



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY EXECUTIVE

**File #:** 22-798

Board Meeting Date: 10/18/2022

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**Special Notice / Hearing:** None

**Vote Required:** Majority

**To:** Honorable Board of Supervisors

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

**Subject:** 2022 State and Federal Legislative Update #6

### **RECOMMENDATION:**

Accept this informational report on the 2022 State and Federal Legislative sessions.

### **BACKGROUND:**

On September 30<sup>th</sup>, Governor Newsom took final action on bills passed in the 2022 State Legislative Session.

At the federal level, President Joe Biden signed a stopgap funding bill into law, preventing a government shutdown on the last day of the federal fiscal year, and the Department of Homeland Security (DHS) published the final rule for public charge determinations and the use of public benefits.

### **DISCUSSION:**

In total, the Governor signed 997 bills into law this legislative session. He vetoed 169 bills, nearly 15% of the proposals sent to his desk. In his veto messages, Newsom frequently cited cost concerns, particularly for costly bills with no identified funding mechanism, directing legislators to work through the state budget process instead.

The following is a list of some of the most notable bills signed or vetoed by the Governor:

**The Brown Act**-In response to threatening behaviors at public meetings and the increasing use of teleconferencing brought on by the COVID-19 pandemic, the Legislature passed a handful of important measures that impact bodies governed by the Brown Act this year:

- **AB 2449 (Rubio-D)-SIGNED**

Allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting and without making each teleconference location accessible to the public under

certain limited circumstances.

- **SB 1100 (Cortese-D)-SIGNED**

Authorizes the presiding member of a legislative body conducting a meeting to remove an individual for actually disrupting the meeting and defines “disrupting” for these purposes.

**Sales and Use Taxes**-Despite a projected impact of \$2 billion on local government revenues, the following bill was sent to the Governor’s desk with broad legislative support:

- **AB 1951 (Grayson-D)-VETOED**

It would have eliminated the local share of sales tax for purchasing manufacturing equipment. Citing the softening economy and the impact of the loss of sales tax revenues on counties and cities, the Governor urged the Legislature to consider such proposals in the context of the state budget.

**Behavioral Health:** The Legislature sent the Governor a variety of bills to address behavioral health issues, including measures related to CARE Courts, the Lanterman-Petris-Short (LPS) Act, and infrastructure needs:

- **SB 1338 (Umburg-D)-SIGNED**

The Community Assistance, Recovery, and Empowerment (CARE) Court Program, creates a court framework in every county to compel people with serious mental illness, many of whom are homeless, into housing and medical treatment. The counties of Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne will start the program by October 1, 2023, while the rest of the state will have until December 1, 2024. \$57 million (\$26 million for the first cohort of counties and \$31 million across all 58 counties) is allocated to support the program’s initial planning and implementation costs. To support the successful implementation of the program, CSAC will continue discussions with the Administration to secure ongoing funding for counties.

- **SB 929 (Eggman-D)-SIGNED**

Expands the Department of Health Care Service’s (DHCS) existing responsibility to collect and publish information about involuntary detentions under the LPS Act to include additional information, such as clinical outcomes, services provided, and availability of treatment beds.

- **AB 2242 (Santiago-D)-SIGNED**

Permits county mental health plans to pay for services for individuals placed under involuntary detentions and conservatorship using specified funds, including Mental Health Services Act funds. It requires individuals involuntarily detained for evaluation and treatment and placed under conservatorship to receive a care coordination plan developed by specified entities.

- **SB 1238 (Eggman-D)-VETOED**

It would have required DHCS to prepare a report regarding current and projected behavioral

healthcare infrastructure and service needs, including barriers to meeting projected future needs and suggestions to alleviate bottlenecks in the continuum in each region. The Governor's veto message cites cost concerns.

**Housing and Homelessness**-Numerous bills to address the dual crises of homelessness and unaffordable housing were sent to the Governor's desk. Governor Newsom signed approximately forty state bills related to housing and homelessness into law, including:

- **AB 2011 (Wicks-D)-SIGNED**  
Creates a ministerial, streamlined approval process for 100% affordable housing projects in commercial zones and mixed-income housing projects along commercial corridors. The bill also imposes specified labor standards on those projects, requiring contractors to pay prevailing wages.
- **SB 6 (Caballero-D)-SIGNED**  
Enacts the Middle-Class Housing Act of 2022, establishing housing as an allowable use on any parcel zoned for office or retail uses. It requires developers to use at least some union labor on every project.
- **SCA 2 (Allen-D)-SIGNED**  
If approved by voters, it would repeal Article 34 of the California Constitution, which requires the development, construction, or acquisition of publicly-funded low-rent housing projects to be approved by a majority of voters in a city or county. The County of San Mateo advocated in support of this measure.
- **AB 2097 (Friedman-D)-SIGNED**  
Prohibits local governments from imposing automobile parking requirements on many residential and commercial developments within a half mile of public transit.
- **AB 916 (Salas-D)-SIGNED**  
Prohibits local governments from requiring a public hearing as a condition of approving remodels that add up to two additional bedrooms within an existing dwelling.
- **AB 2221 (Quirk-Silva-D) and SB 897 (Wieckowski-D)-SIGNED**  
It makes various technical changes to how local governments permit accessory dwelling units and prohibits certain height, parking, and other standards local governments can require for approval.

**Health Care**-The Governor acted on the following notable healthcare-related bills:

- **AB 240 (Rodriguez-D)-VETOED**

It would have required the Department of Public Health to evaluate the adequacy of local health department infrastructure and make recommendations for future staffing, funding, workforce needs, and resources to accurately and adequately fund local public health. A broad county coalition, including the County of San Mateo, supported the measure since its introduction last year. In his veto message, the Governor reminds supporters of the \$300 million included in the state budget for public health infrastructure, directing them "to turn our focus to utilizing the resources received in the Budget for this transformation, which calls for immediate action on recruitment and hiring to support a modern and innovative public health

system.”

- **AB 32 (Aguiar-Curry-D)-SIGNED**  
Makes various changes to Medi-Cal telehealth policy, including authorizing providers to establish new patients in specific Medi-Cal programs remotely and requiring payment parity for telehealth services. The County of San Mateo advocated in support of this measure.
- **AB 988 (Bauer-Kahan-D)-SIGNED**  
Enacts the Miles Hall Lifeline and Suicide Prevention Act to establish 9-8-8 centers in California to connect individuals experiencing a behavioral health crisis with suicide prevention and mental health services. In a signing message, the Governor stated his concerns about using the revenues generated by the bill as being too restrictive. He directs the California Health and Human Services Agency to propose clean-up language in the upcoming session.
- **AB 2096 (Mullin-D)-SIGNED**  
Authorizes licensure for freestanding chemical dependency recovery hospitals. The County of San Mateo advocated in support of this measure. It would allow Mills-Peninsula Medical Center to re-license and provide much-needed chemical dependency inpatient services.
- **SB 107 (Wiener-D)-SIGNED**  
Makes California a refuge for minors seeking gender-affirming care. The Board of Supervisors passed a resolution supporting this measure at the July 12, 2022, meeting.

**Reproductive Rights**-In response to the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* eliminating the constitutional right to abortion, the Legislature sent the Governor a package of bills to make California a haven for persons seeking reproductive health care services, including:

- **AB 1242 (Bauer-Kahan-D)-SIGNED**  
Prohibits a peace officer from arresting a person for obtaining, performing, or aiding in the performance of a lawful abortion.
- **AB 1666 (Bauer-Kahan-D)-SIGNED**  
Prohibits the enforcement of out-of-state fetal heartbeat abortion restriction laws in California.
- **AB 1918 (Petrie-Norris-D)-SIGNED**  
Establishes the California Reproductive Health Service Corps to recruit, train, and retain a diverse workforce of reproductive health care professionals.
- **AB 2134 (Weber-D)-SIGNED**  
Establishes the California Abortion and Reproductive Equity (CARE Act) and the California Reproductive Health Equity Program to ensure abortion and contraception services are affordable for and accessible to all patients and to provide financial support for safety net providers of these services.

- **AB 2223 (Wicks-D)-SIGNED**  
Strengthens and clarifies the state's existing prohibitions on imposing civil and criminal penalties for pregnancy loss, creates a new civil action that allows individuals whose rights to be free of civil and criminal penalties for pregnancy loss are violated to seek accountability and limits the duties of coroners to be consistent with those laws.
- **SCA 10 (Atkins-D)-SIGNED**  
If approved by the voters, it will enact a constitutional amendment expressly providing that the state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose an abortion and their fundamental right to choose or refuse contraceptives. The County of San Mateo passed a resolution in support of this measure.

**Climate Change-** To facilitate his Administration's California Climate Commitment, a plan to - over the next two decades - create four million new jobs, reduce air pollution by 60%, reduce state oil consumption by 91%, reduce fossil fuel use in buildings and transportation by 92 percent, and cut refinery pollution by 94%, the Governor signed over 40 climate-related bills, including:

- **AB 1279 (Muratsuchi-D)-SIGNED**  
The California Climate Crisis Act declares the state's policy to achieve net zero greenhouse gas (GHG) emissions by 2045 and ensure that by 2045, statewide anthropogenic GHGs are reduced to at least 85% below 1990 levels.
- **AB 1757 (Garcia, Cristina-D)-SIGNED**  
Requires the state to set targets for natural carbon sequestration and for nature-based climate solutions that reduce GHGs and foster climate resilience.
- **SB 905 (Caballero-D)-SIGNED**  
Directs the California Air Resources Board to develop a program and set regulations for carbon capture, utilization, and storage projects in polluting industries.
- **SB 1020 (Laird-D)-SIGNED**  
Establishes interim targets for the statewide 100% clean energy policy, requiring state agencies to accelerate their 100% clean energy policy goal by ten years.

**Public Safety-**The Legislature sent the Governor over three dozen criminal justice-related bills:

- **AB 503 (Stone-D)-VETOED**  
It would have presumptively limited juvenile probation terms to six months, although courts would have been given the option to extend the time under specified circumstances. The Governor's veto message cites his concerns about the bill's impact on the juvenile justice system in light of the imminent closure of the state's detention facilities.
- **AB 731 (Bauer-Kahan)-VETOED**  
It would have required county sheriffs to collect and submit extensive data to the Board of State and Community Corrections about educational and rehabilitative programs in county jails and their impacts on recidivism rates. The Governor's veto message notes workload impacts and implementation costs.

- **AB 2632 (Holden)-VETOED**

For all public and private detention facilities (state and local), it would have defined “segregated confinement,” set maximum time limits for its use, and entirely prohibited its use for special populations. The Governor’s veto message cites his concerns about overly broad standards and exclusions while expressing his overall support for improving conditions within custodial settings and limiting the use of segregated confinement. Accordingly, he directs the California Department of Corrections and Rehabilitation to develop regulations restricting the use of segregated confinement except for limited situations.

The session will formally end *sine die* on November 30<sup>th</sup>. After the November elections, which are expected to bring sweeping changes to the Legislature’s composition, the houses will meet on December 5 for organizational purposes and kick off the 2023-24 legislative session. Members will begin legislative activities in January 2023.

The attached 2022 Legislative Activity Report provides details on all bills monitored. The Intergovernmental and Public Affairs Unit (IGPA) monitored over 750 bills this session, including over 150 health-related bills, 40 public safety-related bills, and over 30 housing and homelessness bills.

## **2022 Federal Legislative Update:**

### **FY 2023 Appropriations Update**

On September 30<sup>th</sup>, President Biden signed H.R. 6833, the Continuing Appropriations and Ukraine Supplemental Appropriations Act. The CR keeps the government funded through December 16, giving lawmakers more time to pass FY 2023 funding bills. The House passed the measure on Friday, September 30, by a vote of 232-193, and the Senate on September 27, by a vote of 72-25, with three members abstaining.

In addition to extending federal funding, the CR includes \$17 billion in emergency spending for Ukraine and \$19 billion for the Federal Emergency Management Agency (FEMA) disaster relief. Finally, the CR extends the authorization until December 16<sup>th</sup> for several federal programs, including the National Flood Insurance Program, CALFED Bay-Delta Authorization, and the Temporary Assistance for Needy Families (TANF).

Both chambers are in recess until after Election Day. However, Congressional and appropriations staff will resume negotiations over a final FY 2023 spending bill throughout the month of October. Congress must enact a final spending bill by the new deadline of December 16, pass another CR, or risk a government shutdown.

### **Public Charge Final Rule Update**

On September 9<sup>th</sup>, the Department of Homeland Security (DHS) published the final rule for public charge determinations and the use of public benefits. The final rule takes effect on December 23, 2022; it provides clarity and consistency for noncitizens on how DHS will administer the public charge ground of inadmissibility. The rule restores the historical understanding of a “public charge” that had been in place for decades until the Trump Administration began to consider supplemental public health benefits, such as Medicaid and nutritional assistance, as part of the public charge inadmissibility determination. The changes include the exclusion of Medi-Cal when determining the

use of public benefits, except for long-term institutionalized care.

In response, the California Health and Human Services Agency (CalHHS) recently created an updated Public Charge Guide to assist individuals and families with understanding the final rule.