct legal defects and extend its operation. SB 743 was amended and passed by the Assembly Local Government Committee by a vote of 8 to 0 on September 11, 2013.

Amendments are not yet in print; however, according to the Urban Counties Caucus, the bill is still being negotiated between the Administration and Senator Steinberg to include a provision that requires the Office of Planning and Research to develop traffic metrics Statewide.

SB 743 is pending consideration on the Assembly Floor.

Status of Legislation of County Interest

AB 446 (Mitchell), which as amended on September 6, 2013, would require every patient who has blood drawn at a primary care clinic and who voluntarily consents to be offered an HIV test, and require the medical care provider or the person who administers the test provide a patient with specified information after the test results are received, among other provisions, passed the Assembly Floor by a vote of 76 to 2 on September 11, 2013. This measure now proceeds to the Governor.

AB 1263 (Pérez), which as amended on July 10, 2013, would require the California Department of Health Care Services to establish the Medi-Cal Patient-Centered Communication Program (CommuniCal) to provide reimbursement for medical interpretation services for Medi-Cal beneficiaries who are limited English speaking proficient and grant collective bargaining rights to CommuniCal interpreters, passed the Assembly Floor by a vote of 53 to 24 on September 11, 2013. This measure now proceeds to the Governor.

SB 585 (Steinberg), which as amended on May 13, 2013, would clarify that counties that elect to implement the involuntary Assisted Outpatient Treatment Demonstration Project, provided under Laura's Law, may use Mental Health Services Act (Proposition 63 of 2004) funds and 2011 Public Safety Realignment mental health funds for this purpose, was signed by the Governor on September 9, 2013, and it is Chapter 288, Statutes of 2013. This measure becomes effective January 1, 2014.

We will continue to keep you advised.

WTF:RA
MR:PC:IGEA:ma

c: All Department Heads
Legislative Strategist