

Fresno Council of Governments Monthly State Legislative Report

4/5/2018

III A.

AB 87

(Ting D) Autonomous vehicles.

Current Text: Amended: 1/3/2018 [html](#) [pdf](#)

Introduced: 1/5/2017

Last Amend: 1/3/2018

Status: 1/29/2018-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/29/2018-S. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Motor Vehicles to include in regulations it adopts relating to application requirements for the testing of autonomous vehicles on public roads without the presence of a driver inside the vehicle, a requirement that the manufacturer certify that the local authorities within the jurisdiction where the autonomous vehicle will be tested have been provided with a written notification, as specified, and a requirement that the manufacturer provide certain law enforcement agencies with a copy of a law enforcement interaction plan.

Position

AB 558

(Quirk-Silva D) Alternative fuel vehicles: flexible fuel vehicles.

Current Text: Amended: 3/8/2018 [html](#) [pdf](#)

Introduced: 2/14/2017

Last Amend: 3/8/2018

Status: 3/8/2018-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.

Location: 3/8/2018-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law creates the Joint Legislative Committee on Climate Change Policies and requires the committee to ascertain facts and make recommendations to the Legislature and to committees of the Legislature concerning the state's programs, policies, and investments related to climate change, as specified. This bill would provide that the joint committee may recommend that the State Air Resources Board provide education and support to local governments regarding specific components of local government climate action plans, such as ensuring the use of E85 in flexible fuel vehicles, expanding infrastructure for zero-emission vehicles, and enabling active transportation.

Position

AB 1395

(Chu D) State highways: Department of Transportation: litter cleanup and abatement: report.

Current Text: Amended: 1/22/2018 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amend: 1/22/2018

Status: 1/29/2018-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/29/2018-S. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Transportation, within its maintenance programs relating to litter cleanup and abatement, to assign the highest priority to litter deposited along state highway segments that carry the highest traffic volumes and the segments found by the department to have the highest incidences of litter and to reallocate existing litter cleanup resources as necessary in order to implement this priority. The bill would also require the department, on or before January 1, 2020, to conduct an assessment of the problem of litter on state highways and to make a specified report to the Legislature on its findings.

Position

AB 1756

(Brough R) Transportation funding.

Current Text: Introduced: 1/4/2018 [html](#) [pdf](#)

Introduced: 1/4/2018

Status: 1/16/2018-Referred to Com. on TRANS.

Location: 1/16/2018-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would repeal the Road Repair and Accountability Act of 2017. This bill contains other related provisions.

Position

[AB 1759](#) (McCarty D) General plans: housing element: production report: withholding of transportation funds.

Current Text: Introduced: 1/4/2018 [html](#) [pdf](#)

Introduced: 1/4/2018

Status: 2/12/2018-Referred to Coms. on TRANS. and H. & C.D.

Location: 2/12/2018-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Housing and Community Development, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions as specified to determine whether that city or county has met the applicable minimum production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.

Position

[AB 1905](#) (Grayson D) Environmental quality: judicial review: transportation projects.

Current Text: Amended: 3/12/2018 [html](#) [pdf](#)

Introduced: 1/22/2018

Last Amend: 3/12/2018

Status: 3/13/2018-Re-referred to Com. on NAT. RES.

Location: 2/5/2018-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, in an action or proceeding seeking judicial review under the California Environmental Quality Act, prohibit a court from staying or enjoining a transportation project that would reduce total vehicle miles traveled, that is included in a sustainable communities strategy, and for which an environmental impact report has been certified, unless the court makes specified findings.

Position

[AB 2418](#) (Mullin D) Transportation: emerging transportation technologies: California Smart Cities Challenge Grant Program.

Current Text: Amended: 3/15/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Last Amend: 3/15/2018

Status: 3/19/2018-Re-referred to Com. on TRANS.

Location: 3/15/2018-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the California Smart City Challenge Grant Program to enable municipalities to compete for grant funding for emerging transportation technologies to serve their transportation system needs, and would specify certain program goals. The bill would require the California Transportation Commission to form the California Smart City Challenge Workgroup to provide the commission with guidance on program matters, as specified. The bill would authorize the commission, in consultation with the workgroup, to develop guidelines for the program, which would not be subject to the Administrative Procedure Act, and to revise them as necessary.

Position

[AB 2734](#) (Frazier D) California Transportation Commission.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 4/3/2018-From committee: Do pass and re-refer to Com. on A. & A.R. with recommendation: To Consent Calendar. (Ayes 14. Noes 0.) (April 2). Re-referred to Com. on A. & A.R.

Location: 4/3/2018-A. A. & A.R.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

Position

[AB 2856](#) (Melendez R) California Environmental Quality Act: housing development projects.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Coms. on NAT. RES. and H. & C.D.

Location: 3/8/2018-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would, except as provided, prohibit the court, in an action or proceeding brought alleging a violation of CEQA, from staying or enjoining the siting, construction, or operation of housing development projects, as defined.

Position

[AB 2919](#) (Frazier D) Transportation: permits.

Current Text: Amended: 3/19/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Last Amend: 3/19/2018

Status: 3/20/2018-Re-referred to Com. on TRANS.

Location: 3/19/2018-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Fish and Wildlife, the State Water Resources Control Board, and the California Coastal Commission, upon receipt of a completed request from the Department of Transportation for a permit for a project, to complete its review of the request no later than two years after receipt. If a resource agency does not complete the review of the request for a permit within this timeframe, the bill would provide that the permit is deemed approved for purposes of the project.

Position

[AB 3106](#) (Nazarian D) Autonomous vehicles.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Location: 2/16/2018-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes regulations for the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if the manufacturer meets prescribed requirements. This bill would make technical, nonsubstantive changes to those provisions.

Position

[AB 3132](#) (Chau D) Autonomous vehicles.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Location: 2/16/2018-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law authorizes an autonomous vehicle to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if specified requirements are met, including that the autonomous vehicle is being operated on roads in the state solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology. Current law defines "autonomous technology" and "autonomous vehicle" for those purposes. This bill would make technical, nonsubstantive changes to those provisions

Position

SB 100 (De León D) California Renewables Portfolio Standard Program: emissions of greenhouse gases.

Current Text: Amended: 9/11/2017 [html](#) [pdf](#)

Introduced: 1/11/2017

Last Amend: 9/11/2017

Status: 9/11/2017-September 11 hearing postponed by committee. From committee with author's amendments. Read second time and amended. Re-referred to Com. on U. & E.

Location: 9/8/2017-A. U. & E.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Legislature has found and declared that its intent in implementing the California Renewables Portfolio Standard Program requires the PUC is to attain, among other targets for sale of eligible renewable resources, the target of 50% of total retail sales of electricity by December 31, 2030. This bill would revise the above-described legislative findings and declarations to state that the goal of the program is to achieve that 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030.

Position

SB 760 (Wiener D) Bikeways: design guides.

Current Text: Amended: 1/23/2018 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amend: 1/23/2018

Status: 1/30/2018-In Assembly. Read first time. Held at Desk.

Location: 1/29/2018-A. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would authorize a city, county, regional, or other local agency, when using the alternative minimum safety design criteria, to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials. The bill would authorize a state entity that is responsible for the planning and construction of roadways to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials.

Position

SB 827 (Wiener D) Planning and zoning: transit-rich housing bonus.

Current Text: Amended: 3/1/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Last Amend: 3/1/2018

Status: 3/1/2018-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.

Location: 1/16/2018-S. T. & H.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require a local government to, if requested, grant a development proponent of a transit-rich housing project a transit-rich housing bonus if that development meets specified planning standards, including complying with demolition permit requirements, local inclusionary housing ordinance requirements, preparing a relocation benefits and assistance plan, any locally adopted objective zoning standards, and any locally adopted minimum unit mix requirements. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a 1/2 mile radius of a major transit stop or a 1/4 mile radius of a stop on a high-quality transit corridor.

Position

[SB 828](#)

(Wiener D) Land use: housing element.

Current Text: Amended: 3/14/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Last Amend: 3/14/2018

Status: 3/21/2018-Re-referred to Com. on T. & H.

Location: 3/21/2018-S. T. & H.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to include a housing element and requires a planning agency to submit a draft of the housing element to the Department of Housing and Community Development for review, as specified. Current law requires the program to accommodate 100% of the need for housing for very low and low-income households, allocated, as specified. This bill would increase the percentage of the need for housing for very low and low-income households that the program is required to accommodate to 200%.

Position

[SB 829](#)

(Wiener D) Employee Housing Act: agricultural employee housing.

Current Text: Amended: 3/14/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Last Amend: 3/14/2018

Status: 3/21/2018-Re-referred to Coms. on T. & H. and JUD.

Location: 3/21/2018-S. T. & H.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require a credible housing organization to obtain a permit from an enforcement agency in order to operate or maintain agricultural employee housing by submitting an application to the applicable enforcement agency. The bill would require the enforcement agency to review any application so submitted, and to grant the application if it meets specified requirements, including that the organization has been certified by the Department of Housing and Community Development as a credible housing organization pursuant to a specified process, and that the housing complies with applicable building standards and related requirements.

Position

[SB 903](#)

(Cannella R) Transportation Development Act: County of Stanislaus.

Current Text: Introduced: 1/16/2018 [html](#) [pdf](#)

Introduced: 1/16/2018

Status: 4/4/2018-Read second time. Ordered to consent calendar.

Location: 4/4/2018-S. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize the Stanislaus Council of Governments, a transportation planning agency, to consider population density when determining if specified operators have met the requirements for claims for transit funds, and to reduce the applicable ratio of fare revenues to operating cost for specified operators by up to 5 percentage points from the ratio that was effective during the 2016-17 fiscal year if the population density of the County of Stanislaus is less than, or equal to, 1000 persons per square mile.

Position

[SB 1000](#)

(Lara D) Transportation electrification: electric vehicle charging infrastructure.

Current Text: Amended: 3/12/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Last Amend: 3/12/2018

Status: 4/3/2018-Set for hearing April 17.

Location: 3/21/2018-S. E. U., & C.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Energy Commission, in consultation with the State Air Resources Board (state board), to develop minimum labeling standards for publicly accessible electric vehicle charging stations, to develop a cost-per-vehicle-mile-driven price metric for charging stations, to be known as the e-gallon rating, to develop, and biennially reassess, minimum charging speed standards for direct current fast charging stations and for electric vehicle batteries, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use state moneys to more proportionately deploy new charging station infrastructure.

Position

[SB 1037](#) (Cannella R) State government finance: Road Maintenance and Rehabilitation Program.

Current Text: Introduced: 2/8/2018 [html](#) [pdf](#)

Introduced: 2/8/2018

Status: 2/22/2018-Referred to Com. on RLS.

Location: 2/8/2018-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Prior to receiving an apportionment of funds under the Road Maintenance and Rehabilitation Program from the Controller in a fiscal year, current law requires a city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Current law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of an initial or subsequent report, to apportion funds to cities and counties included in the report, as specified. This bill would make nonsubstantive changes to the provisions requiring the commission to submit the specified reports to the Controller.

Position

[SB 1328](#) (Beall D) Mileage-based road usage fee.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 4/3/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 3.) (April 3). Re-referred to Com. on APPR.

Location: 4/3/2018-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of the Transportation Agency. Under current law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax and to make recommendations to the Secretary of the Transportation Agency on the design of a pilot program, as specified. Current law repeals these provisions on January 1, 2019. This bill would extend the operation of these provisions until January 1, 2023.

Position

Total Measures: 21

Total Tracking Forms: 21

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Washington Friday Report

Volume XX, Issue 12

SIMON AND COMPANY
Intergovernmental Relations and Federal Affairs

Washington Friday Report

March 23, 2018

Inside this Issue...

- FY2018 Omnibus Bill
- Opioid Crisis
- Sanctuary Cities
- Autonomous Vehicle Fatality
- Positive Train Control
- Mayor Landrieu Confronts History
- Hearings on the Hill

A rather astonishing week – an omnibus appropriations bill with the best funding for urban programs since the Recovery Act back in 2009. There was on-again, off-again support from the President, but he just signed it into law moments ago. The omnibus is likely the last big bill of the year in this election season so we're glad it's a good one. It could be better – it lacks a DACA solution or any effort to stabilize health care markets – but hopefully there will be a chance to take those on soon. Here's the weekend wrap-up for your review!



TOP STORIES



FY2018 Omnibus Bill

Since we reported on the [FY2018 Omnibus Appropriations Act](#) yesterday morning, both the House and Senate passed the bill and the President, despite senior White House staff pronouncements of his support, issued a tweet threat to veto it just this morning. In his [tweet](#), the President said he considered vetoing the bill since it doesn't include a DACA fix and funding for a border wall. He has since signed the bill into law following an impromptu news conference just moments ago. In the news conference, he expressed his unhappiness about the bill and said, "nobody read it," Congress must "end the filibuster rule," and that they had no choice but to sign for the national security. Standing next to the tall stack of pages making up the bill, he said, *"I will never sign another bill like this again."*

We wanted to follow up on our [Special Report](#) yesterday that highlighted key provisions of the bill and once again provide links to detailed summaries of the various portions, as well as this [comprehensive summary](#). For information in specific sections, click on [Labor, HHS, Education](#); [Interior and Environment](#); [Agriculture, Rural Development, FDA](#); [Defense](#); [Energy and Water](#); [Financial Services](#); [Homeland Security](#); [Military Construction and Veterans Affairs](#); [Transportation, Housing and Urban Development](#); [State and Foreign Operations](#); and [Legislative Branch](#).

Opioid Crisis

The Administration announced its [initiative](#) to stop opioid abuse and reduce drug supply and demand this week. Many of the action items are supported in the omnibus bill – you can review this [one pager](#) on those components of the legislation. One part of the President’s initiative focuses on evidence-based treatment and recovery support services and cites leveraging *“Federal funding opportunities to State and local jurisdictions to incentivize and improve nationwide overdose tracking systems.”* You can read more [here](#). *We will keep you posted on any forthcoming grant opportunities.*

OTHER NEWS AND GRANTS



Sanctuary Cities

The President held a round table on so-called sanctuary cities this week. Attendees included but were not limited to: Sens. **Tom Cotton** (R-Ark.) and **Pat Toomey** (R-Pa.); Reps. **Mike McCaul** (R-Texas), **Martha McSally** (R-Ariz.) and **Mark**

Meadows (R-N.C.); and Sacramento Sheriff **Scott Jones**. You can read the President's remarks at the roundtable [here](#). This [fact sheet](#) provides more information on the Administration's position on this issue and future goals.

Autonomous Vehicle Fatality

As many of you may know, a woman was tragically killed by an autonomous vehicle in Arizona, adding tension to the ongoing debate over regulation of this emerging technology being tested in a number of cities across the country. In the aftermath, transportation stakeholders have renewed their call for safety as the top priority for those interested in deployment as soon as possible. The National Association of City Transportation Officials released a [statement](#) on the event and wrote, in part, *"We cannot afford for companies' race-to-market to become a race-to-the-bottom for safety."*



Recently, we sent many of you grant notices on the following: [IMLS Fiscal Year \(FY\) 2018 Activating Community Opportunities using Museums/Libraries as Assets Program](#) and the [HHS SAMHSA FY 2018 Youth and Family TREE Program](#).

Please contact Jen Covino with any questions about grants.

Positive Train Control

The Federal Railroad Administration (FRA) has released a status update on its efforts to assist railroads in implementing positive train control (PTC) systems. The omnibus included \$250 for PTC implementation – \$525 million more than the FY2017 enacted level. The FRA would like to ensure railroads acquire, install, test, and fully implement PTC systems by the end of this year. You can read

more [here](#). You can see FRA PTC infographics [here](#).



Mayor Landrieu Confronts History

We thought you might be interested in reading this Time magazine [article](#) by U.S. Conference of Mayors President **Mitch Landrieu** adapted from his new book, *"In the Shadow of Statues: A White Southerner Confronts History."* Catalyzed in part by his experience bringing down Confederate statues in New Orleans, Mayor Landrieu contemplates the history of race relations in America.

Hearings on the Hill

The House Energy and Commerce Committee held two hearings related to combatting the opioid epidemic this week. One [hearing](#) focused on the Drug Enforcement Administration's Role, the other [hearing](#) addressed prevention and public health solutions.

The House Judiciary Committee held a [hearing](#) on law enforcement information sharing, where the Deputy Director of the FBI testified. The Senate Judiciary Committee held a [hearing](#) on reauthorization of the Violence Against Women Act.

Finally, the Senate Energy and Natural Resources Committee held a [hearing](#) on water supply infrastructure. The Committee examined three water infrastructure and drought resilience bills.

If you have any questions about this edition of the *Washington Friday Report*, please feel

free to contact [Silvana Caldera](#) or [Len Simon](#).

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Washington Friday Report

Volume XX, Issue 13

SIMON AND COMPANY
Intergovernmental Relations and Federal Affairs

Washington Friday Report

March 30, 2018

Inside this Issue...

- The 2020 Census Gets Political
- VA Shakeup
- Sanctuary Cities: The West Palm Beach Story
- Gun Control and School Safety
- Amazon and Taxes
- Fair Housing Scale Back
- Law Enforcement
- Dockless Bikeshare

Greetings from the mid-point of the two-week congressional Easter recess. As they say, when the Congress is away the President will play and we saw him and his Administration quite active this week, from a misdirected order to ask citizenship information on the upcoming Census to the sacking of a good man and outstanding health professional as VA Secretary. Here's the wrap-up for your review - Happy Easter and Passover, everyone!



TOP STORIES

The 2020 Census Gets Political

Late Monday the Administration announced it has decided to add a question to the 2020 Census inquiring on citizenship status. The move garnered immediate backlash from lawmakers, advocacy organizations, state and local governments, and many others as well. Following instruction from the Department of Justice (DOJ), the U.S. Department of Commerce [justified](#) the action as a means of enforcing the Voting Rights Act. The [DOJ memorandum](#) making the request provides more detail on why the Administration believes this would provide more complete and accurate data.

Opponents argue the opposite: the citizenship question will discourage undocumented immigrants from participating and result in incorrect population data. This is further exacerbated by the current Administration immigration policy, which features frequent raids in many places across the nation. In addition, from the perspective of States and localities that have high immigrant populations, potentially underrepresenting populations leads to underfunding that is tied to likely lower counts in census tracts. There could also be ramifications for redistricting efforts for House seats and State legislatures. You may review this [U.S. Conference of Mayors letter](#) on the 2020 Census, which many of you signed, that rejects inclusion of the citizenship question.

Since the announcement on Monday, at least 12 States have filed suit against the Administration. New York is leading a multistate lawsuit that includes: Connecticut, Delaware, Illinois, Massachusetts, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, and Washington. California has filed its own suit. The lawsuits' main argument, which has been echoed by many members of Congress, is based on the Constitutional requirement that every resident of the United States be counted in a decennial census, whether or not they are citizens. *We will keep you posted as the lawsuits move through the courts and any other developments in connection with the 2020 census.*



VA Shakeup

The latest person to be ousted from this Administration is now former U.S. Department of Veterans Affairs (VA) Secretary **David Shulkin**. The first official announcement of his firing came over [twitter](#) with no explanation. However, Shulkin himself wrote a [New York Times op-ed](#) shortly after detailing why he thinks he was fired, which he believes has to do with his opposition to privatizing the Department. Adding more controversy to the decision, the President also announced he will nominate his White House physician, Dr. **Ronny Jackson**, to lead the VA. This reminds us of when President **George W. Bush** nominated White House Counsel **Harriet Miers** to the Supreme Court in 2005. When it became clear that her credentials fell short of general expectations for a Supreme Court Justice, her support in the Senate eroded quickly and the nomination was soon withdrawn. The President then nominated Judge **Samuel Alito** who was confirmed without difficulty. *We expect similar pushback in Congress regarding this nomination and will be sure to keep you informed.*

OTHER NEWS AND GRANTS

Sanctuary Cities: The West Palm Beach Story

We thought you might like this [story](#) from *The Washington Post* that details the settlement reached between the City of West Palm Beach and the Justice Department over their alleged violation of federal immigration laws relating to “sanctuary” cities. West Palm Beach was one of many of the cities that the DOJ

targeted regarding specific city laws that they deemed may violate 8 U.S. Code § 1373. You can read more [here](#).



Gun Control and School Safety

Following through on their decision to ban bump stocks, the Administration has issued a [proposed rule](#) redefining bump stocks as machine guns, which will essentially ban them. Should you be interested, comments on the rule are due June 27, 2018. For more information on the proposed rule, including how to comment, click [here](#).

On the topic of school safety, Education Secretary Betsy DeVos, at the President's direction, has created a **School Safety Commission** with the goal of eventually providing recommendations on how to keep schools safe. The Commission will be comprised of department heads whose agencies have jurisdiction over key school safety issues: Secretary **DeVos**, Attorney General **Jeff Sessions**, Secretary of Health and Human Services **Alex Azar** and Secretary of Homeland Security **Kirstjen Nielsen**. They held their first meeting this past week in D.C. – members of the public with recommendations on how to increase school safety can send them to safety@ed.gov. You can read more [here](#).

Amazon and Taxes

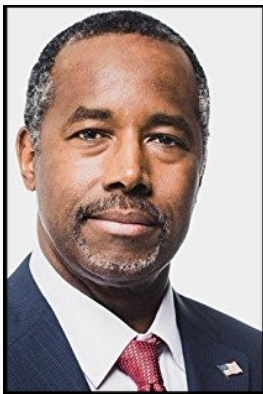
Another topic highlighted in the President's [twitter](#) feed this week is Amazon.com and sales taxes. While the company collects sales taxes in every

State that has one, that does not extend to dozens of U.S. cities with their own sales tax. This results in millions in uncollected revenue for localities. Local retailers and the Postal Service also face their own burdens from the online company. This [report](#) by the Institute on Taxation and Economic Policy and Economic Policy examines the impact of this reality.



Recently, we sent many of you grant notices on the following: the [BJA FY 2018 Local Law Enforcement Crime Gun Intelligence Center Integration Initiative](#); the [U.S. Bureau of Reclamation FY 2018 WaterSMART Water and Energy Efficiency Grants \(WEEG\) Program](#); the [EPA Region 4 Wetland Program Development Grants](#); and the [NEH Common Heritage Grant Program](#).

Please contact Jen Covino with any questions about grants.



Fair Housing Scale Back

We wanted to share this *New York Times* [article](#) that details the Administration's efforts to scale back the U.S. Department of Housing and Urban Development's fair housing requirements. According to this report, the Department ordered a hold on about a half-dozen fair housing investigations. The actions also coincide with the Department's recent rescission of "inclusive" and "free from discrimination" from the its mission statement.

Law Enforcement

We wanted to bring to your attention two Justice Department (DOJ) related

announcements. First, the DOJ is [soliciting nominations](#) for the Attorney General's **Award for Distinguished Service in Policing**. The the award recognizes individual, state, local, or tribal sworn, rank-and-file police officers and deputies for exceptional efforts in community policing. The application can be found [here](#).

The DOJ COPS Office also shared a study this week on law enforcement fatalities between 2010 and 2016. The [report](#) was developed by the National Law Enforcement Officers Memorial Fund Advisory Panel, which examined just over 1,000 line-of-duty deaths. You can read more [here](#). On a related note, Attorney General **Jeff Sessions** gave [remarks](#) to the National Organization of Black Law Enforcement Executives this week.

Dockless Bikeshare

Popping up in many of your cities, including here in D.C., the dockless bikeshare market has exploded this year. With this emerging market, new ways of getting around has thrilled some users, while the clutter caused in some places by the bikes has been met with concern and alarm. This *Wall Street Journal* [article](#) provides background on the new market.



We wish everyone a Happy Easter and Passover!



If you have any questions about this edition of the *Washington Friday Report*, please feel free to contact [Silvana Caldera](#) or [Len Simon](#).

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