



Legislative Bulletin

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July 19, 2022
Item No. 19

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on December 10, 2019, staff recommendations for formal County positions on legislation will be agendaized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2021-2022 Legislative Platform was adopted by the Board of Supervisors on December 5, 2020.

On July 19, 2022, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

1. **Receive and File Legislative Bulletin**

INFORMATIONAL ITEMS

1. **County Position Matrix: CEO-LA**
2. **Sacramento Legislative Report**
3. **Washington DC Legislative Report**

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list the active bills the Board of Supervisors has taken positions on in the 2021-22 legislative session.

State Legislation

As of Thursday, July 14, 2022


Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>AB 988</u>	<u>Bauer-Kahan</u>	Mental Health: 988 Crisis Hotline	Support	8.24.21	Senate Appropriations Committee Hearing Date: August 1 st
<u>AB 989</u>	<u>Gabriel</u>	Housing Accountability Act: Appeals	Oppose	9.2.21	Senate Floor – Inactive
<u>AB 1051</u>	<u>Bennett</u>	Medi-Cal: Specialty Mental Health: Foster Youth	Support	7.13.21	Senate Floor – Inactive
<u>AB 1595</u>	<u>Quirk-Silva</u>	Veterans Cemetery: County of Orange	Sponsor	1.11.22	Senate Appropriations Committee
<u>AB 1598</u>	<u>Davies</u>	Controlled Substances: Paraphernalia: Fentanyl Testing	Support	3.8.22	Senate Floor
<u>AB 1627</u>	<u>Ramos</u>	Opioid Overdose Prevention	Support	4.12.22	Senate Appropriations Committee Hearing Date: August 1 st
<u>AB 1628</u>	<u>Ramos</u>	Online Platforms: Electronic Content Management: Controlled Substances	Support	3.8.22	Senate Floor
<u>AB 1641</u>	<u>Maienschein</u>	Sexually Violent Predators	Support	4.12.22	Enrollment
<u>AB 1932</u>	<u>Daly</u>	Public Contracts: Construction Manager At-Risk Construction Contracts	Support	3.22.22	Senate Floor
<u>AB 2452</u>	<u>Chen</u>	Structural Fumigation Enforcement Program	Support	6.28.22	Senate Appropriations Committee
<u>AB 2724</u>	<u>Arambula</u>	Medi-Cal: Alternate Health Care Service Plan	Oppose Unless Amended	4.26.22	Chaptered
<u>SB 12</u>	<u>McGuire</u>	Local Government: Planning and Zoning: Wildfires	Oppose	7.13.21	Assembly Housing and Community Development – Failed Deadline
<u>SB 43</u>	<u>Umberg</u>	Veterans Cemetery: County of Orange	Oppose Unless Amended	7.5.21	Assembly Appropriations Committee Hearing Date: August 3 rd
<u>SB 454</u>	<u>Bates</u>	Child Support: Enforcement	Sponsor	3.9.21	Assembly Appropriations – Failed Passage
<u>SB 897</u>	<u>Wieckowski</u>	Accessory Dwelling Units	Oppose	6.28.22	Assembly Appropriations Committee Hearing Date: August 3 rd
<u>SB 922</u>	<u>Wiener</u>	California Environmental Quality Act: Exemptions: Transportation-Related Projects	Support	6.28.22	Assembly Floor

<u>SB 1165</u>	<u>Bates</u>	Substance Abuse and Mental Health Services: Advertising and Marketing	Support	4.26.22	Assembly Floor
<u>SB 1342</u>	<u>Bates</u>	Aging Multidisciplinary Personnel Teams	Sponsor	1.11.22	Assembly Appropriations Committee Hearing Date: August 3rd

Federal Legislation

As of Thursday, July 14, 2022

Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>HR 1368</u>	Porter	Mental Health Justice Act of 2021	Support	7.13.21.	House Subcommittee on Crime, Terrorism and Homeland Security
<u>HR 2367</u>	Levin	The Studying Outcomes and Benchmarks for Effective Recovery (SOBER) Homes Act	Support	5.11.21	House Committee on Energy and Commerce – Subcommittee on Health
<u>HR 4601</u>	Levin	Commitment to Veteran Support and Outreach Act	Support	3.22.22	House Committee on Veteran's Affairs
<u>HR 4673</u>	Takano	Ensuring Veterans' Smooth Transition Act	Support	5.10.22	Senate Committee on Veteran's Affairs
<u>HR 6527</u>	Steel	Driving Veterans Success Act	Support	5.10.22	House Transportation and Infrastructure Subcommittee on Highways and Transit
<u>HR 6685</u>	Levin	Spent Fuel Prioritization Act	Support	3.22.22	House Committee on Energy and Commerce
<u>S. 339</u>	Portman/ Manchin	Federal Initiative to Guarantee Health by Targeting (FIGHT) Fentanyl Act	Support	3.23.21	Senate Committee on Judiciary

 Highlighted sections symbolize a status change

2. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

When the legislature returns to Sacramento from their summer recess, they'll be focused on moving bills through the appropriations committees, off the floor, and on to the governor. Measures with a fiscal impact will be considered in both of the appropriations committees on August 11 and will either be held on suspense or will move forward to their respective floors to be voted upon by either the full Senate or Assembly.

Governor Gavin Newsom will then have the month of September to sign or veto measures that reach his desk, although will be doing so without the help of his cabinet secretary Ana Matosantos who will depart from her position August 31.

Pandemic Rental Assistance

Denials of state rental assistance through the COVID-19 Rent Relief program have been paused while the Alameda County Superior Court reviews the California Housing and Department of Community Development's (HCD) rental aid appeals process. The suspension is the result of a [lawsuit](#) filed by tenant advocates including the Alliance of Californians for Community Empowerment, Strategic Actions for a Just Economy, PolicyLink, and the Keep LA Housed Coalition, contending that HCD has discriminated against non-English speaking tenants by providing information only in English and has failed to implement a robust appeals process.

Thus far, the program has provided a total of \$4 billion in relief to Californians impacted by the pandemic, an average of \$11,690 per household to 340,000 households. Tenant advocates estimate that 100,000 households will be impacted by the court's review, including those that have either had applications pending or were recently denied aid. HCD ceased accepting new applications for the program March 31.

Energy Trailer Bill

[AB 205](#) (Committee on Budget), the energy trailer bill, was signed into law by Governor Newsom June 30. The measure has been the subject of much controversy, and during budget debates lawmakers were unhappy on both sides of the aisle, however felt it necessary to move forward to maintain reliable energy service.

AB 205 codifies the following:

- Establishes the California Arrearage Payment Program to provide \$1.2 billion in 2022-23 to customers with past due electricity bills incurred during the COVID-19 pandemic.
- Repeals the existing \$10 fixed charge cap for residential investor-owned utility customers.
- Establishes the Long Duration Storage Program at the California Energy Commission (CEC) to provide financial incentives for projects that have power ratings of at least one megawatt and are capable of reaching a target of at least eight hours of continuous discharge of electricity in order to deploy innovative energy storage systems to the electrical grid.
- Allows specified clean energy projects to seek consolidated permitting at the CEC by June 30, 2029, if they adhere to specified labor standards, including the use of skilled and trained workforce, and provide community benefits, as specified.
 - Allows the CEC consolidated permit to replace all local, state, and federal permits, except for leases issued by the State Lands Commission and permits issued by the Coastal Commission, San Francisco Bay Conservation and Development Commission, the State Water Resources Control Board, or regional water control boards. For manufacturing facilities, the CEC permits do not replace permits issued by the local air boards of the Department of Toxic Substances Control.
 - Eligible projects must meet the requirements of an environmental leadership project and therefore will also be eligible for expedited judicial review for litigation involving CEQA, as specified.
 - Requires the CEC to be the lead agency under CEQA.
- Establishes the Strategic Reliability Reserve to be administered by the Department of Water Resources to support electrical grid reliability.
- Establishes the Distributed Electricity Backup Assets Program to be administered by the CEC to incentivize cleaner and more efficient distributed energy assets that would serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events.
- Appropriates \$200 million to the CEC to provide payments for demand response actions, to reduce grid stresses during net peak periods.

Criticism of the measure included the prolonged use of some natural-gas power plants, that streamlining energy projects can translate into accepting shortcuts that damage the environment,

weak environmental and public health protections, and that it will create conflicts between county and state agencies

Local governments are particularly unhappy with the measure as it allows for a shift of local authority for siting of solar, wind, and certain battery backup projects to the CEC and delegates blanket authority to the Department of Water Resources (DWR) to bypass local permitting. AB 205 also removes all local permitting for facilities cited through the Department of Water Resources for strategic energy reserves and exempts these projects from the California Coastal Act.

The legislature has stated its intent to provide clean-up legislation in August, however it's unclear what changes will be adopted.

Governor's Press Releases

Below is a list of the governor's press releases beginning July 6.

July 12: [New California Law Holds Gun Makers Liable: "The Gun Industry Can No Longer Hide"](#)

July 8: [RECAP: Latest Actions to Protect Californians From Wildfire Include Historic Night Mission and \\$810 Million in New Funding](#)

July 7: [California Distributes \\$30 Million to Combat Hate Crimes](#)

3. Washington DC Legislative Report

Prepared by Van Scoyoc Associates

LEGISLATIVE BRANCH ACTIVITY

Senate Democrats Hope to Revive Reconciliation Bill

Earlier in 2022, it appeared the effort by congressional Democrats to pass a major reconciliation bill addressing a number of domestic programs had stalled. As a reminder, reconciliation is the once-a-year process which allows the Senate to bypass its traditional 60-vote threshold to pass most legislation. As such, the Democratic effort would require unanimous support from the Senate's 50 Democrats. In recent months, Senate Democratic Leader Chuck Schumer (D-NY) has held periodic meetings with Senator Joe Manchin (D-WV), who is the most notable Democratic holdout of the original reconciliation bill.

In recent weeks, talks on the reconciliation package have progressed. This week, information was publicly shared related to the Schumer-Manchin talks. The proposed bill would address climate and energy matters, repeal or reduce some tax cuts from the 2017 tax law, and make a number of health related reforms. Senator Manchin announced today that lifting the state and local tax deduction cap has not been part of the current negotiations. Those health provisions generally include the following policies:

- Authorize the Centers for Medicare and Medicaid Services to negotiate drug prices with drug manufacturers for up to 20 drugs per year.
- Penalize drug companies that increase drug prices beyond inflation.
- Establish a maximum out-of-pocket cap for drugs under Medicare Part D at \$2,000 per year.
- Limit monthly out-of-pocket costs on insulin to \$35.
- Extend the premium subsidy assistance for roughly 13 million Americans who get health plans through state-based public marketplace.
- Provide premium assistance on prescription drugs for low-income seniors.

Schumer has shared the drug-price negotiation legislation with the Senate Parliamentarian to determine whether all provisions are consistent with the strict rules of the reconciliation process. If so, Schumer hopes to proceed with a vote on the Senate floor later in July. It is not yet clear if all 50 Senate Democrats are on board, as a handful of other Democrats have expressed some degree of skepticism. Meanwhile, the outlook in the House is equally concerning for Democrats. Multiple Democrats have stated concerns about federal drug price negotiation authority and other provisions. And progressive Democrats are upset the bill does not go far enough. So it is not clear yet whether the current reconciliation bill can pass either chamber of Congress. Complicating the matter more, Republicans are threatening to oppose a major research and technology bill currently being negotiated if Democrats pursue their reconciliation bill. All of these political factors suggest July will be a very tumultuous time as Congress pursues its reconciliation bill.

House Brings Major Spending Package to Floor, Senate to Wait

The House of Representatives is poised to bring a spending package to the floor which includes funding for the Departments of Transportation, Housing and Urban Development, Agriculture, Energy, Interior, Veteran's Affairs, Environmental Protection Agency, and other agencies. Rather than bring 12 separate spending bills to the floor individually, the House will bring the bills to the floor in two or three "minibus" bills.

Meanwhile, the Senate appears unlikely to bring any of its 12 appropriations bills to the floor this summer. Instead, they will unveil their bills in late July to serve as markets for bicameral negotiations, and then negotiate with the House to pass an omnibus appropriations bill during the lame duck session.

House and Senate Democrats Prepare Post-Roe Abortion Legislation

Following the Supreme Court's ruling in the Dobbs v. Becerra case overturning Roe v. Wade, Congress will bring legislation to the floor providing statutory protections for abortion services. The House is prepared to consider legislation granting statutory authority to health providers to perform abortions, and for patients to receive them. Another bill poised for action in the House would allow patients to travel across state lines for abortion services without legal retribution if they live in a state that outlaws abortion. The Senate is also preparing to bring legislation to the floor allowing access to abortion services. The bill is still in development.

Legislation Introduced by Orange County Delegation

Rep. Young Kim:

- Introduced the [Arms Exports Delivery Solutions Act](#) which would "track transfers and ensure efficient delivery of U. S. defense equipment sold to Taiwan and other Indo Pacific allies."

Rep. Alan Lowenthal:

- Introduced the Clean Shipping Act which would direct the Environmental Protection Agency (EPA) to:
 - **Set carbon intensity standards for fuels used by ships.** The bill sets progressively tighter carbon intensity standards for fuels used by ships consistent with a 1.5° Celsius decarbonization pathway. These standards would require lifecycle carbon dioxide-equivalent reductions of 20 percent from January 1, 2027, 45 percent from January 1, 2030, 80 percent from January 1, 2035, and 100 percent from January 1, 2040, relative to the 2024 emissions baseline. The EPA will retain regulatory discretion to ensure the continued success of the ocean freight system through this transition, while achieving maximum carbon reductions.
 - **Set requirements to eliminate in-port ship emissions by 2030.** By January 1, 2030, all ships at-berth or at-anchor in U.S. ports would emit zero GHG emissions and zero air pollutant emissions.

EXECUTIVE BRANCH ACTIVITY

FHWA Announces Greenhouse Gas Notice of Proposed Rulemaking

The Department of Transportation's Federal Highway Administration (FHWA) this week announced a [Notice of Proposed Rulemaking \(NPRM\)](#) for states and municipalities to track and reduce greenhouse gas emissions. The Bipartisan Infrastructure Law makes available more than \$27 billion in federal funding to help State Departments of Transportation and Metropolitan Planning Organizations (MPOs) meet their declining greenhouse gas targets, and the new rule is intended to help State DOTs and MPOs implement and meet those reduction targets by:

1. Establishing a national framework for tracking state-by-state progress by adding a new greenhouse gas performance management measure to the existing FHWA national performance measures to help states track performance and make more informed investment decisions.
2. Creating a system under which State DOTs and MPOs would be required to set their own declining targets for on-road greenhouse gas emissions from roadway travel on the National Highway System.

The proposed rule would also require State DOTs and MPOs to report biennially on their progress in meeting the declining targets they establish and require FHWA to assess significant progress toward achieving those targets. It is expected to be published in the Federal Register next week.

Administration Sending Additional Monkeypox Vaccines to States and Eligible Local Jurisdictions

The Department of Health and Human Services (HHS) has announced that it will make an additional 144,000 doses of the JYNNEOS vaccine available to states and qualifying local jurisdictions. These doses will begin shipping from the Strategic National Stockpile (SNS) on July 11.

This quantity of vaccine is in addition to the 56,000 doses of JYNNEOS that HHS made available to states and similarly eligible jurisdictions last week. In addition, on July 1, the Biomedical Advanced Research and Development Agency (BARDA) ordered an additional 2.5 million doses of JYNNEOS for use in responding to current or future monkeypox outbreaks. Read more from HHS [here](#).

FHA Expands Mortgage Eligibility for Borrowers Previously Affected by COVID-19

The Department of Housing and Urban Development (HUD) and the Federal Housing Administration (FHA) yesterday announced new flexibility for lenders when qualifying borrowers who experienced previous employment gaps or loss of income due to the COVID-19 pandemic. Salaried and hourly wage-earners, as well as self-employed individuals affected by COVID-19, who now have stable income will have a greater opportunity to purchase a home using affordable FHA-insured mortgage financing.

FHA defines a COVID-19 related economic event as a temporary loss of employment, temporary reduction of income, or temporary reduction of hours worked during the Presidentially Declared COVID-19 National Emergency. The guidance announced includes provisions for salaried and non-salaried wage earners and addresses the needs of those who are employed full-time, self-employed, employed part-time, earn bonus or tip income, and/or earn commission income. Lenders may begin using the new policies immediately but must implement the new policies for FHA case numbers assigned on or after September 5, 2022.

This and further HUD COVID-19 information can be found [here](#).

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.