**California Association of Clerks and Election Officials**

**Clerk of the Board Legislation Status Report**

**March 2015**

This report reflects the status of bills as of March 23, 2015. Bills of particular interest to clerks of the board are identified by an asterisk. All bills are as introduced, unless otherwise indicated.

**\*AB 10 (Gatto) Political Reform Act of 1974: economic interest disclosures**

AB 10 would increase the thresholds at which a public official has a disqualifying financial interest in sources of income from $500 to $1,000, in investments in business entities from $2,000 to $5,000, and in interests in real property from $2,000 to $10,000. The bill would also make conforming changes in the reporting thresholds contained in the Form 700, *Statement of Economic Interests*.

Status: Awaiting hearing in Assembly Elections and Redistricting Committee

CACEO Position: Watch

**AB 204 (O’Donnell) Redevelopment: County of Los Angeles**

This bill is of interest only to the clerk in Los Angeles County.

Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provided for the designation of successor agencies to wind down the affairs of the dissolved agencies, subject to review by oversight boards. Existing law also authorizes, in each county where more than one oversight board was created, only one oversight board to be appointed on and after July 1, 2016.

AB 204 would require an oversight board within Los Angeles County to continue to independently operate past the July 1, 2016 date until its successor agency adopts a resolution dissolving the board in a manner set forth in the bill.

Status: Hearing in Assembly Local Government Committee April 8: double-referred to Assembly Housing and Community Development Committee

CACEO Position: Watch

**AB 291 (Medina) California Environmental Quality Act: local agencies: notice of determination: water**

Existing law contained in CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located.

AB 291 would authorize a local agency, for certain water projects described in the bill, to file the notice with the county clerk of the county in which the local agency’s principal office is located in lieu of the county clerk of each county in which the project is located, and would further require the local agency to file the notice with the state Office of Planning and Research.

Status: Awaiting hearing in Assembly Natural Resources Committee

CACEO Position: Watch

**AB 311 (Gallagher) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2104**

Amended 3/17/15

AB 311 would amend CEQA by adding Section 21168.6.7 to the Public Resources Code to require a public agency, in certifying the EIR and in granting approvals for certain water storage projects funded, in whole or in part, by Proposition 1, to comply with the procedures required by the bill. The bill would also authorize a lead agency to concurrently prepare the record of proceedings for the project.

Among other things, AB 311 would require a public hearing on the matter within 10 days before the close of the public comment period in order to receive testimony on the draft EIR. A transcript of the hearing shall be included as an appendix to the final EIR.

[See also SB 127 (Vidak), a very similar bill that would apply to all qualifying water projects, not just water storage projects.]

Status: Hearing in Assembly Natural Resources Committee March 23; double-referred to Assembly Water, Parks and Wildlife Committee

CACEO Position: Watch

**AB 313 (Atkins) Enhanced infrastructure financing districts**

This bill appears to be a clean-up bill for last year’s SB 628 (Chapter 785 of 2014) regarding enhanced infrastructure financing districts.

Existing law contained in last year’s bill required a legislative body, after adopting a resolution to establish a district, to designate and direct the city or county engineer or other appropriate official to prepare an infrastructure plan pursuant to law. AB 313 would amend Government Code Section 53398.62 to require the legislative body to send a copy of the resolution to the public financing authority and would specifically require the public financing authority to designate and direct the appropriate official to prepare the plan.

The bill would also require the public financing authority, not the legislative body as required by existing law, to conduct a public hearing prior to adopting the proposed infrastructure financing plan and would make other conforming changes with respect to the duties of the public financing authority.

Status: Awaiting hearing in Assembly Local Government Committee

CACEO Position: Watch

**AB 476 (Chang) Taxation: homeowners’ exemption and renters’ credit**

Amended 3/19/15

AB 476 would, among other things, amend Section 218 of the Revenue and Taxation Code to increase the homeowners’ exemption to $25,000 of the full value of the dwelling beginning with the lien date for 2016-17. The bill would further provide, beginning with the lien date for the 2017-18 year and for each fiscal year thereafter, that the assessor shall adjust the exemption amount of the prior fiscal year by the percentage change, rounded to the nearest one-thousandth of one percent, in the House Price Index for California for the first three quarters of the prior calendar year.

This bill would take effect immediately as a tax levy upon signature by the Governor.

Status: Awaiting hearing in Assembly Revenue and Taxation Committee

CACEO Position: Watch

**AB 571 (Brown) Property taxation**

Existing law authorizes persons over the age of 55 and persons who are severely and permanently disabled, to transfer the base year value of their property to replacement property if certain conditions are met. AB 571 would amend Section 69.5 of the Revenue and Taxation Code to additionally authorize the transfer of the base year value to replacement property purchased or newly constructed on or after January 1, 2016 for persons who have a severely and permanently disabled child.

Existing law authorizes the county board of equalization or assessment appeals board to abate the penalty for a failure to file a property statement or change in ownership statement if the assessee establishes to the satisfaction of the board that the failure to file the form within the required time limit was due to reasonable cause and not due to willful neglect and that the assessee has filed a written application for abatement of the penalty. This bill would amend Sections 463 and 483 to, instead, authorize abatement of the penalty if the assessee establishes that the failure to file the proper form within the required time period was due to reasonable cause and circumstances beyond the assessee’s control and occurred despite the assessee’s exercise of ordinary care in the absence of willful neglect.

Status: Hearing in Assembly Revenue and Taxation Committee April 13

CACEO Position: Watch

**\*AB 709 (Gipson) Charter schools**

AB 709 would, among other things, amend the Education Code to provide that charter schools in California shall be subject to the Political Reform Act of 1974, except that an employee of a charter school would not be disqualified from serving as a member of the governing body of the charter school because of his or her employment status with the school.

[See also AB 1057 (Medina), below.]

Status: Awaiting hearing in Assembly Education Committee

CACEO Position: Watch

**AB 806 (Dodd) Redevelopment: successor agencies to redevelopment agencies**

Existing law requires each successor agency to a redevelopment agency or community development agency to have an oversight board composed of seven members and requires a member to be appointed by each eligible authority, as set forth in the law. This bill would allow each appointing authority to appoint an alternate representative to serve on the oversight board. The bill would provide that the alternate member has the same participatory and voting rights as all other attending members of the oversight board. The bill would require the successor agency to promptly notify the Department of Finance regarding the appointment of any alternate representative.

Status: Awaiting hearing in Assembly Local Government Committee; double-referred to Assembly Committee on Housing and Development

CACEO Position: Watch

**\*AB 823 (Bigelow) Counties: ordinances**

Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance, to publish the ordinance with the names of those members voting for and against the ordinance, in a newspaper published in the county, except if there is no newspaper published in the county, in which case the ordinance shall be posted in a prominent location at the board of supervisors’ chambers within the 15-day period and remain posted there for at least one week.

Existing law authorizes the board to meet this publication requirement by publishing a summary of a proposed ordinance or proposed amendment to an existing ordinance that includes, among other requirements, publishing the summary and posting a certified copy of the full text of the ordinance or proposed amendment in the office of clerk of the board of supervisors at least five days prior to the board’s meeting at which the proposed ordinance or amendment is to be adopted.

AB 823 is sponsored by CACEO. It would permit a board of supervisors to post a copy of the complete text of an ordinance on the board’s Internet Web site in lieu of posting a certified copy of the complete text of the ordinance in the offices of the clerk of the board of supervisors.

Status: Awaiting hearing in Assembly Local Government Committee

CACEO Position: SPONSOR

**AB 951 (Wilk) Local agencies**

This is a spot bill that, when amended with substantive bill language, will amend the Ralph M. Brown Act. CACEO will track this bill and report on its content once it has been amended with substantive bill language.

The first date this bill will be eligible for hearing is March 29, 2015.

Status: Awaiting policy committee assignment

CACEO Position: Watch

**\*AB 1057 (Medina) Charter schools**

This bill would, among other things, amend the Education Code to provide that charter schools in California shall be subject to the Political Reform Act of 1974, except that an employee of a charter school would not be disqualified from serving as a member of the governing body of the charter school because of his or her employment status with the school.

The bill makes some other exceptions and “clarifications” regarding the applicability of the Political Reform Act, including one that has triggered CACEO’s strong opposition to AB 1057 bill, unless amended.

AB 1057 would provide that for purposes of the Political Reform Act, the jurisdiction of a charter school shall be the county or counties in which the charter schools facilities or facilities are located. So far, so good, we suppose. However, the bill would define “jurisdiction” for a nonclassroom-based charter school that does not have a facility as being the physical boundaries of the county or counties where at least 10 percent of the pupils who are enrolled in the charter school reside or, if at least 10 percent of the pupils do not reside in a single county, the county in which the greatest number of pupils who are enrolled In the charter school reside.

In other words, all nonclassroom-based charter schools, i.e., on-line charter schools, would be considered single-county agencies for purposes of the Political Reform Act, and, therefore, all such schools would be the code review and Form 700 filing officer responsibility of the county board of supervisors and clerk of the board, respectively.

This particular portion of the bill is strikingly similar to language the FPPC staff included in a proposed regulation in February/March of 2014. That effort was halted in large part we think, due to CACEO’s opposition.

CACEO’s Clerk of the Board of Supervisors Legislative Committee voted to oppose AB 1057, unless amended to remove the language that would make on-line charter schools single-county agencies for purposes of the PRA. If the bill were enacted as introduced, this would be the only instance where a multi-county agency would not be the responsibility of the Fair Political Practices Commission. This is in direct conflict with the PRA in Government Code Section 82011, which defines “code reviewing body” to mean the FPPC with respect to the conflict of interest code of any local government agency with jurisdiction in more than one county. That code section further specifies that the board of supervisors is the code reviewing body of a county agencies and any local government agency, other than a city agency, with jurisdiction wholly within the county.

In actually administering the bill, as currently written, code review and Form 700 filing officer responsibilities could, then, shift from county to county or between a county and the FPPC, depending upon shifts in enrollment data of an on-line charter school. This, in turn, would cause confusion among filers and would create problems in gaining compliance with the act because some filers would be unclear where they are to file the Form in any given year. It also would create problems and confusion for the public and for the media in trying to figure out whom to contact in order to review or obtain copies of the Form 700s of charter school officials. Furthermore, this scheme of responsibility would require filing officers to package up and ship anywhere up to seven years of Form 700s to a new filing officer if enrollment shifted sufficiently. Really silly.

On March 19, we had a very productive meeting with the sponsor of AB 1057-- the California School Board Association (CSBA). After the meeting, we gave the sponsor amending language that would address the clerks’ problem with the bill, including some language that would address CSBA’s concerns about whether new charter schools would contact the affected code reviewing body upon their establishment. We hope that CSBA will accept our proposed amendments, especially the proposal to delete the portion affecting clerks of the board.

The first date this bill is eligible for hearing is March 29. 2015.

Status: Awaiting hearing in Assembly Education Committee

CACEO Position: OPPOSE, UNLESS AMENDED

**AB 1157 (Nazarian) Property taxation: certificated aircraft assessment**

Under an agreement reached between and among county assessors and air carriers, the Legislature, in existing law until the 2015-16 fiscal year, specified a formula to determine the fair market value of certificated aircraft of a commercial air carrier, and rebuttably presumes that the amount determined pursuant to this formula is the fair market value of the aircraft. Existing law also requires, until December 31, 2015, “lead assessors” to calculate the value of each assigned air carrier’s certificated aircraft and to transmit these calculations to other assessors pursuant to a procedure set forth in the Revenue and Taxation Code. Existing law also requires, until December 31, 2015, the lead county assessor’s office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor’ office for each air carrier. These procedures and formula have greatly reduced the number of assessment appeals of certificated aircraft in counties with major airports for many years.

AB 1157 would extend the 2015-16 fiscal year termination date to the 2021-22 fiscal year, and would extend the December 31, 2015 inoperative or repeal date to December 31, 2021 for these provisions in the Revenue and Taxation Code. In other words, this bill would continue the status quo with respect to assessment methodology, including the rebuttable presumption of correctness.

This first date this bill is eligible for hearing is March 31, 2015.

[See also SB 661 (Hill), a bill that would shift responsibility for certificated aircraft assessment to the State Board of Equalization.]

Status: Awaiting policy committee assignment

CACEO Position: Watch

**SB 21 (Hill) Political Reform Act of 1974: gifts of travel**

This bill would require a nonprofit organization that makes travel payments for an elected state officer or local elected officeholder to disclose the names of the donors responsible for funding the payments. It would also require a person who receives a gift of travel payment from any source to report the travel destination on his or her Form 700.

Status: Awaiting hearing in Senate Elections and Constitutional Amendments Committee

CACEO Position: Watch

**SB 127 (Vidak) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014**

SB 127 would amend CEQA by adding Section 21168.6.7 to the Public Resources Code to require a public agency, in certifying the EIR and in granting approvals for water projects funded, in whole or in part, by Proposition 1, including the concurrent preparation of the record of proceedings and the certification of the record of proceedings within five days of the filing of a notice for the water project, to comply with the procedures required by the bill. Among other things, SB 127 would require a public hearing on the matter within 10 days before the close of the public comment period in order to receive testimony on the draft EIR. A transcript of the hearing shall be included as an appendix to the final EIR.

[See also AB 311 (Gallagher), a very similar bill that is limited to water storage projects.]

Status: Hearing in Assembly Environmental Quality Committee April 15; double-referred to Assembly Judiciary Committee

CACEO Position: Watch

**SB 181(Committee on Governance and Finance) Validations**

This bill would enact the First Validating Act of 2015 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill is an urgency bill and would take effect immediately upon signature by the Governor.

Status: Hearing in Senate Governance and Finance Committee April 8

CACEO Position: Watch

**SB 182 (Committee on Governance and Finance) Validations**

This bill would enact the Second Validating Act of 2015 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill is an urgency bill and would take effect immediately upon signature by the Governor.

Status: Hearing in Senate Governance and Finance Committee April 8

CACEO Position: Watch

**SB 183 (Committee on Governance and Finance) Validations**

This bill would enact the Third Validating Act of 2015 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Status: Hearing in Senate Governance and Finance Committee April 8

CACEO Position: Watch

**SB 258 (Bates) Local government**

This spot bill would state the intent of the Legislature to enact legislation that would protect the right of the public to participate in open deliberations of the legislative bodies of local agencies by clarifying the appropriate use of special meetings.

CACEO will track this bill and evaluate whether clerks should take a position on the bill once it has been amended with substantive language.

Status: In Senate Rules Committee awaiting policy committee assignment

CACEO position: Watch

**\*SB 272 (Hertzberg) The California Public Records Act: local agencies: inventory**

This bill would require all local agencies, in implementing the California Public Records Act, to conduct an inventory of data gathered by the agency that discloses what data is maintained by the agency, by whom, and with what frequency it is collected. The bill would require the inventory to be made available to the public.

The COB Legislative Committee has looked at this bill and has decided to delay taking a position on it until more information as to the bill’s intent and the meaning of the terms used in the bill become clearer.

Status: Awaiting hearing in Senate Governance and Finance Committee; double-referred to Senate Judiciary Committee

CACEO Position: PENDING

**\*SB 331 (Mendoza) Local government: transparency**

This spot bill would express the intent of the Legislature to enact legislation that would increase transparency in local government.

CACEO will track this bill at least until it is amended with substantive bill language and its intent and impact on clerks are clear.

Status: In Rules Committee awaiting policy committee assignment

CACEO Position: Watch

**SB 371 (Hancock) San Francisco Bay Restoration Authority**

Existing law establishes a governing board of the San Francisco Bay Restoration Authority composed of specified members, including a member who is a resident of the San Francisco Bay area who serves as chair.

SB 371 would amend Government Code Section 66703 to delete the requirement that one member of the board, and the chair, be a resident of the San Francisco Bay area and would instead require that the member be an elected official of a bayside city or county.

Status: Awaiting hearing in Senate Governance and Finance Committee

CACEO Position: Watch

**SB 480 (Pan) Taxation: qualified heavy equipment**

The state constitution authorizes the Legislature to classify personal property for differential taxation or for exemption by means of a statute approved by a 2/3 vote of the Legislature.

This bill would, on or after July 1, 2016, impose a tax on every qualified renter for the “privilege” of renting qualified heavy equipment in California at the rate of 0.75% of the rental price. The tax would be administered by the State Board of Equalization. Insofar as clerks of the board are concerned, it is expected that the effect of this bill would be to cause some small reduction in property tax appeals on this type of business personal property.

Status: Awaiting hearing in Senate Governance and Finance Committee

CACEO Position: Watch

**\*SB 661 (Hill) Property taxation: state assessment: commercial air carrier personal property**

Under an agreement reached between and among county assessors and air carriers, the Legislature, in existing law until the 2015-16 fiscal year, specified a formula to be used by county assessors in determining the fair market value of certificated aircraft of a commercial air carrier, and rebuttably presumes that the amount determined pursuant to this formula is the fair market value of the aircraft. Existing law also requires, until December 31, 2015, “lead assessors” to calculate the value of each assigned air carrier’s certificated aircraft and to transmit these calculations to other assessors pursuant to a procedure set forth in the Revenue and Taxation Code. Existing law also requires, until December 31, 2015, the lead county assessor’s office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor’ office for each air carrier. These procedures and formula have greatly reduced the number of assessment appeals of certificated aircraft in counties with major airports for many years. Under existing law, appeals of assessments of certificated aircraft are filed with the county assessment appeals board.

SB 661 would, beginning with the lien date for the 2016-17 fiscal year and for each fiscal year thereafter, require the State Board of Equalization to assess personal property that is owned by a commercial air carrier. As currently written, responsibility for assessing all personal property of air carriers would shift to the BOE. However, the BOE staff in its analysis of the bill indicted that the BOE has the authority to only shift a portion of the personal property if it wanted to do so. Thus, the BOE could shift only certificated aircraft and leave the assessment of all other air carrier personal property with the county assessors.

Indirectly, then, the effect of this bill would be to shift the responsibility to receive and hear assessment appeals on air carrier personal property to the BOE. However, in its analysis of the bill, the BOE staff raised the possibility that, if the Legislature decided to leave assessment of certificated aircraft with the county assessor, under the constitution the Legislature could write legislation to create one or more assessment appeals board that would serve as the county board of equalization for certificated aircraft in each of the participating counties in order to address one of the criticisms of the current assessment scheme. Hmmm . . .

[See also AB 1157 (Nazarian) that would keep responsibility for the assessment of certificated aircraft at the county level and would simply extend the sunset date of the current assessment scheme for such aircraft.]

Status: Awaiting hearing in Senate Governance and Finance Committee

CACEO Position: Watch

3/23/15

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