



# Agenda

# LEGISLATION COMMITTEE

June 20, 2011  
11:00 a.m.--Noon

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor John Gioia, District I, Vice Chair

## Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Public comment on any item under the jurisdiction of the Committee and not on this agenda.**  
*(Speakers may be limited to three minutes.)*
3. **Record of Action** – May 16, 2011
4. **State Budget Update** – Presenters: Lara DeLaney, Cathy Christian
5. **2011 State Legislative Items**– Presenters: Lara DeLaney, Cathy Christian
  - a) **AB 509** (Skinner): Federal Earned Income Tax Credit: Notification — *Staff recommends SUPPORT*
  - b) **SB 695** (Hancock): Medi-Cal: county juvenile detention facilities — *Staff recommends SUPPORT*
  - c) **AB 1220** (Alejo): Land Use and Planning: Cause of Actions: Time Limits — *Staff recommends OPPOSE*
  - d) **SB 776** (DeSaulnier): Local Workforce Investment Boards: Funding — *Staff recommends OPPOSE Unless Amended*
  - e) Any other legislation currently pending which may affect the County
6. **Federal Issues Update**– Presenter: Lara DeLaney
7. **Adjourn to the next regular meeting scheduled for Monday, July 18, 2011 at 11:00 a.m.**

☺ The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting. Access a telecommunications device for the deaf by calling 1-800-735-2929 and asking the relay service operator for (925) 335-1240.

📁 Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

✉ Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

## For Additional Information Contact:

Lara DeLaney, Committee Staff  
Phone (925) 335-1097 Fax (925) 335-1098  
[Lara.DeLaney@cao.cccounty.us](mailto:Lara.DeLaney@cao.cccounty.us)

## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

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## Schedule of Upcoming BOS Meetings

June 28, 2011

July 12, 2011

**Legislation Committee**  
**Supervisor Karen Mitchoff, Chair**  
**Supervisor John Gioia, Vice Chair**

**Record of Actions**

**May 16, 2011**

**Room 108, 651 Pine Street, Martinez**

**1. Introductions**

The meeting was called to order by Chair Mitchoff. Vice Chair Gioia was in attendance. Staff and the public introduced themselves. Cathy Christian, state advocate, was conferenced in by phone.

**2. Public Comment:** None.

**3. Review Record of Action:** Record for April 28, 2011 was accepted as submitted.

**4. State Budget Update :**

The County's state advocate, Cathy Christian, reported on the discussions surrounding the State budget adoption. The increased state revenue is adding pressure to not increase taxes. However, the Governor remains committed to his proposals to eliminate Redevelopment and implement Realignment.

**5. State Legislative Issues:**

- a) AB 506 (Wieckowski): Committee accepted recommendation to Oppose.
- b) AB 646 (Atkims): Committee accepted recommendation to Oppose.
- c) AB 392 (Alejo): Committee accepted recommendation to Watch.
- d) SB 223 (Steinberg): Committee accepted recommendation to Watch.
- e) AB 296 (Skinner): Committee accepted recommendation to Support.
- f) Other legislation: Committee received briefings on AB 902 (Alejo), SB 931 (Vargas), and AB 1178 (Ma).

The Legislation Committee recommended that the recommendations on bill positions (except for those that are being Watched) go to the Board of Supervisors at the next available agenda.

**6. Federal Issues Update:** Committee accepted the report.

**7. Adjourn:** Committee adjourned to the next regular meeting scheduled for June 20, 2011 at 11:00 in room 101.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO:           Legislation Committee  
                  *Supervisor Karen Mitchoff, Chair*  
                  *Supervisor John Gioia, Vice Chair*

FROM:        Lara DeLaney, Legislative Coordinator

DATE:         June 15, 2011

SUBJECT:     **Agenda Item #4: State Budget Update**

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**RECOMMENDATION**

ACCEPT report on the State Budget and related matters and provide direction, as necessary.

**REPORT**

The Senate and the Assembly are scheduled to adopt a majority vote budget today. Attached is the "Major Action Report" released by Senate Budget Committee that outlines the provisions of the budget. The trailer bills to enact these components came into print this morning.

Below are the highlights of the report:

**Adopt additional expenditure reductions:**

- Reduces K-14 Proposition 98 funding by approximately \$3 billion compared to the Governor's May version by continuing deferrals of \$3 billion. The final version also eliminates the additional \$744 million in settle up payments assumed in the June 8 Senate version.
- Assumes \$1 billion from savings in children's Medi-Cal services from reducing and redirecting \$1 billion in local Proposition 10 funding. This assumption returns to the proposal adopted in the March 2011 budget package and assumes the State prevails in the current litigation.
- Includes an additional \$150 million reduction to the University of California system that could be restored if additional General Fund revenues are received. This reduction is in addition to the \$500 million reduction included in the budget package passed in March. Also assumes a new cash solution by deferring the June payment to the UC system until after the end of the fiscal year in August 2012.

- Includes an additional \$150 million reduction to the California State University (CSU) system that could be restored if additional General Fund revenues are received.
- Includes an additional \$150 million reduction to the trial court system that could be restored if additional General Fund revenues are received.
- Adopts \$50 million in General Fund savings from dedicating surplus county office of education property tax balances that are currently restricted to other education programs, thereby reducing State General Fund costs.

**Adopt majority vote revenues:**

- Assumes \$1.2 billion from the assumption of a revised state building lease transaction.
- Ends the “revenue exchange period” that was enacted in 2004. This action increases local sales and use tax by ¼ percent, which results in a commensurate transfer of property tax from local government to schools in order to save approximately \$900 million General Fund.
- Increases vehicle registration fees by approximately \$12 to defray the costs associated with the Department of Motor Vehicles. This action frees up \$300 million in vehicle license fees to be dedicated to local governments that can be used as a down payment for the implementation of public safety realignment. Additional actions will need to be taken in the coming weeks to ensure that public safety realignment is funded appropriately; including addressing the \$504 million in funding historically dedicated to local public safety programs.
- Adopt a State Responsibility Area Fee to cover some costs of state fire suppression on privately-owned lands. Reduce General Fund support for Cal-Fire by \$150 million and replace with fee revenue. Also shift additional General Fund costs related to timber harvest plans to fees.

**Updated revenue assumptions:**

- Assumes current revenue trends continue and generate approximately \$815 million General Fund above the revenue estimates in the Governor’s May Revision. This is consistent with the most recent data on revenues collected by the State since the Governor’s May Revision was released.

**Other Solutions:**

- Assumes \$700 million in additional one-time federal funds to offset General Fund costs related to the Medi-Cal program.

## **CSAC OPPOSES BUDGET DEAL**

From the Executive Director's Watch report of June 15, 2011:

"CSAC has long supported a balanced approach to resolving the nagging structural deficit that has plagued this state for the past few years. The budget proposed by Governor Brown provided such an approach, along with important reforms, and CSAC is on record supporting that budget.

The budget plan being considered today, however, continues the time-honored (and widely criticized) tradition of gimmicks to resolve the remaining \$9.6 billion budget gap. It takes resources dedicated to First 5 for General Fund purposes, it proposes to eliminate redevelopment and then resuscitate it under a new fiscal scheme, it relies upon the sale and lease-back of state buildings, and the list goes on. By our rough estimate, about \$6 billion of budget solutions are at risk of legal challenges. In addition, the budget does not include funding for local public safety subventions and an unclear path toward funding and implementing AB 109. This is no budget solution – it kicks the can down the road. For this reason, CSAC has written a letter to the Legislative leaders **OPPOSING** the budget as proposed.

CSAC continues to support a comprehensive, rational, and balanced budget approach that will begin restoring California to the Great State we all know it can be. We urge the Legislature to work in a bipartisan manner to achieve a compromise budget plan with necessary reforms."

## **REALIGNMENT UPDATE**

As counties are by now well aware, the U.S. Supreme Court issued its opinion that affirmed the 2009 federal three-judge panel order on prison overcrowding. That order directs the State to reduce its prison population to 137.5 percent of its design capacity (or to roughly 110,000 inmates) by May 2013. The current population of the State's 33 prisons stands at approximately 143,500 inmates. On June 7, the State submitted a report to the three-judge panel outlining its work to date on reducing its prison population and its subsequent plans to meet the population targets set forth by the court. The State's first population target – to be met by November 28, 2011 – is to reduce its prison population to 133,000 inmates, or 167 percent of prison design capacity.

The State's June 7 filing with the court outlines the state's status on implementing numerous reforms enacted over the last two years that serve as the State's strategy to meet the population target to date. These strategies include but are not limited to:

- enhanced credit earning for inmates and parole violators;
- non-revocable parole, which reduces the number of parolees being returned to state prison;

- operating an incentive-based felony probation diversion program by which counties share in the state savings achieved when counties reduce the number of felony probationers sent to state prison;
- the establishment of drug and mental health reentry courts for parolees;
- and, lastly, increasing the dollar threshold for determining “wobbler” crimes that can be prosecuted as a felony or misdemeanor.

Further, the report highlights the work done to reduce the prison population through out-of-state placement of inmates and on construction of facilities through AB 900 (Chapter 7, Statutes of 2007). Moreover, during a press conference, Secretary of the California Department of Corrections and Rehabilitation (CDCR), Matt Cate, commented that the State will be going to the Legislature to seek its support in additional construction efforts in order for the State to meet its population targets.

Most notable to counties within the State’s report was the highlighting of enacted legislation that will allow the State to further reduce its population, as the above strategies alone will not put the state in compliance with the court’s order. Specifically, the report to the court identifies AB 109 (Chapter 15, Statutes of 2011) – the public safety realignment bill signed in April — as a key element in the State’s plan to comply with the population reduction order.

AB 109 creates the Post-Release Supervision Program (representing county-level supervision responsibilities for inmates leaving state prison); designates local responsibility for convicted non-violent, non-serious and non-sex offense offenders; and creates a local, court-centered parole revocation process. However, AB 109 does not become operative until an appropriation is made and a community corrections grant is created.

More information on the State’s report to the federal three-judge panel and the history of the Plata and Coleman cases can be found on CDCR’s website.

### **Realignment – AB 109 Allocations**

CSAC released the AB 109 Public Safety Allocations by county last week, and these will also be placed into a trailer bill for the budget package. The Year-One allocations by CSAC for the urban counties are listed below.

This formula is weighted based on three factors:

60% - Average Daily Population in county

30% - Adult Population in county

10% - SB 678 success in implementation

There are also minimums for the smaller counties in the formula. It is important to note that this is for one-year and the actual dollar amount listed could change depending on the source of funds.

<b>County</b>	<b>ESTIMATE 2011-12</b>	<b>2011-12% share</b>
Alameda	\$11,975,781	2.6023%
Contra Costa	\$5,939,790	1.2907%
Los Angeles	\$146,201,810	31.7692%
Orange	\$29,976,380	6.5138%
Riverside	\$27,373,609	5.9482%
Sacramento	\$17,067,926	3.7088%
San Bernardino	\$33,493,019	7.2779%
San Diego	\$32,609,840	7.0860%
San Francisco	\$6,559,134	1.4253%
San Mateo	\$5,485,005	1.1919%
Santa Clara	\$16,322,572	3.5468%
Ventura	\$7,399,530	1.6079%
<b>Total</b>	<b>\$340,404,396</b>	<b>73.9688%</b>



COMMITTEE ON BUDGET & FISCAL REVIEW  
Room 5019, State Capitol  
Sacramento, CA 95814

SENATOR MARK LENO, CHAIR

**MAJOR ACTION REPORT**

June 15, 2011

The purpose of this Major Action Report is to provide a review of the package of budget solutions proposed for adoption June 15, 2011 to balance the 2011-12 budget.

If you have additional questions, please contact the Committee at (916) 651-4103.

## 2011-12 Budget Package

### Legislature Moves Balanced Budget Forward

On May 16, the Governor released his May Revision for budget year 2011-12. The Governor indicates the remaining and adjusted General Fund (GF) deficit is \$10.8 billion for the two-year period ending June 30, 2012. This includes a \$1.2 billion reserve.

In January, the estimated GF shortfall was \$27.6 billion – including a \$1.0 billion reserve and including the cancelation of the sales-leaseback transaction. In March, the Legislature passed \$14 billion in solutions, primarily spending reductions.

The Senate adopted most of the Governor's May Revision framework that relied on approximately \$11 billion in additional revenues. However, after failing to gain the Republican votes needed to move forward the revenue portions of the Governor's framework, the Senate has identified alternative solutions to ensure a balanced budget.

The Senate adopted the vast majority of the Governor's proposed expenditure reductions. However, the joint legislative version of the budget does restore approximately \$200 million in child care cuts within Proposition 98 and approximately \$140 million in CalWORKs reductions that were made in the March package.

In addition to the reductions already adopted, the joint legislative version incorporates the following major changes to balance the budget for 2011-12 without two-thirds revenues. This includes \$10.4 billion in additional solutions, which will result in a slightly lower budgetary reserve of approximately \$575 million General Fund in the budget year. The major amendments to the Governor's proposal to replace revenues include the following.

#### **Adopt additional expenditure reductions:**

- Reduces K-14 Proposition 98 funding by approximately \$3 billion compared to the Governor's May version by continuing deferrals of \$3 billion. The final version also eliminates the additional \$744 million in settle up payments assumed in the June 8 Senate version.

- Assumes \$1 billion from savings in children's Medi-Cal services from reducing and redirecting \$1 billion in local Proposition 10 funding. This assumption returns to the proposal adopted in the March 2011 budget package and assumes the State prevails in the current litigation.
- Includes an additional \$150 million reduction to the University of California system that could be restored if additional General Fund revenues are received. This reduction is in addition to the \$500 million reduction included in the budget package passed in March. Also assumes a new cash solution by deferring the June payment to the UC system until after the end of the fiscal year in August 2012.
- Includes an additional \$150 million reduction to the California State University (CSU) system that could be restored if additional General Fund revenues are received.
- Includes an additional \$150 million reduction to the trial court system that could be restored if additional General Fund revenues are received.
- Adopts \$50 million in General Fund savings from dedicating surplus county office of education property tax balances that are currently restricted to other education programs, thereby reducing State General Fund costs.

**Adopt majority vote revenues:**

- Assumes \$1.2 billion from the assumption of a revised state building lease transaction.
- Ends the "revenue exchange period" that was enacted in 2004. This action increases local sales and use tax by ¼ percent, which results in a commensurate transfer of property tax from local government to schools in order to save approximately \$900 million General Fund.
- Increases vehicle registration fees by approximately \$12 to defray the costs associated with the Department of Motor Vehicles. This action frees up \$300 million in vehicle license fees to be dedicated to local governments that can be used as a down payment for the implementation of public safety realignment. Additional actions will need to be taken in the coming weeks to ensure that public safety realignment is funded appropriately; including addressing the \$504 million in funding historically dedicated to local public safety programs.

- Adopt a State Responsibility Area Fee to cover some costs of state fire suppression on privately-owned lands. Reduce General Fund support for Cal-Fire by \$150 million and replace with fee revenue. Also shift additional General Fund costs related to timber harvest plans to fees.

**Updated revenue assumptions:**

- Assumes current revenue trends continue and generate approximately \$815 million General Fund above the revenue estimates in the Governor's May Revision. This is consistent with the most recent data on revenues collected by the State since the Governor's May Revision was released.

**Other Solutions:**

- Assumes \$700 million in additional one-time federal funds to offset General Fund costs related to the Medi-Cal program.

## Major Expenditure Reductions

Overall, the Senate version of the budget prioritizes K-12 education. Significant reductions were made in the Health and Human Services areas, but in many cases, alternative cuts were found that mitigate the harshest of these reductions. Most areas of the budget saw significant expenditure reductions.

**K-12 Education.** The Senate version of the budget includes funding for Proposition 98 that is about the same level as the current fiscal year. This is approximately \$3 billion less than the level proposed in the Governor's 2011 May Revision. The lower spending on Proposition 98 is a result of not including the Governor's proposed two-thirds vote taxes in the final budget package. Overall Proposition 98 expenditure will be approximately \$49.7 billion in the budget year. Major proposals included in the Senate package include the following:

- **Deferrals:** Continues approximately \$3 billion in inter-year K-12 payment deferrals, consistent with the Governor's January proposal.
- **Student Mental Health Services:** Approves Governor's budget proposal to rebench the Proposition 98 guarantee by \$222 million to fund mental health related services for students with disabilities (previously provided by counties per the AB 3632 mandate). Also augmented 2010-11 funding by \$80 million to partially backfill for a funding shortfall created when Governor Schwarzenegger vetoed funding for the AB 3632 mandate.
- **Class Size Reduction:** Approved a one-year extension of the continuous appropriation for the class size reduction categorical program.
- **Categorical Flexibility:** Approved the Governor's proposal to extend various flexibility options to school districts for an additional two years.
- **Secretary of Education Elimination:** Approved the Governor's proposal to eliminate the Office of the Secretary of Education.

**Childcare.** Approved \$300 million in ongoing savings to childcare programs. This is approximately \$200 million less than was previously eliminated in March due to the following actions:

- **Standard Reimbursement Rate Reduction:** Restored 10 percent rate cut to the Title V contracts.
- **Contract Reduction:** Reduced contracts, or slots, including preschool, by 11 percent instead of 15 percent.
- **11 and 12-Year Olds:** Continued funding childcare services for 11 and 12-year olds.
- **Family Fees:** Rejected earlier proposal to increase sharply the family fees paid by low-income individuals for childcare services.

**Higher Education.** Adopted a \$650 million reduction to the University of California, a \$650 million reduction to the California State University, and a \$400 million reduction to the California Community Colleges. Some of these cuts in each segment will be offset with student fees. Also adopted a new inter-year deferral for the University of California of about \$560 million.

**Health and Human Services.** Achieved total expenditure cuts of around \$6.0 billion in the Health and Human Services area, including \$1 billion from using Proposition 10 funds one-time to offset GF costs in Medi-Cal. The Senate version of the budget also adopts the following additional proposals included in the May Revision for an additional \$500 million in savings:

- **Transition Healthy Families Program to Medi-Cal:** Approved Governor's proposal to transition all children in the Healthy Families Program to the Medi-Cal Program, but adopted a slower phase-in of the transition for a slightly lower savings level of approximately \$22 million in the budget year. A comprehensive transition plan with benchmarks is required to ensure a smooth transition.
- **Hospital Fee:** Assumes \$320 million in savings from extending the hospital fee for one year as enacted in SB 90 (Steinberg) chaptered in April of this year.
- **Maximizing Federal Funds:** Approved Governor's proposals to technically modify the use of certified public expenditures to enable California to maximize federal funds and obtain offset of General Fund expenditures.
- **CalWORKS:** Restores approximately \$90 million related to additional grant cuts for safety net and child-only cases that exceed 60

months. Also restores \$50 million of the single allocation, which is the funding used by counties to provide welfare-to-work services.

- **Getting Ready for Health Care Reform:** The Senate version of the budget also approved the Governor's proposal to transfer administration of Medi-Cal community mental health programs and the Drug Medi-Cal program to the Department of Health Care Services. This will enable the state to be better positioned for the implementation of health care reform, which will provide greater parity for behavioral health issues.

**Corrections:** Approved expenditure reductions of about \$1.0 billion in Corrections mainly due to the realignment proposal. However, the Senate has also approved the Governor's workforce cap proposal for an additional \$195 million and significant reductions to the Board of Parole Hearings operations. Furthermore, the Senate has restored nearly \$50 million in community-based rehabilitation contracts that will be needed as the State implements realignment.

**Courts:** Approved the Governor's proposal to reduce the courts funding by \$200 million. Also approved an additional \$150 million reduction to the courts that will likely result in court closures. The package also reflects an acknowledgement of an additional \$42 million for workload related to realignment and new workload related to parole revocation activities.

**Transportation:** Approved the Governor's proposal to use truck weight fees to pay about \$1.0 billion in transportation-related general obligation bond debt. Approved re-enactment of the 2010 Tax Fuel Swap to conform to the requirements of Proposition 26.

**Redevelopment:** The Senate's budget package includes a solution from redevelopment agencies (RDAs) that provides a \$1.7 billion General Fund benefit in 2011-12.

**Local Government:** Approved the Governor's proposal to suspend the Williamson Act / Open Space Subvention for a two-year savings of \$20 million.

**Natural Resources and Energy:** Approved a cut of \$155 million in energy efficiency programs funded by the Gas Consumption Surcharge Tax.

Approved cuts of \$11 million to State Parks and \$10 million to Off-Highway Vehicle Parks. Also approved \$150 million reduction to Cal-Fire, to be backfilled with new revenues from a State Responsibility Area (SRA) Fee to be paid by homeowners within SRA.

**Government Efficiency and Employee Compensation:** Approved expenditure cuts of about \$700 million in areas such as: employee compensation (\$308 million); employee healthcare (\$80 million); and other state operations-related governmental efficiencies (\$250 million) (discussed further in Page 10 of this document).

## Revenues

**Revenue Package.** The Senate version of the budget does not include the Governor's proposal to maintain 2010 tax rates for five years. This and the Governor's proposal to reform enterprise zones and implement a single sales factor for apportioning corporate income to California would have generated \$11 billion in the current and budget years. This would have resulted in \$1.7 billion in additional expenditures for Proposition 98.

The Senate version does include the following majority vote revenues:

- Assumes \$1.2 billion from the assumption of a revised state building lease transaction.
- Ends the "revenue exchange period" that was enacted in 2004. This action increases local sales and use tax by ¼ percent, which results in a commensurate transfer of property tax from local government to schools in order to save approximately \$900 million General Fund.
- Increases vehicle registration fees by approximately \$12 to defray the costs associated with the Department of Motor Vehicles. This action frees up \$300 million in vehicle license fees to be dedicated to local governments that can be used as a down payment for the implementation of public safety realignment.
- Adopt a State Responsibility Area Fee to cover some costs of state fire suppression on privately-owned lands. Reduce General Fund support for CalFire by \$150 million and replace with fee revenue. Also shift additional General Fund costs related to timber harvest plans to fees.

## **PUBLIC SAFETY REALIGNMENT**

Originally, the Senate version of the budget package contained the Governor's revised public safety realignment plan. However, with no new revenues and no constitutional amendment, this plan has become more difficult to implement and is, therefore, largely not a part of the Senate version. However, the Legislature passed AB 109 in March that realigned low-level offenders from state prison to local jurisdiction. This policy change does not go into effect until funding is provided to support this realignment of offenders. The Senate continues to pursue implementation and funding for AB 109.

The realignment plan continues to be essential especially in light of the recent U.S. Supreme Court decision that affirmed the lower court's decision to require the reduction of overcrowding in the state prison system. The State has two years to reduce the prison population by over 30,000 inmates. Realignment will allow the state to accomplish this reduction in a way that has significant potential benefits for public safety. Funded realignment will allow for funding to flow with the offender back to the community where it can be invested in support services, programs, and law enforcement that enhance the safety of communities.

The Senate version includes \$300 million in vehicle license fee revenues freed up from increasing the registration fees to cover costs at the Department of Motor Vehicles. Additional actions will need to be taken in the coming weeks to ensure that public safety realignment is funded appropriately; including addressing the \$504 million in funding historically dedicated to local public safety programs.

## REDUCING STATE GOVERNMENT

### **Senate Streamlines Government and Eliminates 21 Boards & Commissions**

The Senate version of the budget package eliminates 21 boards and commissions that were proposed for elimination in the Governor's May Revision. The Senate also adopted policy to put in motion a major reorganization and consolidation of various health care programs that when fully implemented may result in the further elimination of additional agencies. These actions will help the Governor achieve the \$250 million GF savings identified in March 2011 related to efficiencies in state government operations. The mechanism to achieve these savings is a budget control section that provides the Administration with the authority to make the required budgetary reductions to achieve the total savings.

The Administration has identified, and in some cases already achieved, savings through a variety of executive actions, including eliminating the offices of the Secretary of Education and the American Recovery and Reinvestment Act Inspector General, banning non-essential travel, implementing a statewide building rental rate reduction, reducing the number of state-issued cellular phones, and reducing the statewide vehicle fleet, including the elimination of any non-essential vehicles and reducing the number of home-storage permits.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
Supervisor Karen Mitchoff, Chair  
Supervisor John Gioia, Vice Chair

FROM: Lara DeLaney, Legislative Coordinator

DATE: June 15, 2011

SUBJECT: **Agenda Item #5: 2011 State Legislative Items**

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**RECOMMENDATION**

RECEIVE report from staff and CONSIDER forwarding recommendations on various bills to the Board of Supervisors.

REVIEW the attached listing of bills of interest to the County.

**BACKGROUND**

Staff of the County Administrator's Office works in collaboration with our state and federal advocates to identify proposed legislation that would impact County operations, services, and/or programs. When a bill comes to our attention either through our legislation tracking services, various associations, advisory body members, department staff, or a Board member, staff first looks to the County's adopted State and Federal platforms for consistency with policy direction. If there is no clear policy direction in the adopted Platforms, the proposed legislation is presented to the Legislation Committee or appropriate committee of the Board prior for consideration and recommendation to the full Board of Supervisors.

The following bills are presented for action or information purposes to the Legislation Committee:

- a. **AB 509 (Skinner): Federal Earned Income Tax Credit: Notification SUPPORT.** *(See Attachment A—Bill Text and Fact Sheet.)*

Summary: *Requires state departments and agencies that serve individuals qualified for the federal earned income tax credit to notify program recipients that they may be eligible for the credit in a specified manner. Requires state departments and agencies that do not directly communicate with persons who*

*may qualify for the EITC to communicate indirectly through agencies or districts serving those persons.*

The author provided the following statement: "AB 509 will expand existing legislation to require state departments and agencies that serve low-income Californians to notify their program recipients that they may be eligible for the EITC. In recognizing the unique capacities of each affected state department and agency, this bill allows the departments and agencies to conduct the annual notification during a regularly scheduled contact with a recipient by telephone, mail, electronic communication, or by an in-person visit.

"The Earned Income Tax Credit (EITC) is a federal tax credit for low to moderate income individuals and families that can put anywhere from a few hundred dollars to \$5,600 in their pockets. Congress originally approved the tax credit legislation in 1975 in part to offset the burden of social security taxes and to provide an incentive to work. When EITC exceeds the amount of taxes owed, it results in a tax refund to those who claim and qualify for the credit. President Ronald Reagan famously called the tax credit, "the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress."

Supervisor Mitchoff recommends that the Legislation Committee consider recommending that the Board of Supervisors support the bill.

STATUS:

02/15/2011 INTRODUCED.

03/25/2011 To ASSEMBLY Committee on REVENUE AND TAXATION.

03/25/2011 From ASSEMBLY Committee on REVENUE AND TAXATION with author's amendments.

03/25/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on REVENUE AND TAXATION.

05/02/2011 From ASSEMBLY Committee on REVENUE AND TAXATION: Do pass to Committee on APPROPRIATIONS.

05/27/2011 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended.

05/27/2011 In ASSEMBLY. Read second time and amended. To second reading.

05/31/2011 In ASSEMBLY. Read second time. To third reading.

06/01/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE.

06/08/2011 To SENATE Committee on GOVERNANCE AND FINANCE.

**b. SB 695 (Hancock): Medi-Cal: County Juvenile Detention Facilities**  
**—SUPPORT.** (See Attachment B—Bill Text and CSAC Letter of Support.)

*Summary: Provides that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if he or she is eligible to receive benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible and the county agrees to pay the state's share of expenditures and administrative costs for specified benefits. Provides for the continuation of benefits. Suspends benefits if the individual becomes an inmate.*

SB 695, by Senator Loni Hancock, would allow counties to draw down federal funding to help defray the cost of providing medical care to juveniles awaiting adjudication in county facilities. SB 695 would allow counties to use the local funds that spent on juvenile medical care to pull down federal Medicaid matching funds for those youths who are Medi-Cal eligible. The measure also limits Medi-Cal services to the first 30 days of a youth's stay in juvenile hall.

Alameda County, sponsor of this bill, writes in support that the current cost to the county of providing medical and mental health services to this population is \$7 million annually and is provided through a system of full service health, dental, and mental health services and facilities. According to the Alameda Department of Health, up to 80% of the population is eligible for Medi-Cal and the average length of stay is 24 days. Allowing matching funds would therefore reduce the costs to the county by almost half.

In addition, the county points to the New Mexico experience and the fact that 80% of juvenile hospitalizations are psychiatric to make the case that providing mental health services and medications will save additional funds by reducing recidivism. These funds, they argue, can be used to enhance medical and mental health services similarly to the New Mexico experience. The City and County of San Francisco writes in support that its Department of Public Health (DPH) currently spends \$4.9 million annually to provide primary care and behavioral health services to youth incarcerated at the Youth Guidance Center. Based on the services provided in 2008-09 and an assumption that at least half would be eligible for Medi-Cal, DPH would, at a minimum, receive \$1.2 million in matching federal funds at no cost to the state. The County Alcohol and Drug Program Administrators Association of California writes in support that for many youths, the care they receive in juvenile hall may be their first opportunity to revise substance use disorder treatment. Providing treatment comes at a significant cost to the counties.

This bill is nearly identical to AB 1091 (Hancock) of 2010 which was vetoed by Governor Schwarzenegger. The veto message is as follows:

"I am returning Senate Bill 1091 without my signature.

This bill, while well-intentioned, is inconsistent with federal law and exposes the state to potentially significant costs. If the author wishes to craft workable legislation that allows for additional federal funds but also adheres to federal Medicaid law and regulations, the Department of Health Care Services would be willing to assist in that effort next year."

According to the sponsor, no additional guidance has been provided by DHCS. However, the author would like to move this bill forward and continue to seek the assistance of DHCS in crafting workable legislation.

CSAC supports this bill. Staff recommends that the Legislation Committee also consider a recommendation of support to the Board of Supervisors.

STATUS:

02/18/2011 INTRODUCED.

03/03/2011 To SENATE Committee on HEALTH.

04/06/2011 From SENATE Committee on HEALTH: Do pass as amended to Committee on APPROPRIATIONS.

04/12/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

05/02/2011 In SENATE Committee on APPROPRIATIONS: To Suspense File.

05/23/2011 From SENATE Committee on APPROPRIATIONS with author's amendments.

05/23/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

05/26/2011 From SENATE Committee on APPROPRIATIONS: Do pass.

05/27/2011 In SENATE. Read second time. To third reading.

06/01/2011 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY.

06/09/2011 To ASSEMBLY Committee on HEALTH.

06/14/2011 From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

- c. **AB 1220 (Alejo): Land Use and Planning: Cause of Actions: Time Limits — OPPOSE** (See Attachment C—Bill text and CSAC Letter of Opposition.)

*Summary: Relates to actions or proceedings against local zoning and planning decisions of a legislative body to encourage or facilitate the development of affordable housing. Authorizes a certain notice to be filed any time within a specified number of years after a specified action pursuant to existing law.*

*Provides that in any action brought against a city, county, or city and county to challenge the adequacy of a housing element if a court makes certain findings.*

AB 1220, by Assembly Member Luis Alejo, would expand from over one year to five years the statute of limitations to sue a city or county, challenging the adoption of a housing element or a number of related ordinances. According to CSAC analysis, this bill will encourage a broad array of expensive lawsuits that do not differentiate between major noncompliance with state law or a small difference in interpretation. This will leave local agencies, businesses, and developers unfairly open to uncertainty long after decisions have been made. And, it is important to note that these challenges do not mandate approval of actual housing projects but only require a change in a planning document.

It is important to note that this bill is not needed to enforce housing obligations. In *Urban Habitats v. City of Pleasanton*, the decision this bill is intended to overturn, the housing advocates were successful in reaching a settlement that overturned the City's growth limit. There are also a number of new remedies available to housing advocates to enforce local housing obligations, at the very time local agencies will be expected to implement a large number of brand new housing element requirements.

The law has to be balanced – for cities and counties, housing and commercial developers and advocates. This bill, under existing circumstances, is not a balanced approach. Under this bill, a small misstep on the part of the local agency can shut down development in a jurisdiction until a lawsuit is completed, even though more targeted remedies are available that can require a local agency to make a fix without imposing a full building moratorium until a court makes a final determination. And again: these challenges, costing local agencies millions of dollars to defend, are brought to require a specific change in a planning document, not to build housing. As such, CSAC is opposed to this measure, and Contra Costa County staff recommends an oppose position as well.

STATUS:

02/18/2011 INTRODUCED.

03/21/2011 To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and LOCAL GOVERNMENT.

04/25/2011 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT with author's amendments.

04/25/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on HOUSING AND COMMUNITY DEVELOPMENT.

04/27/2011 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT.

05/04/2011 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass.

05/09/2011 In ASSEMBLY. Read second time. To third reading.

05/12/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE.

05/26/2011 To SENATE Committee on TRANSPORTATION AND HOUSING.

06/14/2011 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass.

**d. SB 775 (DeSaulnier): Local Workforce Investment Boards:  
Funding— *OPPOSE Unless Amended***

*(See Attachment D—Bill Text; Memo from Stephen Baiter, Executive Director, Contra Costa Workforce Development Board; Draft Amendments from California Workforce Association; and CSAC opposition letter.)*

Summary: *Requires local workforce investment boards to spend a certain percent of available federal funds for adults and dislocated workers on direct client services, workforce training programs, and supportive services in a manner consistent with federal law.*

Specifically, this bill:

1. Require that at least 50 percent of funds provided to LWIBs for adults and dislocated workers under WIA be spent on workforce training programs and supportive services for persons enrolled in training, as specified.
2. Require that at least 75 percent of funds provided to LWIBs for adults and dislocated workers be spent on direct client services, as defined. Direct client services includes core, intensive and training services.

ARGUMENTS IN SUPPORT: According to the author, with declining state revenues and pressure on public resources it is crucial that every dollar of federal workforce funds are invested in high quality employment services that connect workers to good jobs. The author argues that despite the need for targeted and effective training, Employment Development Department data has shown that LWIBs spend very little of our local WIA funds on skills training. According to the author, on average, LWIBs in California invest just 20 percent of their federal funds on training services and a third spend less than 11 percent on training, while many invest nothing.

According to the author, federal law provides states with significant latitude to adjust WIA and align it with a broader economic vision, something California has failed to take advantage of. Proponents argue that a vast majority of funds are

going to support relatively less effective short-term "core" services (such as job search assistance) provided through a costly network of nearly 150 comprehensive One-Stop centers. The author and proponents believe that this bill is the first step in re-evaluating how these dollars are spent and ensuring that more money is invested in training programs that are effective and align with a the State plan for economic growth. In addition, proponents argue that the objective behind this bill is not to displace anyone that might be currently providing job services through the One-Stop Centers, but instead redirecting our overall efforts toward more effective training programs that result in permanent jobs for all displaced workers.

In addition, proponents argue that other states like Florida, Illinois, Michigan and Wisconsin have all adopted policies that help drive more local WIA funds towards training. According to proponents, Florida already requires that WIBs spend at least 50 percent of their WIA funds on training. Proponents also argue that many will need a skilled workforce to replace the retiring baby boomer generation and to meet the demands of new emerging industries. This bill increases the share of local WIA resources that are committed to providing effective, longer-term job training. Proponents believe that this bill is yet another step toward ensuring that public dollars are spent appropriately and that more individuals are trained for these jobs.

**ARGUMENTS IN OPPOSITION:** According to opponents, if passed, this bill closes career centers throughout the state, returns the public workforce system to an antiquated model of funding streams, and limits much needed services to job seekers and businesses during this recession. Opponents believe that this bill interferes with core tenants of the legislation, namely, local control and individual empowerment.

Opponents argue that by imposing a 50 percent training threshold, this bill:

1. Forces the closure of one-stop career centers, at a time when California's unemployment rate exceeds 12 percent.
2. Likely results in putting fewer people into training to meet the training threshold.
3. Excludes the most vulnerable populations, including homeless, at risk youth, and others who can't afford to be in training.
4. Usurps the authority of the local workforce investment boards to set policy within their local areas.
5. Eliminates much needed career counseling and job search assistance.

6. Impedes the ability of the local boards to support the delivery of an array of services needed by area residents as identified in their local plans.

7. Interferes with the ability of the boards to meet the mandated requirement to establish and ensure the operation of a one-stop service delivery system.

8. Limits the ability to leverage multiple funding sources.

STATUS:

02/18/2011 INTRODUCED.

03/10/2011 To SENATE Committee on LABOR AND INDUSTRIAL RELATIONS.

04/27/2011 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS.

05/09/2011 In SENATE Committee on APPROPRIATIONS: To Suspense File.

05/26/2011 From SENATE Committee on APPROPRIATIONS: Do pass.

05/27/2011 In SENATE. Read second time. To third reading.

06/01/2011 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY.

06/09/2011 To ASSEMBLY Committee on LABOR AND EMPLOYMENT.

HEARING: 06/22/2011 1:30 pm, Room 447

The California Workforce Association has proposed amendments to the bill that staff understands have yet to be responded to either by the sponsors or the author's office. In taking the lead from our state association, the Contra Costa WDB would inevitably support the attached amendments if they were accepted.

e. Any other legislation currently pending which may affect the County

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Attached to this report is information about various bills in which the County may have an interest or on which the County has already taken a position. (Attachment E.)

AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MARCH 25, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 509**

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**Introduced by Assembly Member Skinner**

February 15, 2011

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An act to amend Sections 19851, 19852, and 19853 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 509, as amended, Skinner. Federal earned income tax credit: notification: state departments and agencies.

The federal income tax law authorizes a refundable earned income tax credit for certain low-income individuals who have earned income and who meet certain other requirements. Existing California law requires an employer, as defined, to notify all employees that they may be eligible for the federal earned income tax credit (EITC), as specified.

This bill would also require state departments and agencies that serve those ~~qualified~~ *who may qualify* for the EITC, as defined, to notify their program recipients that they may be eligible for the EITC, at least once a year during the months of January through April, or alternatively, to provide this annual notification during a regularly scheduled contact with a recipient by telephone, mail, or electronic communication, or by an in-person communication, as specified. *This bill would also require state departments and agencies that do not directly communicate with persons who may qualify for the EITC to communicate indirectly through agencies or districts serving those persons.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19851 of the Revenue and Taxation Code  
2 is amended to read:  
3 19851. The Legislature finds and declares as follows:  
4 (a) Congress created the federal earned income tax credit (EITC)  
5 in 1975 to offset the adverse effects of the Medicare and social  
6 security payroll taxes on working poor families and to encourage  
7 low-income workers to seek employment rather than welfare.  
8 (b) Due to a relatively low percentage of federal earned income  
9 tax credit eligible persons ~~that~~ *who* participate in the federal Earned  
10 Income Tax Credit program, hundreds of millions of federal dollars  
11 go unclaimed by the working poor in California.  
12 (c) In order to alleviate the tax burden on working poor persons  
13 and families, to enhance the wages and income of working poor  
14 persons and families, to ensure that California receives its share  
15 of the federal money available in the federal Earned Income Tax  
16 Credit program, and to inject additional federal money into the  
17 California economy, the state shall facilitate the furnishing of  
18 information to working poor persons and families regarding the  
19 availability of the federal earned income tax credit so that they  
20 may claim that credit on their federal income tax returns.  
21 (d) It is the intent of this act to offer the most cost-effective  
22 assistance to eligible taxpayers through the following:  
23 (1) Notices provided by their employers.  
24 (2) Notices provided by state departments and agencies that  
25 serve those ~~qualified~~ *who may qualify* for the EITC.  
26 SEC. 2. Section 19852 of the Revenue and Taxation Code is  
27 amended to read:  
28 19852. For purposes of this part, the following terms have the  
29 following meanings:  
30 (a) "Employer" means any California employer who is subject  
31 to, and is required to provide, unemployment insurance to his or  
32 her employees, under the Unemployment Insurance Code.  
33 (b) "Employee" means any person who is covered by  
34 unemployment insurance by his or her employer, pursuant to the  
35 Unemployment Insurance Code.

1 (c) “EITC” means the federal earned income tax credit, as  
2 defined in Section 32 of the Internal Revenue Code.

3 (d) “State departments and agencies that serve those ~~qualified~~  
4 *who may qualify* for the EITC” means those departments *and*  
5 *agencies* that operate state or federally funded programs primarily  
6 engaged in providing services to low-income individuals and  
7 families. Departments, agencies, and programs under this  
8 subdivision may include, but are not limited to, the following:

9 ~~(1) The California Health and Human Services Agency.~~

10 ~~(2) The State Department of Public Health.~~

11 ~~(3)~~

12 (1) The State Department of Education: free or reduced-price  
13 meal program and National School Lunch Program.

14 ~~(4)~~

15 (2) The State Department of Social Services: the CalWORKs  
16 program, CalFresh, ~~Foster Families~~ *and foster families*.

17 ~~(5) The Department of Veterans Affairs.~~

18 ~~(6)~~

19 (3) The Public Utilities Commission: California Alternate Rates  
20 for Energy, the Energy Savings Assistance Program, Payment  
21 Plans, and Emergency Payment Assistance Programs, including  
22 Family Electric Rate Assistance, the California Weatherization  
23 Assistance Program, the Low Income Home Energy Assistance  
24 Program, the California LifeLine Telephone Program, and Link-Up.

25 ~~(7) Department of Insurance: California’s Low Cost Auto  
26 Insurance Program.~~

27 ~~(8)~~

28 (4) Employment Development Department: California  
29 Unemployment Insurance.

30 ~~(9)~~

31 (5) State Department of Health Care Services: the Medi-Cal  
32 program.

33 ~~(10)~~

34 (6) Managed Risk Medical Insurance Board (MRMIB): the  
35 Healthy Families Program.

36 ~~(11) California Student Aid Commission.~~

37 SEC. 3. Section 19853 of the Revenue and Taxation Code is  
38 amended to read:

39 19853. (a) An employer shall notify all employees that they  
40 may be eligible for the EITC within one week before or after, or

1 at the same time, that the employer provides an annual wage  
2 summary, including, but not limited to, a Form W-2 or a Form  
3 1099, to any employee.

4 (b) The state departments and agencies that serve those ~~qualified~~  
5 *who may qualify* for the EITC, as defined in subdivision (d) of  
6 Section 19852, shall notify their program recipients that they may  
7 be eligible for the EITC, at least once a year during the months of  
8 January through April, or alternatively, shall provide this annual  
9 notification during a regularly scheduled contact with a recipient  
10 by telephone, mail, or electronic communication, or by an in-person  
11 communication. *State departments or agencies that do not directly*  
12 *communicate with persons or households with persons who may*  
13 *qualify for the EITC may communicate indirectly through agencies*  
14 *or districts that serve eligible persons or households with eligible*  
15 *persons.* Departments, agencies, and programs are encouraged to  
16 develop the least costly, effective method to provide notice to  
17 recipients of EITC eligibility, which method shall meet the  
18 requirements of Section 19854.

19 (c) The employer shall provide the notification required by  
20 subdivision (a) by handing directly to the employee or mailing to  
21 the employee's last known address either of the following:

22 (1) Instructions on how to obtain any notices available from the  
23 Internal Revenue Service for this purpose, including, but not  
24 limited to, the IRS Notice 797 and Form W-5, or any successor  
25 notice or form.

26 (2) Any notice created by the employer, as long as it contains  
27 substantially the same language as the notice described in  
28 paragraph (1) or in Section 19854.

29 (d) The employer shall not satisfy the notification required by  
30 subdivision (a) by posting a notice on an employee bulletin board  
31 or sending it through office mail. However, these methods of  
32 notification are encouraged to help inform all employees of the  
33 EITC.

34 (e) Every employer shall process, in accordance with federal  
35 law, Form W-5 for advance payments of the EITC, upon the  
36 request of the employee.

# Fact Sheet

## AB 509 – Skinner

### Earned Income Tax Credit Awareness Act

#### **BACKGROUND**

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The Earned Income Tax Credit (EITC) is a federal tax credit for low to moderate income individuals and families that can put anywhere from a few hundred dollars to \$5,600 in their pockets. Congress originally approved the tax credit legislation in 1975 in part to offset the burden of social security taxes and to provide an incentive to work. When EITC exceeds the amount of taxes owed, it results in a tax refund to those who claim and qualify for the credit. President Ronald Reagan famously called the tax credit “the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress.”

#### **PROBLEM**

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In 2009, 800,000 Californians failed to claim over \$1.2 billion worth of EITC dollars. If these refunds were claimed, they would spur over \$1.2 billion in business sales, pay \$311 million in wages, and add nearly 7,500 jobs to the State economy.<sup>1</sup> This would result in hundreds of millions of dollars in taxes eventually coming back to state and local government.

Although employers are required to inform employees about the EITC, many people who are qualified are still unaware. The employer notification measure is broad stroke approach that notifies many people who do not qualify. The population of low income earners who qualify for the EITC are

often a hard to target group that benefit from a multi-prong approach in order to be reached.

#### **EXISTING LAW**

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In 2007, AB 650 (Lieu) a measure that required employers to notify all employees about the EITC was signed into law.

#### **THIS BILL**

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AB 509 will expand existing legislation to establish a mechanism for state departments and agencies that serve low-income Californians to notify their program recipients that they may be eligible for the EITC.

#### **SUPPORT**

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Western Center of Law and Poverty  
 State Controller, John Chiang  
 CCWRO  
 Contra Costa’s Family Economic Security  
 Partnership  
 Community Housing Development  
 Corporation

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<sup>1</sup> New America Foundation. Left on the Table. 2010

AMENDED IN SENATE MAY 23, 2011

AMENDED IN SENATE APRIL 12, 2011

**SENATE BILL**

**No. 695**

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**Introduced by Senator Hancock**

February 18, 2011

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An act to amend Section 14011.10 of, and to add Section 14011.11 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 695, as amended, Hancock. Medi-Cal: county juvenile detention facilities.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Under existing law, an inmate of a public institution who is under 21-year *years* of age is ineligible to receive Medi-Cal benefits for a specified period of time.

This bill, subject to the receipt of federal financial participation, would provide that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if the individual is eligible to receive Medi-Cal benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible for Medi-Cal benefits, and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for the above-described benefits *and related regulations*. This bill would provide for continuation of the Medi-Cal benefits until the date of the individual's adjudication, after which benefits would be suspended as provided in specified existing law, if

the individual is an inmate of a public institution. This bill would set forth specified conditions that would affect the implementation of the above-described provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14011.10 of the Welfare and Institutions  
2 Code is amended to read:  
3 14011.10. (a) Except as provided in Section 14011.11, benefits  
4 provided under this chapter to an individual under 21 years of age  
5 who is an inmate of a public institution shall be suspended in  
6 accordance with Section 1396d(a)(28)(A) of Title 42 of the United  
7 States Code as provided in subdivision (c).  
8 (b) County welfare departments shall notify the department  
9 within 10 days of receiving information that an individual under  
10 21 years of age on Medi-Cal in the county is or will be an inmate  
11 of a public institution.  
12 (c) If an individual under 21 years of age is a Medi-Cal  
13 beneficiary on the date he or she becomes an inmate of a public  
14 institution, his or her benefits under this chapter and under Chapter  
15 8 (commencing with Section 14200) shall be suspended effective  
16 the date he or she becomes an inmate of a public institution. The  
17 suspension shall end on the date he or she is no longer an inmate  
18 of a public institution or one year from the date he or she becomes  
19 an inmate of a public institution, whichever is sooner.  
20 (d) Nothing in this section shall create a state-funded benefit or  
21 program. Health care services under this chapter and Chapter 8  
22 (commencing with Section 14200) shall not be available to inmates  
23 of public institutions whose Medi-Cal benefits have been suspended  
24 under this section.  
25 (e) This section shall be implemented only if and to the extent  
26 allowed by federal law. This section shall be implemented only to  
27 the extent that any necessary federal approval of state plan  
28 amendments or other federal approvals are obtained.  
29 (f) If any part of this section is in conflict with or does not  
30 comply with federal law, this entire section shall be inoperable.

1 (g) This section shall be implemented on January 1, 2010, or  
2 the date when all necessary federal approvals are obtained,  
3 whichever is later.

4 (h) By January 1, 2010, or the date when all necessary federal  
5 approvals are obtained, whichever is later, the department, in  
6 consultation with the Chief Probation Officers of California and  
7 the County Welfare Directors Association, shall establish the  
8 protocols and procedures necessary to implement this section,  
9 including any needed changes to the protocols and procedures  
10 previously established to implement Section 14029.5.

11 (i) Notwithstanding Chapter 3.5 (commencing with Section  
12 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
13 the department shall implement this section by means of all-county  
14 letters or similar instructions without taking regulatory action.  
15 Thereafter, the department shall adopt regulations in accordance  
16 with the requirements of Chapter 3.5 (commencing with Section  
17 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

18 SEC. 2. Section 14011.11 is added to the Welfare and  
19 Institutions Code, to read:

20 14011.11. (a) To the extent that federal financial participation  
21 is available, Medi-Cal benefits may be provided to an individual  
22 awaiting adjudication in a county juvenile detention facility if both  
23 of the following requirements are met:

24 (1) The individual is eligible to receive Medi-Cal benefits at  
25 the time the individual is admitted to the juvenile detention facility  
26 or the individual is subsequently determined to be eligible for  
27 Medi-Cal benefits.

28 (2) The county agrees to pay the state's share of Medi-Cal  
29 expenditures and the state's administrative costs for benefits *and*  
30 *regulations* under this section.

31 (b) Benefits available pursuant to this section shall continue  
32 until the date of the individual's adjudication. After adjudication,  
33 if the individual is an inmate of a public institution, benefits shall  
34 be suspended as provided in Section 14011.10.

35 (c) This section shall not be construed to require a county to  
36 pay the state's share of Medi-Cal expenditures or the state's  
37 administrative costs for Medi-Cal benefits that the state is obligated  
38 to provide pursuant to an administrative action or court order that  
39 is final and no longer subject to appeal.

1 (d) Notwithstanding Chapter 3.5 (commencing with Section  
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
3 the department may implement and administer this section by  
4 means of all-county letters or similar instructions without taking  
5 regulatory action. By January 1, ~~2013~~ 2015, the department shall  
6 adopt regulations in accordance with Chapter 3.5 (commencing  
7 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
8 Government Code.

9 (e) This section shall be implemented only if, and to the extent  
10 that, both of the following occur:

11 (1) The department receives written confirmation from the  
12 federal Centers for Medicare and Medicaid Services that federal  
13 financial participation is available to implement this section  
14 pursuant to Title XIX of the federal Social Security Act (42 U.S.C.  
15 Sec. 1396 et seq.).

16 (2) The director executes a declaration that states that  
17 implementation of this section will not jeopardize the state's ability  
18 to receive federal financial participation or any increase in federal  
19 medical assistance percentage (FMAP) available on or after  
20 October 1, 2008, or additional federal funds that the director, in  
21 consultation with the Department of Finance, has determined would  
22 be advantageous to the state. The director shall retain the original  
23 declaration and post the declaration on the department's Internet  
24 Web site.

25 (f) (1) If at any time the director determines that the statement  
26 in the declaration executed pursuant to paragraph (2) of subdivision  
27 (e) may no longer be accurate, the director shall give notice to the  
28 Joint Legislative Budget Committee and to the Department of  
29 Finance. Thereafter, if the director determines, in consultation with  
30 the Department of Finance, that it is necessary to cease  
31 implementation of this section in order to receive federal financial  
32 participation or any increase in FMAP available on or after October  
33 1, 2008, or additional federal funds that the director, in consultation  
34 with the Department of Finance, has determined would be  
35 advantageous to the state, the director shall cease implementation  
36 of this section, and shall execute a declaration to that effect. The  
37 director shall retain the original declaration and post the declaration  
38 on the department's Internet Web site.

39 (2) Notwithstanding Chapter 3.5 (commencing with Section  
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department may implement paragraph (1) by means of  
2 all-county letters or similar instructions, without taking regulatory  
3 action.

4 (g) If this section is implemented pursuant to subdivision (e),  
5 it shall be implemented commencing on the date that both  
6 conditions described in subdivision (e) have been satisfied.

O



**California State Association  
of Counties**



**County Health Executives  
Association of California**

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June 13, 2011

The Honorable William Monning  
Chair, Assembly Health Committee  
State Capitol, Room 6005  
Sacramento, CA 95814

**RE: SB 695 (Hancock): County Juvenile Detention Facilities  
As Amended May 23, 2011 – SUPPORT  
Set for hearing June 14, 2011 – Assembly Health Committee**

Dear Assembly Member Monning:

The California State Association of Counties (CSAC) and the County Health Executives Association of California (CHEAC) support SB 695, a bill by Senator Loni Hancock to allow counties to draw down federal funding to help defray the cost of providing medical care to juveniles awaiting adjudication in county facilities.

SB 695 would allow counties to use the local funds that we are already expending for juvenile medical care to pull down federal Medicaid matching funds for those youths who are Medi-Cal eligible. The measure also limits Medi-Cal services to the first 30 days of a youth's stay in juvenile hall and conforms to existing law regarding the suspension of benefits once a person is classified as an inmate.

While we recognize that SB 695 would impose a minor additional burden on county welfare departments, which must confirm eligibility under the bill, we believe that the prospect of drawing down available federal Medicaid funding for youths awaiting adjudication in a county facility is a worthy goal. Some counties estimate that SB 695 would help them recover up to 40 percent of their medical costs for individuals in juvenile hall.

It is also important to note that SB 695 will not incur any state General Fund costs, and provides a voluntary route for counties to recoup some medical costs for youth. It is for these reasons that CSAC and CHEAC support SB 695. Please do not hesitate to contact us if you have any questions about our position. Thank you.

*(Continued on next page)*

*Page Two*  
*SB 695 – CSAC & CHEAC Support*  
*June 13, 2011*

Sincerely,

*As signed*

Kelly Brooks-Lindsey  
CSAC  
(916) 327-7500 Ext. 531

*As signed*

Judith Reigel  
CHEAC  
(916) 327-7540

cc: The Honorable Loni Hancock, Member, California State Senate  
Members, Assembly Health Committee  
Marjorie Swartz, Consultant, Assembly Health Committee  
Peter Anderson, Consultant, Assembly Republican Caucus

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1220**

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**Introduced by Assembly Member Alejo**

(Principal coauthor: Senator Steinberg)

~~(Coauthor: Assembly Member~~ **Coauthors: Assembly Members Atkins  
and Cedillo)**

February 18, 2011

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An act to amend Sections 65009, 65589.3, and 65755 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1220, as amended, Alejo. Land use and planning: cause of actions: time limitations.

(1) The Planning and Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year of accrual of the cause of action, if it meets certain requirements. Where the action or proceeding is brought in support of or to encourage or facilitate the development of housing that would increase the community's supply of affordable housing, a cause of action accrues 60 days after notice is filed or the legislative body takes a final action in response to the notice, whichever occurs first.

This bill would authorize the notice to be filed any time within 5 years after a specified action pursuant to existing law. The bill would declare the intent of the Legislature that its provisions modify a specified court opinion. The bill would also provide that in that specified action or proceeding, no remedy pursuant to specified provisions of law abrogate, impair, or otherwise interfere with the full exercise of the rights and

protections granted to a tentative map application or a developer, as prescribed.

(2) The Planning and Zoning law establishes a rebuttable presumption, in any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, of the validity of a housing element or amendment if the Department of Housing and Community Development has found that the element or amendment substantially complies with specified provisions of existing law.

This bill would provide that in any action brought against a city, county, or city and county to challenge the adequacy of a housing element, if a court finds that the adopted housing element or amended housing element for the current planning period substantially complies with specified provisions, the element or amendment be deemed to satisfy any condition of a state-administered housing grant program requiring a department finding of housing element compliance.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting  
2 Section 2 of this act to modify the court's opinion in Urban Habitat  
3 Program v. City of Pleasanton (2008) 164 Cal.App.4th 1561, with  
4 respect to the interpretation of Section 65009 of the Government  
5 Code.

6 SEC. 2. Section 65009 of the Government Code is amended  
7 to read:

8 65009. (a) (1) The Legislature finds and declares that there  
9 currently is a housing crisis in California and it is essential to  
10 reduce delays and restraints upon expeditiously completing housing  
11 projects.

12 (2) The Legislature further finds and declares that a legal action  
13 or proceeding challenging a decision of a city, county, or city and  
14 county has a chilling effect on the confidence with which property  
15 owners and local governments can proceed with projects. Legal  
16 actions or proceedings filed to attack, review, set aside, void, or  
17 annul a decision of a city, county, or city and county pursuant to  
18 this division, including, but not limited to, the implementation of  
19 general plan goals and policies that provide incentives for  
20 affordable housing, open-space and recreational opportunities, and

1 other related public benefits, can prevent the completion of needed  
2 developments even though the projects have received required  
3 governmental approvals.

4 (3) The purpose of this section is to provide certainty for  
5 property owners and local governments regarding decisions made  
6 pursuant to this division.

7 (b) (1) In an action or proceeding to attack, review, set aside,  
8 void, or annul a finding, determination, or decision of a public  
9 agency made pursuant to this title at a properly noticed public  
10 hearing, the issues raised shall be limited to those raised in the  
11 public hearing or in written correspondence delivered to the public  
12 agency prior to, or at, the public hearing, except where the court  
13 finds either of the following:

14 (A) The issue could not have been raised at the public hearing  
15 by persons exercising reasonable diligence.

16 (B) The body conducting the public hearing prevented the issue  
17 from being raised at the public hearing.

18 (2) If a public agency desires the provisions of this subdivision  
19 to apply to a matter, it shall include in any public notice issued  
20 pursuant to this title a notice substantially stating all of the  
21 following: “If you challenge the (nature of the proposed action)  
22 in court, you may be limited to raising only those issues you or  
23 someone else raised at the public hearing described in this notice,  
24 or in written correspondence delivered to the (public entity  
25 conducting the hearing) at, or prior to, the public hearing.”

26 (3) The application of this subdivision to causes of action  
27 brought pursuant to subdivision (d) applies only to the final action  
28 taken in response to the notice to the city or clerk of the board of  
29 supervisors. If no final action is taken, then the issue raised in the  
30 cause of action brought pursuant to subdivision (d) shall be limited  
31 to those matters presented at a properly noticed public hearing or  
32 to those matters specified in the notice given to the city or clerk  
33 of the board of supervisors pursuant to subdivision (d), or both.

34 (c) (1) Except as provided in subdivision (d), no action or  
35 proceeding shall be maintained in any of the following cases by  
36 any person unless the action or proceeding is commenced and  
37 service is made on the legislative body within 90 days after the  
38 legislative body’s decision:

39 (A) To attack, review, set aside, void, or annul the decision of  
40 a legislative body to adopt or amend a general or specific plan.

1 This paragraph does not apply where an action is brought based  
2 upon the complete absence of a general plan or a mandatory  
3 element thereof, but does apply to an action attacking a general  
4 plan or mandatory element thereof on the basis that it is inadequate.

5 (B) To attack, review, set aside, void, or annul the decision of  
6 a legislative body to adopt or amend a zoning ordinance.

7 (C) To determine the reasonableness, legality, or validity of any  
8 decision to adopt or amend any regulation attached to a specific  
9 plan.

10 (D) To attack, review, set aside, void, or annul the decision of  
11 a legislative body to adopt, amend, or modify a development  
12 agreement. An action or proceeding to attack, review, set aside,  
13 void, or annul the decisions of a legislative body to adopt, amend,  
14 or modify a development agreement shall only extend to the  
15 specific portion of the development agreement that is the subject  
16 of the adoption, amendment, or modification. This paragraph  
17 applies to development agreements, amendments, and  
18 modifications adopted on or after January 1, 1996.

19 (E) To attack, review, set aside, void, or annul any decision on  
20 the matters listed in Sections 65901 and 65903, or to determine  
21 the reasonableness, legality, or validity of any condition attached  
22 to a variance, conditional use permit, or any other permit.

23 (F) Concerning any of the proceedings, acts, or determinations  
24 taken, done, or made prior to any of the decisions listed in  
25 subparagraphs (A), (B), (C), (D), and (E).

26 (2) In the case of an action or proceeding challenging the  
27 adoption or revision of a housing element pursuant to this  
28 subdivision, the action or proceeding may, in addition, be  
29 maintained if it is commenced and service is made on the  
30 legislative body within 60 days following the date that the  
31 Department of Housing and Community Development reports its  
32 findings pursuant to subdivision (h) of Section 65585.

33 (d) (1) An action or proceeding shall be commenced and the  
34 legislative body served within one year after the accrual of the  
35 cause of action as provided in this subdivision, except that in no  
36 case shall the action or proceeding be commenced more than five  
37 years after an action described in subparagraph (B), if the action  
38 or proceeding meets both of the following requirements:

39 (A) It is brought in support of or to encourage or facilitate the  
40 development of housing that would increase the community's

1 supply of housing affordable to persons and families with low or  
2 moderate incomes, as defined in Section 50079.5 of the Health  
3 and Safety Code, or with very low incomes, as defined in Section  
4 50105 of the Health and Safety Code, or middle-income  
5 households, as defined in Section 65008 of this code. This  
6 subdivision is not intended to require that the action or proceeding  
7 be brought in support of or to encourage or facilitate a specific  
8 housing development project.

9 (B) It is brought with respect to actions taken pursuant to Article  
10 10.6 (commencing with Section 65580) of Chapter 3, Section  
11 65863.6, or Chapter 4.2 (commencing with Section 65913), or to  
12 challenge the adequacy of an ordinance adopted pursuant to Section  
13 65915.

14 (2) A cause of action brought pursuant to this subdivision shall  
15 not be maintained until 60 days have expired following notice to  
16 the city or clerk of the board of supervisors by the party bringing  
17 the cause of action, or his or her representative, specifying the  
18 deficiencies of the general plan, specific plan, or zoning ordinance.  
19 A cause of action brought pursuant to this subdivision shall accrue  
20 60 days after notice is filed or the legislative body takes a final  
21 action in response to the notice, whichever occurs first. This notice  
22 may be filed at any time within five years after an action described  
23 in subparagraph (B) of paragraph (1). A notice or cause of action  
24 brought by one party pursuant to this subdivision shall not bar  
25 filing of a notice and initiation of a cause of action by any other  
26 party.

27 (3) After the adoption of a housing element covering the current  
28 planning period, no action shall be filed pursuant to this subdivision  
29 to challenge a housing element covering a prior planning period.

30 (e) Upon the expiration of the time limits provided for in this  
31 section, all persons are barred from any further action or  
32 proceeding.

33 (f) Notwithstanding Sections 65700 and 65803, or any other  
34 provision of law, this section shall apply to charter cities.

35 (g) Except as provided in subdivision (d), this section shall not  
36 affect any law prescribing or authorizing a shorter period of  
37 limitation than that specified herein.

38 (h) Except as provided in paragraph (4) of subdivision (c), this  
39 section shall be applicable to those decisions of the legislative

1 body of a city, county, or city and county made pursuant to this  
2 division on or after January 1, 1984.

3 SEC. 3. Section 65589.3 of the Government Code is amended  
4 to read:

5 65589.3. (a) In any action filed on or after January 1, 1991,  
6 taken to challenge the validity of a housing element, there shall  
7 be a rebuttable presumption of the validity of the element or  
8 amendment if, pursuant to Section 65585, the department has found  
9 that the element or amendment substantially complies with the  
10 requirements of this article.

11 (b) In any action brought against a city, county, or city and  
12 county to challenge the adequacy of a housing element, if a court  
13 finds that the adopted housing element or amended housing element  
14 for the current planning period substantially complies with all of  
15 the requirements of this article, including, ~~without limitation~~ *but*  
16 *not limited to*, the requirements for public participation set forth  
17 in paragraph (7) of subdivision (c) of Section 65583, the element  
18 or amendment shall be deemed to satisfy any condition of a  
19 state-administered housing grant program requiring a department  
20 finding that the housing element substantially complies with the  
21 requirements of this article.

22 SEC. 4. Section 65755 of the Government Code is amended  
23 to read:

24 65755. (a) The court shall include, in the order or judgment  
25 rendered pursuant to Section 65754, one or more of the following  
26 provisions for any or all types or classes of developments or any  
27 or all geographic segments of the city, county, or city and county  
28 until the city, county, or city and county has substantially complied  
29 with the requirements of Article 5 (commencing with Section  
30 65300):

31 (1) Suspend the authority of the city, county, or city and county  
32 pursuant to Division 13 (commencing with Section 17910) of the  
33 Health and Safety Code, to issue building permits, or any category  
34 of building permits, and all other related permits, except that the  
35 city, county, or city and county shall continue to function as an  
36 enforcement agency for review of permit applications for  
37 appropriate codes and standards compliance, prior to the issuance  
38 of building permits and other related permits for residential housing  
39 for that city, county, or city and county.

1 (2) Suspend the authority of the city, county, or city and county,  
2 pursuant to Chapter 4 (commencing with Section 65800) to grant  
3 any and all categories of zoning changes, variances, or both.

4 (3) Suspend the authority of the city, county, or city and county,  
5 pursuant to Division 2 (commencing with Section 66410), to grant  
6 subdivision map approvals for any and all categories of subdivision  
7 map approvals.

8 (4) Mandate the approval of all applications for building permits,  
9 or other related construction permits, for residential housing where  
10 a final subdivision map, parcel map, or plot plan has been approved  
11 for the project, where the approval will not impact on the ability  
12 of the city, county, or city and county to properly adopt and  
13 implement an adequate housing element, and where the permit  
14 application conforms to all code requirements and other applicable  
15 provisions of law except those zoning laws held to be invalid by  
16 the final court order, and changes to the zoning ordinances adopted  
17 after such final court order which were enacted for the purpose of  
18 preventing the construction of a specific residential development.

19 (5) Mandate the approval of any or all final subdivision maps  
20 for residential housing projects which have previously received a  
21 tentative map approval from the city, county, or city and county  
22 pursuant to Division 2 (commencing with Section 66410) when  
23 the final map conforms to the approved tentative map, the tentative  
24 map has not expired, and where approval will not impact on the  
25 ability of the city, county, or city and county to properly adopt and  
26 implement an adequate housing element.

27 (6) Mandate that notwithstanding the provisions of Sections  
28 66473.5 and 66474, any tentative subdivision map for a residential  
29 housing project shall be approved if all of the following  
30 requirements are met:

31 (A) The approval of the map will not significantly impair the  
32 ability of the city, county, or city and county to adopt and  
33 implement those elements or portions thereof of the general plan  
34 which have been held to be inadequate.

35 (B) The map complies with all of the provisions of Division 2  
36 (commencing with Section 66410), except those parts which would  
37 require disapproval of the project due to the inadequacy of the  
38 general plan.

1 (C) The approval of the map will not affect the ability of the  
2 city, county, or city and county to adopt and implement an adequate  
3 housing element.

4 (D) The map is consistent with the portions of the general plan  
5 not found inadequate and the proposed revisions, if applicable, to  
6 the part of the plan held inadequate.

7 (b) Any order or judgment of a court which includes the  
8 remedies described in paragraphs (1), (2), or (3) of subdivision (a)  
9 shall exclude from the operation of that order or judgment any  
10 action, program, or project required by law to be consistent with  
11 a general or specific plan if the court finds that the approval or  
12 undertaking of the action, program, or project complies with both  
13 of the following requirements:

14 (1) That it will not significantly impair the ability of the city,  
15 county, or city and county to adopt or amend all or part of the  
16 applicable plan as may be necessary to make the plan substantially  
17 comply with the requirements of Article 5 (commencing with  
18 Section 65300) in the case of a general plan, or Article 8  
19 (commencing with Section 65450) in the case of a specific plan.

20 (2) That it is consistent with those portions of the plan  
21 challenged in the action or proceeding and found by the court to  
22 substantially comply with applicable provisions of law.

23 The party seeking exclusion from any order or judgment of a  
24 court pursuant to this subdivision shall have the burden of showing  
25 that the action, program, or project complies with paragraphs (1)  
26 and (2).

27 (c) Notwithstanding Section 65754.4 or subdivisions (a) and  
28 (b), in any action or proceeding brought pursuant to subdivision  
29 (d) of Section 65009, no remedy pursuant to this section or  
30 injunction pursuant to Section 65754.5 shall abrogate, impair, or  
31 otherwise interfere with the full exercise of the rights and  
32 protections granted to (1) an applicant for a tentative map pursuant  
33 to Section 66474.2, or (2) a developer pursuant to Sections 65866  
34 and 66498.1



**To: Members of the Senate Transportation and Housing Committee**

**From: APA, League of Cities, RCRC and CSAC**

**Subject: OPPOSITION TO AB 1220 (ALEJO) – FIVE-YEAR STATUTE OF LIMITATIONS FOR CHALLENGES TO HOUSING ELEMENTS, ORDINANCES AND PROGRAMS – In Senate Transportation and Housing Committee Tuesday June 14<sup>th</sup>**

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**The League of California Cities, the American Planning Association California Chapter, the California State Association of Counties, and the Regional Council of Rural Counties, must respectfully oppose AB 1220.** AB 1220 would expand from over one year to five years the statute of limitations to sue a city or county, challenging the adoption of a housing element or a number of related ordinances.

**Local governments cannot agree to a broad statute that allows any interested party to sue struggling cities and counties five years after a decision is made. Here are our concerns:**

1. A five-year statute of limitations is just too long -- substantially longer than the 90-days to challenge the entire General Plan or 30 days to challenge a CEQA document.
2. It will encourage a broad array of expensive lawsuits that do not differentiate between major noncompliance with state law or a small difference in interpretation.
3. The housing element law is not black and white, but is subject to broad differences in interpretation.
4. A city or county can be sued whether or not their housing element has been approved by the Department of Housing and Community Development – and the lawsuit can be brought by housing advocates as well as housing opponents.
5. This will leave local agencies, businesses, and developers unfairly open to uncertainty long after decisions have been made.

6. *These challenges do not mandate approval of actual housing projects, but only require a change in a planning document.*
7. A lot has changed since the court decision that this bill seeks to overturn – it is not a simple extension of previous law. Housing laws have changed substantially in that time and a number of other remedies available to housing advocates to enforce housing element law have been added to enforce local housing obligations. (See list of legal remedies at end of this memo.)
8. This year cities and counties are faced with implementing SB 375, a new statute that will for the first time require linkages and consistency between the allocation of housing need numbers (the housing element), land use (the new regional sustainable communities strategies) and targeting transportation investments (the regional transportation plan). This is a significant and new challenge for regions, cities and counties and therefore is not the time to provide greater exposure to litigation by “any interested party”.
9. We expect all stakeholders to engage fully in the significant public outreach required to develop these plans, thus 5-years to challenge the adequacy of the housing element after adoption is excessive and threatens the certainty critical to successful implementation of SB 375. Under this bill, a small misstep on the part of the local agency can shut down development in a jurisdiction until a lawsuit is completed, even though more targeted remedies are available that can require a local agency to make a fix without imposing a full building moratorium until a court makes a final determination.
10. This unbalanced option to sue long after adoption of the housing element imposes defense costs upon financially strapped cities and counties, win or lose. With more lawsuits comes greater burden on limited funds, not more housing.

**Although we offered a two year compromise in trying to work with the sponsors, it was rejected.**

**We simply cannot support the possibility of open ended lawsuits that create uncertainty and financial hardships on local governments attempting to craft perfect housing elements out of a subjective housing element law subject to different interpretations. For all these reasons we must respectfully urge a NO vote.**

If you have any questions, please contact Sande George, APA California, 916-443-5301, sgeorge@stefangeorge.com.

# Summary of Legal Remedies Related to the Housing Element

## As of January 2011

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**Most of the controversy in housing element challenges surrounds zoning to accommodate the Regional Housing Need Allocation (RHNA). However, not only do numerous remedies exist besides challenges to the Housing Element itself, but SB 375 included a number of new remedies that were not available when *Urban Habitats v City of Pleasanton* was filed.**

### **1. Gov't Code § 65883 (c) (1) (A): 4 year Housing Element Cycle for Failure to Adopt**

Any local jurisdiction within the state's 18 Metropolitan Planning Organizations (MPOs) that does not adopt the next housing element within 120 days after the due date is automatically subject to a four year housing element cycle. See Cal. Gov't Code § 65883(c)(1)(A). This means that communities that fail to abide by the baseline rule are subject to having their housing element approved every four years. And the opportunity to challenge that approval will occur with each approval under Section 65009(d) and CCP Section 338 (see Points 2 and 3 below).

### **2. Gov't Code § Section 65009 (c) and (d): 150 days plus One Year to Challenge Actions Related to Housing Element and Other Affordable Housing Laws**

There is 90 day statute of limitation to challenge most land use decisions, including the decision to adopt or amend a general plan or zoning ordinance; determine reasonableness of a regulation attached to a specific plan; to challenge a development agreement; or to challenge a conditional use permit or variance. The exception is for affordable housing decisions. In these cases, the plaintiff need only provide the agency notice of a potential violation within 90 days. The local agency then has 60 days to respond. Upon receiving the response, the plaintiff has up to one year to file an action. A lawsuit may also be filed up to 60 days after HCD decides whether an adopted housing element complies with State law – normally 150 days after the housing element is adopted.

### **3. Code of Civil Procedure § 338: Three Year “Catch All” Period**

There is a 3-year statute of limitations for failure to act in accord with state law. This is the provision which allowed the petitioners in *Urban Habitats* to pursue their challenge to the impact of the growth management ordinance on the Pleasanton housing element . If an action of a local government does not have a statute of limitations associated with it, then the three-year statute of limitations in CCP Section 338 applies. For example, Section 65009(c) states that the 90 day statute of limitations does not apply to an action challenging the complete absence of a mandatory element of a general plan, meaning that the 3-year time period in CCP § 338 would apply to such challenges. .

### **4. Gov't Code § 65587 (d) (2): Implementation of Housing Element Programs**

Gov't Code Section 65583 requires a housing element to include a program that sets forth a schedule – each with a timeline for implementation – that the local government intends to undertake to serve all economic segments of the community. Before the changes made by SB 375, no specific timeline was required to be included. The program must:

- (1) Identify sites that will be rezoned to accommodate that portion of the community's RHNA that was not included in its inventory of sites.
- (2) Explain how it will assist in the development of housing for extremely low, very low, low and moderate income households; and
- (3) Explain how it will remove governmental constraints to the development of housing.

Even if a city or county adopts a housing element, section 65587(d) (2) (added by SB 375) allows a suit to proceed when the agency fails to “comply with the deadlines and requirements” of subsections (1), (2), and (3) of Section 65583 (c).

#### **5. Gov’t Code § 65587 (d) (1): Actions to Compel Rezoning**

Similarly, challenges to the zoning program may be made when the housing element is adopted or when the zoning program is adopted, which in the next cycle must normally occur within 3 years after the housing element is adopted. A housing element must include an inventory of sites that accommodates a local government’s RHNA. If the inventory is unable to accommodate the RHNA, then the housing element must include a program that identifies sites that will be rezoned after the housing element is adopted. In the next cycle, the rezoning must normally be completed within three years.

Under this provision, a court can compel the local government to complete the rezoning within 60 days or the earliest time consistent with public hearing requirements. The court may impose sanctions on the city if the court ordered timelines are not kept. An action may accrue under Gov’t Code Section 65009 (d) or CCP Section 338 .

#### **6. Gov't Code § 65583 (g): Compelled Affordable Housing Project Approvals**

Additionally, SB 375 added Section 65883(g) that provides that even if a lawsuit is not brought, if, in the next cycle, a local government doesn’t complete the rezoning to meet its RHNA obligation within three years of adopting the housing element, the local government may not disapprove a housing development project, nor require a conditional use permit or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project is proposed to be located on one of the sites that was supposed to have been rezoned.

#### **7. Fair Housing Act: Rolling Two-Year Statute of Limitations**

Both the federal Fair Employment and Housing Act and the state Fair Housing Law provide a two-year statute of limitations from the date of the discriminatory practice. If there is an ongoing discriminatory practice, a suit may be filed within two years from the last discriminatory practice. State Planning and Zoning Law also precludes discrimination in planning and zoning actions based on income or project financing.

**SENATE BILL****No. 776**

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**Introduced by Senator DeSaulnier**February 18, 2011

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An act to add Section 14211 to the Unemployment Insurance Code, relating to workforce development.

## LEGISLATIVE COUNSEL'S DIGEST

SB 776, as introduced, DeSaulnier. Local workforce investment boards: funding.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law establishes the California Workforce Investment Board (CWIB), and specifies that the CWIB is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified, and establishes local workforce investment boards to perform various duties related to the implementation and coordination of local workforce investment activities.

This bill would require local workforce investment boards to spend a certain percent of available federal funds for adults and dislocated workers on direct client services, workforce training programs, and supportive services in a manner consistent with federal law, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14211 is added to the Unemployment  
2 Insurance Code, to read:

3 14211. (a) At least 75 percent of funds available under Title  
4 I of the federal Workforce Investment Act of 1998 provided to  
5 local workforce investment boards for adults and dislocated  
6 workers shall be spent on direct client services, as defined in  
7 Sections 2864(d)(2), 2864(d)(3)(C), and 2864(d)(4)(D) of Title  
8 29 of the United States Code. Available funds include all annually  
9 allocated moneys plus any unspent funds carried over from prior  
10 years.

11 (b) (1) At least 50 percent of funds available under Title I of  
12 the federal Workforce Investment Act of 1998 provided to local  
13 workforce investment boards for adults and dislocated workers  
14 shall be spent on workforce training programs and supportive  
15 services for persons enrolled in training. Only expenditures on  
16 those programs and services defined as training services under  
17 Section 2864(d)(4)(D) of Title 29 of the United States Code and  
18 Section 663.508 of Title 20 of the Code of Federal Regulations  
19 and supportive services defined in Sections 2801(46) and  
20 2864(e)(2)-(3) of Title 29 of the United States Code, and provided  
21 in accordance with the relevant federal regulations (20 C.F.R.  
22 663.800 to 20 C.F.R. 663.840, inclusive), shall count toward this  
23 minimum. Supportive services shall count toward this minimum  
24 only if the individuals receiving these services are enrolled in  
25 training or qualify under Section 663.830 of Title 20 of the Code  
26 of Federal Regulations. Available funds include all annually  
27 allocated moneys plus any unspent funds carried over from prior  
28 years.

29 (2) Services defined as intensive services under Section  
30 2964(d)(3)(C) of Title 29 of the United States Code and Section  
31 663.200 of Title 20 of the Code of Federal Regulations and other  
32 applicable regulations, shall not be counted toward the minimum  
33 training expenditure. Supportive services as defined in Sections  
34 2801(46) and 2864(e)(2)-(3) of Title 29 of the United States Code,  
35 and provided in accordance with relevant federal regulations (20  
36 C.F.R. 663.800 to 20 C.F.R. 663.840, inclusive), to persons  
37 receiving intensive services shall count toward the mandatory  
38 training minimum only if the individuals receiving these services

1 are also enrolled in training as defined in Sections 2864(d)(4)(D)  
2 of Title 29 of the United States Code and 663.508 of Title 20 of  
3 the Code of Federal Regulations or who qualify under 663.830 of  
4 Title 20 of the Code of Federal Regulations.

5 (3) Services defined as core services under Section 2864(d)(2)  
6 of Title 29 of the United States Code and Section 663.150 or  
7 663.165 of Title 20 of the Code of Federal Regulations and other  
8 applicable regulations shall not be counted toward the minimum  
9 training expenditures. Supportive services, as defined by Section  
10 2801(46) and 2864(e)(2)-(3) of Title 29 of the United States Code  
11 and provided in accordance with relevant federal regulations (20  
12 C.F.R. 663.800 to 20 C.F.R. 663.840, inclusive) to persons  
13 receiving core services shall count toward the mandatory training  
14 minimum only if the individuals receiving these services are also  
15 enrolled in training as defined in Section 2864(d)(4)(D) of Title  
16 29 of the United States Code and 663.508 of Title 20 of the Code  
17 of Federal Regulations or who qualify under 663.830 of Title 20  
18 of the Code of Federal Regulations.

## **BACKGROUND**

Senator DeSaulnier introduced S.B. 776 on February 18, 2011 with the backing of the California Federation of Labor, the California Building and Construction Trades Council, and the California Manufacturers and Technology Association.

If enacted into law by the Legislature and the Governor,<sup>1</sup> S.B. 776 will dictate that each Local Workforce Investment Area in California:

- Expend at least 75% of its available formula Workforce Investment Act (WIA) Adult and Dislocated Worker funds on direct client services as defined in WIA Section 2864
- Expend at least 50% of its available formula Workforce Investment Act (WIA) Adult and Dislocated Worker funds on workforce training programs as defined in WIA Section 2864, and on supportive services for persons enrolled in training<sup>2</sup>

Available funds include all annual allocations and any carry-over/savings from the previous year.

Training consists of the following:

- Occupational Skills Training
- On-the-Job Training
- Workplace Training in combination with Related Instruction, which may include Cooperative Education
- Private Sector Operated/Provided Training
- Skills Upgrading and Retraining
- Entrepreneurial Training
- Customized Training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training
- Adult Education and Literacy in combination with any of the aforementioned training methodologies

## **CURRENT STATUS**

On April 27, 2011, the Senate Labor and Industrial Relations (L&IR) Committee approved S.B. 776 by a vote of 6-0, and the Senate Appropriations Committee approved it on May 26, 2011. The bill was voted out of the full Senate by a 34-3 vote on June 1, 2011.

## **ANTICIPATED LOCAL IMPACT**

On the face of things, SB 776 has the very laudable goal of stipulating that local workforce investment boards maximize their available funding to provide quality job training to unemployed individuals. However, there are several problems with the approach outlined in the bill as currently written, as it will require dramatic shifts in how the WDB allocates its resources to serve the more than 30,000 residents who utilize the local public workforce system annually. Specifically, in Contra Costa County, SB 776 could:

- Require the WDB to consolidate one or more of our four EASTBAY Works One-Stop Career Centers (current locations are in San Pablo, Concord, Antioch, and Brentwood) during a period of sustained high unemployment;

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<sup>1</sup> Senator DeSaulnier is attempting to add the provisions of S.B. 776 to the Unemployment Insurance Code as Section 14211.

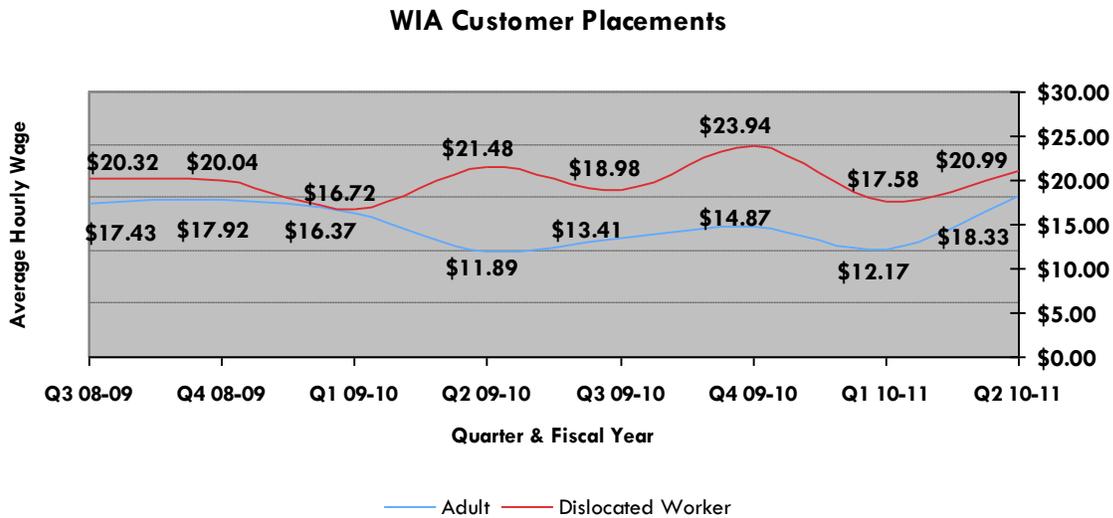
<sup>2</sup> Similar WIA training expenditure requirements for Local Workforce Investment Areas have been adopted in Florida, Illinois, Kansas, Wisconsin, and other states.

- Significantly reduce the level and scope of career counseling and job search assistance resources available to job seekers;
- Hinder the WDB's ability and flexibility to meet the needs of our local area to get people back to work by setting up a system that requires investment in training over other services;
- Unintentionally inflate per capita expenditures on training to meet higher training expenditure thresholds;
- Reduce the ability of the WDB to leverage other funding sources (including funding for training) that supports the local public workforce system

With more than four job seekers for every one job opening in the current labor market, it is a risky assumption that additional investment of dollars into training as proposed under SB 776 will actually result in more people finding good jobs at good wages.

Over the past couple of years, the WDB has invested between 10-20% of its available budget into training, but more than 50% of the people that it enrolled into WIA services actually participated in training. One of the reasons for this is that the WDB has successfully leveraged other funding sources to pay for the costs of training, such as a \$1 million grant received by the Contra Costa Community College District to train 180 people in "green" jobs, as well as a \$10,000 per person Trade Adjustment Act (TAA) limit accessible to all 324 Contra Costa County residents who lost their jobs as a result of the NUMMI plant closure in April 2010.

Moreover, despite what some may see as a relatively low percentage of funds being invested into training, the WDB stands very proud of its track record with placement wages, as depicted in the chart below.



The membership of the Workforce Development Board of Contra Costa County is in the best position to know the local environment to determine how to best balance its allocation of resources to meet local needs; by imposing a uniform requirement across California around how local workforce boards invest their limited funds, SB 776 eliminates the WDB's ability to adjust the allocation of resources at the local level.

**RECOMMENDATION**

It is recommended that the Contra Costa County Board of Supervisors adopt an "oppose" position to SB 776. Per the attached, the California State Association of Counties (CSAC) has adopted this position in a letter dated June 10, 2011.

BILL NUMBER: SB 776 INTRODUCED  
BILL TEXT

INTRODUCED BY Senator DeSaulnier

FEBRUARY 18, 2011

An act to add Section 14211 to the Unemployment Insurance Code, relating to workforce development.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 776, as introduced, DeSaulnier. Local workforce investment boards: funding.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law establishes the California Workforce Investment Board (CWIB), and specifies that the CWIB is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system.

Existing law contains various programs for job training and employment investment, including work incentive programs, as specified, and establishes local workforce investment boards to perform various duties related to the implementation and coordination of local workforce investment activities.

This bill would require Local Workforce Investment Boards to negotiate a job training expenditure percentage with the California Workforce Investment Board. Local workforce investment boards to spend Training percentages would be negotiated between Local Workforce Investment Boards and the State Workforce Investment Board each year through the Local planning process. In determining training thresholds, Local Workforce Investment Boards would have to demonstrate that their percentages were based on local labor market demand.

~~a certain percent of available federal funds for adults and dislocated workers on direct client services, workforce training programs, and supportive services in a manner consistent with federal law, as prescribed.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14211 is added to the Unemployment Insurance Code, to read:

~~14211. (a) At least 75 percent of funds available under Title I of the federal Workforce Investment Act of 1998 provided to local workforce investment boards for adults and dislocated workers shall be spent on direct client services, as defined in Sections 2864(d)(2), 2864(d)(3)(C), and 2864(d)(4)(D) of Title 29 of the United States Code. Available funds include all annually allocated moneys plus any unspent funds carried over from prior years.~~

~~(b) (1) At least 50 percent of It is the intent of the legislature that the number of Californians entering workforce training programs and available under Title I of increase and that Local Workforce Investment Boards meet minimum expenditure percentages to assist in meeting this goal.~~

~~Training percentages shall be negotiated between Local Workforce Investment Boards and the State Workforce Investment Board each year through the Local Workforce Investment Board planning process. In determining training thresholds, Local Workforce Investment Boards shall demonstrate that their percentages are based on local labor market demand.~~

~~the federal Workforce Investment Act of 1998 provided to local workforce investment boards for adults and dislocated workers shall be spent on workforce training programs and supportive services for persons enrolled in training increase. The negotiated percentage may include leveraged funds from other One-Stop Career Center and community partners, including local, State, federal, philanthropic, and other funding sources.~~

~~Section 134 (4) (B) of the Workforce Investment Act requires other funding~~

sources to be used for training prior to using Workforce Investment Act funds: Qualification.--(i) Requirement.--Except as provided in clause (ii) provision of such training services shall be limited to individuals who-- (I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or (II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) Reimbursements.--Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

~~Only expenditures on those programs and services defined as training services under Section 2864(d)(4)(D) of Title 29 of the United States Code and Section 663.508 of Title 20 of the Code of Federal Regulations and supportive services defined in Sections 2801(46) and 2864(e)(2)-(3) of Title 29 of the United States Code, and provided in accordance with the relevant federal regulations (20 C.F.R. 663.800 to 20 C.F.R. 663.840, inclusive), shall count toward this minimum. Training services shall include: occupational classroom training through Individual Training Accounts; Occupational classroom training, other than ITAs, including contracted training; academic remediation and pre-vocational services; books, materials and related expenses; customized training; on-the-job training, participant support, such as transportation, child care, tutoring, and mentoring, including support services to customers whose training is paid for with non-WIA funds, including Pell Grants; incumbent worker training; work experience; including internships, and occupational bridge programs, which are training programs that blend workplace competencies, career exploration, and adult education, including basic literacy and math skills in an occupational context.~~

The State shall provide technical assistance to Local Workforce Investment Boards to assist them in meeting their negotiated training percentages.

If Local Workforce Investment Boards do not meet the minimum negotiated training requirement, the State shall work with those Boards to develop corrective action plans.

The State shall provide data fields to collect information on training expenditures from multiple funding sources.

~~Supportive services shall count toward this minimum only if the individuals receiving these services are enrolled in training or qualify under Section 663.830 of Title 20 of the Code of Federal Regulations. Available funds include all annually allocated moneys plus any unspent funds carried over from prior years.~~

~~—(2) Services defined as intensive services under Section 2964(d)(3)(C) of Title 29 of the United States Code and Section 663.200 of Title 20 of the Code of Federal Regulations and other applicable regulations, shall not be counted toward the minimum training expenditure. Supportive services as defined in Sections 2801(46) and 2864(e)(2)–(3) of Title 29 of the United States Code, and provided in accordance with relevant federal regulations (20 C.F.R. 663.800 to 20 C.F.R. 663.840, inclusive), to persons receiving intensive services shall count toward the mandatory training minimum only if the individuals receiving these services are also enrolled in training as defined in Sections 2864(d)(4)(D) of Title 29 of the United States Code and 663.508 of Title 20 of the Code of Federal Regulations or who qualify under 663.830 of Title 20 of the Code of Federal Regulations.~~

~~—(3) Services defined as core services under Section 2864(d)(2) of Title 29 of the United States Code and Section 663.150 or 663.165 of Title 20 of the Code of Federal Regulations and other applicable regulations shall not be counted toward the minimum training expenditures. Supportive services, as defined by Section 2801(46) and 2864(e)(2)–(3) of Title 29 of the United States Code and provided in accordance with relevant federal regulations (20 C.F.R. 663.800 to 20 C.F.R. 663.840, inclusive) to persons receiving core services shall count toward the mandatory training minimum only if the individuals receiving these services are also enrolled in training as defined in Section 2864(d)(4)(D) of Title 29 of the United States Code and 663.508 of Title 20 of the Code of Federal Regulations or who qualify under 663.830 of Title 20 of the Code of Federal Regulations.~~



CALIFORNIA  
STATE  
ASSOCIATION OF  
COUNTIES

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URBAN COUNTIES  
CAUCUS

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REGIONAL  
COUNCIL OF  
RURAL COUNTIES

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DATE: June 10, 2011

TO: The Honorable Sandré Swanson, Chair  
Assembly Labor and Employment Committee  
1020 N Street, Room 155  
Sacramento, CA 95814

FROM: Eraina Ortega, California State Association of Counties  
Paul A. Smith, Regional Council of Rural Counties  
Jolena Voorhis, Urban Counties Caucus

RE: **SB 776 (DeSaulnier): Local workforce investment boards: funding  
As introduced February 18, 2011 - OPPOSE**

The California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC) and the Urban Counties Caucus (UCC) regret that we must oppose SB 776 by Senator Mark DeSaulnier, which would eliminate the authority of local workforce investment boards to determine how to best serve their residents.

While we support investing in training necessary for unemployed and under-employed county residents to develop and improve occupational skills, we are concerned that the provisions of SB 776 assume all counties' employment needs are the same. In reality, vast differences exist between various regions of the state, including the employment and educational needs of local residents. While many unemployed and under-employed Californians require skilled training services, others need basic job search assistance and career assessments provided at local one-stop centers, many of which are likely to close if SB 776 becomes law.

Prescribing a certain threshold of funding to be applied to workforce training will not permit local workforce investment board members to make decisions that recognize and reflect local needs. California's unemployment rate exceeds 12 percent; local elected officials with knowledge of the distinct labor markets in the areas they represent should make funding decisions to meet the needs of their community's workforce. It should be noted that under the guidelines and rules for having workforce investment boards in place, locally-elected officials are joined by leaders from business, labor and education to influence the funding decisions and priorities of each local workforce board. SB 776 removes that discretion and for these reasons, we respectfully request your 'no' vote on SB 776.

Please do not hesitate to contact us: Eraina Ortega (CSAC) at 916/650-8180 or [eortega@counties.org](mailto:eortega@counties.org), Paul A. Smith (RCRC) at 916/447-4806 or [psmith@rcrcnet.org](mailto:psmith@rcrcnet.org) and Jolena Voorhis (UCC) at 916/327-7531, or [jolena@urbancounties.com](mailto:jolena@urbancounties.com).

cc: The Honorable Mark DeSaulnier, California State Senate  
Members/Consultant, Assembly Labor and Employment Committee

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## Contra Costa County Legislation Tracking Report

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**CA AB 129**      **AUTHOR:** Beall [D]  
**TITLE:** Local Government: Fines and Penalties: Assessments  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/11/2011  
**LAST AMEND:** 06/14/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Governance and Finance Committee  
**HEARING:** 06/22/2011 9:30 am  
**SUMMARY:**  
 Authorizes a city, county, or city and county to, after notice and public hearing, specially assess any fines or penalties not paid after demand by the city, county, or city and county against real property owned by the person owing those fines and penalties where the fines or penalties are related to ordinance violations on the real property upon which the fines or penalties would be specially assessed, and the ordinance violations constitute a public nuisance or threat to public health and safety.  
**STATUS:**  
 06/14/2011      From SENATE Committee on GOVERNANCE AND FINANCE with author's amendments.  
 06/14/2011      In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.

<b>CA AB 147</b>	<b>AUTHOR:</b> Dickinson [D] <b>TITLE:</b> Subdivisions <b>FISCAL COMMITTEE:</b> no <b>URGENCY CLAUSE:</b> no <b>INTRODUCED:</b> 01/14/2011 <b>LAST AMEND:</b> 05/31/2011 <b>DISPOSITION:</b> Pending <b>FILE:</b> 51 <b>LOCATION:</b> Senate Third Reading File <b>SUMMARY:</b> Amends the Subdivision Map Act which authorizes a local agency to require the payment of fees as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares. Authorizes a local ordinance to require payment of a fee subject to the Mitigation Fee Act, as a condition of approval of a final map or permit for purposes of defraying the actual transportation facilities cost. <b>STATUS:</b> 06/09/2011      In SENATE. Read second time. To third reading. <b>NOTES:</b> Our legislative initiative
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**CA AB 153**      **AUTHOR:** Skinner [D]  
**TITLE:** Board of Equalization: Administration: Retailer  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/18/2011  
**LAST AMEND:** 05/27/2011

**DISPOSITION:** Pending  
**COMMITTEE:** Senate Governance and Finance Committee  
**HEARING:** 06/29/2011 9:30 am  
**SUMMARY:**  
Amends the Sale and Use Tax Law. Includes in the definition of a retailer engaged in business in the state any retailer entering into agreements under which a person or persons refer potential purchasers through the use of the Internet to the retailer, provided the total cumulative sales price from all sales to referred purchasers is in excess of a specified amount. Provides that a retailer entering certain agreements to purchase advertising is not a considered a retailer engaged in business in the state.

**STATUS:**  
06/10/2011 To SENATE Committee on GOVERNANCE AND FINANCE.

CA AB 296 **AUTHOR:** Skinner [D]  
**TITLE:** Building Standards: Cool Pavement  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/09/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**LOCATION:** Senate Transportation and Housing Committee  
**SUMMARY:**  
Establishes the Cool Pavements Research and Implementation Act. Requires the Department of Transportation to implement one or more cool pavement pilot projects, to submit a report to the Legislature with an analysis of the various costs of pavement surfaces and the results of the projects, and to make available on the Internet Web site a Cool Pavements Handbook. Requires the commission to consider incorporating the specifications proposed in the Cool Pavements Handbook in the Green Building Code.

**STATUS:**  
06/08/2011 To SENATE Committee on TRANSPORTATION AND HOUSING.  
**NOTES:** BOS supported on 5/24/11

CA AB 329 **AUTHOR:** Dickinson [D]  
**TITLE:** County Employees' Retirement  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 02/10/2011  
**ENACTED:** 06/13/2011  
**DISPOSITION:** Enacted  
**LOCATION:** Chaptered  
**CHAPTER:** 26  
**SUMMARY:**  
Authorizes the board of supervisors of the County of Sacramento, by resolution, if authorized by a mutually agreed upon and negotiated memorandum of understanding with a bargaining unit that represents safety members, to require safety employees of that bargaining unit and unrepresented safety employees to receive a specified pension calculation that is based upon the average annual compensation earnable during a specified 3-year period.

**STATUS:**

	06/13/2011	Signed by GOVERNOR.
	06/13/2011	Chapered by Secretary of State. Chapter No. 26
CA AB 340	<b>AUTHOR:</b>	Furutani [D]
	<b>TITLE:</b>	County Employees' Retirement
	<b>FISCAL COMMITTEE:</b>	no
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/10/2011
	<b>LAST AMEND:</b>	04/25/2011
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Senate Public Employment and Retirement Committee
	<b>HEARING:</b>	06/27/2011 2:00 pm
	<b>SUMMARY:</b>	Relates to county employee retirement. Prohibits certain payments, including bonuses, severance pay, compensation determined to have been paid for the purpose of enhancing a member's retirement benefit, and payments for unused leave time from being included in compensation earnable. Excepts certain compensation pursuant to a collective bargaining agreement. Provides that a county may be assessed to cover the costs of an audit. Prohibits reemployment of retired persons without reinstatement into the system.
	<b>STATUS:</b>	
	05/26/2011	To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
	<b>NOTES:</b>	County retirement system reform bill
<b>CA AB 348</b>	<b>AUTHOR:</b>	Buchanan [D]
	<b>TITLE:</b>	Highways: Safety Enhancement-Double Fine Zone
	<b>FISCAL COMMITTEE:</b>	no
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/10/2011
	<b>LAST AMEND:</b>	04/27/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Transportation and Housing Committee
	<b>SUMMARY:</b>	Provides for the designation of a specified segment of county highway known as Vasco Road in Alameda County and Contra Costa County as a Safety Enhancement-Double Fine Zone upon the approval of the boards of supervisors of those counties. Imposes specified duties on local governing bodies regarding that double fine zone, including a report on the effectiveness of the zone.
	<b>STATUS:</b>	
	05/19/2011	To SENATE Committee on TRANSPORTATION AND HOUSING.
	<b>NOTES:</b>	Our bill for Vasco DFZ
CA AB 392	<b>AUTHOR:</b>	Alejo [D]
	<b>TITLE:</b>	Ralph M. Brown Act: Posting Agendas
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/14/2011
	<b>LAST AMEND:</b>	04/14/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Appropriations Committee

	<b>SUMMARY:</b>	
		Requires the legislative body of a local agency, at least 72 hours before a regular meeting of that body, to post the agenda and staff generated reports that relate to an agenda item for the open session of that regular meeting. Requires the legislative body to post the agenda and the writings on its internet web site or in a public location if the body has not web site.
	<b>STATUS:</b>	
	05/27/2011	In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
	<b>NOTES:</b>	Sent to County Counsel. Watch. To Leg Com 5/16.
CA AB 400	<b>AUTHOR:</b>	Ma [D]
	<b>TITLE:</b>	Employment: Paid Sick Days
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/14/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Appropriations Committee
	<b>SUMMARY:</b>	
		Provides that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days. Prohibits an employer from discriminating against an employee who requests paid sick days. Requires employers to satisfy posting and notice and recordkeeping requirements. Authorizes the Labor Commissioner to impose administrative fines. Exempts employees covered by a collective bargaining agreement that provides for paid sick days.
	<b>STATUS:</b>	
	05/27/2011	In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
	<b>NOTES:</b>	BOS opposed 5/3/11
CA AB 455	<b>AUTHOR:</b>	Campos [D]
	<b>TITLE:</b>	Public Employment: Local Public Employee Organizations
	<b>FISCAL COMMITTEE:</b>	no
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/15/2011
	<b>LAST AMEND:</b>	03/31/2011
	<b>DISPOSITION:</b>	Pending
	<b>FILE:</b>	41
	<b>LOCATION:</b>	Senate Third Reading File
	<b>SUMMARY:</b>	
		Provides that when a local public agency has established a personnel commission or merit commission to administer personnel rules or a merit system, the governing board of the public agency would appoint members of the commission. Specifies that the recognized employee organization would nominate members for appointment.
	<b>STATUS:</b>	
	05/11/2011	In SENATE. Read second time. To third reading.
	<b>NOTES:</b>	BOS Opposed on 5/3/11
CA AB 502	<b>AUTHOR:</b>	Bonilla [D]
	<b>TITLE:</b>	Land Use: General Plan: Housing Element

**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2011  
**LAST AMEND:** 04/04/2011  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**

Authorizes Contra Costa County and the City of Concord to establish the Concord Naval Weapons Station Reuse Authority to plan for, finance, and manage the transition of the property formerly known as the Concord Naval Weapons Station from military to civilian use.

**STATUS:**

04/04/2011 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.

04/04/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

**NOTES:** BOS supported on 5/3/11

CA AB 506

**AUTHOR:** Wieckowski [D]  
**TITLE:** Local Government: Bankruptcy: Neutral Evaluation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2011  
**LAST AMEND:** 05/31/2011  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**

Amends existing law authorizing a taxing agency or instrumentality of the state to file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. Provides that a local public entity shall not file under federal bankruptcy law unless the entity has participated in neutral evaluation with interested parties and certain other conditions are met. Requires the Debt and Investment Advisory Commission to provide neutral evaluation process technical assistance.

**STATUS:**

06/02/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (48-27)

**NOTES:** BOS Opposed on 5/24/11

CA AB 509

**AUTHOR:** Skinner [D]  
**TITLE:** Federal Earned Income Tax Credit: Notification  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Governance and Finance Committee  
**HEARING:** 06/29/2011 9:30 am  
**SUMMARY:**

Requires state departments and agencies that serve individuals qualified for the federal earned income tax credit to notify program recipients that they may be

eligible for the credit in a specified manner. Requires state departments and agencies that do not directly communicate with persons who may qualify for the EITC to communicate indirectly through agencies or districts serving those persons.

**STATUS:**

06/08/2011 To SENATE Committee on GOVERNANCE AND FINANCE.  
**NOTES:** Supervisor Mitchoff recommends support to Leg Com

CA AB 646

**AUTHOR:** Atkins [D]  
**TITLE:** Local Public Employee Organizations: Impasse Procedures  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/16/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Employment and Retirement Committee  
**HEARING:** 06/27/2011 2:00 pm  
**SUMMARY:**

Amends provisions that govern collective bargaining of local represented employees and delegate jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the duties and rights of local public agency employers and employees. Authorizes the employee organization to request the matter be submitted to a factfinding panel if a mediator is unable to effect a settlement within a specified time period. Provides procedures for the submission of an agency's last, best, and final offer.

**STATUS:**

06/08/2011 To SENATE Committee on PUBLIC EMPLOYMENT AND  
**NOTES:** RETIREMENT.  
 BOS Opposed on 5/24/11

CA AB 674

**AUTHOR:** Bonilla [D]  
**TITLE:** Vehicles: Registration Fees  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/17/2011  
**LAST AMEND:** 04/06/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Transportation and Housing Committee  
**HEARING:** 06/21/2011 1:30 pm  
**SUMMARY:**

Extends the authorization for programs, funded from the fees charged for the registration of commercial motor vehicles, that enhance the capacity of local law enforcement to provide fingerprint identification of individuals who may be involved in driving under the influence of alcohol or drugs, vehicular manslaughter, other vehicle-related crimes, and other crimes committed while operating a motor vehicle.

**STATUS:**

06/08/2011 To SENATE Committee on TRANSPORTATION AND HOUSING.  
**NOTES:** AM Bonilla requested support. Sheriff recommends. BOS  
 4/5/11

CA AB 710      **AUTHOR:** Skinner [D]  
**TITLE:** Local Planning  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/17/2011  
**LAST AMEND:** 05/31/2011  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**  
Prohibits a city or country from requiring a minimum parking standard greater than one parking space per 1,000 square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit sensitive areas and provides for nonapplication if certain requirements are met. Modifies the description of sustainable communities to additionally include communities that incentivize infill development.  
**STATUS:**  
06/02/2011      In ASSEMBLY. Read third time. Passed ASSEMBLY.  
\*\*\*\*\*To SENATE. (76-0)  
**NOTES:** BOS "Oppose Unless Amended' on 4/5/11

CA AB 720      **AUTHOR:** Hall [D]  
**TITLE:** Public Contracts: Construction Cost Accounting  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/17/2011  
**LAST AMEND:** 05/23/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Transportation and Housing Committee  
**HEARING:** 06/21/2011 1:30 pm  
**SUMMARY:**  
Revises a provision in existing law that specifies a board of supervisors or a county road commissioner is not prohibited from using alternative procedures governing county highway contracts to limit their use in maintenance, emergency work and road construction. Amends existing law which authorizes public projects with a specified monetary threshold to be performed by public employees by force account, negotiated contract, or purchase order. Increases the threshold. Relates to bidding thresholds.  
**STATUS:**  
06/08/2011      To SENATE Committees on TRANSPORTATION AND HOUSING  
and GOVERNANCE AND FINANCE.  
**NOTES:** PW recommends Oppose. To BOS on 4/12. Sent letter  
4/15.

CA AB 792      **AUTHOR:** Bonilla [D]  
**TITLE:** Health Care Coverage: Health Benefit Exchange  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/17/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Health Committee

**HEARING:** 06/29/2011 1:30 pm

**SUMMARY:**

Requires the disclosure of information on health care coverage through the Health Benefit Exchange by health care service plans, health insurers, employers, or other entities, the EDD, upon an initial claim for disability benefits, or upon the filing of a petition for dissolution of marriage, nullity of marriage, legal separation, or adoption. Requires health care service plans and insurers to, upon the failure to renew coverage, provide information to the Exchange. Provides for automatic enrollment.

**STATUS:**

06/08/2011 To SENATE Committees on HEALTH and JUDICIARY.

**NOTES:** AM Bonilla requested support. HSD supports. To BOS 4/5/11

CA AB 861

**AUTHOR:** Hill [D]

**TITLE:** California Stroke Registry

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/17/2011

**LAST AMEND:** 05/27/2011

**DISPOSITION:** Pending

**LOCATION:** Senate Health Committee

**SUMMARY:**

Establishes the California Stroke Registry, to be administered by the State Department of Health to serve as a centralized repository for stroke data to promote quality improvement for acute stroke treatment. Requires that the program be implemented only to the extent funds from federal or private sources are made available for this purpose.

**STATUS:**

06/08/2011 To SENATE Committee on HEALTH.

**NOTES:** BOS supported on 5/3/11

CA AB 902

**AUTHOR:** Alejo [D]

**TITLE:** Taxation: Property Tax Delinquency and Sales

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/17/2011

**DISPOSITION:** Pending

**COMMITTEE:** Senate Governance and Finance Committee

**HEARING:** 06/15/2011

**SUMMARY:**

Amends existing law that requires a tax collector, in the case of the proposed tax sale of property that is the primary residence of the last known assessee, to make a reasonable effort to contact the owner-occupant of the property to be sold. Requires the actual and reasonable costs incurred by the tax collector in attempting to make contact to be established by the board of supervisors. Requires the tax collector to collect a fee for costs in obtaining information and mailing notices.

**STATUS:**

05/26/2011 To SENATE Committee on GOVERNANCE AND FINANCE.

**NOTES:** BOS supported on 6/7.

CA AB 913      **AUTHOR:** Feuer [D]  
**TITLE:** Hazardous Waste: Source Reduction  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/17/2011  
**LAST AMEND:** 06/13/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Environmental Quality Committee  
**HEARING:** 06/20/2011 10:30 am  
**SUMMARY:**

Requires the Department of Toxic Substances Control to develop, as part of its hazardous waste source reduction program, a Green Business Program that provides support and assistance to local government programs that provide for voluntary certification of small businesses that adopt environmentally preferable business practices, including increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation.

**STATUS:**  
06/13/2011      From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.  
06/13/2011      In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

<b>CA AB 931</b>	<p><b>AUTHOR:</b> Dickinson [D]  <b>TITLE:</b> Environment: CEQA Exemption  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 02/18/2011  <b>LAST AMEND:</b> 04/15/2011  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Environmental Quality Committee  <b>SUMMARY:</b></p> <p>Amends existing law, the California Environmental Quality Act, that exempts infill housing projects meeting a community level environmental review that was adopted or certified within a certain number of years. Provides an updated definition of residential projects for an exemption under the act.</p> <p><b>STATUS:</b>  06/02/2011      To SENATE Committee on ENVIRONMENTAL QUALITY.  <b>NOTES:</b> Our CEQA exemption bill</p>
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CA AB 1053      **AUTHOR:** Gordon [D]  
**TITLE:** Local Government: Penalties and Fees  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**

Provides an increase in fees for fetal death or death record and a certified copy of a birth certificate. Declares that the increased fee would more accurately reflect

the true cost of providing those documents. Raises the registration fee for a petition filed to make a minor a ward of the court when the minor is represented by appointed counsel.

**STATUS:**

06/02/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY.  
\*\*\*\*\*To SENATE. (54-24)

**NOTES:** BOS supported on 5/3/11

CA AB 1066

**AUTHOR:** Perez J [D]  
**TITLE:** Medi-Cal: Demonstration Project Waivers  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/31/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Health Committee  
**HEARING:** 06/15/2011 1:30 pm  
**SUMMARY:**

Distinguishes which provisions of the Medi-Cal Hospital or Uninsured Care Demonstration Project Act apply to the successor demonstration project. Renames Coverage Expansion and Enrollment Demonstration project a Low Income Health Program (LIHP). Provides that the Department of Health Care Services shall authorize local LIHPs. Provides that LIHP health care services may be provided to certain eligible individuals.

**STATUS:**

05/31/2011 From SENATE Committee on HEALTH with author's amendments.

05/31/2011 In SENATE. Read second time and amended. Re-referred to Committee on HEALTH.

**NOTES:** Sending letter of support, per Dr. Walker request.

CA AB 1178

**AUTHOR:** Ma [D]  
**TITLE:** Solid Waste: Place of Origin  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/10/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Environmental Quality Committee  
**HEARING:** 06/27/2011 10:30 am  
**SUMMARY:**

Prohibits a city or county from otherwise restricting or limiting in any way the importation of solid waste into the city or county based on place of origin, except as specified with regard to solid waste facilities or the local land use authority.

**STATUS:**

06/02/2011 To SENATE Committee on ENVIRONMENTAL QUALITY.

**NOTES:** Sent to staff for review... Staff recommends Oppose.

CA AB 1220

**AUTHOR:** Alejo [D]  
**TITLE:** Land Use and Planning: Cause of Actions: Time Limits  
**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 04/25/2011  
**DISPOSITION:** Pending  
**LOCATION:** Senate Second Reading File  
**SUMMARY:**

Relates to actions or proceedings against local zoning and planning decisions of a legislative body to encourage or facilitate the development of affordable housing. Authorizes a certain notice to be filed any time within a specified number of years after a specified action pursuant to existing law. Provides that in any action brought against a city, county, or city and county to challenge the adequacy of a housing element if a court makes certain findings.

**STATUS:**

06/14/2011 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass.

**NOTES:** Sent to DCD for review and comment; REC OPPOSE. To Leg Com.

CA AB 1296

**AUTHOR:** Bonilla [D]  
**TITLE:** Health Care Eligibility, Enrollment, And Retention Act  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**

Enacts the Health Care Eligibility, Enrollment, and Retention Act. Requires the State Health and Human Services Agency to establish standardized single application forms and related renewal procedures for Medi-Cal, the Healthy Families Program, and the Exchange. Specifies the duties of the agency and the State Department of Health Care Services under the act. Requires a report to the Legislature on policy changes needed for implementation.

**STATUS:**

06/02/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (51-27)

**NOTES:** AM Bonilla requested our support. HSD supports. To BOS 4/5/11

CA AB 1323

**AUTHOR:** Gatto [D]  
**TITLE:** Vehicles: Vehicle Theft Crimes: Investigative Costs  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 04/26/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 06/21/2011 9:30 am  
**SUMMARY:**

Requires, in specified counties, in any case involving grand theft of an automobile which is prosecuted by a local entity and in which all expenditures incurred in

connection with the sale of the property are incurred by a local entity, that, in lieu of the distribution to the local government general fund, the proceeds shall be deposited with the Controller to fund programs that enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes.

**STATUS:**

06/14/2011 In SENATE Committee on PUBLIC SAFETY: Not heard.  
**NOTES:** Staff is reviewing; providing comments to UCC

CA AB 1387

**AUTHOR:** Solorio [D]  
**TITLE:** Rebuilding Communities and Rebuilding Lives Act  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/27/2011  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**

Requires the Emergency Management Agency, subject to an appropriation of funds, to establish a Youthful Offender Reentry competitive grant program specifically targeting offenders who will be between 16 and 23 years of age upon their release from a local county juvenile facility, the Department of Corrections and Rehabilitation's Division of Juvenile Facilities, probation, or parole to assist in community reintegration upon release.

**STATUS:**

06/02/2011 In ASSEMBLY. Read third time. Passed ASSEMBLY.  
**NOTES:** \*\*\*\*\*To SENATE. (58-18)  
 Staff is reviewing

CA SB 33

**AUTHOR:** Simitian [D]  
**TITLE:** Elder and Dependent Adult Abuse  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/06/2010  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Aging and Long-Term Care Committee  
**HEARING:** 06/21/2011 2:30 pm  
**SUMMARY:**

Makes a technical change to existing law providing that a county adult protective services office and a long-term care ombudsman, when investigating the financial abuse of an elder or dependent adult, is not prohibited from requesting financial information from a financial institution. Amends the Elder Abuse and Dependent Adult Civil Protection Act. Provides for mandated reporters of suspected financial abuse.

**STATUS:**

05/16/2011 To ASSEMBLY Committees on AGING & LONG TERM CARE and PUBLIC SAFETY.  
**NOTES:** EHSD supports. Consistent with Platform. Sent support letter 3/21

CA SB 106

**AUTHOR:** Blakeslee [R]  
**TITLE:** Special Elections

	<p><b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> yes  <b>INTRODUCED:</b> 01/13/2011  <b>LAST AMEND:</b> 04/25/2011  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Appropriations Committee  <b>SUMMARY:</b>  Provides that expenses authorized and necessarily incurred on or after January 1, 2009, and before April 19, 2011, for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy of Congressional members, shall be paid by the state.  <b>STATUS:</b>  05/26/2011 In SENATE Committee on APPROPRIATIONS: Held in committee.  <b>NOTES:</b> Sending support letter 3-3-11</p>
CA SB 132	<p><b>AUTHOR:</b> Lowenthal A [D]  <b>TITLE:</b> School Facilities: State Planning Priorities  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 01/27/2011  <b>LAST AMEND:</b> 05/11/2011  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Assembly Education Committee  <b>SUMMARY:</b>  Requires the Allocation Board to review the guidelines, rules, regulations, procedures, and policies for the acquisition of school sites and school facilities construction pursuant to the Greene Act to ensure they reflect the state planning priorities and to revise those guidelines, regulations, procedures, and policies. Requires the Governor's infrastructure plan to include information on the extent to which site selection, design and construction standards are consistent with planning priorities.  <b>STATUS:</b>  06/09/2011 To ASSEMBLY Committee on EDUCATION.  <b>NOTES:</b> DCD reviewing and sending to TWIC</p>
CA SB 141	<p><b>AUTHOR:</b> Price [D]  <b>TITLE:</b> Elections: Payment of Expenses  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 01/31/2011  <b>LAST AMEND:</b> 03/17/2011  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Appropriations Committee  <b>SUMMARY:</b>  Provides that expenses authorized and necessarily incurred for elections proclaimed by the Governor to fill a vacancy in the office of State Senator or Assembly Member, or to fill a vacancy in the office of United States Senator or Representative in the Congress, are to be paid by the state. Provides that the state shall pay only those additional expenses directly related to the election proclaimed by the Governor when combined with a local election.</p>

**STATUS:**  
05/26/2011 In SENATE Committee on APPROPRIATIONS: Held in committee.

**NOTES:** Steve Weir recommends we support. Sending support letter 3/21

CA SB 223 **AUTHOR:** Leno [D]  
**TITLE:** Voter-Approved Local Assessment: Vehicles  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/09/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Local Government Committee  
**HEARING:** 06/22/2011 1:30 pm  
**SUMMARY:**  
Authorizes counties and the City and County of San Francisco to impose a voter-approved local assessment for specified vehicles if certain conditions are met. Requires the county or the city and county to contract with the DMV to collect and administer the assessment. Requires the Franchise Tax Board to notify the department of estimated revenue losses resulting from taxpayers deducting the assessment under the Personal Income and Corporation Tax laws. Requires replacement of losses to the General Fund.

**STATUS:**  
06/13/2011 To ASSEMBLY Committees on LOCAL GOVERNMENT and REVENUE AND TAXATION.  
**NOTES:** Watch. To Leg Com 5/16.

CA SB 262 **AUTHOR:** De Leon [D]  
**TITLE:** Individual Retirement Accounts  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/10/2011  
**DISPOSITION:** Pending  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**  
Makes findings and declarations of the Legislature that conclude that the state should create an additional retirement savings program for its workers to supplement existing savings options.

**STATUS:**  
02/24/2011 To SENATE Committee on RULES.

CA SB 304 **AUTHOR:** Kehoe [D]  
**TITLE:** Elections: All-Mailed Ballot Elections: San Diego  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/14/2011  
**DISPOSITION:** Pending  
**LOCATION:** Senate Elections and Constitutional Amendments Committee  
**SUMMARY:**  
Authorize elections in San Diego County to be conducted wholly by mail until January 1, 2016, if specified conditions are satisfied. Provides that San Diego

County conducts an all-mailed ballot election. Provides that the county would be required to report to the Legislature and to the Secretary of State regarding the success of the election.

**STATUS:**

02/24/2011 To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

**NOTES:**

Steve Weir recommends support

**CA SB 373**

**AUTHOR:** DeSaulnier [D]

**TITLE:** Retirement: Contra Costa County

**FISCAL COMMITTEE:** no

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/15/2011

**LAST AMEND:** 06/01/2011

**DISPOSITION:** Pending

**FILE:** 38

**LOCATION:** Assembly Consent Calendar - Second Legislative Day

**SUMMARY:**

Deletes the termination date of existing law that authorizes the Contra Costa County Board of Supervisors to establish different retirement benefits for different bargaining units of safety employees represented by the Contra Costa County Deputy Sheriffs' Association, and the unrepresented groups of safety employees in similar job classification and the supervisors and managers of those employees, pursuant to a resolution making those provisions applicable to the county.

**STATUS:**

06/09/2011 In ASSEMBLY. Read second time. To Consent Calendar.

**NOTES:** Our sponsored bill

**CA SB 394**

**AUTHOR:** DeSaulnier [D]

**TITLE:** Healthy Schools Act of 2011

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/16/2011

**LAST AMEND:** 05/09/2011

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Enacts the Healthy Schools Act of 2011. Requires all schoolsites to send at least one person to Department of Pesticide Regulation training.

**STATUS:**

05/26/2011 In SENATE Committee on APPROPRIATIONS: Held in committee.

**NOTES:** BOS supported on 5/3/11

**CA SB 429**

**AUTHOR:** DeSaulnier [D]

**TITLE:** Programs: After School Education and Safety: Grants

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 02/16/2011

**LAST AMEND:** 06/13/2011

**DISPOSITION:** Pending

	<b>COMMITTEE:</b>	Assembly Education Committee
	<b>HEARING:</b>	06/22/2011 1:30 pm
	<b>SUMMARY:</b>	Provides that every school that establishes a before school program component pursuant to the the After School Education and Safety Program, or establishes a program with a before school program component pursuant to the program, is eligible to receive a supplemental grant to operate the program in excess of 180 school days or during any combination of summer, intersession, or vacation periods for a maximum of a specified percentage of the grant amount awarded. Relates to revised program requirements.
	<b>STATUS:</b>	
	06/13/2011	From ASSEMBLY Committee on EDUCATION with author's amendments.
	06/13/2011	In ASSEMBLY. Read second time and amended. Re-referred to Committee on EDUCATION.
	<b>NOTES:</b>	BOS supported 5/3/11
CA SB 520	<b>AUTHOR:</b>	Walters [R]
	<b>TITLE:</b>	Public Employees' Retirement: Hybrid Plan
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/17/2011
	<b>LAST AMEND:</b>	03/21/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Public Employment and Retirement Committee
	<b>SUMMARY:</b>	Requires the Public Employees' Retirement System Board of Administration to create a hybrid retirement plan for employees who become members after a specified date, that offers a defined contribution and defined benefit plan for service and a defined benefit plan for retirement for disability or death. Prohibits these plans from creating a vested property right for the member with respect to any employer contributions before retirement.
	<b>STATUS:</b>	
	03/24/2011	Re-referred to SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
CA SB 526	<b>AUTHOR:</b>	Walters [R]
	<b>TITLE:</b>	Public Employees' Retirement: Final Compensation
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/17/2011
	<b>LAST AMEND:</b>	03/21/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Public Employment and Retirement Committee
	<b>SUMMARY:</b>	Requires, for persons first hired on and after a specified date, for the purpose of determining any pension or benefit with respect to a public entity defined benefit retirement system, that final compensation means the highest annual average compensation earnable by the person during a consecutive 36-month period of membership. Prohibits the inclusion of credit for accrued leave of any form or credit for overtime work in the calculation of compensation.

	<b>STATUS:</b>	
	03/24/2011	Re-referred to SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
	<b>NOTES:</b>	Staff is reviewing
CA SB 527	<b>AUTHOR:</b>	Walters [R]
	<b>TITLE:</b>	Public Employees' Organizations: Negotiation: Benefits
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/17/2011
	<b>LAST AMEND:</b>	03/21/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Public Employment and Retirement Committee
	<b>SUMMARY:</b>	Excludes matters relating to pension benefits from the scope of representation of public employees by recognized employee organizations, and would thereby prohibit these employee organizations from negotiating pension benefits with public employers, except for the amount of employee contributions to the pension plans.
	<b>STATUS:</b>	
	03/24/2011	Re-referred to SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
	<b>NOTES:</b>	Staff is reviewing
CA SB 536	<b>AUTHOR:</b>	DeSaulnier [D]
	<b>TITLE:</b>	Property Tax Revenue Allocations: Public Utilities
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	yes
	<b>INTRODUCED:</b>	02/17/2011
	<b>LAST AMEND:</b>	04/12/2011
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Local Government Committee
	<b>HEARING:</b>	06/29/2011 1:30 pm
	<b>SUMMARY:</b>	Relates to assessments on the property of companies transmitting or selling gas or electricity. Requires that a specified amount of property tax revenues derived from certain property be allocated first to the county which the property is located to all of the school entities located in that county, 2nd to the East Contra Costa Fire Protection District, and 3rd to specified special districts, with the balance allocated to the redevelopment agency governing the project area in which the property is located.
	<b>STATUS:</b>	
	05/27/2011	To ASSEMBLY Committee on LOCAL GOVERNMENT.
	<b>NOTES:</b>	Review for impact to Library and special districts
CA SB 595	<b>AUTHOR:</b>	Wolk [D]
	<b>TITLE:</b>	Tidelands and Submerged Lands: Removal of Vessels
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/17/2011
	<b>LAST AMEND:</b>	05/03/2011

	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Natural Resources Committee
	<b>SUMMARY:</b>	Relates to removal of vessel hazards. Removes the authority of the State Lands Commission to remove and store a vessel removed from a public waterway. Authorizes the commission to remove a vessel immediately and without notice. Authorizes the commission to remove and dispose of a vessel that has been placed on state lands without permission under certain conditions. Relates to deeming such vessels as abandoned property. Requires the funds from the sale be deposited in the General Fund.
	<b>STATUS:</b>	
	06/09/2011	To ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.
	<b>NOTES:</b>	Sending letter of support. Consistent w Platform.
CA SB 653	<b>AUTHOR:</b>	Steinberg [D]
	<b>TITLE:</b>	Local Taxation: Counties: School Districts
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/18/2011
	<b>LAST AMEND:</b>	06/06/2011
	<b>DISPOSITION:</b>	Pending
	<b>FILE:</b>	32
	<b>LOCATION:</b>	Senate Third Reading File
	<b>SUMMARY:</b>	Authorizes the governing board of any county or city and county, school district, community college district, and any county office of education subject to specified constitutional and voter approval requirements, to levy, increase, or extend a local personal income tax, transactions and use tax, vehicle license fee, and excise tax, including an alcoholic beverage tax, a cigarette and tobacco products tax, a sweetened beverage tax, and an oil severance tax. Requires reimbursing the state for lost revenue.
	<b>STATUS:</b>	
	06/07/2011	In SENATE. Read second time. To third reading.
	<b>NOTES:</b>	Consider
CA SB 662	<b>AUTHOR:</b>	DeSaulnier [D]
	<b>TITLE:</b>	Public Services
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/18/2011
	<b>LAST AMEND:</b>	05/31/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	ASSEMBLY
	<b>SUMMARY:</b>	Authorizes, contingent upon a specified finding, the Department of Finance and any county to enter into a contract to authorize the county to integrate specified public services. Requires the Legislature to ratify the contract by an enactment of a bill. Requires the county board of supervisory to ratify the contract. Provides the term of the contract. Requires the county to report to the department and the Legislature on the progress towards meeting the goals of the contract by the 5th

year.  
**STATUS:**  
06/02/2011 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To  
ASSEMBLY. (39-0)  
**NOTES:** BOS supported 5/3/11

CA SB 695 **AUTHOR:** Hancock [D]  
**TITLE:** Medi-Cal: County Juvenile Detention Facilities  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/23/2011  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Provides that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if he or she is eligible to receive benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible and the county agrees to pay the state's share of expenditures and administrative costs for specified benefits. Provides for the continuation of benefits. Suspends benefits if the individual becomes an inmate.  
**STATUS:**  
06/14/2011 From ASSEMBLY Committee on HEALTH: Do pass to  
Committee on APPROPRIATIONS.  
**NOTES:** Staff recommends support to Leg Com

CA SB 718 **AUTHOR:** Vargas [D]  
**TITLE:** Elder and Dependent Adult Abuse: Mandated Reporting  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/24/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Aging and Long-Term Care Committee  
**HEARING:** 06/21/2011 2:30 pm  
**SUMMARY:**  
Amends existing law requiring mandated reporters to report cases of elder abuse. Authorizes the required reports to be submitted through a confidential Internet reporting tool if the county or long-term care ombudsman implements such a system. Requires a county or long-term care ombudsman program that chooses to implement this system to report specified information to the appropriate policy committees of the Legislature one year after full implementation .  
**STATUS:**  
06/09/2011 To ASSEMBLY Committee on AGING & LONG TERM CARE.  
**NOTES:** Sent to EHSD for review. Recommend "watch."

CA SB 744 **AUTHOR:** Wyland [R]  
**TITLE:** Water Submeters: Testing  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no

**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/03/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Business, Professions and Consumer Protection Committee  
**HEARING:** 06/21/2011 10:00 am

**SUMMARY:**

Provides that any water submeter tested by a test bench that is regularly calibrated by a cross-check measure shall be deemed to be sealed and approved for commercial use, provided that the submeter satisfies certain criteria, including that the submeter is otherwise a type approved by the Division of Management Standards. Provides that no water submeter shall be considered to have been put into service prior to its installation if the water submeter is to be used in a multiunit residential structure.

**STATUS:**

06/09/2011 To ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION.

**NOTES:**

BOS opposed on 6/7/11

CA SB 776

**AUTHOR:** DeSaulnier [D]  
**TITLE:** Local Workforce Investment Boards: Funding  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Labor and Employment Committee  
**HEARING:** 06/22/2011 1:30 pm

**SUMMARY:**

Requires local workforce investment boards to spend a certain percent of available federal funds for adults and dislocated workers on direct client services, workforce training programs, and supportive services in a manner consistent with federal law.

**STATUS:**

06/09/2011 To ASSEMBLY Committee on LABOR AND EMPLOYMENT.  
**NOTES:** CWA opposes. Our WDB recommends oppose to Leg Com.

CA SB 810

**AUTHOR:** Leno [D]  
**TITLE:** Single-Payer Health Care Coverage  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/18/2011  
**LAST AMEND:** 05/10/2011  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Establishes the State Healthcare System. Creates State Healthcare Agency. Makes all residents eligible for specified health care benefits under the System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. Creates the Healthcare Policy Board.

**STATUS:**

	05/23/2011	In SENATE Committee on APPROPRIATIONS: Not heard.
	<b>NOTES:</b>	BOS supported on 5/3/11
CA SB 906	<b>AUTHOR:</b>	DeSaulnier [D]
	<b>TITLE:</b>	Defendants: Incarceration
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/18/2011
	<b>LAST AMEND:</b>	05/10/2011
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Senate Appropriations Committee
	<b>SUMMARY:</b>	Prohibits the Department of Corrections and Rehabilitation, when notified by a prosecuting attorney or court that the 2 defendants are either codefendants or coconspirators in the commission of a violent felony, from housing those inmates within sight or sound of each other. Requires, to the extent possible, those inmates be housed in separate facilities.
	<b>STATUS:</b>	
	05/26/2011	In SENATE Committee on APPROPRIATIONS: Held in committee.
	<b>NOTES:</b>	SO reviewing
CA SB 930	<b>AUTHOR:</b>	Evans [D]
	<b>TITLE:</b>	In-Home Supportive Services
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/18/2011
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Human Services Committee
	<b>HEARING:</b>	06/28/2011 1:30 pm
	<b>SUMMARY:</b>	Relates to the county administered In-Home Supportive Services enrollment form. Deletes requirements pertaining to obtaining fingerprint images of IHSS recipients, and the requirement that the provider timesheet include spaces for provider and recipient fingerprints. Deletes requirements and prohibitions relating to the use of a post office box address by an IHSS provider.
	<b>STATUS:</b>	
	05/27/2011	To ASSEMBLY Committee on HUMAN SERVICES.
	<b>NOTES:</b>	BOS supported 5/3/11
CA SB 931	<b>AUTHOR:</b>	Vargas [D]
	<b>TITLE:</b>	Public Employee Organizations
	<b>FISCAL COMMITTEE:</b>	no
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/18/2011
	<b>LAST AMEND:</b>	04/25/2011
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Public Employees, Retirement and Social Security Committee
	<b>HEARING:</b>	06/22/2011 9:00 am
	<b>SUMMARY:</b>	

Prohibits public agencies from using public funds to pay outside consultants or legal advisors for the purpose of counseling the public employer about way to minimize or deter the exercise of representation rights.

**STATUS:**

05/23/2011 To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.

**NOTES:**

CC recommends Watch.

CA SB 948

**AUTHOR:**

Governance and Finance Cmt

**TITLE:**

Property Taxation

**FISCAL COMMITTEE:**

yes

**URGENCY CLAUSE:**

no

**INTRODUCED:**

04/01/2011

**LAST AMEND:**

06/07/2011

**DISPOSITION:**

Pending

**COMMITTEE:**

Assembly Local Government Committee

**HEARING:**

06/15/2011 10:00 am

**SUMMARY:**

Relates to property tax assessor information provided to the tax collector regarding tax sales, property tax assessments and related protests, property tax collections and collectors, tax-defaulted property sales excess proceeds claims, public notice of tax-defaulted property sales, and mistaken property tax payment and excess property tax payment refunds.

**STATUS:**

06/07/2011

From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.

06/07/2011

In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

**NOTES:**

Sent to Assessor and Tax Collector

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**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor John Gioia, Vice Chair*

FROM: Lara DeLaney, Legislative Coordinator

DATE: June 15, 2011

SUBJECT: **Agenda Item #6: Federal Issues Update**

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**RECOMMENDATION**

ACCEPT the report on federal legislative matters.

**WASHINGTON, D.C. UPDATE**

The heat is on in the nation's capital as temperatures soared to the upper nineties and beyond the week of June 6. For their part, Members of Congress were sweating the details of how to solve the looming debt crisis as negotiations took on a sense of heightened urgency after the release of a disappointing jobs report.

**Treasury Secretary Timothy Geithner has warned that Congress must act by August 2nd to avoid defaulting on U.S. borrowing obligations.** This is no easy task as the two parties have serious disagreements over what deficit-fighting measures to pair with an increase in the debt limit. Republican leaders have ruled out tax increases, while most Democrats believe that increased revenues have to be part of any agreement to reduce deficits. There is one thing, however, that both sides have made abundantly clear: negotiators should strike a deal well before the August deadline to avoid rattling financial markets. Complicating matters is that House and Senate lawmakers have rarely been in session at the same time the last few weeks. The Senate was on recess the week of May 30, while the House was out this past week.

When the lower chamber did meet, they overwhelmingly defeated a so-called "clean" bill that would have raised the debt limit without accompanying spending cuts or other conditions. This was largely a symbolic vote in anticipation of upcoming meetings with the White House. House Republicans and Democrats each had their turn to make their case to President Obama, but not much materialized from those meetings. Meanwhile, Vice President Joe Biden has continued hosting bipartisan talks with congressional leaders in hopes of reaching a compromise to raise the debt limit and cut spending.

In other news, the full House of Representatives considered the **Department of Homeland Security (DHS) Appropriations bill**. The measure was considered under

what is called an “open rule,” which lets members propose an unlimited number of relevant amendments. One amendment that was overwhelmingly accepted would reverse some of the cuts to firefighter grant programs. Another that passed would strike language from the package that limits Urban Area Security Initiative grants to the top 10 highest-risk urban areas. It did not propose an alternative number of eligible cities, but the Federal Emergency Management Agency, which administers the grants, has limited the number to 31 for the current fiscal year. Amendments to restore funding to other programs important to local governments were rejected, as it became increasingly difficult to find additional offsets.

At the Appropriations Committee level, the Energy and Water Appropriations Subcommittee approved a draft bill that would fund the Department of Energy and related agencies at \$30.6 billion for fiscal year 2012, which is \$5.9 billion less than the president’s budget request and \$1 billion below the fiscal 2011 spending levels. **The draft bill would reduce funding for the Energy Department, the Army Corps of Engineers, the Bureau of Reclamation and several regional water and power authorities.**

Elsewhere on Capitol Hill, leaders of the Senate Environment and Public Works (EPW) Committee recently released a bipartisan outline – called **Moving Ahead for Progress in the 21st Century, or simply MAP-21** – of their core principles for a multi-year surface transportation reauthorization.

Details were kept to a minimum, but the proposal would fund programs at current levels, plus inflation. Also, important for some lawmakers, there would be no earmarks. Numerous programs would be consolidated to focus resources on key national goals and reduce duplicative and wasteful programs. Programs also would be consolidated to create a more focused freight program that would improve the movement of goods. A new section called America Fast Forward would be created to help stretch federal dollars further. In addition, the bill aims to expedite project delivery, without sacrificing the environment.

The existing authorization for federal transportation programs – known as SAFETEA-LU – is operating under a short term extension through September. It’s still uncertain as to whether Congress can muster enough support to reauthorize the program or if they will simply extend it. The funding problem will continue to haunt lawmakers, especially as gas tax revenues continue to decline.

In other news, Representative Gary Miller (R-CA) is circulating a draft bill to **streamline the Clean Water Act’s (CWA) Section 404 permitting process**. Specifically, the measure – the Flood Control Facility Maintenance Clarification Act – would provide a narrow exemption for maintenance removal of sediment, debris, and vegetation from flood control channels and basins.

Under Section 404 of the CWA, counties, local flood control agencies, and similar local government agencies in California and across the country are required to obtain permits

from the Corps of Engineers to perform maintenance activities in flood protection facilities. The law also provides an exemption for “maintenance of currently serviceable structures.” However, the Corps has interpreted that the exemption does not apply to certain routine maintenance activities.

The narrow interpretation has caused a number of unintended consequences. For one, it has drastically increased the Corps’ workload, creating a significant backlog. The processing time for a 404 permit takes anywhere from one to three years, and often comes with costly mitigation conditions attached. It also has hampered local agencies in their efforts to perform routine maintenance in a timely and responsive manner, leaving them open to undue liability for flood damage.

Several Members of the California congressional delegation have agreed to become original cosponsors of the Miller bill. County officials are encouraged to contact their Member to urge them to sign on to the legislation.

*Provided by Waterman & Associates, CSAC Bulletin 6/10/11*