

# FOCUS

Analysis, Commentary and Updates on Legislative and Policy Issues that Affect California Cities

June 2, 2006  
Issue #22-2006

## 77 - 0 - 3: ASSEMBLY PASSES SPEAKER'S TELECOMMUNICATIONS BILL (AB 2987)

77 - 0 - 3. That is the vote count from the Assembly floor Wednesday evening on the Speaker's bill, AB 2987. **AYES – 77; NOES – 0; and, NOT VOTING – 3.** This bill enacts a statewide franchising process for industries providing video and broadband Internet services to California residents. Assemblymembers **Nation, Niello and Oropeza** chose not to vote on the bill. All other assembly members voted "YES!" *For more, see Page 5.*

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## BUDGET UPDATE: PROP 42 REPAYMENT STILL ON THE TABLE

The League is urging cities to call or fax a letter to the members of the Budget Conference Committee to urge their support of the \$920 million early payback of Proposition 42 funds for local streets and roads. (\$245 million would go to cities and counties.) A sample letter is available on the League's website at [www.cacities.org/infrastructure2006](http://www.cacities.org/infrastructure2006). *For more, see Page 3.*

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## SB 1800 (DUCHENY): AMENDMENTS TO STATE HOUSING PROPOSAL MERIT CITY REVIEW

Cities are encouraged to have their planners and city attorney review SB 1800 (Ducheny) and the recent amendments added to the bill on May 23. While Proposition 1A may have protected local revenues, local land use authority remains vulnerable to continuous legislative attack and erosion. *For more, see Page 4.*

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**WANT MORE DETAILS ON BILLS?**

Visit the League of California Cities website at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).

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LEGISLATIVE BILL SUMMARIES

## LEAGUE URGES CITIES TO OPPOSE H.R. 5252 UNLESS AMENDED

### *RIGHTS-OF-WAY AND BUILD-OUT ISSUES OF KEY CONCERN*

The House is expected to vote next week on H.R. 5252, the Community, Opportunity, Promotion and Enhancement Act (COPE Act). The bill aims to reform federal telecommunications law and increase competition in the broadband and video service markets, but local concerns regarding what actual effect the proposed legislation will have on residents in our communities remains unknown.

On Wednesday, May 30, Congresswoman Diane Watson (D-Calif.) wrote a "dear colleague" letter (available for download at [www.cacities.org/telecom](http://www.cacities.org/telecom)) expressing her concerns about keeping the control of the local rights-of way local. The League commends her for her leadership on the issue and believes that we need more representatives to understand the effects that this legislation will have on their local communities.

The League is asking for amendments that address the following two issues:

#### **Rights-of-Way**

While local governments would retain authority to regulate the use of public rights-of-way, enforcement authority would rest with the Federal Communications Commission (FCC) 3,000 miles away in Washington, D.C. The bill is also silent on the appropriate forum to resolve rights-of-way disputes, leaving that authority again to the FCC – an agency that most people have no idea even how to contact!

- The ability to manage our rights-of-way and related infrastructure is meaningless without the ability to enforce actual activities occurring in our local streets and related areas.
- When did it become appropriate for the FCC to take charge of our local roads?
- Does the FCC have nationwide knowledge of city streets, sidewalks, local safety and traffic patterns/congestion?
- How will the FCC be able to handle all of

these local concerns in a timely fashion?

- What does a city do when, without the city's knowledge, a service provider cuts into a local street, bursts a water main and disrupts traffic? How long does the city wait for the FCC to get back to them on how to resolve this immediate safety issue?
- Residents are not going to wait for a response from the FCC. They are going to call their elected officials, members of Congress and demand answers. Are we forced to tell them "sorry there is nothing we can do, Congress gave away our authority to control our streets to the FCC?"

#### **Build-Out**

H.R. 5252 allows service providers to self-select their service areas and contains **NO** build-out requirement (not even goals!) to ensure that local communities are served.

- Telecommunications providers contend they have "every incentive" to expand their coverage and therefore, should not have any build out requirements or even any build-out goals. If they truly have the incentive, build out goals should be a non-issue.
- Somehow the cable industry figured out how to meet existing build out requirements and as a result many of our communities and residents are served. How is it that cable can do it and telecommunications providers can't or shouldn't?
- Clearly the federal government believes build out requirements are fair and reasonable as they require them when they give out spectrum.

#### **What Cities Can Do**

The League is asking cities to call or write their congressional representatives to oppose the

*Continued on Page 4*

PROP 42 from page 1 .....

**Background.** As reported in *Priority Focus* last week, differing actions by the Senate and Assembly budget subcommittees mean that the joint legislative Budget Conference Committee will make the ultimate decision regarding Proposition 42 repayment funds and allocation of those funds in the FY 2006-07 budget.

The committee's deliberations are based around two differing proposals:

- **The Senate Budget Subcommittee #4** approved repayment at the level of \$460 million (half of the Governor's proposal), with the requested repayment allocation proportionally reduced (approximately \$205 million to the Traffic Congestion Relief Fund, \$127.5 million to local streets and roads and \$127.5 million to the State-wide Transportation Improvement Project [STIP]).
- **The Assembly Budget Subcommittee #5** recommended repayment of the \$920 million in the Governor's proposal, but shifted the allocations. The repayment would be allocated as follows: \$308 million to the Traffic Congestion Relief Program (TCRP); \$245 million to the STIP; \$245 million to local streets and roads; and \$122 million to the Public Transit Account.

**The League supports the Assembly proposal to provide repayment of local street and road money consistent with the Governor's proposal.**

**Call to Action!**

The Budget Conference Committee is currently meeting to consider both the Senate and Assembly recommendations for early repayment of Proposition 42 funds. **Contact the members of the Budget Conference Committee by phone or fax and urge their support of the \$920 million early payback for local streets and roads** (\$245 million would go to cities and counties.)

The Budget Conference Committee members are:

Sen. Wesley Chesbro, Chair: (916) 651-4002, Fax: (916) 323-6958

Sen. Dennis Hollingsworth: (916) 651-4036,  
Fax: (916) 447-9008  
 Sen. Denise Moreno Ducheny: (916) 651-4040, Fax: (916) 327-3522  
 Assemblymember John Laird: (916) 319-2027, Fax: (916) 319-2127  
 Assemblymember Rick Keene: (916) 319-2003, Fax: (916) 319-2103  
 Assemblymember Judy Chu: (916) 319-2049,  
Fax: (916) 319-2149

**Talking Points**

Below are some talking points to use when speaking with members of the Conference Committee:

- Cities and counties received \$254 million for fiscal year 2005-06 with the full funding of Prop. 42. However, we are not slated to receive any monies in FY 2006-07 and 2007-08, even if Proposition 42 is fully funded. The early repayment of \$920 million as proposed by the Governor and the Assembly will provide the only money for local streets and roads for critical preservation and storm damage projects.
- Cities can put this money to use immediately. It will enable us to continue repairing city streets that are in disrepair, especially in light of damage caused by recent storms.
- While SCA 7, if passed, will provide repayment of borrowed Prop. 42 funds over 10 years, it would be of greater benefit to make those repayments now so that the money can be put to use immediately. We pay now, or we pay much more later to fix our streets and roads.
- Repayment of \$920 million now will reduce the state's budget deficit and cut down interest paid on continued debt.
- Even if the infrastructure bond package passes in November, it is unclear when money will actually start flowing. Providing payback of Prop. 42 funds now will ensure that cities have at least some funding for the local road system.

SB 1800 from page 1 .....

Passage of SB 1800 would double the land supply, which must be made available through the controversial regional housing needs assessment process (RHNA), and imposes many other restrictive requirements on local governments related to planning and development approvals. The bill is currently in the Senate Transportation and Housing Committee.

Local governments and environmental groups remain opposed to SB 1800. The author and the bill's homebuilder sponsors continue to pursue rule waivers that would allow SB 1800 to be heard. In addition, there is always the possibility of the contents being dumped into another vehicle (bill) later in the legislative session.

Among its many changes of concern, SB 1800 would:

- Expand the land supply for housing through the RHNA process from a current five-year allocation to a 10-year allocation, with additional comprehensive planning required for a 20-year period.
- Increase the scope review of local elements by the State Department of Housing and Community Development to include infrastructure planning, design guidelines, property development standards, and the goals and objectives of other elements of the general plan.
- Require site-by-site reviews and extensive planning and engineering to ensure each residential parcel can be developed to permit the maximum density allowed by the density range.
- Require a market analysis of each site to ensure that "market factors" will result in development. (Many infill locations may not meet these requirements as well as traditional greenfield developments.)
- Prohibit denial of a housing development unless a stiff finding can be made accompanied by a four-fifths vote.
- Authorize fines of up to \$10,000 per day and the appointments of "special masters"

in communities that are unable to comply with various requirements.

- Make numerous other changes which diminish local land use authority.

Please have your city planner and attorney review this legislation. Letters of opposition continue to be encouraged. An expanded legal analysis of the legislation prepared by the League can be found by looking up SB 1800 using the League's bill search utility at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).

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H.R. 5252 from page 2

legislation unless it is amended to reflect our concerns with rights-of-way and build out before the bill goes to the floor for a vote.

Specifically, cities should ask their representative to:

- **Support amendments that maintain local government's ability to enforce and resolve disputes over their streets and rights-of-way.**
- **Support amendments that provide for reasonable build out provisions.**
- **Oppose the bill if amendments are not added that would address these issues.**

**FIND A BILL, LEGISLATORS, LEG COMMITTEE - OR ASK LEG STAFF**

Visit (and bookmark!) the League's Legislative Resources page ([www.cacities.org/legresources](http://www.cacities.org/legresources)). You'll find a roster and contact information for the League's legislative staff; the online Bill Search program, background materials on lobbying your legislators, and more.

AB 2987 from page 1 .....

**Energy Deregulation Déjà vu!** As the vote was taken on the night of May 31, it brought back memories from 10 years ago when **electric deregulation** legislation was passed under very similar circumstances. A small number of legislators, blessed by legislative leadership, convinced virtually every member of the Legislature that electric deregulation was the "right way to go."

In that debate, the people of California were promised **competition and lower prices**. Today, AT&T and Verizon are promising **competition and lower prices** for video services if AB 2987 is passed. We all know what happened in 1996. Is the Legislature forgetting the lesson it learned on the electric deregulation debacle?

This is not the kind of bill that deserves 77 "YES" votes on the floor of the Assembly, much less the majority needed for passage! While many members have expressed concerns with the bill, there was a rush to approve the Speaker-blessed and -carried legislation.

**SCHEDULE.** So what's next? The bill will be heard in the Senate Energy, Utilities and Communications Committee. That committee is chaired by Senator Martha Escutia. Members of the committee also include Senators Alarcon, Battin, Bowen, Cox (Vice-chair), Dunn, Dutton, Kehoe, Murray and Simitian. While no date for a hearing has been announced, it is likely that it will be heard toward the end of June (possibly June 20). **This means that we have to take full advantage of this time and make contacts with senators immediately.**

**ACTION!! We CAN Do It!** California cities have already proven that when we act together, we can change events in the State Capitol. Even with the Assembly's top-heavy vote – we CAN turn this around. If you agree with this assessment of the legislation, you need to take action on the following items: (For sample letters and other materials, visit [www.cacities.org/ab2987](http://www.cacities.org/ab2987).)

- **Call Your Assemblymember.** Please call your Assemblymember and express how disappointed you are with his or her vote. Remember, the bill will have to come back to the Assembly for concurrence in any Senate amendments and there will likely be many Senate amendments. **Be sure to thank Nation, Niello and Oropeza for withholding their votes, if these are your representatives!**
  - **Call Your Senator.** Immediately call your Senator and tell him or her that it's time to save your city from the Assembly! Please carefully outline the impacts on your community and encourage the Senator not to commit another **electric deregulation debacle.**
  - **Call Local Press.** Give your local newspaper, television or radio station a call and point out the detrimental impact this bill will have on your community. Remind them that competition is good **as long as it is fair.**
  - **Call Local Community Groups.** The League is working to build a coalition of groups at the statewide level that can work together with us to oppose AB 2987. You can help, by talking to local community groups that have an interest in this issue and pointing out the problems with the bill. Encourage them to join the "No on AB 2987" coalition.
- Groups can include those interested in digital divide issues and preventing discrimination against lower income areas of a community. Groups can also include those with an interest in the public, educational and governmental channels, and consumer protection.
- **Check Out the League's New AB 2987 Webpage ([www.cacities.org/ab2987](http://www.cacities.org/ab2987)).** You'll find a form to download and use to

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## WHAT WILL AB 2987 MEAN FOR YOUR CITY?

The May 26 amendments to AB 2987 only address marginal concerns the League has identified with the bill. The bill does little or nothing to address the core issues for cities. **This is what the bill in its current form will do to your city:**

- **Discriminatory.** The bill permits video service providers to pick and choose the areas in a community that they will serve while ignoring other neighborhoods. Cities support competition services in telecommunications, but it has to be **FAIR TO ALL CALIFORNIANS!** Under current law, city officials decide the deployment of video services and have a record with the cable industry to prove that all areas of a community have been served. Under this law, will AT&T and Verizon be put in charge of protecting the underserved?

- **PEG Channels.** Public access to broadcasting is not protected. The bill fails to adequately protect the community's public, education and governmental (PEG) channels. These are important assets in a community that permit the televising of community events, governmental deliberations and educational opportunities. The current language permits new video service providers to ignore this commitment to the community.

- **New State Bureaucracy Pre-empts Local Franchises.** The bill establishes a new state bureaucracy that will grow to regulate what are essentially local decisions about the deployment of new telecommunications services. In short, the state is taking over local streets when it comes to industries providing video services. Have a problem on a local street? Go to Sacramento and ask the state to correct it!

- **State Takes Over Local Rights-of-Way.** This bill fails to adequately protect the taxpayers' investment in public rights-of-way. New market entrants, primarily telephone companies, want to access local streets under rules they have written.

- **Revenue Loss.** The local government revenues from franchise fees are in jeopardy in the current language in the bill. Serious legal flaws remain. In its current form, the bill **is a tax** under the constitution of the state. The language needs to be amended to ensure that the traditional local franchise fee for local government is maintained and not taken over and pre-empted by the state tax currently in the bill. **Also**, the bill narrows the definition of "gross revenues" that is the basis for calculating local government revenues, likely resulting in a revenue loss.

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### AB 2987 from page 5

sign up to join the "No on AB 2987" coalition, fact sheets, a statement of coalition principles and other resources.

At the end of the day, we all want to achieve expanded consumer choice and help lower costs—not the illusion of reform or, worse still, more expensive services and less choice. Let's take the time to do this right!

(See also, "What Will AB 2987 Mean for Your City?")

### Stay Up-To-Date on Bills That May Impact Your City

[www.cacities.org/billsearch](http://www.cacities.org/billsearch)

Become a regular user of the League's online Legislative Tracking System. The League's website is your gateway to all the information you need: bills sorted by subject areas, showing the bill history, current status, committee analyses, votes, and much more. You can even view League letters of support or opposition, and access the League lobbyist working on the bill.

## WESTERN CITY MAGAZINE RECOGNIZED FOR EXCELLENCE IN COMMUNICATIONS

*Western City*, the League's monthly magazine, recently won several awards. The magazine was recognized by the International Association of Business Communicators (IABC) Sacramento Chapter, winning a Crystal Award for the *Western City* Media Kit in the "Media Kit" category, and an Award of Merit in the "Three-Color or More Magazine" category.

In addition, the California Association of Public Information Officers (CAPIO) awarded its highest honor, the Award of Excellence, in its "Writing" category to *Western City* for the article, "How the

Telecommunications Revolution Will Affect Your City." The magazine also received an Award of Merit from CAPIO for overall writing and design in the "Special Publication" category.

*Western City* is an entirely self-supporting project that is provided to League members as a free membership benefit. It reaches more than 30,000 elected city officials and key staff. Subscriptions are also available. To subscribe, visit [www.westerncity.com](http://www.westerncity.com) or call (916) 658-8223. For advertising information, call (800) 262-1801 or visit [www.westerncity.com](http://www.westerncity.com).

## Legislative Bill Action

The following are summaries of just a few of the legislative bills that are currently being acted upon by the League of California Cities. For more information about these and other bills, please visit the League website to access information about legislation, policy issues and related developments. You can track information on bills ([www.cacities.org/billsearch](http://www.cacities.org/billsearch)), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center ([www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter)), research League policy positions, access useful related links, and much more.

### ENVIRONMENTAL

**AB 1899 (Wolk). Show Me the Flood Protection.** The Assembly's major flood protection bill, AB 1899, narrowly passed the Assembly this week. It applies to areas within the Sacramento and San Joaquin Rivers watershed.

Known as the "show me the flood protection" bill, AB 1899 would establish a process to ensure that new housing development that is not infill would have verified 100-year flood protection before being approved, and have a plan in place to achieve 200-year protection within ten years. In the interim, developers would be required to provide home buyers notice that their home is at risk of flooding and to provide flood insurance until the 200-year standard is reached.

The author has accepted numerous amendments requested by the League and has committed to working with interested stakeholders in the

Senate. While the League has no position on the bill at this time, we have informed the author that the basic issue that likely will determine the League's position will be the 200-year protection standard.

The League has invited representatives from cities impacted by this legislation to a meeting next week to discuss the bill and to make a recommendation on what position the League should take. Representatives from the author's office will attend the meeting. Interested cities are encouraged to review the newly amended version of the bill and send their comments to the League and the author.

**Staff:** Yvonne Hunter; **Status:** Passed Assembly; Pending in Senate; **Position:** Pending.

**AB 3050 (Jones). Flood Control. Liability.** AB 3050 was not taken up by the author again this week and thus the bill – but not the issue – is dead.

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# Legislative Bill Action

AB 3050 would make cities and counties share in the state's liability for damages due to flooding for areas that were once either open space or agricultural land, but were rezoned for residential development.

As a result of a court case (the 2003 *Paterno v. State of California* decision, which held the state responsible for paying nearly \$500 million in damages for flooding caused by a breach in a levee for which the state had responsibility), the state is attempting to find ways to share its liability. It is under the misguided perception that cities and counties that approve housing development in ways that are consistent with existing state and federal law should somehow also liable be for damages, even if the city or county does not own, operate or have any other responsibility for the levee.

Interestingly, AB 3050 was amended this week to add the following statement: "Nothing in this subdivision shall be construed to prevent a local public entity from approving new housing developments in a previously undeveloped area." "Nothing," perhaps, except the threat of a lawsuit and financial exposure. Remember, while the bill may be dead, the issue of requiring cities and counties to share in the liability is very much alive.

**Staff:** Yvonne Hunter; **Status:** Failed in Assembly; **Position:** Oppose.

AB 2951 (Goldberg). **Municipal Utilities. Capital Facilities Fees.** AB 2951 passed the Assembly this week. It would clarify existing law regarding capital facilities fees for municipal water, electric and waste water utilities and whether such fees apply to other public agencies. AB 2951 is drafted to protect all rate payers and would prevent cost-shifting in monthly rates from public agencies to residential and commercial customers. AB 2951 is the third attempt by Assemblymember Goldberg to address this topic.

The League appreciates her willingness to tackle this complicated subject and her leadership. Cities with any type of municipal utility should be sure to send letters of support to the author, their Senator and to the Senate Local Government

Committee. Detailed information AB 2951 is available on the League's website.

**Staff:** Yvonne Hunter; **Status:** Pending in SenLGov; **Position:** Support.

## ADMINISTRATIVE SERVICES

SB 1179 (Morrow). **Skateboarding. City Liability.** SB 1179 passed the Senate unanimously this week with no opposition. As amended, it would change the age threshold from age 14 to age 12 that provides limited immunity to public agencies for injuries to skateboarders performing a trick, stunt or luge in a skatepark.

It would also extend the sunset date for this limited liability by four years – from 2008 to 2012. Since the Consumer Attorneys of California (the Trial Lawyers) have removed their opposition and are now neutral, it appears that SB 1179 will move along smoothly. Cities with skateparks should send letters of support to the author, their assembly members and members of the Assembly Judiciary Committee.

**Staff:** Yvonne Hunter; **Status:** Pending in AsmJud; **Position:** Support.

### WANT TO SEND A LETTER IN SUPPORT OF A LEAGUE POSITION? HERE'S WHO TO CALL:

**ASSEMBLY JUDICIARY—(9)—**Jones (Chair), Harman (Vice Chair), Evans, Haynes, Laird, Leslie, Levine, Lieber, and Montañez. Chief Counsel: Drew Liebert. Counsel: Kevin Baker, Leora Gershenson, Manuel Valencia, Tom Clark. Secretaries: Cindy Fischer, Saba Hashmat. 1020 N Street, Room 104. Phone: (916) 319-2334.

**SENATE LOCAL GOVERNMENT—(5)—**Kehoe (Chair), Cox (Vice-Chair), Ackerman, Machado, and Torlakson. Consultants: Peter Detwiler and Brian Weinberger. Assistant: Elvia Diaz. Phone: (916) 651-4115. Room: 410.

# FOCUS

Analysis, Commentary and Updates on Legislative and Policy Issues that Affect California Cities

June 9, 2006  
Issue #23-2006

## HOUSE REJECTS CITIES' AMENDMENTS, PASSES FEDERAL TELECOM REFORM (H.R. 5252)

On the evening of Thursday, June 8, the House passed H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006 (COPE Act) by a vote of 321-101, with 11 members abstaining from the vote, including California Congresswoman Mary Bono. The COPE Act would replace the local franchising process with a national franchise scheme for broadband and video service providers. *For more, see Page 9.*



### TELECOM UPDATE

League efforts on telecommunications reform legislation continued this week at both the federal and state levels. *For more, see Page 7.*



### FLOOD BILLS INUNDATE LEGISLATURE

As legislative bills move from their house of origin to the second house, the myriad of flood bills working their way through the Legislature are receiving more intense scrutiny and refinement. The realization has hit that some type of coordination among and between the bills will be necessary to avoid passing conflicting policy or similar language in multiple bills that is cancelled out. *For more, see Page 5.*

#### WANT MORE DETAILS ON BILLS?

Visit the League of  
California Cities  
website at  
[www.cacities.org/  
billsearch](http://www.cacities.org/billsearch).

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## AB 2987 (NÚÑEZ/LEVINE): WHY THIS BILL NEEDS WORK

AB 2987 (Núñez/Levine) would create a new statewide franchise for cable and video service providers, issued by the California Department of Consumer Affairs. The bill's supporters claim that AB 2987 will guarantee "speed to market" for telephone companies that want to offer video services that compete with cable companies. They argue that increased competition will offer consumers lower rates and better service.

The League of California Cities supports competition and a streamlined approach to franchising. But we are greatly concerned over a number of problems in AB 2987 that the authors have yet to address.

The following summary identifies issues, and possible amendments to address these concerns:

### Discrimination/Build-Out/Redlining

**Problem:** Access to telephone service is available to all Californians, regardless of income levels and regardless of whether they live in urban or rural areas, not due to market forces but because it was required by the state. Cable service is available throughout most cities not because of market forces but because it was required as part of the local franchising process.

AB 2987 prohibits discrimination on the basis of income, but only contains vague legislative intent language concerning build-out. It pre-empts local build-out requirements and is silent on statewide build-out issues. AT&T has a business build-out strategy that depends upon cherry-picking.

**Solution:** Amend the bill to require that state franchises must provide the same landline-based broadband service throughout each local jurisdiction within a specified number of years of providing the service to the first customer within that jurisdiction. Provide that state franchisees must offer the same landline-based broadband service throughout their telephone service territory within the state within a specified number of years. Deployment throughout the state must occur

according to a phasing plan whereby phases alternate between higher-income areas and lower-income areas and between urban and rural areas.

### Customer Service

**Problem:** Local agencies typically adopt and enforce consumer protection/customer service standards. The Federal Communications Commission (FCC) has also established model customer service standards that are not mandatory but which many local agencies adopt or supplement. Local agencies use a variety of enforcement tools ranging from informal intervention when customers have problems to imposition of liquidated damages or civil penalties to franchise termination.

AB 2987 pre-empts local customer service standards, preserving only the more limited state standards. As amended, the bill requires local agencies to enforce the standards and authorizes the imposition of liquidated damages, but pre-empts franchise termination as a remedy. In other words, the bill gives local agencies the responsibility for ensuring consumer protection with little real authority.

**Solution.** Leave in place local agency authority to adopt customer service standards; at a minimum, adopt the FCC standards as state standards. Leave in place local authority to enforce those standards, including franchise termination in extreme cases.

### Rights-of-Way Management

**Problem:** AB 2987 contains confusing and conflicting language about who controls the public rights-of-way. Proposed section 53058.7 provides that a state franchisee can install a network within public rights-of-way under the same terms and conditions applicable to telephone corporations. This is completely inconsistent with the remainder of the bill, as it means that video providers can provide services pursuant to Public Utilities Code section 7901 without obtaining a franchise, paying franchise fees, etc.

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### BUDGET UPDATE: PROP 42 REPAYMENT STILL UNKNOWN

The Budget Conference Committee continued to meet this week to work on a compromise between the Governor's proposal, and Assembly and Senate recommendations on state budget expenditures. Most outstanding budget items have been agreed upon, but the fate of Proposition 42 repayments is still undecided.

The League has heard several ideas circulating about the Proposition 42 repayments, including:

- It will be part of negotiations between the "Big 5" as a closer for the entire budget package. (The Big 5 includes the Governor, Senate President pro Tem Don Perata, Senate Minority Leader Dick Ackerman, Assembly Speaker Fabian Nunez, and Assembly Minority Leader Kevin McCarthy)
- The transportation portion of the budget will be one package that includes Prop. 42 repayment and spillover revenue payments, instead of two separate items. For more information on spillover revenue, see "What Are the Spillover Funds?" located at [www.cacities.org/revandtax](http://www.cacities.org/revandtax).
- \$460 million of the Governor's proposed \$920 million payback is being considered to fund urban parks. The Senate recommendation was to fund the payback at \$460 million (half of the Governor's proposal) and put \$460 million back in to the General Fund.

With a budget deadline of June 15 fast approaching, Legislative staff members have expressed extreme optimism that a state budget will be passed on-time, or close to on-time, so we anticipate action on the Proposition 42 repayment budget item soon.

The League appreciates all correspondence cities have made urging the early repayment of \$920 million of borrowed Proposition 42 funds, including \$245 million for local streets and roads.

### AB 2987 from page 2.....

Additionally, the bill defines "right of way" as "the area along and upon any public road or highway, or along or across any of the waters or lands within the state." Therefore a holder of a state franchise could theoretically place facilities on any land within the state, public or private.

With AT&T planning to install large utility boxes in order to deliver its "Project Lightspeed" service, neighborhoods could be significantly impacted by a loss of control over the rights-of-way.

**Solution:** Amend the bill to provide that nothing in the bill affects the authority of local agencies to regulate the time/place/manner of the use of the public rights-of-way provided it is done in a manner consistent with the bill. Develop a better definition of rights-of-way.

### PEG Funding – Amount and Use

**Problem:** AB 2987 currently includes a blank for the percentage of gross revenues that the state franchised provider would pay to support public, education and government channels ("PEG") – but an earlier version gave the provider the choice of paying either 1 percent of gross revenues or, at the provider's option, a pro rata share of the unpaid cash obligations of the incumbent to fund both PEG channels and an Institutional Network (i.e. telecommunications lines connecting schools, libraries and other public buildings).

One percent is woefully inadequate to even fund PEG, let alone an I-Net, and is far less than what many existing local franchises require. Further, the option to pay a pro rata share of unpaid cash obligations of the incumbent will often be little or nothing, either because the incumbent paid a large share of the funding up front or because the incumbent provides in-kind services and equipment rather than funding.

In addition, the bill limits use of the funds to capital expenses, whereas many local franchises

*Continued on Page 4*

AB 2987 from page 3 .....

allow the funds to be used for operational expenses. (Federal law limits use of these funds to capital expenses unless the franchise agreement allows use for operational expenses.)

**Solution:** Amend AB 2987 to provide that operators shall pay a specified amount of gross revenues for PEG only (not I-Net, which should be funded separately). Provide that these funds may be used for either capital or operational expenses.

**Franchise Fees**

**Problem:** There are two problems. One is that AB 2987 currently imposes a state franchise fee that is remitted to the local agency. The reason that a franchise fee generally is not considered a tax is that it is essentially rent for use of property.

However, the state does not own local streets, so it cannot impose the fee without it arguably becoming a tax. Also, there is no purpose served by having the fee imposed by the state and remitted to the local agency rather than it simply being imposed directly by the local agency. The state-imposition approach will likely lead to litigation.

The other issue is that while AB 2987 provides that local agencies will receive 5 percent of gross revenues, it includes exclusions to the definition of gross revenues that will result in a loss of revenues to those local agencies.

**Solution:** Authorize local agencies to impose a franchise fee not to exceed 5 percent of gross revenues, provided that the fee is the same for all equivalent providers. Provide that revenues from bundled services shall be allocated between each type of service in proportion to the price of each service if provided separately.

**Service to Schools, Libraries and Other Public Buildings**

**Problem:** Many local franchises require operators to provide free video and data services to public schools, libraries and other public build-

ings. These requirements ensure that our kids have the full range of educational tools, that people without access to broadband can get it at libraries, and that government agencies can better serve the public. The bill would preempt these requirements.

**Solution:** Require operators to provide free service to all public schools, libraries and other public buildings.

**Institutional Networks**

**Problem:** Many local franchises require the cable operator to provide an "Institutional Network" (i.e. telecommunications lines connecting schools and/or other government buildings). Institutional Networks provide a tremendous benefit to local government by providing high capacity voice/video/data networks that they could never afford on their own, while costing the operator relatively little due to the fact that the incremental cost of building additional capacity is relatively low.

The initial version of AB 2987 only provided for funding of 1 percent of gross revenues to be used for both PEG and Institutional Networks. As discussed above, 1 percent is insufficient, and is less than many agencies currently receive, for PEG alone.

Further, even if the funding were sufficient, AB 2987 doesn't require operators to provide an Institutional Network even if paid for by the local agency. The bill would effectively terminate existing Institutional Networks and prevent the deployment of new Institutional Networks.

**Solution:** Amend the bill to require operators to provide an Institutional Network, with the number of network connections or sites based on the population of the local agency. Alternatively, require existing Institutional Networks provided by incumbents to continue, but require new entrants to pay a proportionate share of the cost to the incumbent.

FLOOD BILLS from page 1 .....

Amended versions of several major bills have now been published and can be reviewed by city officials. Hearings on these bills are scheduled for the next two or three weeks, prior to the anticipated legislative summer recess.

The following is a recap of the main flood bills and the issues being discussed:

**AB 1899 (Wolk). Show Me the Flood Protection.**

AB 1899 is limited to the Sacramento and San Joaquin Rivers watershed. It would require any new development in a greenfield area (i.e., not infill) that will flood to a depth of three feet or more to have firm, 100-year flood protection before the development is approved.

The measure would require a plan to be implemented that would provide 200-year protection for that development in 10 years. In the interim, the developer would be required to provide notice to buyers that the area is at risk for flooding and to provide flood insurance for the property until it reaches 200-year protection, but for no more than 10 years.

The League has no position on AB 1899 at this time. Assemblymember Wolk's office has accepted a number of amendments requested by the League. City officials from the League's flood working group, as well as from impacted cities, will meet in the League office to evaluate the bill and develop a recommendation on what position the League should take that will be considered by League policy committees and the board of directors.

Interesting, earlier this week, representatives from the League, the California State Association of Counties (CSAC), Regional Council of Rural Counties (RCRC) and the American Planning Association, California Chapter (APA) met with representatives of the Department of Water Resources (DWR) to be briefed on a proposal

DWR is developing that could be considered as an alternative to the process contained in AB 1899.

The dialogue at that meeting was productive, although at this time, no formal proposal is available. The League will continue to be very much engaged in the discussions surrounding AB 1899 and other proposals.

AB 1899 will be heard in the Senate Local Government Committee on June 21 and if passed, will then be heard in the Senate Judiciary Committee hearing on June 27.

**AB 802 (Wolk). Flood Protection. General Plans.**

The new amendments of AB 802 reflect many months of collaborative work between Assemblymember Wolk's office and the League, CSAC, RCRC and APA. As amended, AB 802 would require cities and counties to amend their general plans to include more robust policies on flood protection and mitigation.

For example, the measure takes several options from the General Plan Guidelines that address flood issues in the safety element which are currently optional and makes them mandatory. These items were selected because they are considered to be the type of basic topics that safety elements should address.

The bill also includes a provision to require that when a city or county receives its Regional Housing Needs Assessment (RHNA) number from the Council of Governments or the California Department of Housing and Community Development (HCD), that the factors used to determine the RHNA number include consideration of flood risk on land available for housing and/or the cost of housing. Discussions are still ongoing to craft language to authorize fees to be charged to cover the mandated costs to local agencies to comply with the bill.

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FLOOD BILLS from page 5.....

The League anticipates ultimately supporting AB 802. We thank the author and her staff for their willingness to work through the issues with local governments. AB 802 will be heard in the Senate Local Government Committee on June 21.

**AB 1665 (Laird). Flood Control.**

Last year, AB 1665 was the lead flood bill moving through the Legislature, focusing on notification of flood risk, analysis of levee integrity and other moderate steps improve flood prevention in California. Notwithstanding the effects from Hurricane Katrina, however, the bill stalled, in spite of weeks of intense negotiations among many stakeholders.

This week, AB 1665 was substantially amended to address a variety of new issues, many of which are designed to enable the Department of Water Resources to better plan for and respond to flood risks. It applies only to areas within the geographical jurisdiction of the State Reclamation Board – the watershed of the Sacramento and San Joaquin Rivers.

While most of the provisions deal with administrative or procedural issues, several may be of interest to local governments that are behind levees, regardless of whether or not the levees are owned or operated by another local agency. Cities are encouraged to review those sections and send their comments to Assemblymember Laird and the League.

Of significant interest to cities is a provision that is designed to provide liability relief to the state for flooding from failures in state project levees. Since the state paid out nearly \$500 billion in damages due to the *Paterno* decision (*Paterno v. State of California*, [2003]), it has searched for ways to share that liability with cities and counties, even if the cities and counties have no control over the ownership and operation of a levee.

Section 12657 of AB 1665 (pages 19-20, especially lines 7 to 17 on page 20) would require that before the state will contribute any funds to upgrade a levee beyond its original design flows, cities and counties that “lie in whole or in part within the benefited area of that provide” must have executed an agreement with DWR whereby “those cities and counties agree to be subject to joint liability and contribution when any action related to the project is brought against the state.”

The liability sharing requirement does not apply to “projects where repairs are being made to restore previous levels of flood protection associated with specific design flows.” The League views this provision as counterproductive to improving flood protection. Why would a local government help fund a levee upgrade beyond its original design specifications – or even beyond the minimum state or federal requirements – if by doing so the city would share in the state’s liability?

This is a disincentive to local governments to improve flood protection and could be viewed as an incentive to deny new housing developments in areas where increased flood protection is needed. It could also be viewed as a disincentive to improve levee protection in existing urbanized areas where aging levees need upgrading. The League has shared these views with DWR representatives.

The League is studying AB 1665, but unless the liability provision is deleted the League will oppose the bill. Impacted cities should review AB 1665 and send their comments to Assemblymember Laird and the League office. AB 1665 will be heard in the Senate Natural Resources and Water Committee on June 20.

**SB 1796 (Florez). Reclamation Board.**

SB 1796 proposes to restructure the State Reclamation Board and to direct the board to review development projects and land use plans to ensure flood protection. While the League does not have a position on the Reclamation Board composition portion of the bill, we had expressed concern

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FLOOD BILLS from page 6 ..... TELECOM from page 1.....

about the ambiguities in the bill regarding the Reclamation Board's land use authority.

At the bill's hearing in the Senate Natural Resources and Water Committee several months ago, the Sen. Florez committed to work with interested parties, including the League, to clarify any ambiguity to make sure that the Reclamation Board does not step into land use authority. An agreement has been reached on language necessary to address the League's concerns, and we anticipate amendments will be in print shortly. SB 1796 has passed the Senate and is pending in the Assembly.

**Liability Still a Concern for Local Government**

Although AB 3050 (Jones), which would have required cities and counties to share in the state's liability for flood damages, failed in the Assembly, the issue is far from dead. Besides being included in AB 1665, we anticipate that this issue will appear in several other bills.

The League's position is that we oppose efforts to shift all or part of the state's flood liability on to cities and counties simply because they approve development in areas behind levees. In addition, the League believes that if the local government approves the development consistent with existing state or federal law related to development in floodplains or behind levees, then cities and counties should not be liable.

**FIND A BILL, LEGISLATORS, LEG COMMITTEE - OR ASK LEG STAFF**  
Visit (and bookmark!) the League's Legislative Resources page ([www.cacities.org/legresources](http://www.cacities.org/legresources)). You'll find a roster and contact information for the League's legislative staff; the online Bill Search program, background materials on lobbying your legislators, and more.

In Congress, the House of Representatives took up and passed H.R. 5252, the "Communications Opportunity, Promotion and Enhancement Act of 2006" ("COPE"), on a vote of 321-101. (See "House Rejects Cities' Amendments, Passes Federal Telecom Reform H.R. 5252", p. 1.)

**AB 2987 Lobbying Continues**

In California, League lobbying staff joined with the California State Association of Counties (CSAC), and other groups in a meeting to discuss amendments to AB 2987 (Núñez/Levine) with key legislative policy staff.

This bill has now advanced to the Senate, and is likely to be heard in the Senate Committee on Energy, Utilities and Communications (Sen. E, U & C) on June 20. Sen. Marítha Escutia (D-Whittier) chairs the committee. Other committee members are: Sen. Richard Alarcon (D-Sun Valley), Sen. Jim Battin (R-La Quinta), Sen. Debra Bowen (D-Marina del Rey), Sen. Dave Cox, vice chair (R-Fair Oaks), Sen. Joseph Dunn (D-Santa Ana), Sen. Bob Dutton (R-Rancho Cucamonga), Sen. Christine Kehoe (D-San Diego), Sen. Kevin Murray (D-Los Angeles), and Sen. Joe Simitian (D-Palo Alto).

We understand that there is a possibility that following its hearing in Sen. E, U & C, the bill could be referred to the Senate Local Government Committee, chaired by Sen. Kehoe. This is not a certainty; Sen. Kehoe is also a member of the Sen. E, U & C Committee, and could satisfy her questions and concerns during that committee's hearing of the bill.

**Redlining Remains a Key Concern**

The League is continuing to work on several fronts to educate legislators about the need to amend AB 2987 to address the very serious issues that the bill presents for communities: redlining of services; lack of customer service

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protections; loss of control over local rights-of-way; loss of funding for public, education and government stations ("PEG") and I-NET systems (Internet systems for schools, libraries and other government organizations); reduced franchise fees and other concerns.

Sen. Escutia has long expressed a deep concern about protecting communities from economic redlining – something that the League and other organizations are deeply concerned would in fact occur with AB 2987.

### Legislative and Grassroots Lobbying Intensifies

The League is intensifying its grassroots lobbying and media outreach efforts on this bill. City managers are being urged to get involved with this issue, and encourage their council members to do so as well. The League's regional staff is reaching out to identify local groups with whom city officials can work in coalition to send the message to legislators that AB 2987 is a badly flawed bill.

And these efforts are paying off. Increasing numbers of organizations and individuals are visiting the "No on AB 2987" page on the League website ([www.cacities.org/ab2987](http://www.cacities.org/ab2987)) to get information about the bill, and to download the coalition sign-up form. The names on the growing list of coalition members will be updated weekly.

At the statewide level, the League is working to build a coalition with other statewide and regional organizations around our shared concerns with the bill. The League is reaching out to media around the state to brief them on cities' issues and concerns with the bill. These affiliations will become increasingly helpful as the League works for amendments to a bill intended to foster competition and choice for consumers, but which carries many unintended consequences for cities.

### Electric Energy Deregulation Déjà Vu!

City officials should continue to remind their legislators of what happened with electric energy deregulation. It provides a useful example of what can happen when a complicated bill is passed without sufficient scrutiny. Remember that legislation – like AB 2987 – was sold to legislators with arguments that it would foster competition, and that competition would produce lower rates for consumers and greater consumer choice of services.

As we all now know, electric energy deregulation was a disaster for California. It did not reduce rates; it did not create greater consumer choice. And it left the state vulnerable to rip-offs from energy producers and suppliers that had only their profits in mind.

### What You Can Do

Visit the League's website ([www.cacities.org/ab2987](http://www.cacities.org/ab2987)) to download a sample letter to send to Sen. Martha Escutia, talking points, fact sheets and other materials you can use in talking to legislators about this bill. The materials are also helpful to help recruit organizations and individuals who will be directly impacted by this poorly drafted measure. Be sure to join the coalition the League is building on this bill; there's a form on the website you can download and fax to the League.

For more information on this and other League issues, visit [www.cacities.org](http://www.cacities.org).

H.R. 5252 from page 1 .....

Under the bill, local governments would lose the authority to enforce local laws pertaining to the use of local rights-of-way, with enforcement resting with the Federal Communications Commission (FCC) — 3,000 miles away from California in Washington, D.C. The bill is also silent on the appropriate forum to resolve rights-of-way disputes, leaving that authority to the FCC.

The COPE Act is silent on the issue of build-out. In addition, while the measure includes an anti-discrimination-related provision, the provision is nullified by other language in the bill that would allow new providers to self-select their service areas. As such, a new broadband video service provider — through a national franchise — could pick and choose which neighborhoods they wish to serve while bypassing all others completely.

The League has worked closely with the National League of Cities (NLC), California State Association of Counties (CSAC) and the California Congressional delegation to amend the bill to address California cities' concerns with the public rights-of-way enforcement and build-out provisions of the bill since House Energy and Commerce Committee Chairman Joe Barton (R-Texas) introduced the legislation in March.

Over the last several weeks, California cities have made significant inroads with the delegation. The League has worked closely with Congresswomen Hilda Solis and Diane Watson to construct an amendment on build-out, and with Congressman Gary Miller and Congresswoman Susan Davis to develop a bipartisan amendment that would address cities' concerns with the public rights-of-way enforcement issues created by the bill.

We owe a special thanks to Congresswomen Solis and Watson who came to the floor several times on Thursday night to speak out on these important issues. Congresswoman Solis also proposed to send the bill back to the Energy and Commerce Committee to be amended. This proposal garnered a vote of 165-256 (30 of California's current 52 members voted to send the

bill back). Solis' and Watson's full statements are available at [www.cacities.org/telecom](http://www.cacities.org/telecom).

Unfortunately, the House Rules Committee voted to oppose floor consideration of both the Miller-Davis and Solis-Watson amendments, leaving no way to improve the bill before it reached the House floor.

### Cities' Outreach Made A Difference

Thanks are also in order to all of the California cities who sent letters and made calls to their members urging them to amend or oppose the legislation. These efforts ultimately helped to convince the majority of the delegation to vote against the measure.

The League and CSAC also distributed a letter to the delegation urging opposition to the measure on the afternoon of the Floor vote. A copy of that letter is available on the League website at [www.cacities.org/telecom](http://www.cacities.org/telecom). A final tally of the California Congressional delegation's vote on the bill (28 of our 52 Members voted "NO" - over half of California's Congressional delegation) can be viewed at "How Did Your Representative Vote on H.R. 5252?"

### What's Next?

The focus of the federal debate on telecommunications law reform now moves to the Senate, where the Senate Commerce, Science and Transportation Committee is scheduled to hold a June 13 hearing on a revised version of Chairman Ted Stevens (R-Alaska) draft legislation—the Communications, Consumer's Choice, and Broadband Deployment Act of 2006 (S. 2686).

The revised proposal has not yet been released, but is expected to offer greater support for the concerns of California cities than the original version released by the chairman's office last month.

At the May 18 opening hearing on the draft bill, Chairman Stevens pledged to work with the Committee's Ranking Member Daniel Inouye (D-Hawaii) to address the issues raised by the National

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**HOW DID YOUR REPRESENTATIVES VOTE ON H.R. 5252?**

**Final California Congressional Delegation Vote Results for Passage of H.R. 5252, the Communications, Opportunity, Promotion and Enhancement Act Of 2006. (The League was urging a "Nay" vote.)**

**YEAS (23)**

Baca  
Calvert  
Campbell  
Cardoza  
Costa  
Doolittle  
Dreier  
Gallegly  
Harman  
Herger  
Hunter  
Issa  
Lewis  
Lungren  
McKeon  
Miller, Gary  
Nunes  
Pombo  
Radanovich  
Rohrabacher  
Royce  
Sanchez, Loretta  
Thomas

**NOT VOTING (1)**

Bono

**NAYS (28)**

Becerra  
Berman  
Capps  
Davis  
Eshoo  
Farr  
Filner  
Honda  
Lantos  
Lee  
Lofgren  
Matsui  
Millender McDonald  
Miller, George  
Napolitano  
Pelosi  
Roybal-Allard  
Sanchez, Linda  
Schiff  
Sherman  
Solis  
Stark  
Tauscher  
Thompson  
Waters  
Watson  
Waxman  
Woolsey

**H.R. 5252 from page 9** .....

League of Cities (NLC), National Association of Counties (NAC), the U.S. Conference of Mayors (USCM), the Government Finance Officers Association (GFOA) and the National Association of Telecommunications Officers and Advisors (NATOA). California Senator Barbara Boxer was particularly vocal at the hearing about the effect that the draft measure would have on local governments at the

hearing, raising many of the League's major concerns with the bill, including rights-of-way, build-out and anti-redlining. (For the full article on the hearing, please read the May 19 edition of *Priority Focus*, located at [www.cacities.org/priorityfocus2006](http://www.cacities.org/priorityfocus2006).)

Following the hearing, the committee intends to hold a markup of the legislation on June 20.

# Legislative Bill Action

The following are summaries of just a few of the legislative bills that are currently being acted upon by the League of California Cities. For more information about these and other bills, please visit the League website to access information about legislation, policy issues and related developments. You can track information on bills ([www.cacities.org/billsearch](http://www.cacities.org/billsearch)), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center ([www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter)), research League policy positions, access useful related links, and much more.

## PUBLIC SAFETY

**AB 1688 (Niello). Illegal Dumping Enforcement Officers.** AB 1688 will grant illegal dumping enforcement officers powers of arrest to enforce illegal dumping laws. This will allow these enforcement officers to conduct complete investigations without further burdening limited police resources for basic investigative procedures.

Properly empowered civil enforcement officers are important to California's effort to fight the epidemic of illegal dumping. Illegal dumping poses a public safety, health, and environmental hazard on communities, which costs taxpayers and governments money in clean up and mitigation expenditures.

AB 1688 represents a means to effectively utilize current resources without increasing costs or draining limited police resources to protect the environment and reduce the millions of taxpayer dollars spent each year to clean up illegal dumping. **Staff:** Liisa Lawson Stark; **Status:** SenPubSafe; 6/13, **Position:** Support.

**AB 2836 (Karnette). Fire Protection. Residential Care Facility for the Elderly.** AB 2836 will require a residential care facility for the elderly with four or more residents to install and maintain an operable automatic fire sprinkler system approved by the State Fire Marshal no later than January 1, 2014. If a facility is licensed on or after January 1, 2010, it is automatically required to install and maintain an automatic fire sprinkler system.

Automatic fire sprinklers will provide residents of care facilities the precious time needed to safely evacuate a building. In addition, fire sprinklers will eliminate hostile and dangerous fire conditions emergency service personnel face in fire and rescue operations. **Staff:** Liisa Lawson Stark; **Status:** SenHumanS, 6/13; **Position:** Support.

**SB 412 (Figueroa). Massage Therapy.** Just when it seemed like the supporters had thrown in the towel and were not going pursue SB 412, which would establish a statewide licensing scheme to regulate the practice of massage therapy, a newly amended version of the bill was in print this week.

Many who reviewed the previous version were significantly bent out of shape due to many of its provisions. These included provisions that preempted city and county regulatory authority over massage therapists. The newly amended version attempts to respond to many of the issues raised by the League, based upon comments by city attorneys and public safety representatives who have worked with the League on the bill.

As amended, SB 412 would establish experience and educational requirements for an individual to become certified as a massage therapist. Individuals with such certification would not be required to meet additional experience and education requirements in order to practice in any city or county.

# Legislative Bill Action

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Local governments would be restricted in the type of local regulatory authority they would have, except that cities and counties could adopt and enforce a local ordinance dealing with government zoning, business licensing and reasonable health and safety requirements for massage businesses that meet the requirements established by the bill and as long as the local requirements are no different from the fees or requirements applied to any person operating any other lawful professional or personal services business within the jurisdiction.

The amendments attempt to walk the fine line between reasonable restrictions on local governments regarding regulation of legitimate businesses (i.e., legitimate massage therapists) and the need to enforce against businesses that are fronts for illegal activities (i.e., prostitution).

Cities should review the June 5 version of **SB 412** and send their comments to the League. The League's Public Safety Policy Committee will review the measure at its June 23 meeting. **Staff:** Yvonne Hunter; **Status:** Pending in AsmAppr; **Position:** Pending.

## ENVIRONMENTAL

**SB 1778 (Alarcon). Solid Waste. Alternative Daily Cover.** Several cities have inquired about the status of **SB 1778**. Opposed by the League, **SB 1778** would have restricted the ability of cities and counties to receive AB 939 credit when green waste is used as alternative daily cover (ADC) on landfills. The bill has stalled on the Senate Appropriations Committee Suspense File and is dead for the year.

It appears that if the bill had moved out of the Appropriations Committee, it would not have restricted use of ADC, but instead would have required a study. **Staff:** Yvonne Hunter; **Status:** SenAppr Suspense File; **Position:** Oppose.

### WANT TO SEND A LETTER IN SUPPORT OF A LEAGUE POSITION? HERE'S WHO TO CALL:

**SENATE PUBLIC SAFETY—(6)—**Migden (Chair), Poochigian (Vice-Chair), Cedillo, Margett, Perata, and Romero. Chief Counsel: Alison Anderson. Counsels: Mary Kennedy, Jerome McGuire and Steven Meinrath. Assistants: Barbara Reynolds and Mona Cano. Phone: (916) 651-4118. Room: 2031.

**SENATE HUMAN SERVICES—(5)—**Alquist (Chair), Maldonado (Vice-Chair), Aanestad, Chesbro and Romero. Consultants: Jack Hailey and Sue North. Assistant: Joy Taylor. Phone: (916) 651-4112. Room: 2195.

**SENATE APPROPRIATIONS—(13)—**Murray (Chair), Aanestad (Vice-Chair), Alarcon, Alquist, Ashburn, Battin, Dutton, Escutia, Florez, Ortiz, Poochigian, Romero and Torlakson. Staff Director: Bob Franzoia. Consultants: Miriam Barcellona Ingenito, John Decker, Nora Lynn, Mark McKenzie, John Miller and Maureen Ortiz. Assistant: Sally Ann Romo and Krimilda Hodson. Phone: (916) 651-4101. Room: 2206.

**ASSEMBLY APPROPRIATIONS— (18)—**Chu (Chair), Runner (Vice-Chair), Bass, Berg, Calderon, De La Torre, Emmerson, Haynes, Karnette, Klehs, Leno, Nakanishi, Nation, Oropeza, Ridley-Thomas, Saldaña, Walters, and Yee. Chief Consultant: Geoff Long. Principal Consultants: Julie Salley-Gray, Steve Archibald, Scott Bain, Chuck Nicol, Kimberly Rodriguez, Stephen Shea. Secretary: Laura Lynn Gondek. Phone: (916) 319-2081. Room: 2114.