



Legislative Bulletin

DRAFT

A Publication of the County Executive Office/Legislative Affairs

December 5, 2023
Item No. 14

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 Program Guidelines adopted by the Board of Supervisors on January 25, 2022, 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 2023-2024 Legislative Platform was adopted by the Board of Supervisors on December 20, 2022.

On December 5, 2023, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

1. **APPROVE: 2024 County-Sponsored Legislative Proposal – Best Value Construction Contracting for Counties Pilot Program (Attachment A)**
2. **DEFER TO BOARD: 2024 County-Sponsored Legislative Proposal(s):**
 - **Sober Living Homes: Housing Element Compliance (Attachment B)**
 - **Property Tax Funding Equity (Attachment C)**
 - **Jury Commissioner Information Sharing (Attachment D)**
 - **Tidelands Grant: Newport Bay Lease Extension (Attachment E)**
3. **Receive and File Legislative Bulletin**

INFORMATIONAL ITEMS

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

RECOMMENDED ACTIONS

1. Approve: 2024 County-Sponsored Legislative Proposal (Attachment A)

SUMMARY:

In July, CEO-LA met with county departments to solicit proposals for County-sponsored legislation for the second year of the 2023-2024 Legislative Session. Departments were asked to consider the operational or fiscal impacts of a potential bill, determine whether immediate legislative action is required, and identify the nexus to the Board's legislative priorities and/or the Legislative Platform.

Following an initial review conducted by CEO-LA and Precision Advocacy and conversations with each Board office in November, one department-requested state legislative proposal has been identified for your consideration. Proposals approved by your Board will officially be designated as an "Orange County-Sponsored Bill" and CEO-LA will work with Precision Advocacy to identify a member(s) of the Orange County legislative delegation to author the proposal(s). The proposed 2024 County-sponsored legislative proposal is listed below, and its write-up can be found in Attachment A. Board-requested legislative proposals are identified in section two of the Recommended Actions.

BACKGROUND:

CEO-LA is bringing these legislative proposals before the Board now to provide ample time to secure delegation authors for legislation by the January 5th deadline. Delegation authors are required to submit bill language to Legislative Counsel by January 19th, ahead of the final deadline to introduce bills on February 16th.

2024 COUNTY LEGISLATIVE DEPARTMENT PROPOSALS:

- *Best Value Construction Contracting for Counties Pilot Program (Attachment A)* – Add the county as a cosponsor for legislation removing or extending the program's existing sunset date of January 1, 2025, and including the County of Orange as a participating county.

2. Defer to Board: 2024 County-Sponsored Legislative Proposal(s) (Attachments B-E)

SUMMARY:

In November, CEO-LA met with each Board office to discuss potential Board-requested legislative proposals. Following these meetings, CEO-LA researched and drafted four Board-requested state legislative proposals for your consideration. Proposals approved by your Board will officially be designated as an "Orange County-Sponsored Bill" and CEO-LA will work with Precision Advocacy to identify a member(s) of the Orange County legislative delegation to author the proposal(s). The proposed 2024 County-sponsored legislative proposals are listed below, and write-ups can be found in Attachments B-E.

BACKGROUND:

CEO-LA is bringing these legislative proposals before the Board now to provide ample time to secure delegation authors for legislation by the January 5th deadline. Delegation authors are required to submit bill language to Legislative Counsel by January 19th, ahead of the final deadline to introduce bills on February 16th.

2024 COUNTY LEGISLATIVE BOARD PROPOSALS:

- *Sober Living Homes: Housing Element Compliance* - (Attachment B) – Amend the Health and Safety Code to add a new section that defines sober living homes and provides that the application of zoning laws requiring a use permit for non-State-licensed sober living homes, which house seven or more residents, is permissible similar to allowing local jurisdictions to require conditional use permits for licensed facilities housing seven or more residents.
- *Property Tax Funding Equity* (Attachment C) - Pursue legislation to provide a state General Fund augmentation to supplement the County of Orange’s property tax allocation.
- *Jury Commissioner Information Sharing* (Attachment D) – Require jury commissioners in each county to share information with the Secretary of State and county elections officials about registered voters who attest on a juror questionnaire that they are not qualified for jury service in that county for any reason that would also make them ineligible to vote.
- *Tidelands Grant: Newport Bay Lease Extension* (Attachment E) – Extend the period that the County may grant leasing agreements for Newport Bay tidelands and submerged lands from fifty years to sixty-six years.

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list the bills the Board of Supervisors has taken positions on in the 2023-24 legislative session.

State Legislation

As of Thursday, November 30, 2023

Bill No.	Author	Subject	Position	Date of Board Action	Status
<u>SB 44</u>	<u>Umberg</u>	Controlled substances	Support	1.24.23	Senate Public Safety Committee – 2 Year Bill
<u>SB 91</u>	<u>Umberg</u>	California Environmental Quality Act: exemption: supportive and	Support	3.14.23	Chaptered

		transitional housing: motel conversion			
AB 307	<u>Chen</u>	Structural fumigation enforcement program	Support	3.14.23	Chaptered
AB 400	<u>Rubio</u>	Local agency design-build projects: authorization	Support	3.14.23	Chaptered
AB 1270	<u>Dixon</u>	Redevelopment: successor agency: City of Lake Forest	Sponsor	3.14.23	Chaptered
SB 19	<u>Seyarto</u>	Anti-Fentanyl Abuse Task Force	Support	3.28.23	Chaptered
SB 62	<u>Nguyen</u>	Controlled substances: fentanyl	Support	3.28.23	Senate Public Safety Committee – 2 Year Bill
AB 701	<u>Villapudua</u>	Controlled substances: fentanyl	Support	3.28.23	Chaptered
AB 1058	<u>Patterson</u>	Controlled substances: fentanyl	Support	3.28.23	Assembly Public Safety Committee – 2 Year Bill
SB 706	<u>Caballero</u>	Public contracts: progressive design-build: local agencies	Support	4.11.23	Chaptered
AB 684	<u>Ta</u>	County veterans service officers: additional resources	Support	4.25.23	Assembly Appropriations Committee – 2 Year Bill
AB 955	<u>Petrie-Norris</u>	Controlled substances	Support	5.9.23	Assembly Rules Committee
AB 1057	<u>Weber</u>	California Home Visiting Program	Support	5.9.23	Vetoed
AB 1304	<u>Papan</u>	Weights and measures: inspection fees	Support	5.9.23	Chaptered
AB 1168	<u>Bennett</u>	Emergency Medical Services (EMS): prehospital EMS	Oppose	6.27.23	Senate Floor 2 Year Bill
SB 14	<u>Grove</u>	Serious felonies: human trafficking	Support	8.8.23	Chaptered
SB 326	<u>Eggman</u>	The Behavioral Health Services Act	Concerns	8.22.23	Chaptered

Federal Legislation

As of Thursday, November 30, 2023

Bill No.	Author	Subject	Position	Date of Board Action	Status
S 24	Feinstein	Fighting Homelessness Through Services and Housing Act	Support	4.25.23	Senate Committee on Health, Education, Labor and Pensions
HR 516	Lieu	Fighting Homelessness Through Services and Housing Act	Support	4.25.23	House Committee on Financial Services
HR 984	Levin	Commitment to Veteran Support and Outreach Act	Support	4.25.23	House Committee on Veteran's Affairs
HR 467	Griffith	Halt All Lethal Trafficking (HALT) of Fentanyl Act	Support	6.06.23	Senate Judiciary Committee
S 971	Cassidy	Due Process Continuity of Care Act	Support	6.06.23	Senate Finance Committee
HR 3862	Levin	Spent Fuel Prioritization Act of 2023	Support	6.27.23	House Committee on Energy and Commerce

 Highlighted sections symbolize a status change.

2. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

Assembly Committee Changes

Assembly Speaker Robert Rivas released changes to his committee chairmanships on November 21. For Orange County, the following are notable based on the importance of the committee in our advocacy, and on placements of Orange County legislators.

Policy Committee Changes

Appropriations: Assemblymember Buffy Wicks (D-Oakland) will replace Assemblymember Chris Holden (D-Pasadena) as Chair of the Assembly Appropriations Committee.

Arts, Entertainment, Sports, and Tourism: Assemblymember Mike Gipson (D-Carson) will replace Assemblymember Sharon Quirk-Silva (D-Fullerton) as Chair of the Assembly Arts, Entertainment, Sports, and Tourism Committee. Assemblymember Quirk-Silva has been removed from the committee.

Health: Assemblymember Mia Bonta (D-Oakland) will replace Assemblymember Jim Wood (D-Santa Rosa) as Chair of the Assembly Health Committee. Assemblymember Wood has been removed from the committee.

Housing and Community Development: Assemblymember Chris Ward (D-San Diego) will replace Assemblymember Buffy Wicks as Chair of the Assembly Housing and Community Development Committee. Assemblymember Wicks has been removed from the committee creating a Democratic vacancy.

Human Services: Assemblymember Alex Lee (D-San Jose) will replace Assemblymember Corey Jackson (D-Moreno Valley) as Chair of the Assembly Human Services Committee. Assemblymember Jackson has been removed from the committee.

Judiciary: Assemblymember Ash Kalra (D-San Jose) will replace Assemblymember Brian Maienschein (D-San Diego) as Chair of the Assembly Judiciary Committee. Assemblymember Maienschein has been removed from the committee creating a Democratic vacancy.

Public Safety: Assemblymember Kevin McCarty (D-Sacramento) will replace Assemblymember Reginald Jones-Sawyer (D-Los Angeles) as Chair of the Assembly Public Safety Committee. Assemblymember Jones-Sawyer has been removed from the committee.

Rules: Assemblymember Blanca Pacheco (D-Downey) will replace Assemblymember James Ramos (D-Highland) as Chair of the Assembly Rules Committee. Assemblymember Ramos has been removed from the committee creating a Democratic vacancy.

Transportation: Assemblymember Lori Wilson (D-Fairfield) will replace Assemblymember Laura Friedman (D-Burbank) as Chair of the Assembly Transportation Committee. Assemblymember Friedman has been removed from the committee.

Utilities and Energy: Assemblymember Cottie Petrie-Norris (D-Irvine) will replace Assemblymember Eduardo Garcia as Chair of the Assembly Utilities and Energy Committee. Assemblymember Garcia has been removed from the committee.

Water, Parks, and Wildlife: Assemblymember Diane Papan (D-San Mateo) will replace Assemblymember Rebecca Bauer-Kahan as Chair of the Assembly Water, Parks, and Wildlife Committee. Assemblymember Bauer-Kahan has been removed from the committee.

Joint Legislative Audit Committee: Assemblymember Gregg Hart (D-Santa Barbara) will replace Assemblymember David Alvarez (D-San Diego) as Chair of the Joint Legislative Audit Committee. Assemblymember Alvarez has been removed from the committee creating a vacancy.

Budget Committee & Subcommittees

Budget: Assemblymember Jesse Gabriel (D-Encino) will replace Assemblymember Phil Ting (D-San Francisco) as Chair of the Assembly Budget Committee. Assemblymembers Sharon Quirk-Silva and

Avelino Valencia were also appointed to the committee. Assemblymembers Mia Bonta, Wendy Carrillo (D-Los Angeles), and Kevin McCarty have been removed from the committee, creating a Democratic vacancy. The Assembly Budget Subcommittee No.1 on Health and Human Services has been split into two committees.

Budget Subcommittee No. 1 on Health: Assemblymember Akilah Weber (D-San Diego) will remain as Chair of Assembly Budget Subcommittee No. 1 on Health.

Budget Subcommittee No. 2 on Human Services: Assemblymember Corey Jackson has been appointed Chair of Assembly Budget Subcommittee No. 2 on Human Services.

Budget Subcommittee No. 3 on Education Finance: Assemblymember David Alvarez replaces Assemblymember Kevin McCarty as Chair of Assembly Budget Subcommittee No. 3 on Education Finance.

Budget Subcommittee No. 4 on Climate Crisis, Resources, Energy, and Transportation: Assemblymember Steve Bennett (D-Ventura) will remain Chair of Assembly Budget Subcommittee No. 4 on Climate Crisis, Resources, Energy, and Transportation.

Budget Subcommittee No. 5 on State Administration: Assemblymember Sharon Quirk-Silva will replace Assemblymember Wendy Carrillo as Chair of Assembly Budget Subcommittee No. 5 on State Administration. This committee oversees revenue and taxation and general government, including homelessness and veterans' affairs.

Budget Subcommittee No. 6 on Public Safety: Assemblymember James Ramos has been appointed Chair of Assembly Budget Subcommittee No. 6 on Public Safety replacing Assemblymember Mia Bonta.

Budget Subcommittee No. 7 on Accountability and Oversight: Assemblymember Avelino Valencia will replace Assemblymember Phil Ting as Chair of Assembly Budget Subcommittee No. 7 on Accountability and Oversight.

Asm Elections Committee Holds Informational Hearing on Voter Participation and Engagement

The Assembly Elections Committee held an informational [hearing](#) on November 16 to discuss voter participation and engagement: strategies for bridging gaps and ensuring accurate registration. Chaired by Assemblymember Gail Pellerin (D-Santa Cruz), the hearing was held at the State Capitol and attended by vice chair, Assemblymember Tom Lackey (R-Palmdale), Assemblymember Steve Bennett (D-Oxnard), and numerous stakeholders. The hearing was in part, a response to national policy debates around voter access and challenges to election outcomes.

The hearing focused on California's efforts to ensure complete and accurate voter registration rolls, evaluating the effects of recent electoral reforms, and identifying ways to improve and build upon these reforms to reduce disparities in voter participation. Numerous state and local experts and stakeholders testified with diverse perspectives on the issue.

The first panel provided a statewide perspective and included LaKenya Jordan, Deputy Secretary of State; James Schwab, State Director, United States Senator Alex Padilla; Dean Logan, Los Angeles County, Registrar-Recorder and County Clerk; and Cathy Darling Allen, Shasta County Clerk and Registrar of Voters. Panelists reviewed major reforms enacted by the state over the last decade. The policy of mailing a ballot to every active registered voter was highlighted as a change that likely boosted overall voter turnout and reduced turnout gaps, with research suggesting that it increased turnout by several percentage points in the 2020 general election.

Darling Allen notably outlined some of the challenges in the most recent election at the local level including misinformation campaigns and threats of violence to county elections staff. In her testimony, Ms. Jordan specifically recognized a short list of counties including Orange County, as being good examples of being proactive in working with local community groups to improve voter engagement among underrepresented groups.

The second panel focused on recent research examining the voter participation gap and included Dr. Mindy Romero, Founder and Director of the Center for Inclusive Democracy at the University of Southern California. She highlighted that in California's 2022 election, the state had an 83.3% voter

registration rate for the general population, while Asian American and Latino American voters had lower registration at 71.9% and 70.6% respectively. While the registration rates among all groups have improved, Latino and Asian Americans still have lower voter registration rates than white voters. Younger voters showed comparatively lower voter registration rates than older voters. In the 2022 election, roughly half (42.3%) of eligible voters turned out to vote.

Dr. Romero outlined a number of reasons for lower turnout including disparities in registration, outreach and mobility, historic and current disconnection, and demographics, emphasizing that it is difficult to get data on why voters don't turn out to vote. She directed the public to her [website](#) for more detailed data on the topic down to the precinct level.

The third panel included a number of speakers who detailed ongoing efforts to ensure complete and accurate voter registration rolls. Susan Lapsley, Deputy Secretary of State, Help America Vote Act Director and Counsel, California Secretary of State Shirley N. Weber, Ph.D.; Brittany Stonesifer, Staff Attorney for the Democracy & Civic Engagement Program, ACLU of Northern California; Rosalind Gold, Chief Public Policy Officer, NALEO Educational Fund; and Neal Ubriani, Policy and Research Director, Institute for Responsive Government were on hand to talk about their experience with California's automatic voter registry through the New Motor Voter Task Force. Shane Hamlin, Executive Director, Electronic Registration Information Center discussed additional tools for managing voter registration rolls.

Panelists covered the technical aspect of California's voter registration database, VoteCal. Voter registration rolls are checked against death records, felony records, Department of Motor Vehicle ID verification, and Employment Development Department change of address notifications. About 30,000 voter registration change cases come through every day. The state works closely with counties to make sure these changes are accurate. It was noted that some voters choose to opt out of voting for personal or philosophical reasons. Currently, roughly one in six Californians is eligible to vote but is not registered.

Panelists suggested fully automating voter registration through the DMV would improve California's current system similar to recent reforms adopted by other states. The New Motor Voter (NMV) program in California has already significantly impacted voter registration in the state. Between April 2018 and the end of 2022, the program has led to over 4.2 million new registrations, 15.2 million updated registrations, and nearly 550,000 new pre-registrations. Hamlin highlighted that it would benefit both California and other participating states if California were to participate in the Electronic Registration Information Center, a collaborative data sharing effort to improve voter registration accuracy across state lines.

The final panel was an enthusiastic group of speakers who discussed unique and specific strategies for closing voter participation gaps. Speaking on county civic education programs were Jesse Salinas, Yolo County Assessor/Clerk-Recorder/Chief Election Official; Ryan Ronco, Placer County Clerk/Recorder/Registrar of Voters; and Evelyn Mendez, Public and Legislative Affairs Manager, County of Santa Clara, Office of the Registrar of Voters. Alejandra Ramirez-Zarate, Board Member from the League of Women Voters of California spoke about the importance of engaging communities with the goal of improving participation. Many of the recommendations focused on meeting voters where they are and making the election more relevant to them, including by providing voter information statewide in a range of languages. Panelists also advocated that funding be directed to the county level to improve voter engagement efforts.

The hearing emphasized both positive and challenging aspects of recent election policy changes in California, highlighting the need for ongoing evaluation and improvement to ensure inclusive and equitable voter participation. It also provided an opportunity to hear from elections officials and voting rights and community organizations about creative efforts undertaken to promote greater and more equitable voter participation and engagement.

Legislation relating to elections tends to be a high priority for the legislature. In 2023, the legislature [approved](#) 35 measures, only two of which were vetoed by Governor Newsom.

Artificial Intelligence in State Government

Last week, Governor Gavin Newsom released, [State of California: Benefits and Risks of Generative Artificial Intelligence Report](#), the administration's first step in endeavoring to examine how Generative Artificial Intelligence (GenAI) can be successfully utilized in state government. GenAI differs from conventional Artificial Intelligence (AI), building upon it and using data to produce unique written, audio, and visual content. Examples of GenAI include ChatGPT, Dall-E, and Bard.

California is home to 35 of the world's top 50 AI companies. Current legislation on AI, [AB 331](#) (Bauer-Kahan), was held on the Assembly Appropriations suspense file this year and likely won't move forward, however, it is extremely likely that other legislation will be introduced in 2024, potentially based on the findings of the report. AB 331 would have prohibited the use of an automated decision tool to contribute to unjustified differential treatment or outcomes that may have a significant effect on a person's life. Next year, and in future years, we anticipate much policy surrounding AI and GenAI, which is likely to impact county systems.

The report provides an overview of how state government may be able to utilize GenAI, while balancing the potential risks and uncertainties. It follows Newsom's release of [Executive Order N-12-23](#) on September 6, directing the following:

- Provision of this report examining the most significant, potentially beneficial use cases for deployment of GenAI tools by the state, as well as the potential risks to individuals, communities, and government and state government workers.
- By March 2024, a joint risk analysis of potential threats to and vulnerabilities of California's critical energy infrastructure by the use of GenAI, and development of a strategy to assess similar potential threats to other critical infrastructure. Once completed, the involved agencies shall provide a classified briefing to the governor and, where appropriate, make public recommendations for further administrative actions and/or collaboration with the legislature to guard against these potential threats and vulnerabilities.
- By January 2024, specified state agencies and departments shall issue general guidelines for public sector procurement, uses, and required training for use of GenAI. The guidelines shall address safety, algorithmic discrimination, data privacy, and notice of when materials are generated by GenAI.
- By July 2024, specified state agencies and departments shall develop guidelines to analyze the impact that adopting a GenAI tool may have on vulnerable communities.
- By January 2025, specified state agencies and departments shall update the state's project approval, procurement, and contract terms, incorporating analysis and feedback obtained.
- All agencies and departments subject to the governor's authority shall conduct and submit an inventory of all current high-risk uses of GenAI.
- State agencies shall consider procurement and enterprise use opportunities where GenAI can improve the efficiency, effectiveness, accessibility, and equity of government operations.
- By March 2024, the California Department of Technology shall establish the infrastructure to conduct pilots of GenAI projects. These environments will be available to state agencies and departments to help evaluate GenAI tools and services, to further safe, ethical, and responsible implementations, and to inform decisions to use GenAI, consistent with state guidelines.
- By July 2024, all state agencies shall consider pilot projects of GenAI applications, which shall measure how GenAI can improve Californians' experience with and access to government services, and how GenAI can support state employees in the performance of their duties in addition to any domain-specific impacts to be measured by the agency.
- By July 2024, specified state agencies and departments shall make available trainings for state government worker use of state approved GenAI tools to achieve equitable outcomes,

and to identify and mitigate potential output inaccuracies, fabricated text, hallucinations, and biases of GenAI, while enforcing public privacy and applicable state laws and policies.

- By January 1, 2025, specified state agencies and departments shall establish criteria to evaluate the impact of GenAI to the state government workforce, and provide guidelines on how state agencies and departments can support state government employees to use these tools effectively and respond to these technological advancements.
- The Governor's Office of Business and Economic Development, in consultation with the Government Operations Agency, shall pursue a formal partnership with the UC Berkeley's College of Computing, Data Science, and Society and Stanford University's Institute for Human-Centered Artificial Intelligence to consider and evaluate the impacts of GenAI on California and what efforts the state should undertake to advance its leadership in this industry. Beginning in the fall of 2023, those agencies are directed to work with UC Berkeley and Stanford to develop and host a joint California-specific summit in 2024, to engage in meaningful discussions and thought partnership about the impacts of GenAI on California and its workforce and how all stakeholders can support growth in a manner that safeguards Californians.

As previously discussed, the report issued last week is just the beginning of conversations regarding how the state will approach GenAI. Below is a list of potential beneficial uses in state government as well as risks that must be considered and potentially remediated.

Beneficial Uses in State Government

- Summarizing benefits enrollment policies in plain language.
- Translating government communications into multiple languages.
- Providing interactive tax assistance.
- Conducting sentiment analysis of public feedback on state policies to assist in improving policies and communications to better serve constituents.
- Summarizing meetings, work, and public outreach to find insights in the analyzed data.
- Assisting in the designing of services and products to be responsive to Californians' diverse needs allowing greater access to state information and services, and by advancing equity, inclusion, and accessibility in outcomes.
- Identifying specific groups or subsets of participants that may benefit from additional outreach, support services, and resources based on circumstances and needs.
- Identifying groups that are disproportionately not accessing services due to language barriers or accessibility difficulties.
- Improving language and communications in multiple languages and formats such as audio, large print, braille, generating captions, or making more accessible for those with visual, hearing, or learning disabilities.
- Helping experts translate government websites and public documents into various languages.
- Optimizing software coding.
- Finding insights and predicting outcomes in complex datasets to empower and support decision-makers.
- Assisting in the creation of cyber protection systems that can rapidly analyze network activity logs, identify anomalies and threats, generate explanations of the attacks, and propose remediation, allowing detection and response before major damage occurs.
- Analyzing data from drones, satellites, and sensors monitoring public infrastructure, allowing for improved forecasting of maintenance needs.
- Optimizing workloads for environmental sustainability and to enhance operational efficiency, decrease paper usage and waste, and support environmentally conscious governance.
- Analyzing traffic patterns, ride requests, and vehicle telemetry data to optimize routing and scheduling for buses, waste collection, or maintenance.

Risks to Consider

- **Validity & Reliability:** The possible provision of inaccurate or unreliable data. GenAI models are pre-trained using a vast amount of unbalanced, incomplete, and potentially harmful content. GenAI could create misleading, false, or fabricated information and present it as if it were true. GenAI models can also produce their own synthetic data and become less accurate over time.
- **Safety:** Misuse of GenAI in systems affecting housing, education, employment, financial credit, health care, or criminal justice. Malicious intent or lack of quality controls. GenAI requires evaluation to determine whether it is necessary and beneficial as compared to the status quo.
- **Accountability & Transparency:** Lack of a standardized audit trail, lack of disclosure about the use of AI models, difficulty in tracing original citation sources, and uncertainty over liability.
- **Security & Resiliency:** Unauthorized user access, data breaches, theft, data poisoning, model skewing, adversarial attacks, and supply chain vulnerabilities. The capabilities of GenAI generally raise concerns about enabling bad actors and undermining government security if not properly governed. This could include more convincing scams or tricking consumers into sharing personal data.
- **Explainability & Interpretability:** GenAI cannot provide direct explanations for its predictions. Ongoing research is necessary to gain better explainability capabilities. Difficulty in extracting human-interpretable explanations from GenAI technology is an important factor to consider for the government to provide sufficient information about decisions concerning constituents.
- **Fairness:** GenAI can perpetuate societal biases if training data is imbalanced. For instance, language models often perform poorly for non-native English speakers.
- **Workforce & Labor Impacts:** The state will need to utilize GenAI in a manner that will support workers but will also change or modify parts of their existing workflows.

Upcoming Hearings

Agendas are typically posted on the committee websites in the [Assembly](#) and [Senate](#) a few days prior to the hearings. To view hearings after they take place, you may access them in the [Assembly](#) or [Senate](#) media archives where they are generally available within a few hours of committee adjournment.

Monday, December 04, 2023, 10 a.m.

Assembly Select Committee on Place Based Systems of Coordinated Care for Children and Families

Location: State Capitol, Room 437

Informational Hearing: Exploring the Role and Impact of Cradle to Career Networks in California

Monday, December 11, 2023, 9 a.m.

Senate Transportation Subcommittee on Lossan Rail Corridor Resiliency

Location: City of San Clemente, City Hall, Council Chambers, 2nd Floor, 910 Calle Negocio, San Clemente

Informational Hearing: Setting Southern California Rail on Track for Success

Thursday, December 14, 2023, 5:30 p.m.

Assembly Select Committee on California's Mental Health Crisis

Location: Los Gatos Town Hall, 110 E. Main Street, Los Gatos

Informational Hearing: Challenges to Accessing Mental Health Services for Youth in Vulnerable Communities

Governor's Press Releases

Below is a list of the governor's press releases beginning November 20.

November 29: [California Launches Reproductive Health Services Corps to Expand and Improve Reproductive Care](#)

November 28: [New Report Highlights the Promise of Lithium Valley](#)

November 28: [Governor Newsom Appoints New Business, Consumer Services and Housing Agency Secretary](#)

November 28: [Governor Newsom Announces New Legislation to Prevent Illicit Use and Trafficking of Xylazine](#)

November 27: [California Has Removed 5,679 Encampments, Announces \\$300 Million in New Funding to Move People Out of Encampments](#)

November 23: [Acting Governor Eleni Kounalakis Proclaims Thanksgiving Day](#)

November 22: [California Increases Law Enforcement Operations Heading Into Holiday Shopping Season To Combat Organized Retail Crime](#)

November 22: [California Secures Presidential Major Disaster Declaration to Support Tropical Storm Hilary Recovery Efforts](#)

November 21: [100-Year Flood Protection Project in Pajaro Advances](#)

November 21: [Newsom Administration Releases GenAI Report](#)

3. Washington DC Legislative Report

Prepared by Van Scoyoc Associates

LEGISLATIVE BRANCH ACTIVITY

Congressional Leaders Taking First Steps on Spending Endgame

As Congress returns from their Thanksgiving recess, leaders from both parties and both chambers are having early talks to set the terms for an endgame on regular FY24 spending bills as well as emergency spending bills.

First up is the emergency supplemental appropriations bill. The main pillars include spending for military aid to Ukraine, Israel, and Indo-Pacific partners, as well as border security. Though the talks center on funding for these topics, the most difficult dynamic is that Republicans are insisting that addressing border security requires rewriting immigration laws to reduce the number of border crossings. This week, bipartisan negotiators made significant headway in their talks. The biggest focus area is amending the nation's asylum laws to raise the qualifications for intending asylees.

This was not universally embraced. At least 10 Democratic senators, led by Senator Alex Padilla, publicly oppose the change. They fear making permanent changes to immigration law while addressing short term emergency spending priorities is a dangerous precedent.

Though leaders have announced they hope to bring the emergency appropriations bill to the Senator floor next week, that may be overly ambitious. Expect this bill to potentially take up the entirety of December.

Once Congress passes the supplemental, leaders will turn to regular FY24 appropriations bills. The deadlines for those bills is January 19th and February 2nd. But for practical purposes, leaders need to reach a topline spending level prior to the New Year to give staff sufficient time to prepare bills for the first deadline on January 19th.

The House Freedom Caucus, which has long sought to set spending at FY22 levels (\$1.47 trillion) conceded that their plan is almost certainly not going to become law. They acknowledge that there

was a bipartisan agreement earlier in the year to set topline spending at \$1.59 trillion. Though they want it lower, they are blessing Speaker Mike Johnson to start talks.

Though the Senate, House, and White House still have hundreds of decisions to make on FY24 appropriations talks, this week's news increases the likelihood that they can reach a deal early in 2024 to avoid a government shutdown. But the exact manner in which the bills are packaged remains unknown.

County Relevance:

- *Supplemental funding may include funding for sheltering of migrants.*
- *Temporarily averting a shutdown provides brief stability for County operations.*
- *A federal shutdown would be highly disruptive to County projects and services.*
- *The threat of a shutdown in January/February is subsiding, but still present.*

EXECUTIVE BRANCH ACTIVITY

EPA Releases Lead/Copper Pipe Replacement Plan

The Environmental Protection Agency (EPA) announced a proposal to strengthen its Lead and Copper Rule that would require water systems across the country to replace lead service lines within 10 years. According to the EPA, the rule:

- "Achieving 100% Lead Pipe Replacement within 10 years.
- Locating legacy lead pipes.
- Improving tap sampling.
- Lowering the Lead Action Level.
- Strengthening protections to reduce exposure."

County Relevance:

- *EPA's announcement will make available federal resources for the County to replace any lead or copper service lines.*

Legislation Introduced by Orange County Delegation

Rep. Katie Porter:

- Introduced the [Stop Foreign Interference in Ballot Measures Act](#) which would "eliminate this loophole and prevent foreign interests from influencing state and local ballot measures."

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.



County of Orange

County Executive Office

2024 LEGISLATIVE PROPOSALS

AGENCY/DEPARTMENT: Orange County Public Works (OCPW)

SUBJECT: Best Value Construction Contracting for Counties Pilot Program

STAFF RECOMMENDATION: Approve co-sponsoring a bill for the 2024 State Legislative session.

PROPOSAL SUMMARY: Remove or extend the Best Value Construction Contracting for Counties Pilot Program's existing sunset date of January 1, 2025, and include the County of Orange as a participating county.

PROBLEM: Current job order contracting (JOC) contracts are limited to a one-year period. This creates practical difficulty for the procurement of equipment and materials with long lead times. Examples of such equipment include emergency generators, electrical switchgear, HVAC components, and elevator refurbishment equipment. These long lead times can result in extending the contract period beyond the one-year limitation.

BACKGROUND: The Public Contract Code (Sections 20155-20155.9) establish the Best Value Construction Contracting for Counties Pilot Program, which is a procurement process for job order contracting and construction projects in excess of \$1 million that allows a local agency to evaluate bids on a "best-value" basis, incorporating technical factors, such as qualifications and past performance, and not solely on the lowest price. Approximately 10 counties currently participate in the pilot program that provides for the best value selection of contractors, as well as the option for multi-year job order contracts to help address long lead times for procurement of construction materials and equipment.

LEGISLATIVE PLATFORM POLICY REFERENCE: Per the Legislative Guidelines, departments will adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship. Below are the relevant policy statements from the 2023-2024 Legislative Platform that relate to this proposal.

- *Alternative Project Delivery:* Support legislation that gives local governments and agencies greater flexibility to use alternative project delivery methods.



County of Orange

County Executive Office

2024 LEGISLATIVE PROPOSALS

AGENCY/DEPARTMENT: Supervisor Katrina Foley

SUBJECT: Sober Living Homes: Housing Element Compliance

STAFF RECOMMENDATION: Defer to Board

PROPOSAL SUMMARY: Amend the Health and Safety Code to add a new section that defines sober living homes and provides that the application of zoning laws requiring a use permit for non-State-licensed sober living homes, which house seven or more residents, is permissible similar to allowing local jurisdictions to require conditional use permits for licensed facilities housing seven or more residents.

PROBLEM: The California Department of Housing and Community Development (HCD) asserts that jurisdictions that apply discretionary permitting requirements to unlicensed sober living homes that house seven or more residents are non-compliant with the laws pertaining to Housing Elements. Moreover, sober living homes skirt existing state law pertaining to alcoholism or drug abuse recovery or treatment facilities by asserting they are not offering services that require licensure. There is presently no system for verifying that such sober living homes do not require licensure. Therefore, regulation of these homes is non-existent unless local jurisdictions can require minimal zoning regulation in the form of a use permit. Moreover, the overconcentration of alcoholism or drug abuse recovery or treatment facilities and sober living homes in residential neighborhoods has led to de facto institutionalized settings prices in some neighborhoods in Orange County and hinders the goal of integrating disabled populations into existing and developing neighborhoods. Additionally, the concentration of these facilities and sober living homes artificially has led to artificial inflation of property values and rent prices, which raises additional barriers for housing and creates a financial burden for existing residents.

BACKGROUND: In accordance with existing state law, the County does not require residential care facilities, community care facilities, alcoholism or drug abuse recovery treatment facilities, and congregate living health facilities, serving six or fewer residents to obtain any permits; such uses are not treated any differently from any other residential use of property. (See Health & Safety Code §§ 1267.16 [congregate living health facilities], 1566.3 [community care and residential facilities], 1568.0831 [residential care facilities for persons with chronic life-threatening illness], 11834.23 [alcoholism or drug abuse recovery treatment facilities]). There are no constraints on housing for persons with disabilities for facilities serving six or fewer persons. State law allows, and the County requires, residential care facilities, community care facilities, alcoholism or drug abuse recovery treatment facilities, and congregate living health facilities, serving seven or more residents to obtain a Use Permit. (*Ibid.*) In recent years, some local governments have amended their zoning ordinances

to add new regulations for sober living homes, particularly for sober living homes that provide housing for seven or more residents. Despite bans on sober living homes and similar ordinances being upheld in the face of challenges to their constitutionality, HCD has maintained that the ordinances do not comply with the law and are therefore denying approval of otherwise compliant housing elements.

LEGISLATIVE PLATFORM POLICY REFERENCE: Per the Legislative Guidelines, departments will adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship. Below are the relevant policy statements from the 2023-2024 Legislative Platform that relate to this proposal.

- *Sober Living Homes:* Support measures that bring more accountability to sober living homes in order to balance the need of those who seek recovery with the residents of the communities where these facilities are or may be located.
- *Regional Housing Needs Assessment:* Support legislation that provides clarity, addresses inconsistencies, or provides flexibility in the RHNA process for a successful completion of the County's Housing Element.



County of Orange

County Executive Office

2024 LEGISLATIVE PROPOSALS

AGENCY/DEPARTMENT: Supervisors Doug Chaffee and Vicente Sarmiento

SUBJECT: Property Tax Funding Equity

STAFF RECOMMENDATION: Defer to Board

PROPOSAL SUMMARY: Pursue legislation to provide a state General Fund augmentation to supplement the County of Orange's property tax allocation.

PROBLEM: Property tax revenue constitutes Orange County's largest funding source for essential programs that deliver critical services to a diverse and dynamic population. However, the County faces a significant challenge in that it receives the lowest percentage of property tax revenue among all 58 counties in California, amounting to just six cents on the dollar. This situation persists largely because the formula for distributing local property taxes has remained unchanged since its initial implementation in 1979, commonly referred to as AB 8.

BACKGROUND: Since 1996, there have been twelve legislative proposals to address funding equity on a large scale, the two most recent of which are summarized below:

- In 2018, Assemblyman Phil Chen introduced AB 2711, which would increase the amount of property tax allocated to the County of Orange, decreasing the amount of property tax allocated to the Educational Revenue Augmentation Fund (ERAF), which would be replaced by State General Fund. AB 2711 successfully passed in the Assembly Local Government Committee and was then held in the Assembly Appropriations Committee due to the cost of the measure.
- In 2020, Assemblymember Cottie Petrie-Norris introduced AB 2769, a spot bill eventually intended to be amended to address funding equity by increasing the County's share of ad valorem property tax in years where assessed property value grows by 3% over the previous year. This County equity amount would then be allocated to the County's system of care to be used to support homeless individuals and those at risk of homelessness. AB 2769 did not move forward.

REQUEST: Re-introduce the AB 2769 language to increase the County's share of ad valorem property tax in years where assessed property value grows by 3% over the previous year; the equity amount would be allocated to the County's System of Care, or another specific purpose as directed.

LEGISLATIVE PLATFORM POLICY REFERENCE: Per the Legislative Guidelines, departments will adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship. Below are the relevant policy statements from the 2023-2024 Legislative Platform that relate to this proposal.

- *Property Tax Funding Equity:* Support a more equitable reallocation of property tax revenue to county government, providing funding for countywide public services, and reflecting an allocation that aligns with similarity urbanized counties.



County of Orange

County Executive Office

2024 LEGISLATIVE PROPOSALS

AGENCY/DEPARTMENT: Chairman Donald P. Wagner

SUBJECT: Jury Commissioner Information Sharing

STAFF RECOMMENDATION: Defer to Board

PROPOSAL SUMMARY: Require jury commissioners in each county to share information with the Secretary of State, which after confirmation of a voter match will share the information with county elections officials, about registered voters who attest on a juror questionnaire that they are not qualified for jury service in that county for any reason that would also make them ineligible to vote, make them qualified to vote in another county in the state, or indicate that they require accommodation to vote.

PROBLEM: Currently, when persons who attest under penalty of perjury that they were eligible to vote on a voter registration affidavit and subsequently attest to a Superior Court that they are not qualified to serve on a jury for a reason that would also make them ineligible to vote, the Secretary of State and county elections officials are not notified. The lack of access to jury questionnaire data may impede the ability the Registrar of Voters to maintain accurate voter files and allow for the risk that persons not eligible to vote could cast a ballot in a local, state, or federal election.

BACKGROUND: The Code of Civil Procedure (CCP) provides that if a jury commissioner requires a person to complete a questionnaire, the questionnaire shall only ask questions related to juror identification, qualification, and ability to serve as a prospective juror. Pursuant to CCP Section 203, there are 11 circumstances that exclude persons from eligibility for jury service in the state that include, among others, persons who are not domiciliaries of California or who are not residents of the jurisdiction wherein they are summoned to serve.

LEGISLATIVE PLATFORM POLICY REFERENCE: Per the Legislative Guidelines, departments will adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship. Below are the relevant policy statements from the 2023-2024 Legislative Platform that relate to this proposal.

- *Access for Voters:* Promote and increase voter registration and access to the ballot for as many eligible voters as possible.



County of Orange

County Executive Office

2024 LEGISLATIVE PROPOSALS

AGENCY/DEPARTMENT: Supervisor Katrina Foley

SUBJECT: Tidelands Grant: Newport Bay Lease Extension

STAFF RECOMMENDATION: Defer to Board

PROPOSAL SUMMARY: Extend the available lease terms for public trust lands at the Newport Bay from fifty years to sixty-six years, as authorized in the Tideland Grant Authority.

PROBLEM: Current law provides that the County may lease tidelands and submerged lands bordering upon and under Newport Bay for a period not exceeding fifty years for purposes consistent with the trust upon which said lands are held by the State of California. This timeline is too short when considering multiple use, phased projects with significant infrastructure work. It is generally the case that the initial planning and infrastructure construction period takes several years before the developer can begin subleasing spaces to the end-users. An extension of the leasing period will allow additional planning, construction and investment recovery time, while making it easier to secure financing for particularly expensive projects. Finally, an extended lease period will allow the County more flexibility when creating land lease agreements.

BACKGROUND: For over one hundred years, the Legislature has granted public trust lands to local governments so that the lands can be managed locally for the benefit of the people of California. There are currently over seventy trustees in the state, including but not limited to the Ports of Los Angeles, San Diego, and Eureka. The State Lands Commission retains oversight authority to ensure these local trustees are complying with the public trust doctrine and the applicable granting statutes, while the lands are managed locally. Current statute limits lease terms to fifty years. In 2017, County-sponsored SB 367 (Bates) was signed into law the bill extended the leasing period for the tidelands and submerged lands in Dana Point Harbor to sixty-six years.

LEGISLATIVE PLATFORM POLICY REFERENCE: Per the Legislative Guidelines, departments will adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship. Below are the relevant policy statements from the 2023-2024 Legislative Platform that relate to this proposal.

- *Local Control:* Oppose legislation that does not recognize California's diversity and the need for local government autonomy in addressing problems and providing services for our residents and support measures that promote flexibility and local control over County operations and programs.