

UPDATE: 4 a.m. Bar Closing Bill Moved To State Senate Appropriations Committee "Suspense File, Further Committee Vote Needed To Advance To Senate Floor

(April 16, 2018, 11:30 a.m.) -- [SB 905](#), a Sacramento bill that would let bars in six CA cities -- specifically including Long Beach -- serve alcohol until 4 a.m. if their city's City Council votes to approve the extended closing time -- moved onto the state Senate Appropriations Committee's "suspense file," meaning a further Committee vote will be needed to decide whether it advances to the full state Senate floor.

The action came into today's (April 16) meeting of state Senate Appropriations Committee, a non-policy committee that doesn't address bills on their substantive merits but rather on whether the legislation creates state budget impacts or constitutes a state-mandated local program.

The Committee voted (without objection) to place SB 905 on its "suspense file," a position that traditionally gives the Appropriations Committee chair (in this case, SB 905 co-author, Sen. Lara) considerable power in deciding whether to advance the bill further.

SB 905's author, Senator Scott Wiener (D, SF), is a member of the Senate Appropriations Committee and was present but "waived presentation" (said nothing) as Committee chair Lara, announced that the bill was a candidate for the suspense file.

Testimony in support came from representatives for City of West Hollywood and UniteHere!/Teamsters.

Testimony in opposition came from CAPA (CA Alcoholic Policy Alliance) and Alcohol Justice (via the latter's Public Affairs Dir. Michael Scippa.) Mr. Scippa cited costs to CHP (as the bill requires report on regional impacts, also cited costs to MedCAL plus transportation/ambulance costs (covered by state of CA). Mr. Scippa continued: "The CDC has estimated that California actually has \$35 billion in costs associated with alcohol related harm, \$14.5 billion per the government's cost. Each standard drink is estimated to cost California \$1.01. Any increase in bar or restaurant hours into the morning will mean an increase in drinking or no bar or restaurant will pay their employees to keep their venues open. With increased alcohol consumption there will be additional harms and costs. Please consider all of these costs when you make your determination as the bill moves out of suspense and vote "no" at that appropriate time."

The Governor's Office (Dept. of Finance) reported "no file" (taking no position on the bill's fiscal impacts.)

And without objection, the Committee place SB 905 on its "suspense file" for further action in the coming weeks.

SB 905 includes a provision that "No reimbursement [by state taxpayers to local cities] is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XI I B of the California Constitution." Senator Wiener also inserted verbiage in the bill reciting that it's the "intent" of the Legislature "to provide moneys to law enforcement in areas in which additional hours licenses are issued to contribute to reducing the costs of additional law

enforcement activities related to those licenses," a verbal formula with no specifics or legally enforceable guarantees.

As previously reported by LBREPORT.com, on March 13, the state Senate's Government Operations Committee voted 8-2 (with 2 not voting) to advance SB 905 the Appropriations Committee accompanied by this [Operations Committee legislative analysis.](#))

Among those voting "yes" in March was Senator Lara, who is a November 2018 candidate for Insurance Commissioner. (If Lara wins, it will create a LB-area state Senate seat vacancy that some speculate LB Mayor Robert Garcia (re-elected on April 10 and a Lara ally) or Councilman Al Austin (term limited in 2020) may run to fill.)

SB 905 is supported by the LB Area Chamber of Commerce, the Downtown LB Alliance, and Mayor Garcia, the latter urging LB's inclusion in the bill last year without approval by the policy setting City Council and without any public input. In late 2017, Mayor Garcia informed Senator Wiener that Long Beach would welcome inclusion in the bill (with San Francisco, Oakland, Sacramento, West Hollywood, Los Angeles) which would allow the cities' respective City Councils to allow a 4 a.m. closing times in their cities.

In a November 2017 release, Mayor Garcia stated: "This bill clearly would not work citywide for us, it does give the city and local law enforcement the flexibility to allow special events in the Downtown Entertainment District. This option has been supported by the Downtown Long Beach Business Alliance, which manages our business improvement district." [Comment: One may speculate about whether bars in Belmont Shore, Bixby Knolls, NLB and ELB's Airport area would press the Council to allow 4 a.m. closing times for their areas as well.]

Mayor Garcia could have sent the issue to the Council's "State Legislation Committee" (Austin, Mungo, Gonzalez) or to the full City Council, where public testimony pro and con would have resulted before a Council vote on whether to put the City of Long Beach on record as supporting or opposing the bill.

The issue of whether LB's now-safely re-elected Council incumbents (Gonzalez, Price, Richardson) support allowing 4 a.m. bar closings in downtown LB or for "special events" or elsewhere in LB else didn't come up (to our knowledge) in the April 2018 election cycle. In June runoffs, voters in Council districts 5 (Mungo vs. Dines) and 7 (Uranga vs. Milrad) will decide who'll be on the Council if SB 905 passes the state legislature and isn't vetoed by the Governor.

SB 905's supporters (full list below) include various "hospitality interests" and chambers of commerce; its opponents include anti-drunk-driving groups and drug and alcohol treatment advocacy groups. LBREPORT.com provides a list of supporters/opponents below.

Sen. Wiener calls his bill a "local control" measure that eliminates statewide "one size fits all" 2 a.m. closings statewide and enables "greater nightlife" in cities that want it. Last year, Senator Wiener authored SB 35 (which weakened local land use decisionmaking by "streamlining" local approval of certain developer-sought housing projects) and is now advancing SB 827 (that would override local zoning and require Sacramento-dictated "density bonuses" enabling multi-story buildings within Sacramento-decided distances of public transit/bus stops.) On March 13, 2018, the LB City Council voted to oppose SB 827 (after failing in 2017 to oppose SB 35.)

The state Senate Government Operations Committee legislative analysis listed supporters/opponents as follows:

SUPPORT :

213 Hospitality
California Hotel & Lodging Association

California Music & Culture Association
California Restaurant Association
California Small Business Association
California Teamsters Public Affairs Council
California Travel Association
Central City Association
City of Oakland
City of West Hollywood
Darrell Steinberg, Mayor of Sacramento
Greater Los Angeles Hospitality Association
Hotel Council of San Francisco
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Lyft
Mark E. Farrell, Mayor of San Francisco
Robert Garcia, Mayor of Long Beach
San Francisco Bar Owner Alliance
San Francisco Chamber of Commerce
San Francisco Travel Association
San Francisco Taxi Workers Alliance
State Coalition of Probation Organization
UBER
UNITE HERE, AFL-CIO
Valley Industry and Commerce Association
West Hollywood Chamber of Commerce

OPPOSITION:

Alcohol Justice
Alcohol Policy Panel of San Diego County
Alcohol & Drug Abuse Prevention Team
Asian American Drug Abuse Program, Inc.
Barbary Coast Neighborhood Association
California Alcohol Policy Alliance
California Council on Alcohol Problems
Cambodian Association of America
Center for Open Recovery
Coalition for Drug Free Escondido
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Community Action Service Advocacy
East Palo Alto Substance Abuse Prevention Coalition
FASD Network of Southern California
Golden Gateway Tenants Association
Health Officers Association of California
Los Angeles Drug & Alcohol Policy Alliance
Mountain Communities Coalition Against Substance Abuse
National Council on Alcoholism and Drug Dependence- Orange County
North Coastal Prevention Coalition
One East Palo Alto
Partnership for A Positive Pomona
Prevention Alcohol Related Trauma in Salinas
Pueblo Y Salud, Inc.
Reach Out Against Drugs
San Marcos Prevention Coalition
Sonoma County Board of Supervisors
South Orange County Coalition
Tarzana Treatment Center, Inc.
The Walls Las Memorias Project
United Coalition East Prevention Project
Wellness & Prevention Coalition
Westside Impact Project
West County Alcohol Marijuana and Prescription Drug Coalition
Several individuals