

## SENATE THIRD READING

SB 1473 (Committee on Governance and Finance)

As Amended August 25, 2020

2/3 vote

**SUMMARY:**

Enacts the Local Government Omnibus Act of 2020, which proposes a number of non-controversial changes to existing laws governing the powers and duties of local agencies.

**Major Provisions**

- 1) Makes the following changes to the Board of Equalization (BOE) Survey of Assessors:
  - a) Extends the sunset date on the changes made by AB 681 (Ting), Chapter 404, Statutes of 2015, which established the requirements for the BOE Survey of Assessors, by five years; and,
  - b) Requires an addendum to the final survey report to be published to include a former assessor's written response to the findings and recommendations in the report that reviewed the former assessor's procedures and practices, if any, and the BOE's comments, if any.
- 2) Extends the sunset dates of the provisions of the California Seed Law Subvention program by four years.
- 3) Makes the following changes to the Subdivided Lands Law:
  - a) Repeals the heading of an obsolete Article;
  - b) Corrects an exemption for commercial and industrial lots so that it applies to individual lots, rather than requiring the entire subdivision to be non-commercial or non-industrial, and specifies that this exemption only applies to the filing of a report with the Bureau of Real Estate and does not affect any determination whether there are five or more lots, parcels, or other interests for the purposes of specified existing law; and;
  - c) Clarifies that "commercial uses" includes the operation of an apartment complex that is not a community apartment project, as defined in specified existing law.
- 4) Updates a cross reference used to define "community land trust" and a cross-reference to the section of the Revenue and Taxation Code that establishes documentation for affordable rental projects.
- 5) Excludes properties with outstanding Mello-Roos debt from the exemption for affordable projects established in AB 1743, thereby requiring those properties to pay Mello-Roos taxes until the debt is retired.
- 6) Requires the State Controller's Office to forward County Health and Welfare Trust Fund reports only upon request.
- 7) Allows public agencies to accept electronic filing of government claims if they adopt procedures to do so, and makes conforming changes.

- 8) Adds Resource Conservation Districts to the list of special districts that may receive a loan from a county.
- 9) Revises four sections of the Public Contract Code to allow the Los Angeles County Board to delegate certain purchasing and leasing authority to other county officials, until January 1, 2030.
- 10) Strikes a reference within the Mills Act to the Federal Housing Finance Agency's effective rate and replaces it with a reference to the Federal Home Loan Mortgage Corporation's average interest rate.
- 11) Requires local agencies to separately post online their connection fees and capacity charges, and makes additional technical corrections to this provision of law.
- 12) Removes the requirement to read county ordinances in full when the title of the ordinance is listed in the meeting agenda and the full text of the ordinance is made available online or in print prior to the introduction or passage of the ordinance.
- 13) Extends Reclamation District 108's hydropower authority by five years.
- 14) Makes changes to the sales and use tax exemption for out-of-state trailer purchases to specify the requirements for vehicles registered under the International Registration Plan.
- 15) Deletes references to since-repealed provisions in the law governing requirements for local agencies to adopt Very High Fire Hazard Severity Zones.

#### **COMMENTS:**

*Bill Summary.* The Local Government Omnibus Act of 2020 combines several noncontroversial changes to state laws affecting local agencies and land use into a single bill. Each year, local officials discover problems with the state statutes that affect counties, cities, and special districts as well as the laws on land use planning and development. Legislators respond by combining several of these minor topics into an annual "omnibus bill."

This year's omnibus bill also makes findings and declarations that are not typical for the annual omnibus bill, stating, "The COVID-19 pandemic, the resulting public health crisis, and the ensuing restrictions on legislative activities during the second year of the 2019-20 Regular Session required members of the Legislature to limit the number of bills that they can author. As a result, some proposed statutory changes that have significant public benefit and urgency have been placed on hold.

"The Local Government Omnibus Act is a consensus-driven process typically reserved for minor changes to statute and excludes policy changes that do not clearly and explicitly fall within the jurisdiction of the Senate Committee on Governance and Finance, or policy changes that require the full scrutiny of the policy process. The committee takes a strict view of policies that can be enacted or modified through the omnibus bill.

"The Local Government Omnibus Act of 2020 includes provisions that, while still adhering strictly to the consensus requirement, are more substantive or less clearly within the jurisdiction of the committee than would otherwise be appropriate for the omnibus bill process in order to

advance needed public policy in a safe and efficient manner. Therefore, the inclusion of items in the Local Government Omnibus Act of 2020 shall not be considered precedential in any manner."

Please see the policy committee analysis for a full discussion of this bill.

**According to the Author:**

"SB 1473 compiles, into a single bill, noncontroversial statutory changes to five parts of state laws that affect local agencies and land use. Moving a bill through the legislative process costs the state around \$18,000. By avoiding four other bills, the Committee's measure avoids approximately \$72,000 in legislative costs. Although the practice may violate a strict interpretation of the single-subject and germaneness rules, the Committee insists on a very public review of each item. More than 100 public officials, trade groups, lobbyists, and legislative staffers see each proposal before it goes into the Committee's bill. Should any item in SB 1473 attract opposition, the Committee will delete it. In this transparent process, there is no hidden agenda. If it's not consensus, it's not omnibus."

**Arguments in Support:**

Supporters note that this bill assists them with their mission and duties by making several non-controversial changes to the statutes governing local governments.

**Arguments in Opposition:**

None on file.

**FISCAL COMMENTS:**

According to the Assembly Appropriations Committee:

- 1) The California Department of Food and Agriculture (CDFA) indicates this bill extends the current annual payment of \$120,000 (special fund) provided to county agricultural commissioners since 1987 to perform local seed inspection and enforcement services to ensure seeds sold in California are properly and accurately identified on the product label. All Seed Services Program expenditures are continuously appropriated and paid from industry fees.

Absent this bill, the Seed Services Program would initially experience an estimated cost savings of \$120,000 starting in fiscal year 2020-21. However, it is anticipated the Seed Advisory Board would recommend those cost savings be redirected to hiring additional Seed Services Program field staff to ensure continued local enforcement of the California Seed Law.

- 2) The remaining provisions of this bill are expected to have negligible state costs.

**VOTES:**

**SENATE FLOOR: 39-0-1**

**YES:** Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Jackson, Jones, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Hurtado

**ASM LOCAL GOVERNMENT: 8-0-0**

**YES:** Aguiar-Curry, Lackey, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas, Voepel

**ASM APPROPRIATIONS: 18-0-0**

**YES:** Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, Quirk, Robert Rivas, Voepel

**UPDATED:**

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CONSULTANT: Shannon Flores / L. GOV. / (916) 319-3958

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