



LEGISLATION COMMITTEE

May 1, 2014

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair
Supervisor Karen Mitchoff, 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. APPROVE the Records of Action for the February 24 and April 3, 2014 meetings of the Legislation Committee.
4. RECEIVE the report on State Budget Priorities of the California State Association of Counties (CSAC).
5. CONSIDER recommending a position of "support" on **AB 2393**, as introduced (Levine): Vehicle registration fees, to the Board of Supervisors, as recommended by the Sheriff's Office.
6. CONSIDER recommending a position of "support" on **AB 2381**, as introduced (Bonilla): Private parking facilities, to the Board of Supervisors.
7. CONSIDER recommending a position of "support" on **SB 1455**, as amended (DeSaulnier): California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2016, to the Board of Supervisors, as recommended by the County Librarian.
8. CONSIDER recommending a position of "support" on **SB 1341**, as amended (Mitchell): Medi-Cal: Statewide Automated Welfare System, to the Board of Supervisors, as recommended by the Director of Employment and Human Services.
9. CONSIDER recommending a position of "support" on AB 2228 as introduced (Cooley): Crisis nurseries, to the Board of Supervisors, as recommended by the Director of Employment and Human Services.

10. CONSIDER recommending a position of "support" on **SB 899** as introduced (Mitchell) CalWORKs: eligibility, to the Board of Supervisors, as recommended by the Director of Employment and Human Services.
11. The next meeting is currently scheduled for June 5, 2014.
12. Adjourn

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.

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) 646-1353
lara.delaney@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

3.

Meeting Date: 05/01/2014
Subject: Record of Action
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: None
Referral Name: Record of Action
Presenter: L. DeLaney/925-335-1097 **Contact:** L. DeLaney, 925-335-1097

Referral History:

Records of Action for February 24, 2014 and April 3, 2014.

Referral Update:

Records of Action for the February 24, 2014 and April 3, 2014 meetings are attached.

Recommendation(s)/Next Step(s):

APPROVE the Records of Action for the Legislation Committee meetings of February 24, 2014 and April 3, 2014.

Attachments

Feb. 24, 2014 RoA

April 3, 2014 RoA



LEGISLATION COMMITTEE

February 24, 2014

2:30 to 4:00 PM.

651 Pine Street, Room 108, Martinez

Supervisor Mary N. Piepho, Chair
Supervisor Karen Mitchoff, Vice Chair

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

Present: Mary N. Piepho, Chair
Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator

Attendees: Vana Tran
Cece Sellgren
Ryan Hernandez
Gayle Israel
Nathan Johnson

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).

None.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

3. RECOMMEND support of the Resolution to the Board of Supervisors.

The Committee voted to recommend a position of "support" to the Board of Supervisors. The Committee asked staff to follow-up on additional information related to the Delta Trail and the Bay Trail and recommended that cities include this in their GP updates.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

4. CONSIDER recommending a position of "Support" to the Board of Supervisors.

The Committee voted to recommend a position of "support" to the Board of Supervisors.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

- 5.

The Committee voted to recommend a position of "support" to the Board of Supervisors.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

6. Comments for consideration from Flood Control District consultant: "The state made a policy change requiring 200 year level of protection for urban and urbanizing areas within the area of the Sacramento River/San Joaquin River drainage. Any time a policy change is made, there needs to be a reasonable period of time during a transition to implement the change. The question here is what is the appropriate transition period. From a "what's best for society" perspective, it is not prudent to add homes to an unprotected floodplain. However, according to San Joaquin County's project financing plan, development fees are needed to pay the local match for a federally or state funded flood control project. So, there are cities that do not have 200 year level of protection and will not unless these projects are built. It's a chicken and egg situation because they need development to pay for the protection, yet the development will be unprotected until the developer fees are collected.

The problem is that it may be difficult to get federal funding appropriated for a levee improvement project, and if the state is funding the project, those funds would come from bond proceeds, which may or may not be available. It takes many years to get federal appropriations for project, and once the appropriation is made, many more years to get Army Corps of Engineers' approval. Likewise, it can take many years to work through the state system for state funding.

There is protection in the process, however. In this case, they strengthened the process by requiring a report to the Central Valley Flood Protection Board each year on the status of their flood protection system. However, there is no teeth to enforce the policy if the goals and objectives are not achieved in a reasonable time. For example, if development is approved year after year with no advancements in a flood protection project, there is no recourse to stop further development. If the process was strengthened to include some enforcement to stop development in the future, then there would be protection in the process.

It may not be reasonable to put together a flood protection project in the San Joaquin Valley without more time and funding flexibility. A framework that allows additional time and funding flexibility is reasonable but probably should have some enforcement authority to contain the situation if things do not work out."

The Committee took no action on this bill. Directed staff to continue to monitor the bill.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

- 7.

The Committee voted to recommend a position of "support" on this proposition to the Board of Supervisors.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

8. The Legislation Committee may wish to consider recommending a position to the Board of Supervisors on any of these bills, or may request that staff provide additional information about a bill prior to taking action.

The Committee took no action on this item.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

9. ACCEPT the report and request additional information, as needed.

The Committee took no action on this item.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

10. This item is presented for information/discussion only.
11. The next meeting is currently scheduled for Thursday, April 3, 2014 at 10:30 a.m. in Room 101.
12. Adjourn

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.

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) 646-1353
lara.delaney@cao.cccounty.us



LEGISLATION COMMITTEE

April 3, 2014

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair
Supervisor Karen Mitchoff, Vice Chair

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

Present: Mary N. Piepho, Chair
Karen Mitchoff, Vice Chair

Staff Present: Stephen Kowalewski, Public Works
Leigh Chavez, Public Works
Ryan Hernandez, Conservation and Development
John Kopchik, Conservation and Development
Sean Casey, First 5
Camilla Rand, Community Services Bureau
John F. Jones, Contra Costa Child Care Council
Philip Kader, Probation
Lara DeLaney, Senior Deputy County Administrator

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).

None.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

3. Staff recommends that the Legislation Committee consider recommending a position of "support" to the Board of Supervisors on AB 1799 (Gordon).

The Committee voted unanimously to recommend a position of "support."

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

4. CONSIDER recommending a position of "support" on SB 1300 (Hancock):Refineries: turnarounds, to the Board of Supervisors, as recommended by staff.

The Committee voted unanimously to recommend a position of "support."

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff
Passed

5. CONSIDER recommending a position of "oppose" on SB 979, as amended, (Beall): Local public employee organizations: differences: factfinding panel, to the Board of Supervisors, as recommended by the County Finance Director.

The Committee voted unanimously to recommend a position of "oppose."

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

6. CONSIDER recommending a position to the Board of Supervisors or directing staff to "watch" SB 837 (Steinberg): Schools: transitional kindergarten.

The Committee voted unanimously to recommend a position of "watch."

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

7. CONSIDER providing direction to staff on developing a position for Board of Supervisors' consideration regarding the various Water Bond proposals in development at the Legislature.

The Committee provided direction to staff.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

8. CONSIDER recommending a letter of support from the Board of Supervisors for the Delta Conservancy funding in the amount of \$6M for FY 14-15, as recommended by staff.

The Committee voted unanimously to recommend the Board support a letter of support.

AYES: Chair Mary N. Piepho, Vice Chair Karen Mitchoff

Passed

9. The Legislation Committee may consider recommending a position to the Board of Supervisors on any of the bills of interest, or may request staff to provide additional information about a bill.

10. The next meeting is currently scheduled for May 2, 2013.

The Committee noted the date of the next meeting is May 1, 2014.

11. Adjourn

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.

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) 646-1353
lara.delaney@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 05/01/2014
Subject: CSAC Weighs in on State Budget Priorities
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2014-21
Referral Name: State Budget Priorities
Presenter: Lara DeLaney/Cathy Christian **Contact:** L. DeLaney, 925-335-1097

Referral History:

The Legislation Committee regularly receives information about the State Budget and discusses its impact on Contra Costa County.

Referral Update:

As the release of the Governor's May Revision to his initial Budget proposal nears, the State's revenues continue to surpass expectations – coming in at over \$1 billion beyond the Governor's January projections. If this trend holds, the surplus could be as high as \$7 billion. While nearly half of the expected surplus will automatically be directed to schools under the Proposition 98 guarantee, there promises to be an impassioned debate between the Governor and Legislature over the remaining surplus revenues as the June 15th constitutional deadline for budget adoption approaches.

The Governor intends to direct the remaining surplus towards a rainy day fund, spending down the wall of debt, and other one-time program expenditures. The Department of Finance is diligently working to ensure the plan fully realizes the Governor's vision of fiscal prudence. There appears to be some support from the Legislature to direct funds for the same three general purposes as the Governor; however, we know there will be continued pressure to increase expenditures on programs, particularly in areas that were cut deeply during the recession.

(On April 16, the Governor called a Special Session of the Legislature to focus on replacing the Rainy Day fund slated for the November 2014 ballot. The Governor is proposing to change ACA 4 (which the Legislature approved for the November 2014 ballot) with the intent of stabilizing the volatility of capital gains revenue, providing a reserve for schools during future downturns, and providing more flexibility to pay down long-term state liabilities. Under the Governor's Proclamation, the Special Session will begin on April 24.)

CSAC is poised to influence those debates and is requesting the Governor and Legislature to invest in three specific ways that will assist counties in meeting our ongoing obligations associated with the 2011 public safety realignment and implementation of the Affordable Care Act. All three of our budget requests will assist counties in meeting goals shared by the state associated with these recent reforms. We are requesting \$87 million to smooth the projected 2014-15 drop in 2011 public safety realignment funding; \$100 million for supportive services (mental health and substance use disorder treatment, employment and housing services) for the criminal justice population; and an accelerated repayment for mandates owed counties, cities and special districts to the tune of about \$900 million, of which 60 percent is owed to counties.

In 2011, counties partnered with the Governor in an effort to assist the state with prison overcrowding, to reduce state costs, and to seek innovative ways to reduce criminal activity with a focus on rehabilitation of the criminal justice populations in California. In the third year of the far-reaching reforms in the correctional system, counties remain focused on public safety and the delivery of critical services and continue to invest in programs related to recidivism reduction. In order to succeed, individuals need timely access to mental health and substance use services as well, as job training and housing. All three of our budget priorities provide much-needed resources to meet these critical objectives.

CSAC will be working with counties in the coming weeks to aid in advocacy efforts on these important requests.

Recommendation(s)/Next Step(s):

RECEIVE the report on State Budget Priorities of the California State Association of Counties (CSAC) and provide direction to staff, as needed.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 05/01/2014
Subject: AB 2393, as introduced (Levine): Vehicle registration fees
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2014-15
Referral Name: AB 2393, as introduced (Levine): Vehicle registration fees
Presenter: Dave Spinelli **Contact:** L. DeLaney, 925-335-1097

Referral History:

Supervisor Piepho has requested that AB 2393 be to the agenda and that input be solicited from the Sheriff's Office and DA on its implementation for Contra Costa County.

Referral Update:

SUBJECT: Vehicle registration surcharge: fingerprint identification

SUMMARY: Authorizes an increase in the vehicle registration fee used to fund fingerprint identification programs. Specifically, this bill:

- 1) Authorizes, for counties that have imposed a vehicle registration fee for fingerprint identification programs, the fee to be increased from \$1 to \$2 (and from \$2 to \$4 for commercial vehicles).
- 2) For counties that have not imposed a \$1 vehicle registration fee for fingerprint identification programs, authorizes imposition of a \$2 fee (and a \$4 fee for commercial vehicles).

EXISTING LAW:

- 1) Authorizes a county board of supervisors to impose a \$1 vehicle registration fee for purposes of funding fingerprint identification programs; for counties that opt to impose this fee, commercial vehicles in the county pay a \$2 vehicle registration fee for the same purpose.
- 2) Requires participating counties to make findings as to the purpose of, and the need for, imposing the additional vehicle registration fee.
- 3) Requires the resulting fee revenues to be continuously appropriated, without regard to fiscal years, for disbursement to each participating county based upon the number of registered vehicles in those counties.

- 4) Requires fee revenues allocated to a county to be expended exclusively to fund programs that enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification of individuals who may be involved in vehicle-related crimes (e.g., driving under the influence) and other crimes committed while operating a motor vehicle.
- 5) Requires every participating county to issue a fiscal year-end report to the California State Controller summarizing the data on its fingerprint identification program, including total revenues received by the county; total expenditures and funds encumbered; unexpended or unencumbered fee revenues; estimated annual cost of the purchase, operation, and maintenance of automated mobile and fixed location fingerprint equipment, related infrastructure, law enforcement enhancement programs, and personnel; and a description of how the use of the funds benefits the motoring public.
- 6) Suspends for one year the fee in any county that fails to submit this report or that has unexpended or unencumbered fee revenue at the close of the fiscal year in which fee revenue was received.
- 7) Imposes, or authorizes the imposition of, a number of other vehicle registration fees, including:
- a) \$43 basic registration fee to cover costs related to the regulation of vehicles;
 - b) \$3 additional basic registration fee, \$2 of which is for programs to reduce vehicle emissions and \$1 of which is for programs to encourage the voluntary retirement of passenger vehicles and light-duty and medium-duty trucks that are high polluters;
 - c) \$24 California Highway Patrol (CHP) fee to pay for additional CHP officers;
 - d) Vehicle license fee (VLF) based on the value of the vehicle. The VLF is an in-lieu property tax and revenue collected is returned to cities and counties;
 - e) \$20 smog abatement fee for newer model-year vehicles;
 - f) Various fees collected on behalf of local districts or counties. These fees may include:
 - i) Up to \$4 for vehicles registered in San Mateo County for purposes related to traffic congestion and stormwater pollution management;
 - ii) \$4 for vehicles registered in San Francisco to fund programs to provide public transit;
 - iii) \$1 for freeway service patrol programs;
 - iv) Between \$2 and \$19 for programs to reduce air pollution from motor vehicles;
 - v) \$1 for programs aimed at deterring vehicle theft and prosecuting driving-under-the-influence violations; and,
 - vi) \$1 for vehicle abatement activities.

Commercial vehicles are subject to many of these same fees in addition to others, such as fees related to cargo theft deterrence and to gross vehicle weight.

COMMENTS: The Department of Justice (DOJ) started the fingerprint identification program, known as Cal-ID, in the late 1980s to provide a way to verify the identity of persons placed under arrest and to assist law enforcement agencies in other ways, such as identifying human remains and identifying possible criminal suspects, using fingerprint evidence gathered at crime scenes.

Limited funding for the technology and equipment hampered implementation of Cal-ID. As a result, the Legislature passed SB 720 (Lockyer), Chapter 587, Statutes of 1997, authorizing counties to impose a \$1 surcharge on vehicle registrations in the county and to use the money for the Cal-ID program. SB 720 limited the duration of the program to five years. Subsequent legislation extended authorization for the program twice: AB 879 (Keeley), Chapter 986, Statutes of 2002, extended the program until 2006 and added reporting requirements, and AB 857 (Bass), Chapter 470, Statutes of 2005, extended the program until January 2012. Finally, AB 674 (Bonilla), Chapter 205, Statutes of 2011, repealed the sunset date entirely.

According to the sponsors, the Cal-ID program has been a statewide success. They contend it has saved DOJ countless hours of manually scanning inked fingerprint cards. Further, local law enforcement officials assert that since the original legislation, advances in biometric science and technology have developed to the point that law enforcement can now send and receive from the field identification needed to authenticate individuals using not only fingerprints but also retinal scans, facial scans, palm-prints, and thumbprints. These advancements offer significant benefits to law enforcement, such as the ability to:

- 1) Authenticate individuals remotely and avoid unnecessary transfers to a booking facility;
- 2) Rapidly identify dangerous individuals;
- 3) Confirm instances of mistaken identities; and,
- 4) View a driver's license photograph from the field.

Although the program has been extended indefinitely, the author points out that the \$1 vehicle registration fee has not changed since the inception of the program 17 years ago. This bill is intended to restore some of the lost purchasing power of the original \$1 fee as well as to allow law enforcement to take advantage of advances in technology.

Writing in opposition to AB 2393, the Howard Jarvis Taxpayers Association argues that the fee increase proposed in this bill runs afoul of Constitutional provisions governing the imposition of special taxes, namely that imposition of such a tax requires a two-thirds vote of the electorate.

To this point, AB 2393 is a majority vote measure in the Legislature because it does not directly result in a taxpayer paying a higher tax. Instead, this bill delegates to county boards of supervisors the authority to impose a vehicle registrations fee. Ultimately, county counsels will have to determine the appropriate vote threshold at the county level, where a two-thirds vote of the electorate may be required.

Previous legislation: SB 720 (Lockyer), Chapter 587, Statutes of 1997, originally authorized the imposition of a \$1 fee for the automated fingerprinting systems, until January 2003.

AB 879 (Keeley), Chapter 986, Statutes of 2002, extended the program until 2006 (and added reporting requirements).

AB 857 (Bass), Chapter 470, Statutes of 2005, extended the program until January 2012.

AB 674 (Bonilla), Chapter 205, Statutes of 2011, extended the program indefinitely.

Double referral: This bill is double-referred to the Local Government Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association (sponsor)

California Association of Crime Laboratory Directors

Kern County Sheriff

Yolo County Sheriff

Opposition

California Car Clubs

California Taxpayers Association

Howard Jarvis Taxpayers Association

Analysis Prepared by: Janet Dawson / TRANS. / (916) 319-2093

Recommendation(s)/Next Step(s):

ADOPT a position of "support" on **AB 2393**, as introduced (Levine): Vehicle registration fees, as recommended by the Sheriff's Office.

Fiscal Impact (if any):

Unknown impact on Contra Costa County. However, the bill authorizes an increase in the vehicle registration fees used to fund fingerprint identification programs.

Attachments

Bill Text AB 2393

ASSEMBLY BILL

No. 2393

Introduced by Assembly Member Levine

February 21, 2014

An act to amend Section 9250.19 of the Vehicle Code, relating to vehicle registration fees, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2393, as introduced, Levine. Vehicle registration fees.

Existing law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee of \$1 on all motor vehicles, except as provided, in addition to other fees imposed for the registration of a vehicle. Existing law requires registered owners of a commercial vehicle in a county that has so imposed that \$1 fee to pay an additional \$2 fee. Existing law requires the county, after deducting administrative costs, to pay those fees to the Controller quarterly. Existing law continuously appropriates the money generated by these fees to the Controller for disbursement to each county that has adopted a resolution as described above, and limits the expenditure of the money so disbursed to certain purposes related to law enforcement.

This bill would additionally authorize a county, that has adopted the resolution to impose the \$1 fee, to increase that fee to \$2 in the same manner that it imposed the initial \$1 fee. The bill would alternatively authorize a county that has not adopted a \$1 fee to impose an initial \$2 fee in the same manner that it is authorized to impose a \$1 fee. If a county imposes a \$2 fee pursuant to these provisions, the bill would increase the additional \$2 fee on commercial vehicles to \$4. The bill would require the county to submit resolutions to increase fees pursuant

to these provisions to the Department of Motor Vehicles at least 6 months prior to the operative date of the fee increase.

This bill makes an appropriation by authorizing a county to increase the amount of fees that are continuously appropriated to the Controller.

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

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

1 SECTION 1. Section 9250.19 of the Vehicle Code is amended
2 to read:

3 9250.19. (a) (1) In addition to any other fees specified in this
4 code and the Revenue and Taxation Code, upon the adoption of a
5 resolution pursuant to this subdivision by any county board of
6 supervisors, a fee of one dollar (\$1) shall be paid at the time of
7 registration, renewal, or supplemental application for apportioned
8 registration pursuant to Article 4 (commencing with Section 8050)
9 of Chapter 4 of every vehicle, except vehicles described in
10 subdivision (a) of Section 5014.1, registered to an address within
11 that county except those expressly exempted from payment of
12 registration fees. The fees, after deduction of the administrative
13 costs incurred by the department in carrying out this section, shall
14 be paid quarterly to the Controller.

15 (2) (A) *If a county has adopted a resolution to impose a*
16 *one-dollar (\$1) fee pursuant to paragraph (1), the county may*
17 *increase the fee specified in paragraph (1) to two dollars (\$2) in*
18 *the same manner as the imposition of the initial fee pursuant to*
19 *paragraph (1). The two dollars (\$2) shall be paid at the time of*
20 *registration or renewal of registration of a vehicle, and quarterly*
21 *to the Controller, as provided in paragraph (1).*

22 (B) *If a county has not adopted a resolution to impose a*
23 *one-dollar (\$1) fee pursuant to paragraph (1), the county may*
24 *instead adopt a fee of two dollars (\$2) in the manner prescribed*
25 *in paragraph (1).*

26 (C) *A resolution to impose a fee of two dollars (\$2) pursuant*
27 *to subparagraph (A) or (B) shall be submitted to the department*
28 *at least six months prior to the operative date of the fee increase.*

29 ~~(2)~~

30 (3) In addition to the one-dollar (\$1) service fee, and upon the
31 implementation of the permanent trailer identification plate

1 program, and as part of the Commercial Vehicle Registration Act
2 of 2001, all commercial motor vehicles subject to Section 9400.1
3 registered to an owner with an address in the county that
4 established a service authority under this section, shall pay an
5 additional service fee of two dollars (\$2).

6 *(4) (A) If a county imposes a service fee of two dollars (\$2) by*
7 *adopting a resolution pursuant to subparagraph (A), the fee*
8 *specified in paragraph (3) shall be increased to four dollars (\$4).*
9 *The four dollars (\$4) shall be paid at the time of registration or*
10 *renewal of registration of a vehicle, and quarterly to the Controller*
11 *as provided in paragraph (1).*

12 *(B) A resolution to increase the additional service fee from two*
13 *dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A)*
14 *shall be submitted to the department at least six months prior to*
15 *the operative date of the fee increase.*

16 ~~(3)~~

17 (5) A resolution adopted pursuant to paragraph (1) or (2) shall
18 include findings as to the purpose of, and the need for, imposing
19 the additional registration fee.

20 (b) Notwithstanding Section 13340 of the Government Code,
21 the money paid to the Controller pursuant to subdivision (a) is
22 continuously appropriated, without regard to fiscal years, for
23 disbursement by the Controller to each county that has adopted a
24 resolution pursuant to subdivision (a), based upon the number of
25 vehicles registered, or whose registration is renewed, to an address
26 within that county, or supplemental application for apportioned
27 registration, and for the administrative costs of the Controller
28 incurred under this section.

29 (c) Money allocated to a county pursuant to subdivision (b)
30 shall be expended exclusively to fund programs that enhance the
31 capacity of local law enforcement to provide automated mobile
32 and fixed location fingerprint identification of individuals who
33 may be involved in driving under the influence of alcohol or drugs
34 in violation of Section 23152 or 23153, or vehicular manslaughter
35 in violation of Section 191.5 of the Penal Code or subdivision (c)
36 of Section 192 of the Penal Code, or any combination of those and
37 other vehicle-related crimes, and other crimes committed while
38 operating a motor vehicle.

39 (d) The data from a program funded pursuant to subdivision (c)
40 shall be made available by the local law enforcement agency to a

1 local public agency that is required by law to obtain a criminal
2 history background of persons as a condition of employment with
3 that local public agency. A local law enforcement agency that
4 provides the data may charge a fee to cover its actual costs in
5 providing that data.

6 (e) (1) Money collected pursuant to this section shall not be
7 used to offset a reduction in any other source of funds for the
8 purposes authorized under this section.

9 (2) Funds collected pursuant to this section, upon
10 recommendation of local or regional Remote Access Network
11 Boards to the board of supervisors, shall be used exclusively for
12 the purchase, by competitive bidding procedures, and the operation
13 of equipment that is compatible with the Department of Justice's
14 Cal-ID master plan, as described in Section 11112.2 of the Penal
15 Code, and the equipment shall interface in a manner that is in
16 compliance with the requirement described in the Criminal Justice
17 Information Services, Electronic Fingerprint Transmission
18 Specification, prepared by the Federal Bureau of Investigation and
19 dated August 24, 1995.

20 (f) Every county that has authorized the collection of the fee
21 pursuant to subdivision (a) shall issue a fiscal yearend report to
22 the Controller on or before November 1 of each year, summarizing
23 all of the following with respect to those fees:

24 (1) The total revenues received by the county for the fiscal year.

25 (2) The total expenditures and encumbered funds by the county
26 for the fiscal year. For purposes of this subdivision, "encumbered
27 funds" means funding that is scheduled to be spent pursuant to a
28 determined schedule and for an identified purchase consistent with
29 this section.

30 (3) Any unexpended or unencumbered fee revenues for the
31 county for the fiscal year.

32 (4) The estimated annual cost of the purchase, operation, and
33 maintenance of automated mobile and fixed location fingerprint
34 equipment, related infrastructure, law enforcement enhancement
35 programs, and personnel created or utilized in accordance with
36 this section for the fiscal year. The listing shall detail the make
37 and model number of the equipment, and include a succinct
38 description of the related infrastructure items, law enforcement
39 enhancement programs, and the classification or title of any
40 personnel.

1 (5) How the use of the funds benefits the motoring public.

2 (g) For each county that fails to submit the report required
3 pursuant to subdivision (f) by November 1 of each year, the
4 Controller shall notify the Department of Motor Vehicles to
5 suspend the fee for that county imposed pursuant to subdivision
6 (a) for one year.

7 (h) If any funds received by a county pursuant to subdivision
8 (a) are not expended or encumbered in accordance with this section
9 by the close of the fiscal year in which the funds were received,
10 the Controller shall notify the Department of Motor Vehicles to
11 suspend the fee for that county imposed pursuant to subdivision
12 (a) for one year. For purposes of this subdivision, “encumbered
13 funds” means funding that is scheduled to be spent pursuant to a
14 determined schedule and for an identified purchase consistent with
15 this section.

O



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 05/01/2014
Subject: AB 2381, as introduced (Bonilla): Private parking facilities
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2014-16
Referral Name: AB 2381, as introduced (Bonilla): Private parking facilities
Presenter: L. DeLaney/925-335-1097 **Contact:** L. DeLaney, 925-335-1097

Referral History:

Support for AB 2381 was requested by Assembly Member Bonilla's office.

Referral Update:

SUBJECT: Private parking facilities.

Current Status: 04/23/2014: From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass as amended

SUMMARY: Allows cities or counties to authorize, via ordinance or resolution, operators of privately owned and maintained off-street parking facilities to regulate unauthorized parking.

EXISTING LAW:

- 1) Allows any city or county, by ordinance or resolution, to find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking, and that specified traffic laws apply to such facilities, including those related to basic speed law, reckless driving, speed contests and exhibitions of speed.
- 2) Prohibits any ordinance or resolution described above from applying to any offstreet parking facility unless the owner or operator posts specified notices that the parking facility is subject to public traffic regulations and control.
- 3) Prohibits any ordinance or resolution described above from being enacted without a public hearing and 10 days prior written notice to the owner and operator of the privately owned and maintained offstreet parking facility involved.
- 4) Outlines the requirements for, and limitations on, the removal of vehicles parked on private property, as specified (Vehicle Code section 22658).

COMMENTS:

1) Purpose of this bill. This bill clarifies that a city or a county may enact an ordinance that allows the owners or operators of privately owned and maintained off-street parking facilities to regulate parking in their facilities. This bill is sponsored by the Walnut Creek Downtown Association.

2) Author's statement. According to the author, "Some cities and counties have ordinances authorizing private parking lot operators to regulate private lots and enforce parking violations through the use of invoices. Parking ordinances outline consumer protections and strict requirements of property owners. Ordinances specify signage, penalty amount, dispute resolution, and compliance requirements, and are adopted only with a vote of the city council or county board of supervisors. However, state law does not explicitly prescribe whether or not private companies can enforce meter limits in private parking lots, even when local jurisdictions authorize a company's ability to do so. Clarity is needed in state law to protect all parties."

3) Background. In December of 2011, the Attorney General issued an opinion that was sought to answer four questions:

a) Does California Vehicle Code section 22658, or any other state law, authorize private property owners to issue parking citations imposing monetary sanctions to the owners of vehicles parked on their property?

b) May private property owners acquire, by means of issuing a written warning or posting signage, the right to issue parking citations imposing monetary sanctions to the owners of vehicles parked on their property?

c) May persons who tow and impound vehicles under Vehicle Code section 22658 require payment of parking citations that have been issued by private property owners, in addition to the towing and storage charges?

d) What rights or remedies are available to the owners of vehicles that have received parking citations imposing monetary sanctions issued by private property owners?

The opinion concluded that:

a) Neither California Vehicle Code section 22658, nor any other state law, authorizes private property owners to issue parking citations imposing monetary sanctions to the owners of vehicles parked on their property.

b) Absent statutory authorization, private property owners may not acquire, by means of issuing a written warning or posting signage, the right to issue parking citations imposing monetary sanctions to the owners of vehicles parked on their property.

c) Persons who tow and impound vehicles under Vehicle Code section 22658 may not require payment of parking citations that have been issued by private property owners.

d) Owners of vehicles who have received parking citations imposing monetary sanctions issued by private property owners or their agents do not have rights or remedies per se, but the citations

are unenforceable against the vehicle owners.

Subsequent to this opinion, a class action case was filed in August of 2012 alleging that the opinion, together with various provisions of the Vehicle Code, preclude local governments in California from enacting ordinances allowing the private issuance of invoices for parking fees. The case involved a private parking operator, Regional Parking Corporation, doing business pursuant to a Walnut Creek ordinance governing private parking lots.

In its order after hearing this case, the Contra Costa Superior Court noted that, "The Opinion is silent on the question of whether a local government ordinance would be sufficient 'statutory authorization' to allow a private property owner to issue parking citations. California courts interpret the term 'statute' to include municipal ordinances...Thus, the Court reads the Opinion as including ordinances as potential statutory authorization for the private issuance of citations."

The Court then considered a question not addressed in the opinion: whether a local government can enact an ordinance allowing for private property owners to issue citations, or whether any such ordinance would necessarily be preempted by state law. The Court found that, "Because the Vehicle Code for the most part does not address the regulation of private parking, the Court also finds that there is no implied preemption of the Ordinance. What little state law there is on the topic of private parking expressly provides for the possibility of local regulation thereof...There is no statutory scheme fully occupying the field so as to impliedly preempt local regulation.

"Nor is the plaintiff persuasive in arguing that because the City of Walnut Creek cannot contract with private parties to issue citations for public parking violations, it cannot authorize private parties to impose fees for unauthorized parking on their own property...Although local governments are restricted from contracting out the performance of their public functions - such as the enforcement of public parking laws - the issuance of invoices for unauthorized parking on private property is not such a public function."

This bill will clarify, in state statute, that cities and counties have the authority to enact ordinances allowing operators of privately owned and maintained off-street parking facilities to regulate unauthorized parking in their facilities.

Arguments in support. The Walnut Creek Downtown Association, sponsor of this bill, states, "(T)he validity of the Walnut Creek ordinance has been put into question by an Attorney General legal opinion which states that California statute must authorize such an ordinance. This opinion, while not binding, has had the unfortunate consequence of discouraging other cities from adopting ordinances that would benefit their downtown business associations, local merchants and customers. AB 2381 will provide clarity to the matter by addressing the Attorney General opinion and clearly stating that such ordinances are valid."

Arguments in opposition. None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Walnut Creek Downtown Association [SPONSOR]

AvalonBay Communities, Inc.

California Business Properties Association

California Restaurant Association

California Retailers Association

City of Walnut Creek

International Council of Shopping Centers

League of California Cities

Mayor Timothy M. Flaherty, City of Pleasant Hill

National Federation of Independent Business

Regional Parking, Inc.

Opposition

None on file

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958

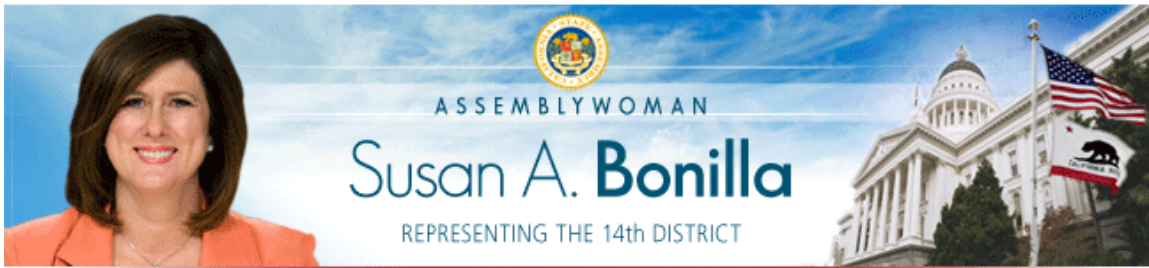
Recommendation(s)/Next Step(s):

Staff recommends that the Legislation Committee consider recommending a position of "support" to the Board of Supervisors on AB 2381.

Attachments

AB 2381 Fact Sheet

AB 2381 Sample Support Letter



AB 2381: Clarifying Parking Enforcement Jurisdictions

Summary:

AB 2381 will enable cities and counties to adopt parking ordinances that best facilitates economic activity in their jurisdictions. Specifically, this bill clarifies cities and counties ability to authorize the regulation of private parking facilities by their owners and managers.

Background:

In California, many parking lots are privately owned and operated. In the City of Walnut Creek, 70% of downtown parking spaces are privately owned. Parking lot owners hire private parking lot operators to manage their parking facilities. At the direction of local jurisdictions, professional parking managers analyze traffic flow patterns and parking tendencies to develop parking plans that meet the needs of local businesses.

Parking ordinances are detailed and specify among other things, requirements for signage, dispute resolutions, and penalty amounts. City and county governments review proposals before adopting ordinances authorizing privately owned facilities to be regulated by their operators.

Metered parking is often recommended by parking lot managers and adopted by local governments for private parking lots. Metered parking is used to create turnover and help increase retail sales. Especially in high traffic areas with a prevalence of businesses, adequate parking turnover ensures customers are able to access retail stores and add to the economic activity of a given locale.

Need for legislation:

Some cities and counties have ordinances authorizing private parking lot operators to regulate their lots and enforce parking violations through the use of invoices. However, state law does not prescribe whether or not private companies can enforce meter limits in private parking lots, even when local jurisdictions authorize a company's ability to do so. Clarity is needed to protect all parties and maintain existing parking enforcement policies.

This bill:

Specifically, this bill:

- allows cities and counties to authorize private parking companies the ability to manage private parking lots under the conditions and criteria deemed appropriate by the local jurisdiction

Support:

Walnut Creek Downtown Business Association
(sponsor)

Contact:

Iván Carrillo
Office of Assemblywoman Susan A. Bonilla
916-319-2014
ivan.carrillo@asm.ca.gov

Date

The Honorable Katcho Achadjian
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, CA 95814

Re: AB 2381 (Bonilla) -- Support

Dear Assemblymember Achadjian:

On behalf of <Name of organization>, I write in support of AB 2381 which would clarify that state law allows cities and counties to adopt ordinances that would allow private property owners to regulate and enforce parking rules on their properties.

<Name of organization> works with community partners, businesses, and residents to promote and enhance local business vitality. It is important for property owners and their merchant tenants to have the ability to manage their lots so there are adequate numbers of open spaces for customers to park. The City of Walnut Creek has adopted a city ordinance to allow private property owners to meter their lots and enforce time limits on those meters. However, the validity of the Walnut Creek ordinance has been put into question by an Attorney General legal opinion which states that California statute must authorize such an ordinance. This opinion, while not binding, has had the unfortunate consequence of discouraging other cities and counties from adopting ordinances that would benefit their downtown business associations, local merchants, and customers. AB 2381 will provide clarity to the matter by addressing the Attorney General opinion and clearly stating that such ordinances are valid.

<Name of Organization> supports AB 2319 because it provides cities and business owners the tools to better manage parking in privately-owned lots.

Sincerely,

< Name and Position>

cc: Assemblywoman Susan A. Bonilla
Members, Assembly Local Government Committee



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

7.

Meeting Date: 05/01/2014

Subject: SB 1455, as amended (DeSaulnier): California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2016

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2014-17

Referral Name: SB 1455, as amended (DeSaulnier): Library Bond 2014

Presenter: L. DeLaney

Contact: L. DeLaney, 925-335-1097

Referral History:

A request for a position of "support" for SB 1455 was received by Jessica Hudson, County Librarian, by Senator DeSaulnier's office.

Referral Update:

SUBJECT: California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2014.

Current Status: 04/09/2014: [In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.](#)

Committee: [Senate Governance and Finance Committee](#)

Hearing: [04/30/2014 9:30 am, Room 112](#)

SUMMARY

This bill enacts the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2014 to be submitted to the voters at the 2014 statewide primary election. If approved by the voters, the Act would authorize the issuance of an unspecified amount in general obligation bonds for public library construction and renovation.

BACKGROUND

In 1988, the voters approved \$75 million in state general obligation bonds under the California Library Construction and Renovation Bond Act of 1988 to establish a grant fund for the acquisition, construction, remodeling, or rehabilitation of public library facilities.

In 2000, the voters approved \$350 million in state general obligation bonds under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of

Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) for the purpose of financing public library construction and renovation. These funds have been fully expended.

In June of 2006, the voters rejected Proposition 81, a \$600 million state general obligation bond measure, with approximately 53% of voters voting against it. Proposition 81, similar to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000, would have provided financing for public library construction and renovation. However, the measure would have given priority to projects that were deemed "Outstanding" for Proposition 14 funds but not funded in the third application cycle.

ANALYSIS

This bill:

- 1) Places a general obligation bond measure for an unspecified amount on the 2014 statewide general election ballot to finance a public library construction and renovation program utilizing a competitive grant process.
- 2) Authorizes the California Public Library Construction Board to adopt rules, regulations, and policies for the bond program and review grant applications.
- 3) Requires recipients to provide matching funds in an amount equal to 35 percent of the costs of the project and limits state funding available to a maximum of \$30 million per project.
- 4) Establishes criteria and procedures for the allocation of grant funds.
- 5) Specifies intent of the Legislature that the State Librarian and the Bond Board develop an application process that is sufficiently streamlined to decrease application costs and incentivize a high number of library applicants to participate.

COMMENTS

1) Need for the bill: According to the author's office, public libraries are a vital part of the educational system. They provide resources and services for all residents of California, including preschoolers and K-12 and college-aged students. Libraries are offering essential public services such as online homework tutoring, computer-based resume building, job search programs, and literacy tutoring. The author's office indicates that in new communities, residents are demanding library facilities, and in older communities, many libraries are inadequate and are in need of rehabilitation or seismic retrofit upgrade. Additionally, several libraries lack the physical infrastructure to allow them to benefit from modern broadband technology upgrades.

2) Proposition 14. In March 2000, voters approved Proposition 14, a \$350 million library bond measure. Due to high demand, the California Public Library Construction and Renovation Board was forced to deny approximately 75 percent of all applications due to lack of additional bond funding. The chart below shows the Proposition 14 grants awarded and projects funded by the California Public Construction and Renovation Board in each cycle.

Project Applications	Grant Awards	Cycle #	Projects	State Funds Requested	Projects	State Funds
Allocated	Cycle 1	61	\$530,430,815	17	\$145,395,447	Cycle 2
		66	\$547,149,519	16	\$108,157,632	
	Cycle 3	72	\$586,692,442	12	\$80,588,293	Total Funded: 45
						\$334,141,372
					Sq Ft.:	\$1,503,471

3) Needs assessment. A 2007 needs assessment, conducted by the California State Library, indicated there were more than 662 public library projects that need to be built or renovated from the 2007 fiscal year through the 2016 fiscal year, totaling over \$8 billion. The State Library does not expect to complete a comprehensive update of this needs assessment at this point in time. However, the author's office estimates that the current need for statewide public library construction, renovation, and retrofit still exceeds well over \$4 billion. The California Library Association acknowledges that the 2007 needs assessment has likely changed, but they still anticipate the overall need to be significant, likely in excess of \$7 billion.

4) The state's funding priorities. In 2006, Proposition 81 would have required that priority be given to eligible projects that were not funded in the third application cycle of the 2000 bond program, effectively earmarking 50% of the \$600 million of the funds that would have been available. This bill does not require that such priority be given to projects that were not funded in the 2000 bond program. Consequently, representatives of some of the unfunded library projects from 2000 may argue that this bill forces them to "lose their place in line" and start over in the planning process. However, rising construction costs and new building codes could effectively make the old applications outdated and support the argument that the new bond program should begin with a level playing field.

5) Infrastructure Bonds. The Legislative Analyst Office recently released its review of the 2014 California Five-Year Infrastructure Plan and raised many issues worth consideration. These issues include the state's long-term policy and infrastructure goals and how the state should prioritize competing needs for capital facilities, including transportation, K-12 education, higher education, and water resources.

The annual debt-service cost to the General Fund is estimated to be \$5.6 billion in the 2014-15 fiscal year and expected to rise to approximately \$5.8 billion in 2017-18. This bill would increase the annual debt-service cost to the General Fund, however the exact impact is unknown.

6) Amendments. As previously mentioned, the State Library will not be completing a comprehensive needs assessment on the construction needs for public libraries. Many will argue that the needs for both renovation and new construction are significant, especially considering the number of qualified applications that went unfunded from Proposition 14. But it has been over a decade since the state has provided resources for library construction and based on the widely differing estimates provided by the author and the California Library Association, we do not have sufficient data that demonstrates the current overall need for library construction. Therefore, staff recommends that the bill be amended to require the State Library to conduct a comprehensive needs assessment on the renovation of existing public libraries and construction for new public libraries, to be reported to the Governor as well as the appropriate policy and fiscal committees of both houses of the Legislature. Staff also recommends that the bill be amended to place the proposed bond measure on the 2016 statewide general election ballot instead of the 2014 ballot, to allow for sufficient time for the needs assessment to be completed and provided to the Legislature.

7) Prior legislation. This bill is similar to SB 156 (Simitian) in 2007, which would have submitted a measure to voters at the 2008 statewide primary election and authorize the issuance of \$4 billion in general obligation bonds for public library construction and renovation. This bill was held in the Senate Appropriations Committee.

SB 1161 (Alpert), Chapter 698, 2004, placed the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006 (Proposition 81) on the June 2006 ballot, which failed passage with 52.7% of voters voting against the initiative.

SUPPORT

California Library Association

Letters from individuals

OPPOSITION

None on file.

Recommendation(s)/Next Step(s):

The County Librarian, Jessica Hudson, recommends that the Legislation Committee consider recommending a position of "support" to the Board of Supervisors on SB 1455.

Fiscal Impact (if any):

Senate Bill 1455 authorizes the sale of an unspecified amount of bonds, for voters to consider on the November, 2014 ballot.

Attachments

SB 1455 Bill Text

AMENDED IN SENATE APRIL 9, 2014

AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1455

Introduced by Senator DeSaulnier

February 21, 2014

An act to add Chapter 12.5 (commencing with Section 20020) to Part 11 of Division 1 of Title 1 of the Education Code, relating to financing a public library construction and renovation program by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of those funds.

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, as amended, DeSaulnier. California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of ~~2014~~, 2016.

Existing law establishes the California Library Construction and Renovation Bond Act of 1988 and the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000. Existing law authorizes the issuance of bonds, pursuant to the State General Obligation Bond Law, in the amount of \$72,405,000 in the 1988 bond act and in the amount of \$350,000,000 in the 2000 bond act, for the purpose of financing library construction and renovation.

This bill would enact the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of ~~2014~~, 2016, for submission to the voters at the ~~2014~~ 2016 statewide general election. The bill, if approved by the voters, would authorize the issuance, pursuant to the State General Obligation Bond

Law, of an unspecified amount of bonds for the purpose of financing library construction and renovation pursuant to a program administered by the State Librarian. *The bill would require the State Librarian to prepare a comprehensive assessment on the statewide need for the new construction, renovation, and rehabilitation of public libraries and to submit a report to the Governor, the Department of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature on or before August 15, 2015.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

SECTION 1. Chapter 12.5 (commencing with Section 20020) is added to Part 11 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 12.5. CALIFORNIA READING AND LITERACY
IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND
RENOVATION BOND ACT OF ~~2014~~ 2016

Article 1. General Provisions

20020. This chapter shall be known, and may be cited, as the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of ~~2014~~ 2016.

20021. The Legislature finds and declares all of the following:

(a) Reading and literacy skills are fundamental to success in our economy and our society.

(b) Public libraries are a vital part of the educational system. They provide resources and services for all residents of California, including preschoolers, out-of-school adults, senior citizens, at-risk youth, and those attending schools at all levels.

(c) In many cases, libraries serve as a community's only public point of access to resources for learning and by extension, self-sufficiency.

(d) The construction and renovation of public library facilities is necessary to expand access to reading and literacy programs in the state public education system and to expand access to public library services for all residents of California.

1 (e) The need for library facilities continues to grow. A 2007
2 needs assessment compiled by the California State Library found
3 that there is a need for over eight billion dollars (\$8,000,000,000)
4 in public library funding.

5 (f) In March 2000, California voters approved a bond measure
6 of three hundred fifty million dollars (\$350,000,000) for library
7 construction and renovation.

8 (g) Due to the overwhelming response by applicants, the
9 California Public Library Construction and Renovation Board was
10 forced to deny approximately 75 percent of all applications due to
11 lack of additional bond funding.

12 20022. As used in this chapter, the following terms have the
13 following meanings:

14 (a) “Board” means the California Public Library Construction
15 and Renovation Board of ~~2014~~ 2016 established pursuant to Section
16 20023.

17 (b) “Committee” means the California Library Construction
18 and Renovation Finance Committee established pursuant to Section
19 19972 and continued in existence pursuant to Section 20038 for
20 purposes of this chapter.

21 (c) “Fund” means the California Public Library Construction
22 and Renovation Fund of ~~2014~~ 2016 established pursuant to Section
23 20024.

24 20023. (a) The California Public Library Construction and
25 Renovation Board of ~~2014~~ 2016 is hereby established.

26 (b) The board is comprised of the State Librarian, the Treasurer,
27 the Director of Finance, an Assembly Member appointed by the
28 Speaker of the Assembly, a Senator appointed by the Senate
29 Committee on Rules, and two members appointed by the Governor.

30 (c) Legislative members of the board shall meet with, and
31 participate in, the work of the board to the extent that their
32 participation is not incompatible with their duties as Members of
33 the Legislature. For the purpose of this chapter, Members of the
34 Legislature who are members of the board constitute a joint
35 legislative committee on the subject matter of this chapter.

36 37 Article 2. Program Provisions

38
39 20024. The proceeds of bonds issued and sold pursuant to this
40 chapter shall be deposited in the California Public Library

1 Construction and Renovation Fund of ~~2014~~, 2016, which is hereby
2 established.

3 20025. All moneys deposited in the fund, except as provided
4 in Section 20048, are continuously appropriated to the State
5 Librarian, notwithstanding Section 13340 of the Government Code,
6 and are available for grants to any city, county, city and county,
7 or library district that is authorized at the time of the project
8 application to own and maintain a public library facility for the
9 purposes set forth in Section 20026.

10 20026. The grant funds authorized pursuant to Section 20025
11 and the matching funds provided pursuant to Section 20031 shall
12 be used by the recipient for any of the following purposes:

13 (a) Acquisition or construction of new facilities or additions to
14 existing public library facilities.

15 (b) Acquisition of land necessary for purposes of subdivision
16 (a).

17 (c) Remodeling or rehabilitation of existing public library
18 facilities or of other facilities for the purpose of their conversion
19 to public library facilities. All remodeling and rehabilitation
20 projects funded with grants authorized pursuant to this chapter
21 shall include necessary upgrading of electrical and
22 telecommunications systems to accommodate Internet and similar
23 computer technology.

24 (d) Procurement or installation, or both, of furnishings and
25 equipment required to make a facility fully operable if the
26 procurement or installation is part of a construction or remodeling
27 project funded pursuant to this chapter.

28 (e) Payment of fees charged by architects, engineers, and other
29 professionals, whose services are required to plan or execute a
30 project authorized pursuant to this chapter.

31 (f) Service charges if the services in question are required by
32 the applicant jurisdiction to be provided by a public works or
33 similar department, or by other departments providing professional
34 services if the costs are billed directly to the project pursuant to
35 this chapter.

36 20027. Grant funds authorized pursuant to Section 20025, or
37 matching funds provided pursuant to Section 20031, shall not be
38 used by a recipient for any of the following purposes:

39 (a) Books and other library materials.

(b) Administrative costs of the project, including, but not limited to, the costs of any of the following:

(1) Preparation of the grant application.

(2) Procurement of matching funds.

(3) Conduct of an election for obtaining voter approval of the project.

(c) Except as set forth in this chapter, including, but not limited to, Section 20046, interest or other carrying charges for financing the project, including, but not limited to, costs of loans or lease-purchase agreements in excess of the direct costs of any of the authorized purposes specified in Section 20026.

(d) Ongoing operating expenses for the facility, its personnel, supplies, or any other library operations.

20028. All construction contracts for projects funded in part through grants awarded pursuant to this chapter shall be awarded through competitive bidding pursuant to Part 3 (commencing with Section 20100) of Division 2 of the Public Contract Code.

20029. This chapter shall be administered by the State Librarian. The board shall adopt rules, regulations, and policies for implementation of this chapter.

20030. A city, county, city and county, or library district may apply to the State Librarian for a grant pursuant to this chapter as follows:

(a) Each application shall be for a project for a purpose authorized by Section 20026.

(b) An application shall not be submitted for a project for which construction bids already have been advertised.

(c) The applicant shall request not less than five hundred thousand dollars (\$500,000) per project.

20031. (a) Each grant recipient shall provide matching funds from any available source in an amount equal to 35 percent of the costs of the project. The remaining 65 percent of the costs of the project, up to a maximum of thirty million dollars (\$30,000,000) per project, shall be provided through allocations from the fund.

(b) Qualifying matching funds shall be cash expenditures in the categories specified in Section 20026 that are made not earlier than five years before the submission of the application to the State Librarian. Except as otherwise provided in subdivision (c), in-kind expenditures do not qualify as matching funds.

(c) Land donated or otherwise acquired for use as a site for the facility, including, but not limited to, land purchased more than five years before the submission of the application to the State Librarian, may count towards the required 35 percent local fund contribution at its appraised value as of the date of the application. This subdivision does not apply to land acquired with funds authorized pursuant to Part 68 (commencing with Section 100400), Part 68.1 (commencing with Section 100600), Part 68.2 (commencing with Section 100800), or Part 69 (commencing with Section 101000), of Division 14 of Title 3.

(d) Expenditures for payment of architect fees for plans and drawings for library renovation and new construction, including, but not limited to, plans and drawings purchased more than five years before the submission of the application to the State Librarian, may count towards the required 35 percent local funds contribution.

20032. (a) The estimated costs of a project for which an application is submitted shall be consistent with normal public construction costs in the geographic area of the applicant.

(b) An applicant wishing to construct a project having costs that exceed normal public construction costs in the area may apply for a grant in an amount not to exceed 65 percent of the normal costs up to a maximum of thirty million dollars (\$30,000,000) per project if the applicant certifies that it is capable of financing the remainder of the project costs from other sources.

20033. (a) After an application is approved by the board and included in the request of the State Librarian to the committee, the amount of the funding to be provided to the applicant shall not be increased. Actual changes in project costs are the responsibility of the applicant. If the amount of funding that is provided is greater than the cost of the project, the applicant shall return that amount of funding that exceeds the cost of the project to the fund. If an applicant is awarded funding by the board, but decides not to proceed with the project, the applicant shall return all of the funding to the fund.

(b) If the State Librarian determines that a grant recipient has not complied with the terms of its grant award or its grant award agreement with the California State Library, the board may withdraw a grant award and award the funds previously granted to the recipient to other eligible applicants. The State Librarian

1 shall notify the affected grant recipient at least 90 days before a
2 board meeting where the withdrawal of a grant award will be
3 considered.

4 20034. (a) In reviewing applications, the board shall consider
5 all of the following factors:

6 (1) The needs of urban, suburban, and rural areas.

7 (2) The age and condition of existing library facilities within
8 an area.

9 (3) The degree to which existing library facilities are inadequate
10 in meeting the needs of the residents in the library service area.

11 (4) The degree to which the proposed project responds to the
12 needs of the residents in the library service area.

13 (5) The degree to which the library integrates appropriate
14 electronic technologies into the proposed project.

15 (6) The financial commitment of the local agency submitting
16 the application to open, operate, and maintain the proposed library
17 project upon its completion.

18 (b) If, after an application has been submitted, material changes
19 occur that would alter the evaluation of an application, the State
20 Librarian may accept an additional written statement from the
21 applicant for consideration by the board.

22 (c) It is the intent of the Legislature that the State Librarian and
23 the board develop an application process that is sufficiently
24 streamlined to decrease application costs and provide incentives
25 for a high number of library applicants to participate.

26 20035. (a) A facility, or a part of a facility, acquired,
27 constructed, remodeled, or rehabilitated with grants received
28 pursuant to this chapter shall be dedicated to public library direct
29 service use for a period of at least 20 years following completion
30 of the project.

31 (b) The financial interest that the state may have in the land or
32 facility, or both, resulting from the funding of a project under this
33 chapter, as described in subdivision (a), may be transferred by the
34 State Librarian through an exchange for a replacement site and
35 facility acquired or constructed for the purpose of providing public
36 library direct service.

37 (c) If the facility, or a part of the facility, acquired, constructed,
38 remodeled, or rehabilitated with grants received pursuant to this
39 chapter ceases to be used for public library direct service before
40 the expiration of the period specified in subdivision (a), the board

1 shall be entitled to recover from the grant recipient, or the successor
2 of the recipient, an amount that bears the same ratio to the value
3 of the facility, or appropriate part of the value of the facility, at
4 the time it ceased to be used for public library direct service, as
5 the amount of the original grant bore to the original cost of the
6 facility, or to an appropriate part of the facility. For purposes of
7 this subdivision, the value of the facility, or appropriate part of the
8 facility, shall be determined by the mutual agreement of the board
9 and the grant recipient or successor, or through an action brought
10 for that purpose in the superior court.

11 (d) Notwithstanding subdivision (f) of Section 16724 of the
12 Government Code, any money recovered pursuant to subdivision
13 (c) shall be deposited in the fund, and shall be available for the
14 purpose of awarding grants for other projects.

15 Article 3. Fiscal Provisions

16
17
18 20036. Bonds in the total amount not to exceed ____ dollars
19 (\$____), exclusive of refunding bonds issued in accordance with
20 Section 20044, or so much of refunding bonds as is necessary,
21 may be issued and sold for deposit in the fund to be used in
22 accordance with, and for carrying out the purposes expressed in,
23 this chapter, including all acts amendatory of this chapter and
24 supplementary to this chapter, and to be used to reimburse the
25 General Obligation Bond Expense Revolving Fund pursuant to
26 Section 16724.5 of the Government Code. The bonds, when sold,
27 shall be and constitute a valid and binding obligation of the State
28 of California, and the full faith and credit of the State of California
29 is hereby pledged for the punctual payment of both principal and
30 interest on bonds as the principal and interest become due and
31 payable.

32 20037. The bonds authorized by this chapter shall be prepared,
33 executed, issued, sold, paid, and redeemed as provided in the State
34 General Obligation Bond Law (Chapter 4 (commencing with
35 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
36 Code), and all of the provisions of that law apply to the bonds and
37 to this chapter and are hereby incorporated in this chapter as though
38 set forth in full in this chapter, except Section 16727 of the
39 Government Code to the extent that it may be inconsistent with
40 this chapter.

1 20038. (a) For purposes of this chapter, the California Library
2 Construction and Renovation Finance Committee established
3 pursuant to Section 19972 is continued in existence and is the
4 “committee” as that term is used in the State General Obligation
5 Bond Law for purposes of this chapter.

6 (b) For purposes of the State General Obligation Bond Law, the
7 California Public Library Construction and Renovation Board of
8 ~~2014~~ 2016 established pursuant to Section 20023 is designated the
9 board.

10 20039. The committee shall determine whether or not it is
11 necessary or desirable to issue bonds authorized pursuant to this
12 chapter in order to carry out the actions specified in this chapter,
13 including all acts amendatory of this chapter and supplementary
14 to this chapter, and, if so, the amount of bonds to be issued and
15 sold. Successive issues of bonds may be authorized and sold to
16 carry out those actions progressively, and it is not necessary that
17 all of the bonds authorized to be issued be sold at any one time.

18 20040. There shall be collected each year and in the same
19 manner and at the same time as other state revenue is collected,
20 in addition to the ordinary revenues of the state, a sum in an amount
21 required to pay the principal of, and interest on, the bonds each
22 year. It is the duty of all officers charged by law with any duty in
23 regard to the collection of the revenue to do and perform each and
24 every act that is necessary to collect that additional sum.

25 20041. Notwithstanding Section 13340 of the Government
26 Code, there is hereby appropriated from the General Fund in the
27 State Treasury, for purposes of this chapter, an amount that will
28 equal the total of the following:

29 (a) The sum annually necessary to pay the principal of, and
30 interest on, bonds issued and sold pursuant to this chapter, as the
31 principal and interest become due and payable.

32 (b) The sum necessary to carry out Section 20042, appropriated
33 without regard to fiscal years.

34 20042. For purposes of carrying out this chapter, the Director
35 of Finance may authorize the withdrawal from the General Fund
36 of an amount or amounts not to exceed the amount of the unsold
37 bonds that have been authorized to be sold for purposes of carrying
38 out this chapter. Amounts withdrawn shall be deposited in the
39 fund. Money made available under this section shall be returned
40 to the General Fund, with interest at the rate earned by the money

1 in the Pooled Money Investment Account during the time the
2 money was withdrawn from the General Fund pursuant to this
3 section, from money received from the sale of bonds for purposes
4 of carrying out this chapter.

5 20043. The board may request the Pooled Money Investment
6 Board to make a loan from the Pooled Money Investment Account
7 or any other approved form of interim financing, in accordance
8 with Section 16312 of the Government Code, for purposes of
9 carrying out this chapter. The amount of the request shall not
10 exceed the amount of the unsold bonds that the committee, by
11 resolution, has authorized to be sold for purposes of carrying out
12 this chapter. The board shall execute any documents required by
13 the Pooled Money Investment Board to obtain and repay the loan.
14 Any amounts loaned shall be deposited in the fund to be allocated
15 by the board in accordance with this chapter.

16 20044. Bonds issued and sold pursuant to this chapter may be
17 refunded by the issuance of refunding bonds in accordance with
18 Article 6 (commencing with Section 16780) of Chapter 4 of Part
19 3 of Division 4 of Title 2 of the Government Code. Approval by
20 the electors of the state for the issuance of bonds under this chapter
21 shall include the approval of the issuance of any bonds issued to
22 refund bonds originally issued or previously issued refunding
23 bonds.

24 20045. Notwithstanding any other provision of this chapter,
25 or of the State General Obligation Bond Law, if the Treasurer sells
26 bonds pursuant to this chapter that include a bond counsel opinion
27 to the effect that the interest on the bonds is excluded from gross
28 income for federal tax purposes, subject to designated conditions,
29 the Treasurer may maintain separate accounts for the investment
30 of bond proceeds and for the investment earnings on those
31 proceeds. The Treasurer may use or direct the use of those proceeds
32 or earnings to pay a rebate, penalty, or other payment required
33 under federal law or take any other action with respect to the
34 investment and use of those bond proceeds required or desirable
35 under federal law to maintain the tax-exempt status of those bonds
36 and to obtain any other advantage under federal law on behalf of
37 the funds of this state.

38 20046. All money deposited in the fund that is derived from
39 premium and accrued interest on bonds sold pursuant to this chapter

1 shall be reserved in the fund and shall be available for transfer to
2 the General Fund as a credit to expenditures for bond interest.

3 20047. The Legislature hereby finds and declares that,
4 inasmuch as the proceeds from the sale of bonds authorized by
5 this chapter are not “proceeds of taxes” as that term is used in
6 Article XIII B of the California Constitution, the disbursement of
7 these proceeds is not subject to the limitations imposed by that
8 article.

9 20048. Amounts deposited in the fund pursuant to this chapter
10 may be appropriated in the annual Budget Act to the State Librarian
11 for the actual amount of office, personnel, and other customary
12 and usual expenses incurred in the direct administration of grant
13 projects pursuant to this chapter, including, but not limited to,
14 expenses incurred by the State Librarian in providing technical
15 assistance to an applicant for a grant under this chapter.

16 SEC. 2. (a) Section 1 of this act shall take effect upon the
17 adoption by the voters of the California Reading and Literacy
18 Improvement and Public Library Construction and Renovation
19 Bond Act of ~~2014~~, 2016, as set forth in Section 1 of this act.

20 (b) Section 1 of this act shall be submitted to the voters at the
21 ~~2014~~ 2016 statewide general election in accordance with provisions
22 of the Elections Code and the Government Code governing
23 submission of statewide measures to voters.

24 SEC. 3. (a) Notwithstanding any other law, all ballots of the
25 election shall have printed on the ballot and in a square of the
26 ballot, the words: “California Reading and Literacy Improvement
27 and Public Library Construction and Renovation Bond Act of
28 ~~2014~~” 2016” and in the same square under those words, the
29 following in 8-point type: “This act provides for a bond issue in
30 an amount not to exceed a total of ____ dollars (\$____) to provide
31 funds for the construction and renovation of public library facilities
32 in order to expand access to reading and literacy programs in
33 California’s public education system and to expand access to public
34 library services for all residents of California.” Opposite the square,
35 there shall be left spaces in which the voters may place a cross in
36 the manner required by law to indicate whether they vote for or
37 against the act.

38 (b) If the voting in the election is done by means of voting
39 machines used pursuant to law in the manner that carries out the
40 intent of this section, the use of the voting machines and the

1 expression of the voters' choice by means of the voting machines
2 are in compliance with this section.

3 *SEC. 4. The State Librarian shall prepare a comprehensive*
4 *assessment on the statewide need for the new construction,*
5 *renovation, and rehabilitation of public libraries, and submit a*
6 *report to the Governor, the Department of Finance, the Legislative*
7 *Analyst, and the appropriate policy and fiscal committees of the*
8 *Legislature on or before August 15, 2015.*

O



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

8.

Meeting Date: 05/01/2014

Subject: SB 1341, as amended (Mitchell): Medi-Cal: Statewide Automated Welfare System

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2014-18

Referral Name: SB 1341, as amended (Mitchell): Medi-Cal: Statewide Automated Welfare System

Presenter: Kathy Gallagher

Contact: L. DeLaney, 925-335-1097

Referral History:

This bill was referred to the Legislation Committee by Employment and Human Services.

Referral Update:

SB 1341, as amended, Mitchell. Medi-Cal: Statewide Automated Welfare System. 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. Existing law requires the Office of Systems Integration in the State Department of Social Services to implement a statewide automated welfare system for 6 specified public assistance programs, including Medi-Cal. This bill would require the Statewide Automated Welfare System to be the system of record for Medi-Cal and to contain all Medi-Cal eligibility rules and case management functionality. The bill would, notwithstanding this provision, authorize the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) to house the business rules necessary for an eligibility determination to be made, as specified, pursuant to the federal Patient Protection and Affordable Care Act. The bill would, if the department exercises that authority, require CalHEERS to make the business rules available to the Statewide Automated Welfare System consortia to determine Medi-Cal eligibility. The bill would specify, effective January 1, 2016, the manner in which the functionality to create and send notices of action for the Medi-Cal and premium tax credit programs would be implemented, including a requirement that the Statewide Automated Welfare System be used to generate noticing language and notice of action documents. Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

Current Status: 04/07/2014: From SENATE Committee on HEALTH with author's amendments. [In SENATE. Read second time and amended. Re-referred to Committee on HEALTH.](#)

Committee: [Senate Health Committee](#)

Hearing: [04/30/2014 1:30 pm, John L. Burton Hearing Room \(4203\)](#)

Recommendation(s)/Next Step(s):

The Director of EHSD recommends that the Legislation Committee consider recommending a position of "support" to the Board of Supervisors on SB 1341.

Fiscal Impact (if any):

Unknown.

Attachments

[SB 1341 Bill Text](#)

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1341

Introduced by Senator Mitchell

February 21, 2014

An act to amend Section 10823 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1341, as amended, Mitchell. Medi-Cal: Statewide Automated Welfare System.

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. Existing law requires the Office of Systems Integration in the State Department of Social Services to implement a statewide automated welfare system for 6 specified public assistance programs, including Medi-Cal.

This bill would require the Statewide Automated Welfare System to be the system of record for Medi-Cal and to contain all Medi-Cal eligibility rules and case management functionality. The bill would, notwithstanding this provision, authorize the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) to house the business rules necessary for an eligibility determination to be made, as specified, pursuant to the federal Patient Protection and Affordable Care Act. ~~The bill would~~ *would, if the department exercises that authority,* require CalHEERS to make the business rules available to the Statewide Automated Welfare System consortia to determine Medi-Cal eligibility. ~~The bill would require the Statewide Automated~~

~~Welfare System to house the functionality to create and send Notices of Action for the Medi-Cal program, as specified, no later than January 1, 2016. specify, effective January 1, 2016, the manner in which the functionality to create and send notices of action for the Medi-Cal and premium tax credit programs would be implemented, including a requirement that the Statewide Automated Welfare System be used to generate noticing language and notice of action documents.~~

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 10823 of the Welfare and Institutions
- 2 Code, as amended by Section 9 of Chapter 13 of the First
- 3 Extraordinary Session of the Statutes of 2011, is amended to read:
- 4 10823. (a) (1) The Office of Systems Integration shall
- 5 implement a statewide automated welfare system for the following
- 6 public assistance programs:
- 7 (A) The CalWORKs program.
- 8 (B) CalFresh.
- 9 (C) The Medi-Cal program.
- 10 (D) The foster care program.
- 11 (E) The refugee program.
- 12 (F) County medical services programs.
- 13 (2) Statewide implementation of the statewide automated welfare
- 14 system for the programs listed in paragraph (1) shall be achieved
- 15 through no more than four county consortia, including the Interim
- 16 Statewide Automated Welfare System Consortium, and the Los
- 17 Angeles Eligibility, Automated Determination, Evaluation, and
- 18 Reporting System.
- 19 (3) Notwithstanding paragraph (2), the Office of Systems
- 20 Integration shall migrate the 35 counties that currently use the
- 21 Interim Statewide Automated Welfare System (SAWS) into the
- 22 C-IV system within the following timeline:
- 23 (A) Complete Migration System Test and begin User Acceptance
- 24 Testing on or before June 30, 2009.
- 25 (B) Complete implementation in at least five counties by
- 26 February 28, 2010.
- 27 (C) Complete implementation in at least 14 additional counties
- 28 on or before May 31, 2010.

1 (D) Complete implementation in all 35 counties on or before
2 August 31, 2010.

3 (E) Decommission the Interim Statewide Automated Welfare
4 System on or before January 31, 2011.

5 (4) Notwithstanding paragraph (2), the Office of Systems
6 Integration shall oversee the migration of the 39 counties
7 composing the C-IV Consortium into a system jointly designed
8 by the 39 counties plus Los Angeles County under the LEADER
9 Replacement System contract. This migration shall result in a new
10 consortium to replace the LEADER and C-IV Consortia.

11 (5) The consortia and the state shall take any action necessary
12 to ensure that the current SAWS maintenance and operations
13 agreements are extended for the LEADER and C-IV Consortia,
14 pending the completion of the LEADER Replacement System and
15 migration of the C-IV Consortium as set forth in paragraph (4),
16 and for the continuation of the Welfare Client Data System
17 Consortium.

18 (6) Each SAWS consortium shall provide a seat on its governing
19 body for a representative of the state and shall allow for the
20 stationing of state staff at the project site.

21 (b) Nothing in subdivision (a) transfers program policy
22 responsibilities related to the public assistance programs specified
23 in subdivision (a) from the State Department of Social Services
24 or the State Department of Health Care Services to the Office of
25 Systems Integration.

26 (c) (1) On February 1 of each year, the Office of Systems
27 Integration shall provide an annual report to the appropriate
28 committees of the Legislature on the statewide automated welfare
29 system implemented under this section. The report shall address
30 the progress of state and consortia activities and any significant
31 schedule, budget, or functionality changes in the project.

32 (2) The report provided pursuant to this subdivision in 2012
33 shall also include the projected timeline and key milestones for
34 the development of the LEADER Replacement System and of the
35 new consortium described in paragraph (4) of subdivision (a).

36 (d) Notwithstanding any other law, the Statewide Automated
37 Welfare System consortia shall have the authority to expend within
38 approved annual state budgets for each system as follows:

(1) Make changes within any line item, provided that the change does not create additional project costs in the current or in a future budget year.

(2) Make a change of up to one hundred thousand dollars (\$100,000) or 10 percent of the total for the line item from which the funds are derived, whichever is greater, between line items with notice to the Office of Systems Integration, provided that the change does not create additional project costs in the current or in a future budget year.

(3) Make requests to the Office of Systems Integration for changes between line items of greater than one hundred thousand dollars (\$100,000) or 10 percent of the total for the line item from which the funds are derived, which do not increase the total cost in the current or a future budget year. The Office of Systems Integration shall take action to approve or deny the request within 10 days.

(e) (1) The Statewide Automated Welfare System shall be the system of record for Medi-Cal and shall contain all Medi-Cal eligibility rules and case management functionality.

(2) Notwithstanding paragraph (1), the business rules necessary for an eligibility determination to be made under the Modified Adjusted Gross Income (MAGI) rules pursuant to the federal Patient Protection and Affordable Care Act (Public Law 111-148) may be housed in the California Healthcare Eligibility, Enrollment, and Retention System developed pursuant to Section 15926, hereafter referred to as CalHEERS. *The If the department exercises that authority, the business rules contained in CalHEERS shall be made available as a service to the Statewide Automated Welfare System consortia consortia, through an automated interface, in order for the consortia to determine eligibility for Medi-Cal under the MAGI rules.*

~~(3) The functionality to create and send Notices of Action for the Medi-Cal program, including notices related to MAGI-based eligibility, shall be housed within the Statewide Automated Welfare System. This paragraph shall be implemented no later than January 1, 2016.~~

(3) Effective January 1, 2016, the functionality to create and send notices of action for Medi-Cal and premium tax credit programs, as described in Section 36B of Title 26 of the United States Code, shall be implemented consistent with the following:

1 (A) Except as specified in subparagraphs (B) and (C), the
2 Statewide Automated Welfare System shall be used to generate
3 noticing language and notice of action documents and to send
4 notice of action documents for all Medi-Cal programs, including,
5 but not limited to, MAGI and Non-MAGI based programs.

6 (B) If the department exercises its authority pursuant to
7 paragraph (2), CalHEERS shall be used to generate noticing
8 language for the premium tax credit program, including, but not
9 limited to, Medi-Cal denial noticing language related to tax subsidy
10 approvals, and shall be used to generate and send notice of action
11 documents for the premium tax credit only program.

12 (C) If the department exercises its authority pursuant to
13 paragraph (2), in any mixed eligibility cases that include an
14 approval or approvals for MAGI Medi-Cal eligibility
15 determinations, non-MAGI Medi-Cal eligibility determinations,
16 or both, and premium tax credit approvals, the Statewide
17 Automated Welfare System shall be used to combine the noticing
18 language for Medi-Cal programs generated by the Statewide
19 Automated Welfare System and the noticing language for the
20 premium tax credit program generated by CalHEERS into one
21 notice, and the Statewide Automated Welfare System shall be used
22 to send the document, as one combined notice, for all programs.

O



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

9.

Meeting Date: 05/01/2014
Subject: AB 2228 as introduced (Cooley): Crisis nurseries
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2014-19
Referral Name: AB 2228 as introduced (Cooley): Crisis nurseries
Presenter: Kathy Gallagher **Contact:** L. DeLaney, 925-335-1097

Referral History:

This bill was referred to the Legislation Committee by the Director of Employment and Human Services.

Referral Update:

AB 2228, as introduced, Cooley. Crisis nurseries.

Current Status: 03/06/2014: [To ASSEMBLY Committee on HUMAN SERVICES.](#)

Committee: [Assembly Human Services Committee](#)

Hearing: [04/29/2014 1:30 pm, State Capitol Room 437](#) Existing law provides for the licensure and regulation by the State Department of Social Services of crisis nurseries, as defined. Violation of these provisions is a misdemeanor. Existing law authorizes crisis nurseries to provide care and supervision for children under 6 years of age who are voluntarily placed by a parent or legal

supervision for children under 6 years of age who are voluntarily placed by a parent or legal guardian due to a family crisis for no more than 30 days. Existing law provides that a maximum licensed capacity for a crisis nursery program is 14 children. Existing law authorizes a crisis nursery to provide child day care services for children under 6 years of age at the same site as a crisis nursery, but provides that a child is prohibited from receiving more than 30 calendar days of child day care services at the crisis nursery in a 6-month period unless the department issues an exception. Existing law requires the department to allow the use of fully trained and qualified volunteers as caregivers in a crisis nursery subject to specified conditions. This bill would provide that the maximum licensed capacity of 14 children applies to overnight crisis nursery programs. The bill would instead provide that a crisis nursery may provide crisis day respite services and that the maximum licensed capacity for crisis day respite shall be based on 35 square feet of indoor activity space per child, as prescribed. This bill would require that the licensee designate at least one lead caregiver, as described, to be present at the crisis nursery at all times when children are present, would require the licensee to develop, maintain, and implement a written staff training plan, as specified, and would require a crisis nursery to have at least one caregiver at all times who has completed training pediatric first aid and cardiopulmonary resuscitation. The bill would modify the requirements relating to the use of volunteers to be counted in the staff-to-child ratios in a crisis nursery, as specified, and would prescribe requirements relating to when a child has a health condition that requires medication. By expanding the scope of crime, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason. Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

Recommendation(s)/Next Step(s):

CONSIDER recommending a position of "support" on AB 2228 as introduced (Cooley): Crisis nurseries, to the Board of Supervisors, as recommended by the Director of Employment and Human Services.

Fiscal Impact (if any):

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

Attachments

AB 2228 Bill Text

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Cooley

February 20, 2014

An act to amend Sections 1516 and 1526.8 of the Health and Safety Code, relating to crisis nurseries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as introduced, Cooley. Crisis nurseries.

Existing law provides for the licensure and regulation by the State Department of Social Services of crisis nurseries, as defined. Violation of these provisions is a misdemeanor. Existing law authorizes crisis nurseries to provide care and supervision for children under 6 years of age who are voluntarily placed by a parent or legal guardian due to a family crisis for no more than 30 days.

Existing law provides that a maximum licensed capacity for a crisis nursery program is 14 children. Existing law authorizes a crisis nursery to provide child day care services for children under 6 years of age at the same site as a crisis nursery, but provides that a child is prohibited from receiving more than 30 calendar days of child day care services at the crisis nursery in a 6-month period unless the department issues an exception. Existing law requires the department to allow the use of fully trained and qualified volunteers as caregivers in a crisis nursery subject to specified conditions.

This bill would provide that the maximum licensed capacity of 14 children applies to overnight crisis nursery programs. The bill would instead provide that a crisis nursery may provide crisis day respite services and that the maximum licensed capacity for crisis day respite

shall be based on 35 square feet of indoor activity space per child, as prescribed.

This bill would require that the licensee designate at least one lead caregiver, as described, to be present at the crisis nursery at all times when children are present, would require the licensee to develop, maintain, and implement a written staff training plan, as specified, and would require a crisis nursery to have at least one caregiver at all times who has completed training pediatric first aid and cardiopulmonary resuscitation. The bill would modify the requirements relating to the use of volunteers to be counted in the staff-to-child ratios in a crisis nursery, as specified, and would prescribe requirements relating to when a child has a health condition that requires medication.

By expanding the scope of crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 1516 of the Health and Safety Code is
2 amended to read:

3 1516. (a) For purposes of this chapter, “crisis nursery” means
4 a facility licensed by the department to provide short-term, 24-hour
5 nonmedical residential care and supervision for children under six
6 years of age, who are voluntarily placed for temporary care by a
7 parent or legal guardian due to a family crisis or stressful situation
8 for no more than 30 days.

9 (b) A crisis nursery shall be organized and operated on a
10 nonprofit basis by either a private nonprofit corporation or a
11 nonprofit public benefit corporation.

12 (c) “Voluntary placement,” for purposes of this section, means
13 a child, who is not receiving Aid to Families with Dependent
14 Children-Foster Care, placed by a parent or legal guardian who
15 retains physical custody of, and remains responsible for, the care
16 of his or her children who are placed for temporary emergency

care, as described in subdivision (a). Voluntary placement does not include placement of a child who has been removed from the care and custody of his or her parent or legal guardian and placed in foster care by a child welfare services agency.

(d) (1) Except as provided in paragraph (2), the maximum licensed capacity for ~~a~~ *an overnight* crisis nursery program shall be 14 children.

(2) A facility licensed on or before January 1, 2004, as a group home for children ~~under the age of~~ six years *of age* with a licensed capacity greater than 14 children, but less than 21 children, that provides crisis nursery services shall be allowed to retain its capacity if issued a crisis nursery license until there is a change in the licensee's program, location, or client population.

(e) Each crisis nursery shall collect and maintain information, in a format specified by the department, indicating the total number of children placed in the program, the length of stay for each child, the reasons given for the use of the crisis nursery, and the age of each child. This information shall be made available to the department upon request.

(f) (1) ~~Notwithstanding Section 1596.80, a crisis nursery may provide child day care crisis day respite services for children under the age of six years of age at the same site as the crisis nursery. A child may not receive child day care services at a crisis nursery for more than 30 calendar days in a six-month period unless the department issues an exception. A child who is receiving child day care services shall be counted in the licensed capacity.~~

(2) *The maximum licensed capacity for crisis day respite shall be based on 35 square feet of indoor activity space per child. Bedrooms, bathrooms, halls, offices, isolation areas, food-preparation areas, and storage places shall not be included in the calculation of indoor activity space. Floor area under tables, desks, chairs, and other equipment intended for use as part of children's activities shall be included in the calculation of indoor space.*

(g) Exceptions to group home licensing regulations pursuant to subdivision (c) of Section 84200 of Title 22 of the California Code of Regulations, in effect on August 1, 2004, for county-operated or county-contracted emergency shelter care facilities that care for children ~~under the age of~~ six years *of age* for no more than 30 days, shall be contained in regulations for crisis nurseries.

~~(h) This section shall become operative on July 1, 2012.~~

SEC. 2. Section 1526.8 of the Health and Safety Code is amended to read:

1526.8. (a) It is the intent of the Legislature that the department develop modified staffing levels and requirements for crisis nurseries, provided that the health, safety, and well-being of the children in care are protected and maintained.

(1) At all times, at least one caregiver shall have completed training in pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid. Completion of training shall be demonstrated by current and valid pediatric CPR and pediatric first aid cards issued by the American Red Cross, the American Heart Association, or by a training program that has been approved by the Emergency Medical Services Authority pursuant to Section 1797.191.

(2) The licensee shall develop, maintain, and implement a written staff training plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all lead caregivers, caregivers, and volunteers. The licensee shall incorporate the training plan in the crisis nursery plan of operation.

(3) The licensee shall designate at least one lead caregiver to be present at the crisis nursery at all times when children are present. The lead caregiver shall have one of the following education and experience qualifications:

(A) Completion of 12 postsecondary semester units or equivalent quarter units, with a passing grade, as determined by the institution, in classes with a focus on early childhood education, child development, or child health at an accredited college or university, as determined by the department, and six months of work experience in a licensed group home, licensed infant care center, or comparable group child care program or family day care. At least three semester units, or equivalent quarter units, or equivalent experience shall include coursework or experience in the care of infants.

(B) A current and valid Child Development Associate (CDA) credential, with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training or work experience in a licensed child care center or comparable group child care program.

1 (C) A current and valid Child Development Associate Teacher
2 Permit issued by the California Commission on Teacher
3 Credentialing pursuant to Sections 80105 to 80116, inclusive, of
4 Title 5 of the California Code of Regulations.

5 (4) Lead caregivers shall have a minimum of 24 hours of
6 training and orientation before working with children. One year
7 experience in a supervisory position in a child care or group care
8 facility may substitute for 16 hours of training and orientation.
9 The written staff training plan shall require the lead caregiver to
10 receive and document a minimum of 20 hours of annual training
11 directly related to the functions of his or her position.

12 (5) Caregiver staff shall complete a minimum of 24 hours of
13 initial training within the first 90 days of employment, which may
14 include first aid and CPR and shall be included in the written staff
15 training plan. Eight hours of training shall be completed before
16 the caregiver staff are responsible for children, left alone with
17 children, and counted in the staff-to-child ratios described in
18 subdivision (c). A maximum of four hours of training may be
19 satisfied by job shadowing.

20 (b) The department shall allow the use of fully trained and
21 qualified volunteers as caregivers in a crisis nursery, subject to the
22 following conditions:

23 (1) Volunteers shall be fingerprinted for the purpose of
24 conducting a criminal record review as specified in subdivision
25 (b) of Section 1522.

26 (2) Volunteers shall complete a child abuse central index check
27 as specified in Section 1522.1.

28 (3) Volunteers shall be in good physical health and be tested
29 for tuberculosis not more than one year prior to, or seven days
30 after, initial presence in the facility.

31 (4) Prior to assuming the duties and responsibilities of a crisis
32 caregiver or being counted in the staff-to-child ratio, volunteers
33 shall complete at least ~~eight~~ five hours of initial training divided
34 as follows:

35 (A) ~~Four~~ Two hours of crisis nursery job shadowing.

36 (B) ~~Two hours~~ One hour of review of community care licensing
37 regulations.

38 (C) Two hours of review of the crisis nursery program, including
39 the facility mission statement, goals and objectives, *child guidance*
40 *techniques*, and special needs of the client population they serve.

~~(5) Within 90 days, volunteers who are included in the staff-to-child ratios shall complete at least 20 hours of training divided as follows:~~

~~(A) Twelve hours of pediatric first aid and pediatric cardiopulmonary resuscitation.~~

~~(B) Eight hours of child care health and safety issues.~~

(5) Within 90 days, volunteers who are included in the staff-to-child ratios shall complete at least eight hours of training covering child care health and safety issues, trauma informed care, the importance of family and sibling relationships, temperaments of children, self-regulation skills and techniques, and program child guidance techniques.

(6) Volunteers who meet the requirements of paragraphs (1), (2), and (3), but who have not completed the training specified in paragraph (4) or (5) may assist a fully trained and qualified staff person in performing child care duties. However, these volunteers shall not be left alone with children, shall always be under the direct supervision and observation of a fully trained and qualified staff person, and shall not be counted in meeting the minimum staff-to-child ratio requirements, *except that volunteers may supervise napping children without being under the direct supervision of staff.*

(c) The department shall allow the use of fully trained and qualified volunteers to be counted in the staff-to-child ratio in a crisis nursery subject to the following conditions:

(1) The volunteers have fulfilled the requirements in paragraphs (1) to (4), inclusive, of subdivision (b).

(2) There shall be at least one fully qualified and employed staff person on site at all times.

(3) (A) There shall be at least one employed staff or volunteer caregiver for each group of ~~three children, or fraction thereof, six~~ *preschool age children, or fraction thereof, and one employed staff or volunteer caregiver for each group of four infants, or fraction thereof, from 7 a.m. to 7 p.m.*

(B) There shall be at least one paid caregiver or volunteer caregiver for each group of ~~four~~ *six* children, or fraction thereof, from 7 p.m. to 7 a.m.

(C) There shall be at least one employed staff person present for every volunteer caregiver used by the crisis nursery for the purpose of meeting the minimum caregiver staffing requirements.

(d) There shall be at least one staff person or volunteer caregiver awake at all times from 7 p.m. to 7 a.m.

(e) (1) When a child has a health condition that requires prescription medication, the licensee shall ensure that the caregiver does all of the following:

(A) Assists children with the taking of the medication as needed.

(B) Ensures that instructions are followed as outlined by the appropriate medical professional.

(C) Stores the medication as instructed in the original container with the original unaltered label in a locked and safe area that is not accessible to children.

(D) Administers the medication as directed on the label or as advised by the physician in writing.

(2) Nonprescription medications may be administered without approval or instructions from the child's physician if all of the following conditions are met:

(A) Nonprescription medications are administered in accordance with the product label directions on the nonprescription medication containers.

(B) For each nonprescription medication, the licensee obtains, in writing, approval and instructions from the child's authorized representative for the administration of the medication to the child. This documentation shall be kept in the child's record. The instructions from the child's authorized representative shall not conflict with the product label directions on the nonprescription medication container.

(3) The licensee shall develop and implement a written plan to record the administration of the prescription and nonprescription medications and to inform the child's authorized representative daily, for day care, and upon discharge for overnight care, when the medications have been given.

(4) When no longer needed by the child, or when the child withdraws from the center, all medications shall be returned to the child's authorized representative or disposed of after an attempt to reach the authorized representative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

O



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

10.

Meeting Date: 05/01/2014
Subject: SB 899 as introduced (Mitchell) CalWORKs: eligibility
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2014-20
Referral Name: SB 899 as introduced (Mitchell) CalWORKs: eligibility
Presenter: Kathy Gallagher **Contact:** L. DeLaney, 925-335-1097

Referral History:

This bill was referred to the Legislation Committee by the Employment and Human Services Department.

Referral Update:

SUBJECT

CalWORKs: eligibility

Current Status: 04/08/2014: From SENATE Committee on HUMAN SERVICES: Do pass to Committee on APPROPRIATIONS.

Committee: [Senate Appropriations Committee](#)

Hearing: [04/28/2014 10:00 am, John L. Burton Hearing Room \(4203\)](#)

SUMMARY

This bill deletes California's Maximum Family Grant rule, which prohibits CalWORKs payments from being made on behalf of children who were conceived after a family begins receiving aid except in cases of rape, incest or contraception failure, as specified. This bill also prohibits an applicant or recipient from being required to share confidential medical information as a condition of aid eligibility or from being required to use a specific type of contraception as a condition of aid eligibility.

ABSTRACT

Existing law:

1) Establishes the Temporary Assistance for Needy Families (TANF) program in federal law, which permits each state to implement the program under its own state plan. (42 USC Section 601 et seq.)

2) Establishes in state law the CalWORKs program to provide cash assistance and other social services for low-income families through the TANF program. Under CalWORKs, each county

provides assistance through a combination of state, county and federal TANF funds. (WIC 10530)

3) Establishes guidelines for determining a family's maximum aid payment, including all eligible family members, as well as the level of aid to be paid, as specified. (WIC 11450)

4) Prohibits an increase in aid based on an increase in the number of needy persons in a family due to the birth of an additional child, if the family has received aid continuously for the 10 months prior to the birth of the child, as specified. (WIC 11450.04 (a))

5) Exempts this prohibition in the following circumstances:

a. Any child who was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, if the rape was reported to a law enforcement agency, medical or mental health professional or social services agency prior to, or within three months after, the birth of the child.

b. Any child who was conceived as a result of an incestuous relationship if the relationship was reported to a medical or mental health professional or a law enforcement agency or social services agency prior to, or within three months after, the birth of the child or if paternity has been established.

c. Any child who was conceived as a result of contraceptive failure if the parent was using an intrauterine device, a Norplant, or the sterilization of either parent.

d. If the family does not receive aid for two consecutive months during the 10-months prior to the child's birth.

e. Children born on or before November 1, 1995.

f. If the family did not receive aid for 24 consecutive months while the child was living with the family.

g. Any child conceived when either parent was a non-needy caretaker relative.

h. Any child who is no longer living in the same home with either parent. (WIC 11450.04 (b) et seq.)

6) Requires that 100 percent of any child support payment received for a child who is born under the maximum family grant (MFG) cap - and therefore is not the recipient of aid - be paid to the family. Additionally, prohibits any such child support payment from being counted as income for the purpose of calculating CalWORKs benefits. (WIC 11450.04 (e))

7) Requires each county welfare department (CWD) to notify recipients of the MFG provisions in writing at the time of application and recertification, as specified. (WIC 11450.04 (f))

8) Requires the California Department of Social Services (CDSS) to seek appropriate federal waivers to implement the maximum family aid limit and associated conditions, as specified, and directs CDSS to implement the rule on the date the waiver is received by declaration of the department's director. (WIC 11450.04 (g))

This bill:

1) Makes uncodified legislative findings and declarations that:

- a. Scientific research has demonstrated that young children living in deep poverty experience lifelong cognitive impairments limiting their ability to be prepared for and succeed in school.
- b. Academic research has documented an increase in missed days of school and an increase in visits to hospital emergency rooms by children who live in deep poverty.
- c. The Maximum Family Grant rule was adopted to limit the amount of time a family could receive assistance and to limit the amount of assistance received. The rule was passed before implementation of welfare reform. At the time the rule was adopted, there was no limit on the length of time a family could receive aid, no work requirements and the benefits provided were approximately 80 percent of the federal poverty level (FPL).
- d. Since the rule's implementation, lifetime limits on aid and work requirements have been enacted in order to receive a maximum benefit of approximately 40 percent of the FPL.
- e. The MFG rule makes poor children poorer, reducing the income of families with infants to less than 30 percent of the FPL.
- f. This legislation is necessary to protect infants born to families receiving CalWORKs from experiencing lifelong cognitive impairments due to the toxic stress of deep poverty and to ready those children for participation in California's public school system.
- g. This legislation is necessary to protect the reproductive and privacy rights of all applicants for, and recipients of, aid under the CalWORKs program.

2) Prohibits an applicant for, or recipient of, CalWORKs aid from being required as a condition of eligibility to do any of the following:

- a. Divulge that any member of the assistance unit is a victim of rape or incest.
- b. Share confidential medical records related to any member of the assistance unit's rape or incest.
- c. Use contraception, choose a particular method of contraception, or divulge the method of contraception that any member of the assistance unit uses.

3) Prohibits an applicant for or recipient of CalWORKs benefits from being denied aid, or denied an increase in the maximum aid payment, for a child born into the family during a period in which the family is receiving aid.

4) Specifies that no increased benefit will be paid for any month prior to January 1, 2015, as a result of repealing the prior statute.

5) Repeals WIC 11450.04, which establishes and defines the maximum family grant rule, including exclusions for families in which a mother reports she is a victim of rape or incest or in instances where specified methods of contraception fail, among other provisions.

BACKGROUND AND DISCUSSION

Purpose of the bill

The author states that as a result of California's MFG policy, women are forced to make decisions about the types of birth control they can use if they are receiving public benefits. Women who are raped are required to report sensitive and highly personal information to a welfare caseworker in order for their babies to receive aid, according to the author. Some families chose to refuse assistance (and become very poor) for the last three months of a pregnancy rather than lose the grant for the new baby - which is less than \$200 a month - but will help pay for diapers and wipes, according to the author.

The author states that this kind of desperation is unconscionable to force upon poor women, especially considering the fact that the maximum grant is only approximately \$608 per month for a family of three - or just enough to put a family at about 38% of the federal poverty line.

CalWORKs

The California Work Opportunity and Responsibility to Kids program (CalWORKs) provides monthly income assistance and employment-related services intended to move children out of poverty and to help families meet basic needs. Federal funding for CalWORKs comes from the TANF block grant.

According to data from CDSS, as of December 2013, 549,464 families relied on CalWORKs, including more than one million children. Nearly half of the children are under age six. About 6 percent of families (and 13.4 percent of children) receiving CalWORKs benefits in California are subject to the MFG rule, which prohibits a county from including in a family's aid any benefit for a child born more than 10 months after a family entered the CalWORKs program. For a family of three, in which the MFG baby would become the third member of the assistance unit, the loss in grant is \$123 per month - the difference between a maximum of \$515 per month for a family of two to a maximum grant of \$638 per month for a family of three in 2014.[1]

Maximum Family Grant rule

In 1992, against the backdrop of a debate about whether "intergenerational welfare" was encouraging women to avoid work and have additional children, New Jersey passed the nation's first statewide family cap policy. The policy prohibited additional benefits from being provided to a family for children born after the family began receiving welfare benefits. The policy, which was soon copied by other states, came amid a national conversation that would become the basis for the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which established a 60-month time-limit on benefits in most cases, and emphasized integrating parents into the workforce as part of the program.

Prior to the passage of PRWORA, states needed waivers to implement family cap policies, which required rigorous evaluations of whether the policies achieved their intended goals. AB 473 (Brulte, Chapter 196, Statutes of 1994) created California's MFG rule as part of budget trailer bill, and required California to obtain a federal waiver to be able to implement the new MFG rule, as the rule was inconsistent with existing federal regulations. California's waiver application was approved in August of 1996, however waiver approval coincided with the passage of PRWORA, which granted states flexibility to implement their own policies without need for a waiver, and California proceeded with the MFG policy without implementing the waiver. California's MFG policy has not been amended since its original enactment.

The MFG legislation was based on the belief that increasing welfare grants for children born into

AFDC families may incentivize families to have additional children for the explicit purpose of increasing their monthly grant. By limiting the grant amount, policymakers argued that families would be dissuaded from having additional children. In a heated floor debate in July 1994, in which the bill's author argued that the MFG would "encourage the transition to self-sufficiency," then-Assemblyman John Burton questioned whether this move would achieve the intended goal. "Welfare reform is getting people off of welfare and into a productive role in society with a job, not starving some kid who happens to be born into a family that is on AFDC," Burton argued.

How the MFG rule works

California's MFG rule prohibits CalWORKs aid payments, with certain exceptions, for a child that is born into a family that has been receiving aid for 10 or more continuous months, or for longer than the gestational period of the new baby. If the family is not receiving aid for two or more months during the 10-month period preceding the birth of the child, the new child becomes eligible for aid in the CalWORKs benefit calculation. Additionally, the MFG rule does not apply if a family returns to CalWORKs after a break of two or more years during which the family did not receive any aid, provided aided children are still younger than 18 years old.

Exceptions to the MFG rule

California's statute permits exceptions to the MFG rule for incidents in which a child was born as a result of rape or incest, as long as the mother of the child can document that she reported the crime to law enforcement or a mental health professional or social services agency. The report must have been made prior to the child's birth or within three months after the child was born.

Similarly, state law permits an exception to the MFG rule if the child is born as a result of the failure of one of three types of contraceptives specified in statute:

An intrauterine device, Norplant (which was discontinued for use in the United States in 2002 amid questions about its effectiveness and lawsuits over its side-effects), Sterilization of either parent.

Other states

Beginning in the early 1990s, 24 states implemented family cap rules. Today, just 17 states still have family cap rules in place, including California. In 2002 and 2003, Maryland and Illinois repealed their policies and were followed by Wyoming, Nebraska, Oklahoma, Kansas and Maryland.[2]

Effect on fertility rates

A number of research studies on the effects of the family cap across the country have concluded that the cap had little to no effect on fertility rates.[3]

However, the U.S. General Accounting Office noted in its 2001 examination of the issue that most states implemented family caps as part of their welfare reforms designed to provide incentives for women to reduce the number of out-of-wedlock births and to encourage self-sufficiency. Specifically, the study noted that "Due to limitations of the existing research, we cannot conclude that family cap policies reduce the incidence of out-of-wedlock births, affect the number of abortions, or change the size of the TANF caseload." It did note, however, that the

family cap was effective in reducing the amount that states were paying to families who qualified for benefits, estimating that families were generally receiving about 20 percent less in cash assistance each month - from \$20 less in Wyoming to \$121 less in California.[4]

A 2013 report issued by the Center on Reproductive Rights and Justice at UC Berkeley School of Law concluded that "by driving families deeper into poverty, the MFG rule threatens access to housing, food security and general health of the poorest children. A cutoff from public assistance has also been linked to other physical, mental and social detriments for children born into capped families."[5]

Effects of deep poverty on children

Numerous studies have correlated the effects of deep childhood poverty with poor health and outcomes including low birth weight, lead poisoning, child mortality and hospitalization. Other studies have drawn correlations between deep poverty and academic struggles such as repeated grades, being a high school dropout and having a learning disability.[6]

A 2011 article in the journal Developmental Psychology[7] estimated that a \$1,000 increase in annual income - less than \$100 per month - equates to an increase in achievement by young children of 5 to 6 percent of a standard deviation. In 2000, researchers noted in the journal Child Development that family caps and sanctions appear to disproportionately affect families with very young children who are most susceptible to adverse effects of deep poverty and recommended policy considerations focus on avoiding fiscal sanctions to those families.

"Recent research suggests that economic deprivation is most harmful to a child's chances

for achievement when it occurs early in the child's life. Economic logic suggests that policies aimed at preventing either economic deprivation itself or its effects are likely to constitute profitable social investments in the twenty-first century." [8]

Additionally, a number of researchers building on a 1997 study conducted by the Centers for Disease Control and Kaiser Permanente in San Diego, have correlated adverse childhood experiences - or ACES - and chronic health conditions in adulthood.[9]

Related legislation

AB 271 (Mitchell) 2013, was substantially similar to this bill. It was held in the Senate Appropriations committee.

AB 22 (Lieber) 2007, was substantially similar to this bill. It was held in the Assembly Appropriations committee.

AB 473 (Brulte, Chapter 196, Statutes of 1994) created California's maximum family grant (MFG) rule and required California to obtain a federal waiver to implement it.

POSITIONS

Support:

9to5 National Association of Working Women

American Association of University Women

ACCESS Women's Health Justice

ACT for Women and Girls

Alameda County Community Food Bank

American Civil Liberties Union of California

American Federation of State, County and Municipal Employees

Asian Law Alliance

Bay Area Legal Aid

Beyond Emancipation

Black Women for Wellness

Calaveras Health and Human Services Agency

California Association of Food Banks

California Catholic Conference of Bishops

California Church Impact

California Food Policy Advocates

California Hunger Action Coalition

California Immigrant Policy Center

California Latinas for Reproductive Justice

California Partnership

California Partnership to End Domestic Violence

California Reinvestment Coalition

Center for Law and Social Policy

Center on Reproductive Rights and Justice, UC Berkeley School of Law

Child and Family Policy Institute of California

Child Care Alliance of Los Angeles

Children's Defense Fund-California

Citizens for Choice

City and County of San Francisco

Coalition for Women and Children

Coalition of California Welfare Rights Organizations, Inc.

Community Food and Justice Coalition

County Welfare Directors Association of California

Cuyamaca College

East Bay Community Law Center

East Bay Refugee Forum

Fresno Interdenominational Refugee Ministries

Friends Committee on Legislation of California

Forward Together

G.O.A.L.S. for Women, Inc.

Guam Communications Network

Hunger Action Los Angeles

John Burton Foundation for Children Without Homes

Justice Now

Korean Community Center for the East Bay

League of Women Voters of California

Legal Aid Society - Employment Law Center

Legal Services for Prisoners With Children

Legal Services of Northern California

LIUNA Locals 777&792

March of Dimes California Chapter

NARAL Pro-Choice California

National Center for Lesbian Rights

National Center for Youth Law

National Council of Jewish Women California State Policy Advocates

The National Health Law Program

National Organization for Women - Orange County

National Women's Political Caucus of California

Parent Voices

Planned Parenthood Advocacy Project of Los Angeles

Planned Parenthood Affiliates of California

Planned Parenthood Mar Monte

Planned Parenthood of the Pacific Southwest

Planned Parenthood of Santa Barbara, Ventura and San Luis Obispo Counties

Planned Parenthood Shasta Pacific Action Fund

Physicians for Reproductive Health

Public Interest Law Project

Poor Magazine/ Prensa Pobre/ PNN

San Diego Hunger Coalition

San Francisco Living Wage Coalition

San Luis Obispo County Department of Social Services

Services, Immigrant Rights and Education Network

Shelter Partnership

St. Anthony's Foundation

Street Level Health Project

Ventura County Board of Supervisors

Veterans Caucus of the California Democratic Party

Vision y Compromiso

Western Center on Law and Poverty

Oppose: None received.

[1] California Department of Social Services, Maximum Aid payment table

[2] Welfare Rules Database, Urban Institute and "Bringing Families out of Cap'tivity: The Need to Repeal the CalWORKs Maximum Family Grant Rule," UC Berkeley School of Law, April 2013 [3] Dyer, Wendy and Robert W. Fairlie, "Do Family Caps Reduce Out-of-Wedlock Births?" Economic Growth Center, Yale University, December 2003.

[4] U.S. General Accounting Office, "More Research Needed on TANF Family Caps and Other Policies for Reducing Out-of-Wedlock Births," September 2001, p 2-3.

[5] "Bringing Families out of Cap'tivity: The Need to Repeal the CalWORKs Maximum Family Grant Rule," UC Berkeley School of Law, April 2013 [6] Duncan, Greg and Jeanne Brooks-Gunn, "Family Poverty, Welfare Reform, and Child Development," Child Development, February 2000.

[7] Duncan, Greg, et al, "Does Money Really Matter? Estimating Impacts of Family Income on Young Children's Achievement With Data From Random-Assignment Experiments," Developmental Psychology, 2011, Vol. 47, No. 5, 1263-1279

[8] Ibid

[9] <http://www.cdc.gov/ace/>

Recommendation(s)/Next Step(s):

CONSIDER recommending a position of "support" on SB 899 as introduced (Mitchell) CalWORKs: eligibility, to the Board of Supervisors, as recommended by the Director of Employment and Human Services.

Fiscal Impact (if any):

FISCAL IMPACT

This bill has not been analyzed by a fiscal committee. A similar version of this bill, AB 271 (Mitchell), 2013, was held in the Senate Appropriations Committee. That analysis, which assumed 13.4 percent of all children on the CalWORKs caseload are impacted by the MFG rule, estimated a \$220 million first-year cost and potential annual costs of \$4 million to \$8 million.

Attachments

SB 899 Bill Text

Introduced by Senator Mitchell**(Coauthors: Senators Beall, Evans, Hancock, Hill, and Liu)**(Coauthors: Assembly Members Ammiano, Buchanan, Dickinson,
Garcia, Gonzalez, Lowenthal, Pan, Skinner, and Yamada)

January 14, 2014

An act to add Section 11270.5 to, and to repeal Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as introduced, Mitchell. CalWORKs: eligibility.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would specify that an applicant or recipient is not entitled to an increased benefit payment for any month prior to January 1, 2015, as a result of the repeal of that exclusion or the enactment of that express

prohibition. The bill would also prohibit the department from conditioning an applicant's or recipient's eligibility for aid on the applicant's or recipient's disclosure of information regarding rape, incest, or contraception, as specified, or the applicant's or recipient's use of contraception. The bill would make related findings and declarations.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill.

To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Scientific research has demonstrated that young children
- 4 living in deep poverty experience lifelong cognitive impairments
- 5 limiting their ability to be prepared for, and succeed in, school.
- 6 (b) Academic research has documented an increase in missed
- 7 days of school and an increase in visits to hospital emergency
- 8 rooms by children who live in deep poverty.
- 9 (c) The Maximum Family Grant rule was adopted to limit the
- 10 length of time a family could receive basic needs assistance, and
- 11 to limit the amount of assistance a family could receive, through
- 12 the Aid to Families with Dependent Children (AFDC) program
- 13 before the implementation of welfare reform. At the time the rule
- 14 was adopted, there was no limit on the length of time a family

1 could receive aid, no work requirements, and the benefits provided
2 were approximately 80 percent of the federal poverty level.

3 (d) Since the implementation of the Maximum Family Grant
4 rule, AFDC has been replaced with the California Work
5 Opportunity and Responsibility to Kids Act (CalWORKs), which
6 imposes lifetime limits on aid and requires adult CalWORKs
7 participants to meet work requirements in order to receive a
8 maximum benefit of approximately 40 percent of the federal
9 poverty level.

10 (e) The Maximum Family Grant rule makes poor children
11 poorer, reducing the income of families with infants to below 30
12 percent of the federal poverty level.

13 (f) This act is necessary to protect infants born to families
14 receiving CalWORKs from experiencing lifelong cognitive
15 impairments due to the toxic stress of deep poverty and to ready
16 those children for participation in California's public school
17 system.

18 (g) This act is also necessary to protect the reproductive and
19 privacy rights of all applicants for, and recipients of, aid under
20 CalWORKs.

21 SEC. 2. Section 11270.5 is added to the Welfare and
22 Institutions Code, immediately following Section 11270, to read:

23 11270.5. (a) An applicant for or recipient of aid under this
24 chapter shall not be required as a condition of eligibility to do any
25 of the following:

26 (1) Divulge that any member of the assistance unit is a victim
27 of rape or incest.

28 (2) Share confidential medical records related to any member
29 of the assistance unit's rape or incest.

30 (3) Use contraception, choose a particular method of
31 contraception, or divulge the method of contraception any member
32 of the assistance unit uses.

33 (b) An applicant for or recipient of aid under this chapter shall
34 not be denied aid, nor denied an increase in the maximum aid
35 payment, for a child born into the applicant's or recipient's family
36 during a period in which the applicant's or recipient's family was
37 receiving aid under this chapter.

38 (c) An applicant for or recipient of aid under this chapter shall
39 not be entitled to an increased benefit payment for any month prior
40 to January 1, 2015, as a result of the repeal of former Section

1 11450.04 (as added by Section 1 of Chapter 196 of the Statutes of
2 1994) or the enactment of this section.

3 SEC. 3. Section 11450.04 of the Welfare and Institutions Code
4 is repealed.

5 ~~11450.04. (a) For purposes of determining the maximum aid~~
6 ~~payment specified in subdivision (a) of Section 11450 and for no~~
7 ~~other purpose, the number of needy persons in the same family~~
8 ~~shall not be increased for any child born into a family that has~~
9 ~~received aid under this chapter continuously for the 10 months~~
10 ~~prior to the birth of the child. For purposes of this section, aid shall~~
11 ~~be considered continuous unless the family does not receive aid~~
12 ~~during two consecutive months. This subdivision shall not apply~~
13 ~~to applicants for, or recipients of, aid unless notification is provided~~
14 ~~pursuant to this section.~~

15 ~~(b) This section shall not apply with respect to any of the~~
16 ~~following children:~~

17 ~~(1) Any child who was conceived as a result of an act of rape,~~
18 ~~as defined in Sections 261 and 262 of the Penal Code, if the rape~~
19 ~~was reported to a law enforcement agency, medical or mental~~
20 ~~health professional or social services agency prior to, or within~~
21 ~~three months after, the birth of the child.~~

22 ~~(2) Any child who was conceived as a result of an incestuous~~
23 ~~relationship if the relationship was reported to a medical or mental~~
24 ~~health professional or a law enforcement agency or social services~~
25 ~~agency prior to, or within three months after, the birth of the child,~~
26 ~~or if paternity has been established.~~

27 ~~(3) Any child who was conceived as a result of contraceptive~~
28 ~~failure if the parent was using an intrauterine device, a Norplant,~~
29 ~~or the sterilization of either parent.~~

30 ~~(c) This section shall not apply to any child born on or before~~
31 ~~November 1, 1995.~~

32 ~~(d) (1) This section shall not apply to any child to whom it~~
33 ~~would otherwise apply if the family has not received aid for 24~~
34 ~~consecutive months while the child was living with the family.~~

35 ~~(2) This section shall not apply to any child conceived when~~
36 ~~either parent was a nonneedy caretaker relative.~~

37 ~~(3) This section shall not apply to any child who is no longer~~
38 ~~living in the same home with either parent.~~

39 ~~(e) One hundred percent of any child support payment received~~
40 ~~for a child born into the family, but for whom the maximum aid~~

1 payment is not increased pursuant to this section, shall be paid to
2 the assistance unit. Any such child support payment shall not be
3 considered as income to the family for the purpose of calculating
4 the amount of aid for which the family is eligible under this article.

5 (f) Commencing January 1, 1995, each county welfare
6 department shall notify applicants for assistance under this chapter,
7 in writing, of the provisions of this section. The notification shall
8 also be provided to recipients of aid under this chapter, in writing,
9 at the time of recertification, or sooner. The notification required
10 by this section shall set forth the provisions of this section and
11 shall state explicitly the impact these provisions would have on
12 the future aid to the assistance unit. This section shall not apply
13 to any recipient's child earlier than 12 months after the mailing of
14 an informational notice as required by this subdivision.

15 (g) (1) The department shall seek all appropriate federal waivers
16 for the implementation of this section.

17 (2) The department shall implement this section commencing
18 on the date the Director of Social Services executes a declaration,
19 that shall be retained by the director, stating that the administrative
20 actions required by paragraph (1) as a condition of implementation
21 of this section have been taken by the United States Secretary of
22 Health and Human Services.

23 (h) Subdivisions (a) to (g), inclusive, shall become operative
24 on January 1, 1995.

25 SEC. 4. No appropriation pursuant to Section 15200 of the
26 Welfare and Institutions Code shall be made for the purposes of
27 this act.

28 SEC. 5. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

O