



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 20-804

Board Meeting Date: 10/20/2020

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Michael P. Callagy, County Manager  
Connie Juarez-Diroll, Legislative Officer

**Subject:** End of 2020 Legislative Year-Round-Up-Governor's Actions

### **RECOMMENDATION:**

Accept this informational report detailing Governor Gavin Newsom's final action on priority and tracked bills by the County.

### **BACKGROUND:**

September 30, 2020 marked Governor Newsom's deadline to sign or veto the 428 bills that landed on his desk this legislative session. The COVID-19 pandemic forced California lawmakers to abbreviate their session and refocus their original priorities to respond to the public health and economic crises facing our State. Ultimately, the Governor signed over 360 measures and vetoed 62 measures.

### **DISCUSSION:**

Governor Newsom considered numerous bills addressing the State's response to the COVID-19 crisis and its impact on health, housing, and labor; resiliency to wildfires, and response to the racial unrest and calls for police reform after several high-profile incidents of police violence in the nation.

Amidst budget shortfalls, Governor Newsom vetoed many measures due to the State's fiscal constraints. However, he did pen messages asking the Legislature to keep working with his Administration to create better policies on some of the State's ongoing issues.

### ***COVID-19 Response***

The COVID-19 pandemic forced the Legislature and the Governor's Office to rapidly change their 2020 priorities to more directly focus on COVID-19 related measures.

The following are the most notable bills in this area signed by the Governor:

- **AB 2537 (Rodriguez)**-will require hospitals to maintain a three-month stockpile of unexpired PPE and establishes reporting requirements and civil penalties certain violations.
- **SB 275 (Pan)**-will require the State and various healthcare facilities to stockpile PPE sufficient

for 45 days of surge consumption.

- **AB 3088 (Chiu)**-signed within hours of its passage and taking effect immediately, halts the evictions of those impacted by COVID-19 until February 2021 in the absence of federal intervention.

The Governor vetoed the following measure:

- **AB 826 (Santiago)**-would have required the California Department of Social Services to establish a program to provide eligible immigrants with a cash benefit intended for food assistance as they are ineligible for many federal and state social safety nets. In his veto message, the Governor cited significant state General Fund impacts of the proposal as the main reason for the veto.

### *Health*

Amid the COVID-19 pandemic, a new dedication to expanding access to care emerged among key stakeholders.

The following are the most important bills in this area signed by the Governor:

- **AB 3242 (Irwin)**-will authorize an examination, assessment, or evaluation that relates to the involuntary commitment and treatment of individuals under the Lanterman-Petris-Short Act, to be conducted using telehealth.
- **SB 852 (Pan)**-will require the California Health and Human Services Agency to enter into partnerships to increase competition, lower prices, and address shortages in the market for generic prescription drugs; reduce the cost of prescription drugs for public and private purchasers, taxpayers, and consumers; and increase patient access to affordable drugs. Governor Newsom's office indicated that the state has already begun identifying possible medications for generic production.
- **SB 855 (Wiener)**-will revise California's mental health parity law to cover medically necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions.
- **AB 2276 (Reyes)**-in response to the State Auditor's January 2020 report entitled "Childhood Lead Levels - Millions of Children in Medi-Cal Have Not Received Required Testing for Lead Poisoning," will require Medi-Cal managed care plans to identify children who have not received lead tests and remind their health care providers of the need to provide the tests.

Citing state budget concerns and the need for a statewide global telehealth policy, the Governor vetoed the following measures:

- **AB 2164 (Rivas, Robert)**- would have expanded telehealth access at Federally Qualified Health Centers and Rural Health Centers.
- **AB 2360 (Maienschein)**- would have expanded telehealth access for specified providers of mental health.

### *Housing & Homelessness*

Many consequential housing and homelessness bills failed to reach the Governor's desk this session. The following is a list of notable housing-production related bills that failed to reach the Governor's desk:

- **AB 3040 (Chiu)**- would have required local governments to develop actionable plans to address homelessness.

- **AB 3269 (Chiu)**- would have created CEQA exemptions for certain transit-rich housing projects.
- **SB 902 (Wiener)**- would have allowed cities and counties to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel in transit-rich areas or urban infill sites.
- **SB 1085 (Skinner)**-would have expanded the state's Density Bonus Law to provide additional benefits to housing developments that include moderate-income rental housing units.
- **SB 1120 (Atkins)**-would have allowed for ministerial approval of duplexes and specified subdivision maps.

Ultimately, Governor Newsom acted on a handful of housing-related measures including the following which he vetoed:

- **AB 69 (Ting)**- would have established financing tools to enable willing homeowners to construct accessory dwelling units (ADUs).
- **AB 2405 (Burke)**- would have made it a state policy that every individual in the state has a right to safe, decent, and affordable housing.

And the following which he signed:

- **AB 725 (Wicks)**- will require certain jurisdictions to increase the amount of land zoned for medium-density housing types.

### *Labor & Employment*

COVID-19 underscored the need to protect the health and safety of employees throughout the State.

The following is the list of employment-related measures signed by the Governor:

- **SB 1159 (Hill)**-will create a rebuttable presumption that illness or death related to COVID-19 is an occupational injury and therefore eligible for workers' compensation benefits.
- **AB 685 (Reyes)**-will require employers to notify their employees about potential exposure to COVID-19 at their workplaces.
- **SB 1383 (Jackson)**-will expand job-protected family leave in more employment scenarios. It is expected that the measure will benefit an additional estimated six million California employees.
- **AB 1867 (Cmte. on Budget)**-a budget trailer bill, which will ensure access to paid sick leave for every California employee by closing gaps in both Federal and State law and authorizes California's Labor Commissioner to cite workplaces for a lack of paid sick days, a critical enforcement tool that will promote safety for employees and customers alike.
- **AB 2257 (Gonzalez)**-will exempt a handful of professions and business practices, as well as clarified other portions of AB 5 (Chapter 296, Statutes of 2019).

### *Public Safety & Justice*

In the wake of the murders of George Floyd and Breonna Taylor and the ensuing social unrest, lawmakers sent nearly a dozen bills to the Governor's desk aimed at policing the police.

The following is a list of measures signed by the Governor:

- **AB 1196 (Gipson)** to prohibit law enforcement agencies from using choke holds.
- **AB 846 (Burke)** to require that prospective officers' evaluations for mental fitness include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

- **AB 1185 (McCarty)**, which authorizes a county board of supervisors to create a sheriff oversight board.
- **SB 823 (Cmte. On Budget and Fiscal Review)**-a budget trailer bill that takes the first step towards closing the Department of Juvenile Justice (DJJ). This measure transfers the responsibility for youth otherwise eligible for DJJ placement to counties and appropriates funding to accompany this new responsibility.
- **AB 1869 (Cmte. on Budget)**-a budget trailer bill that eliminates more than a dozen specific criminal justice administrative fees, vacates any debt associated with previously imposed fees, and provides five years of backfill to counties. The measure includes language expressing that it is the intent of the Legislature to determine a methodology of determining county allocations during next year's budget process.

The Governor also vetoed the following measures:

- **AB 1299 (Salas)**-would have required every law enforcement agency to notify the Commission on Peace Officers Standards and Training when an officer separates from employment.

### *Wildfires & Emergency Management*

Despite 2020 being a record-setting fire season up and down the State, the Governor only signed a handful of bills to modestly enhance defensible space requirements in high fire hazard areas and to expand consumer protections related to wildfire.

In the end, Governor Newsom vetoed the most important measure to reach his desk this year:

- **SB 182 (Jackson)**-which would have imposed certain fire hazard planning responsibilities on local governments.

### *2020 State Legislative Session in Review and Preparation for the 2021-22 State Legislative Session*

In 2020, the Intergovernmental and Public Affairs Unit monitored over 1,100 bills as they worked their way through the Legislature, including nearly 300 bills impacting health, hospitals and mental health; over 200 bills impacting housing and homelessness; and over 110 bills impacting public safety and justice. In alignment with the County's Legislative Program, the Unit worked with the Board and Departments to issue letters reflecting the County's support for bills impacting the expansion of telehealth flexibilities, accessory dwelling unit financing, funding mechanisms for building climate resiliency, and more. Additionally, the Unit worked with coalitions of Counties and key stakeholders to voice concerns about the realignment of the Department of Juvenile Justice and to advocate for fair budget allocations to backfill revenue shortfalls in light of the COVID-19 pandemic.

Details on all bills tracked by the County Manager's Office can be found in the attached 2020 Legislative Activity Report.

In consultation with the Board, the County Manager, County departments and staff, boards and commissions, county stakeholders, and our various state and federal associations, the Unit has begun to work on needed updates to the County's current legislative session program. Staff intends to bring the revised program to the Board for review and approval at the end of the calendar year and/or in early January of 2021.