

**News & Advocacy****Counties Face Difficulties in Budget Conference Committee--Billions At Stake****Calendar of Events****Ask CSAC's Legislative Advocates****Legislative Tracking****PDF Version****Administration of Justice****Agriculture and Natural Resources****Employee Relations****Government Finance and Operations****Health and Human Services****Housing, Land Use and Transportation****Indian Gaming****Washington, D.C., Report**

June 20, 2008

**Counties Face Difficulties in Budget Conference Committee--Billions At Stake**

By Paul McIntosh, Executive Director

[pmcintosh@counties.org](mailto:pmcintosh@counties.org)

As the members of the Budget Conference Committee continue to meet this week on the State Budget, counties are facing their own budget deficits as well. The recent economic downturn has significantly impacted counties, with key revenue resources such as property taxes, sales taxes, fees, and interest earnings decreasing at a sizeable rate in some cases.

To get a glimpse of the difficult fiscal situation California counties are facing, see the [county budget news](#) clips section of the CSAC Web site.

The situation becomes more dire when the deferral of \$1.8 billion in payments to counties is considered. This deferral was approved during the extraordinary session. CSAC was able to achieve exemptions for counties with a population of less than 40,000.

On top of the deferrals, the current State proposals deliver nearly \$2 billion in devastating cuts to county programs that serve local citizens. For a complete report on the proposed budget impacts to counties, see the latest [Budget Action Bulletin](#).

Taken together, and including the nearly \$1 billion gap between the cost of administering several social service programs and state funding for those costs, counties are facing a hit from the state approaching \$5 billion.

CSAC sent a [letter](#) to the members of the Budget Conference Committee on June 17 offering the detailed impacts to counties of the state's proposed actions.

CSAC has also expressed strong concern that the intent of voter-approved initiatives, such as Proposition 1A (2004), Proposition 1A (2006), Proposition 63, Proposition 42, and Proposition 10, be upheld and maintained by the Legislature during these turbulent times.

Counties are encouraged to contact their own legislative delegation with information on the impact of the state budget proposals to their budgets and programs.

June 20, 2008

**Calendar of Events**

Don't miss any important [upcoming events](#).

June 20, 2008

## Ask CSAC's Legislative Advocates

If you have further questions about legislation, contact the [legislative staff](#).

June 20, 2008

## Legislative Tracking

Keep up with legislation [online](#).

June 20, 2008

## PDF Version

View and print a complete copy of this publication.

June 20, 2008

## Administration of Justice

For more information, contact Elizabeth Howard at 916/327-7500, ext. 537 or [ehoward@counties.org](mailto:ehoward@counties.org) or Rosemary Lamb at 916/327-7500, ext. 503 or [rlamb@counties.org](mailto:rlamb@counties.org).

---

### Electronic Filing

#### ***AB 2607 (Davis) – Support AS Amended June 10, 2008***

AB 2607, by Assembly Member Mike Davis, would establish a pilot project to permit electronic filing of Statements of Economic Interest (Form 700) that are required of certain public officials and candidates for public office.

The bill creates a three-year pilot program to be tested in two counties and would sunset on January 1, 2012. Participating counties would be required to report to the Legislature regarding the value and effectiveness of the program. CSAC is supportive of this measure as it seeks to streamline a process that presently relies on paper filings and manual review and handling. We believe the pilot program authorized by AB 2607 would help filers, filing officers, and the participating counties to identify efficiencies achieved through electronic filing. It is hoped that the electronic filing process would offer a secure and more accurate means of meeting filing requirements.

AB 2607 passed out of the Senate Elections, Redistricting and Constitutional Amendments Committee on June 18 on a 3-0 vote. It is scheduled for its next hearing in Senate Appropriations Committee on June 30.

---

### Historic Public Records

#### ***AB 2595 (Laird) – Support As Amended on June 17, 2008***

AB 2595, by Assembly Member John Laird, seeks to establish a procedure that will ensure that documents that are rightfully owned by local or state agencies are returned to that local or state agency.

AB 2595 would offer a recourse to local or state agencies, including counties, for the return of public records that are rightfully theirs yet in possession of others—typically nongovernmental agencies and/or private individuals. This measure would provide a process by which the Secretary of State, on behalf of the California State Archives, could recover the governmental documents by issuing a written notice demanding return of the records or a demonstration as to why the records are rightfully in the person or entity's possession.

Recent amendments to this measure allow for a local agency to request its district attorney or city attorney to petition the superior court in the county in which the records are located for an order requiring the return of those records. In addition, language was inserted to award attorney's fees to the prevailing party. Nothing in the measure prevents a local agency from choosing to have the Secretary of State act on its behalf in seeking the return of requested records.

This measure is intended to address situations in which historical public records that are in the possession of an unauthorized person or entity are being inappropriately sold or traded in the marketplace for profit.

AB 2595 is sponsored by the Secretary of State's Office. It was heard in the Senate Judiciary Committee on June 16 and passed on a 3-2 vote. It is scheduled to be heard in the Senate Appropriations Committee on June 30.

---

**Missing Persons: DNA Database**  
**AB 1975 (Solorio) – Support**  
**As Amended on May 23, 2008**

AB 1975, by Assembly Member Jose Solorio, would delete the expiration date for the \$2 increase on death certificates issued by a local government agency or the State of California and would further clarify statute relating to medical examiners and coroners and the submittal of DNA samples for the purpose of identifying unknown human remains.

AB 1975 passed out of the Senate Public Safety Committee on June 17 on a 3-1 vote. It is scheduled to be heard next in the Senate Appropriations Committee on June 30.

---

**Medi-Cal Eligibility: Juvenile Offenders**  
**SB 1147 (Calderon) – Support**  
**As Amended on June 19, 2008**

SB 1147, by Senator Ronald Calderon, seeks to suspend rather than terminate a youthful offender's Medi-Cal eligibility while he or she is in a county juvenile detention facility. A recent amendment further defines a child or youthful offender as any individual under the age of 21.

This measure completes work begun under the provisions SB 1469 (Cedillo, 2006), which required county juvenile detention facilities and human services departments to collaboratively devise methods to ensure that more juvenile offenders leave county detention centers with their Medi-Cal eligibility established. The federal government has made signals that it would prefer a juvenile offender's Medi-Cal benefits be suspended rather than outright terminated upon his or her commitment to a county detention facility. CSAC strongly supports efforts to ensure continuity of benefits for those detained in county detention facilities and for swift reenrollment in the appropriate benefits program upon a detainee's release.

SB 1147 is sponsored by the Youth Law Center. It was heard on June 18 in the Assembly Health Committee; it passed out of committee on a 12-5 vote. It is awaiting hearing in the Assembly Appropriations Committee.

---

**Court Facility Financing**  
**SB 1407 (Perata) – Support in Concept**  
**As Amended June 18, 2008**

SB 1407, by Senate President pro Tempore Don Perata, would authorize the issuance of up to \$5 billion in lease revenue bonds for purposes of financing planning, design, construction, rehabilitation, renovation, replacement, leasing or acquisition of state trial court facilities. The measure also would authorize a variety of increases to penalties and fees – including a \$40 fee upon every conviction of a criminal offense – as revenue sources for the bonds; the proceeds from these increases and surcharges would be deposited into a new account within the State Court Facilities Construction Fund (SCFCF), the Immediate and Critical Needs Account.

Among recent amendments taken to this measure is a provision that would include the county sheriff in the local advisory group for the construction of new court facilities. Consultation with the sheriff in this regard would include design, planning, and construction elements related to "court security and other security considerations, including matters relating to the safe control and transport of in-custody defendants."

SB 1407 is scheduled for hearing in the Assembly Judiciary Committee on June 24. Counties are encouraged to review the provisions of SB 1407 and to contact CSAC with any comments.

---

**Court Ordered Restitution**  
**AB 2803 (Horton) – Support**  
**As Amended on March 24, 2008**

AB 2803, by Assembly Member Shirley Horton, seeks to add restitution to the list of payment for which public agencies are

authorized to accept certain types of payment methods.

Under current law, public agencies are authorized to accept credit cards, debit cards, and electronic funds transfers (EFT) to settle a variety of court-ordered debts. Such transactions include payment for filing or other court fees; child or spousal support; vehicle towing and storage costs; as well as certain court-ordered fees, fine, forfeitures, penalties and assessments. AB 2803 would simply add restitution to the list of payments for which credit cards, debit cards, or EFT may be accepted.

AB 2803 was heard in Senate Local Government on June 18; it passed out of committee on a 5-0 vote.

---

## **The California Department of Corrections and Rehabilitation (CDCR) Releases Integrated Strategy for Prison Reform**

CDCR released an integrated strategy report this week on prison reform and construction to address inmate overcrowding. In the report, CDCR outlines plans for new construction and coordinating reform efforts that will take into account progress on implementing AB 900, the receiver's building plans, recent population projections, developments in recent court proceedings and other factors. The plan calls for the construction of a total of 11,000 reentry beds, down from 16,000 originally stated in AB 900. Further, the plan calls for the immediate construction of 4,800 infill beds in Phase 1 construction. CDCR's press release and report can be found [here](#).

June20,2008

## **AgricultureandNaturalResources**

For more information, contact Karen Keene at 916/327-7500, ext. 511, or e-mail [kkeene@counties.org](mailto:kkeene@counties.org) or Cara Martinson at 915/327-7500, ext. 504, or email [cmartinson@counties.org](mailto:cmartinson@counties.org).

---

### **Solid Waste**

#### ***SB 1016 (Wiggins) – Request for Comment As Amended on June 10, 2008***

SB 1016, by Senator Patricia Wiggins, will be heard in the Assembly Natural Resources Committee on June 23. This bill, which has been a work in progress over the last year, is a comprehensive approach to change the State's solid waste diversion rate reporting requirements, as established by the California Integrated Waste Management Act of 1989 (AB 939).

Simply put, this bill would place more of an emphasis on the implementation of waste reduction, recycling, and other diversion programs and less of an emphasis on a mathematical counting system. The proposed compliance measurement system incorporates the current 50% waste diversion requirement; however, the bill would change the accounting system to a per capita disposal rate average. Compliance would also take into account a jurisdiction's good faith effort to implement programs and activities that would achieve source reduction and diversion goals.

CSAC has not yet taken a position on this bill. We strongly encourage counties to examine the language and provide comments to CSAC staff. The ultimate intent of SB 1016 is to shift the focus from a numeric reporting system and place an emphasis on program implementation, which is consistent with concerns expressed by CSAC in the past regarding AB 939 implementation.

#### ***AB 2640 (Huffman) – Oppose As Amended on June 17, 2008***

AB 2640, by Assembly Member Jared Huffman, will be heard in the Senate Environmental Quality Committee on June 23, 2008. This bill would require the California Integrated Waste Management Board, in determining whether a jurisdiction is making a good faith effort to implement its source reduction and recycling element, to consider the jurisdiction's efforts in diverting organic materials from disposal or deposit in solid waste landfills.

This bill would also establish a per ton fee in the same amount as the total amount of the state's solid waste tipping fee (currently \$1.40 per ton) on organics used for alternative daily cover (ADC) in the operations of a solid waste facility. As recently amended, the bill would impose another \$1.40/ton of all green material used as ADC that exceeds 7.5% of the amount of green waste disposed.

CSAC requests that counties contact their respective legislative delegation to express opposition to this bill.

**AB 2866 (De Leon) – Oppose  
As Amended on June 17, 2008**

AB 2866, by Assembly Member Kevin De Leon, will be heard in the Senate Environmental Quality Committee on June 23, 2008. This bill would increase the state-imposed solid waste disposal fee (commonly known as the “tipping fee”) and dedicate the proceeds to a variety of efforts. CSAC is opposed to this bill because it would increase the tipping fee and provide funds to efforts that are not entirely related to solid waste diversion, including funds for *projects* that demonstrate the commercial viability of producing clean transportation fuels. While these are beneficial projects, they should not be funded through a disposal fee increase.

---

**Emergency Preparedness  
SB 1056 (Migden) – Support  
As Amended on May 23, 2008**

SB1056, by Senator Carol Migden, would require the Office of Emergency Services, if an oil spill has occurred within the jurisdiction of the San Francisco Bay Conservation and Development Commission, to notify the nine counties of the Bay Area, including: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma and San Francisco. This bill would enable a better, more coordinated response effort by requiring OES to notify Bay Area counties within two hours of a spill. SB 1056 will be heard in the Assembly Natural Resources Committee on June 23, 2008.

---

**Government Operations & Finance  
AB 2218 (Gaines) – Oppose  
As Amended on June 5, 2008**

AB 2218, by Assembly Member Ted Gaines, would revise the rules for levying benefit assessments and property-related fees. This bill, among other things, would involve the County Registrar of Voters in the counting and tabulation of benefit assessment ballots, which are based on property ownership and not registration.

This change alone would cost a significant amount of money for Registrars to purchase the appropriate equipment. AB 2218 makes numerous other administrative changes to the process in which benefit assessment ballots are counted, which would have the effect of making it administratively burdensome and costly for local governments to assist residents in approving property related-fees to fund important community and property needs. CSAC believes that existing law provides for the adequate notice, protest, and hearing procedures for the levying of new or increased assessments, fees, and charges by local governments. We urge counties to contact their legislative delegation to express their opposition to this bill, which will be heard in the Senate Appropriations Committee on June 23.

June20,2008

## EmployeeRelations

For more information, contact Eraina Ortega at 916/327-7500, ext. 521, or [eortega@counties.org](mailto:eortega@counties.org), or Faith L. Conley at 916/327-7500, ext. 522, or [fconley@counties.org](mailto:fconley@counties.org).

---

[Click here](#) for a complete list of active Employee Relations legislation for 2008.

**AB 2716 (Ma) – Oppose  
As Amended on March 24, 2008**

AB 2716, by Assembly Member Fiona Ma, would extend sick leave to any California employee who works for seven or more days per year, including both seasonal and temporary employees. Employees may begin accruing sick leave after seven days of work, and earn it at the rate of one hour for every 30 hours worked. Sick days would carry over each calendar year. AB 2716 also allows employees to take sick leave to care for sick family members, or to recover from sexual or domestic abuse.

Currently, AB 2716 provisions do not apply to those employees covered by collective bargaining unit agreements. However,

the bill language pertaining to what such collective bargaining unit agreements must include is narrowly written, and therefore AB 2716 would still affect most employees covered by these agreements.

Additionally, AB 2716 does not exclude county employees, most of whose sick leave policies are at least as generous as those provided by this bill and are part of locally determined benefits. In counties where In Home Supportive Services (IHSS) employees are neither covered by a collective bargaining agreement or Public Authority agreement, public employers may be required to pick up the significant costs of implementing AB 2716.

California's public employers can expect to see significant administrative costs and responsibilities as a result of the requirements of AB 2716:

- Employers will be required to review the sick leave policies of all employees, regardless of seasonal or part-time status, to ensure they are meeting the criteria of AB 2716.
- Employers will be required to reinstate any accrued sick leave if an employee separates from and is rehired by the same employer within one year.
- AB 2716 will require that employers keep records for all employees, including seasonal and temporary, for five years, documenting all hours worked and paid sick days that have been accrued and used by employees.
- Employers must provide a written notice to all employees regarding the new sick leave benefits. The notice must be in English, Spanish, Chinese, and any other language spoken by at least five percent of the employees.
- Employers must provide and display posters in the workplace outlining the new sick leave benefits.
- Employers will not be able to deny or take specific action against an employee for sick leave use, regardless of possible abuse by employees of the sick leave policy outlined in AB 2716.

AB 2716 will unreasonably expand both cost and liability to public employers. CSAC opposes AB 2716 unless it is amended to remove public employers from the bill. AB 2716 is scheduled to be heard in the Senate Labor Committee on June 25.

June20,2008

## **Government Finance and Operations**

For more information, contact Jim Wiltshire, ext. 545, [jwiltshire@counties.org](mailto:jwiltshire@counties.org) or Faith L. Conley at 916/327-7500, ext. 522, [fconley@counties.org](mailto:fconley@counties.org).

---

### ***SB 1137 (Perata) – Support As Amended on May 23, 2008***

SB 1137, by Senator Don Perata, would, among other things, permit government entities to impose civil fines on vacant residential property owners who purchase the homes at foreclosure sales and who refuse to keep them properly maintained. The bill provides substantial protections for foreclosed property owners to both remedy the nuisance or hazard and contest the subsequent fine at a public hearing.

With the twin problems of the number of foreclosures in the state reaching previously unknown levels and housing values dropping quickly, many communities are in distress. The issue of property values is exacerbated in some neighborhoods when foreclosed homes are not maintained, and squatters or excessive overgrowth pulls values down even more. This measure would allow the people, through their local governments, to require these properties be maintained in a safe and nuisance-free way. The drop in property values also has a direct fiscal impact on local governments and schools that derive their most stable revenues from the property tax.

SB 1137 was passed out of the Assembly Appropriations Committee on June 18 by a vote of 12 to 3.

### ***AB 2610 (Davis) - Oppose As Amended on June 19, 2008***

AB 2610, by Assembly Member Mike Davis, allows cities and counties to prohibit a person or an "eligible organization" from using collection boxes for solicitation purposes. If a city or county institutes a collection box program, AB 2610 prohibits a person or an eligible organization from using collection boxes without a local permit. Local collection box permits must meet the bill's requirements:

- Cities and counties may impose annual fees that do not exceed the estimated reasonable cost of administering the program.
  - Cities and counties can't grant permits if they determine the collection box constitutes a safety hazard, considering its proximity to schools or public buildings, public sidewalks, or facilities that store large amounts of flammable liquids or gases.
  - An eligible organization must submit an application, including the permit fee with specific identifying information. Similar information must be on any permit renewal application.
  - Each permit may be numbered.
  - Local officials may consider current land use ordinances and conditions in considering whether to approve permits.
- AB 2610 is scheduled to be heard on reconsideration in the Senate Local Government Committee.

June20,2008

## HealthandHumanServices

For more information, contact Kelly Brooks at 916/327-7500, ext. 531, or [kbrooks@counties.org](mailto:kbrooks@counties.org), or Farrah McDaid Ting at 916/327-7500, ext. 559 or [fmcdaid@counties.org](mailto:fmcdaid@counties.org).

---

### State Budget Update

The Budget Conference Committee made their first pass through the more than 400 page "book" of open items this week, leaving the bulk of the items open for further discussion. For a complete list of health and human services items in conference and Conference Committee actions, please see CSAC [Budget Action Bulletin No. 3](#), posted on CSAC's Web site.

---

### Legislation

#### Health

##### ***AJR 54 (Laird) – Support As Amended on May 28, 2008***

AJR 54, by Assembly Member John Laird, is a joint resolution urging the President and Congress to rescind the federal Centers for Medicare and Medicaid Services (CMS) directive of August 17, 2007, that restricts states' authority to cover children under the State Children's Health Insurance Program (SCHIP).

AJR 54 is scheduled to be heard in the Senate Health Committee on June 25.

---

#### Child Welfare Services

##### ***SB 292 (Wiggins) – Support As Amended on June 11, 2008***

SB 292, by Senator Patricia Wiggins, would conform state and federal law to continue state reimbursement for special education pupils with serious mental illness who are placed out of the state.

The bill, sponsored by the CSAC affiliate California Mental Health Directors Association, fixes a portion of California law related to the definition of for-profit facilities for special education pupils and the state mandate reimbursements that are allowed by state law. Without SB 292, counties will be forced to find alternative and possibly more costly arrangements for hundreds of children with serious emotional issues.

The bill was amended on June 11 to include a sunset date of January 1, 2012 and requirements that the Department of Mental Health, in collaboration with the Department of Education, to report to the Legislature on the impacts of this bill.

For these reasons, CSAC supports SB 292. The bill was passed by the Assembly Human Services Committee on June 16 and will be heard by the Assembly Education Committee on June 25.

##### ***SB 1457 (Steinberg) – Support***

***As Amended on June 2, 2008***

SB 1457, by Senator Darrell Steinberg, would create the California ScholarShare Advancement Vehicle for Education (CalSAVE) Scholarship Program to award scholarships to needy students.

SB 1457 would expand the number of funders, whether they are individuals, corporations, or not-for-profit organizations, which can contribute to California's ScholarShare 529 college saving plans for vulnerable youth, which include foster youth. Current statute does not allow ScholarShare to accept contributions from businesses or companies that would like to establish accounts for students and youth unless a specific individual beneficiary is named for each account. SB 1457 would change the statute to allow businesses and companies to donate or contribute money to fund future scholarship accounts.

CSAC supports the bill, which is on the Assembly third reading file.

***AB 2070 (Bass) – Support  
As Amended on April 21, 2008***

AB 2070, by Assembly Member Karen Bass, would allow parents who are incarcerated or otherwise institutionalized to receive family reunification services to the greatest extent possible.

AB 2070 requires that the best interests of the child continue to be the core consideration by the court, while recognizing that parents who are in prison should have their specific situations taken into account when the child welfare system is considering whether they can be reunited with their children safely and within a timely manner.

AB 2070 would also extend reunification time frames up to a maximum of 24 months, on a case-by-case basis and according to standards set forth by the most recent version of the bill. However, the extension would not be automatic, and a judge would have to apply the strict criteria in the bill to extend the reunification period another 6 months. Counties believe that the bill would help reunify more children who are placed in long-term foster care by allowing the court to provide a second period of family reunification services if it is in the best interest of the child.

AB 2070 provides a useful option for child welfare agencies in their mission to ensure the health and safety of every child and family. CSAC supports the bill, which is scheduled to be heard in the Senate Judiciary Committee on June 24.

***AB 2337 (Beall) – Support  
As Amended on April 2, 2008***

AB 2337, by Assembly Member Jim Beall, would add drug and alcohol counselors to the list of people who are mandated to report known or suspected child abuse. CSAC supports the bill, which is scheduled to be heard in the Senate Public Safety Committee on June 24.

---

***Medi-Cal  
SB 1738 (Steinberg) – Support  
As Amended on June 18, 2008***

SB 1738, by Senator Darrell Steinberg, would create a Frequent Users of Health Care Pilot Program.

The pilot program envisioned in the bill would be implemented in at least six counties and would be limited to 2,500 Medi-Cal patients who are frequent users of health services, and have at least two risk factors, such as chronic, life-threatening conditions that require medical management, such as mental illness, substance abuse disorders, and homelessness. SB 1738 will produce savings for the state's Medi-Cal Program by shrinking its reimbursement costs for emergency department care and hospitalizations that can be reduced or avoided by managing the frequent user population.

Recent amendments require a three-year implementation of the program, after which the Department of Health Care Services must report back to the Legislature on the effectiveness of the program. This must be done no later than November 1, 2012. The bill also now specifies that state funds may be used for the nonfederal share only to the extent that such funds are available.

CSAC, along with the Urban Counties Caucus, continue to support the bill, which was passed by the Senate on May 28 and is now scheduled to be heard by the Assembly Health Committee on June 24.

***SB 1132 (Migden) – Support  
As Amended on April 9, 2008***

SB 1132, by Senator Carole Migden, would ensure uninterrupted medical coverage for emancipated foster youth up to age 21.

Since 2000, emancipated foster youth in California have been eligible for continuous Medi-Cal coverage up to age 21 without regard to their income or assets. SB 1132 would clarify current law and procedures to ensure that these at-risk youth are able to receive Medi-Cal services with minimal paperwork and bureaucracy.

The bill was passed by the Assembly Health Committee on June 18 and now goes to the Assembly Appropriations Committee.

***AB 851 (Brownley) – Support  
As Amended on April 9, 2008***

AB 851, a bill by Assembly Member Julia Brownley, would eliminate the sunset date on the 250 Percent Working Disabled Poverty Program, which provides Medi-Cal coverage to persons with disabilities who are employed and earning up to 250% of the federal poverty limit.

The 250 Percent Program enables persons with disabilities to enter the workforce and earn a modest living without fear of losing affordable health coverage. Recipients pay reasonable premiums based on their income levels, ranging from \$20 to \$250 per month for individuals and \$30 to \$375 per month for couples. These premiums are quite reasonable compared to the much higher premiums that these individuals would likely be required to pay in the general insurance market.

For these reasons, CSAC supports AB 851. The bill was passed by the Senate Health Committee on June 18 and now goes to the Senate Appropriations Committee.

***AB 2527 (Berg) – Support  
As Amended on April 7, 2008***

AB 2527, by Assembly Member Patty Berg, would make technical changes in statute to clarify provisions that govern local public agency participation in the Medi-Cal Targeted Case Management (TCM) and Medi-Cal Administrative Activities (MAA) billing options.

AB 2527 was passed by the Senate Health Committee on June 19 and now goes to the Senate Appropriations Committee.

---

**CalWORKs**

***SB 1160 (Alquist) – Support  
As Amended on June 19, 2008***

SB 1160, by Senator Elaine Alquist, would make it easier for relatives caring for abused and neglected children to maintain their CalWORKs benefits when they relocate to another county.

SB 1160 would allow relative caregivers who are already receiving CalWORKs grants solely on behalf of children who are dependents of the juvenile court to forego the finger imaging and face-to-face interview required by current law when they move to a new county.

SB 1160 was passed by the Assembly Human Services Committee on June 18 and now goes to the Assembly Appropriations Committee.

***SB 1341 (Padilla) – Support  
As Introduced on February 20, 2008***

SB 1341, by Senator Alex Padilla, would make a targeted change to CalWORKs rules to expand the scope of purposes for which eligible savings may be used by recipients to include costs associated with securing permanent rental housing or rent payments.

SB 1341 was passed by the Assembly Human Services Committee on June 18 and now goes to the Assembly Appropriations Committee.

***AB 1887 (Beall) – Support  
As Introduced on February 7, 2008***

AB 1887, by Assembly Member Jim Beall, would expand coverage requirements for certain health care plans to include mental illness and substance abuse diagnosis and treatment.

AB 1887 would require that a health care service plan contract and a health insurance policy issued, amended, or renewed on or after January 1, 2009, include the diagnosis and treatment of a mental illness of a person of any age. The measure would also define mental illness as a mental disorder as defined in the Diagnostic and Statistical Manual IV and subsequent editions. AB 1887 also requires substance abuse treatment to be covered.

Counties believe that AB 1887 will help expand options for treatment and increase access to care for the millions of Californians with mental health and substance abuse treatment needs. For these reasons, CSAC has adopted a position of support on AB 1887. The bill was passed by the Senate Health Committee on June 18 and now goes to the Senate Appropriations Committee.

---

**Adult Protective Services**  
**AB 2105 (DeSaulnier) – Support**  
**As Amended on June 9, 2008**

AB 2105, by Assembly Member Mark DeSaulnier, would add licensed lending brokers to the list of mandated reporters who are required to report suspected financial fraud or abuse of the elderly.

The bill originally included real estate brokers among the mandated reporters, but the May 23 amendments removed all reference to real estate brokers and instead requires all real estate licensees to participate in courses on consumer protection that cover financial elder and dependent adult abuse signs and reporting requirements. CSAC still supports the bill, as it will still help raise awareness of elder and dependent adult abuse in the real estate industry.

AB 2105 was passed by Senate Banking, Finance and Insurance Committee on June 18 and now goes to the Senate Public Safety Committee.

---

**Human Services**  
**SB 1136 (Alquist) – Support**  
**As Amended on May 27, 2008**

SB 1136, by Senator Elaine Alquist, would provide that it is an unfair or deceptive trade practice for any person to charge or receive an unreasonable fee for aiding another person in the procurement of public social services.

The bill, sponsored by Santa Clara County, was originally drafted in response to concerns about the opportunity for fraud and financial abuse associated with this cottage industry. Much of the concern arises over confusion about the Medi-Cal program. Senior citizens, fearful of entering nursing homes or outliving their assets, are being misled into paying for unnecessary planning services or unsuitable financial abuse. Preying on these confusions and fears are individuals calling themselves "Medi-Cal advocates," who advise seniors to "pre-qualify" for Medi-Cal and charge fees to assist in the application process.

SB 1136 will assist in protecting seniors and other vulnerable adults from this practice by making third parties who charge unreasonable fees liable for court costs and damages.

For these reasons, CSAC supports the bill. SB 1136 was passed by the Assembly Human Services Committee on June 18 and now goes to the Assembly Judiciary Committee.

---

**Mental Health**  
**SB 1349 (Cox) – Support**  
**As Amended on June 16, 2008**

SB 1349, by Senator Dave Cox, would require the timely reimbursement of mental health services claims to local governments.

Specifically, SB 1349 would require the State Controller's Office to reimburse local governments for mental health services within 90 days after the receipt of a reimbursement claim by the Department of Mental Health (DMH). The measure also requires interest to be paid on late payments. If passed, the bill would go into effect on July 1, 2009. The June 16 amendments also specify which claims are subject to the 90-day timeframe by excluding disputed claims or claims that require additional information.

Counties must be reimbursed in a timely manner for mental health services rendered to adults and children in their

communities. The lack of timely reimbursements threatens many counties' budgets, and for these reasons, CSAC supports SB 1349. The bill was passed by the Assembly Health Committee on June 12 and now goes to the Assembly Appropriations Committee.

**AB 1951 (Hayashi) – Pending  
As Amended June 19, 2008**

AB 1951, by Assembly Member Mary Hayashi, was gutted and amended on June 4 with language from a previous Hayashi bill regarding requirements for counties to establish 24-hour suicide prevention hotlines.

CSAC sent an oppose letter earlier this week regarding the suicide prevention hotline language on the basis of it being an unfunded mandate and would constrict the appropriate use of local resources.

However, the bill was again amended yesterday, June 19, with new language that would specify that the acquisition or construction of privately owned facilities that are providing mental health services that are primarily funded through moneys from the Mental Health Services Act (Proposition 63) is a proper use of the capital facilities funds made available to counties and is a public purpose for purposes of the California Constitution.

CSAC is reviewing the new language and will adopt a position in time for the bill's next hearing on June 25 in the Senate Health Committee.

June20,2008

## **Housing, Land Use and Transportation**

For more information, contact DeAnn Baker at 916/327-7500, ext. 509, [dbaker@counties.org](mailto:dbaker@counties.org) or Kiana Buss at 916/327-7500, ext. 566, [kbuss@counties.org](mailto:kbuss@counties.org).

---

### **Housing**

**AB 2280 (Saldana & Caballero) – Support  
As Amended on June 18, 2008**

AB 2280, by Assembly Members Lori Saldana and Anna Caballero, would make a number of clarifications and changes to the density bonus law.

The density bonus law was originally designed to provide developers various incentives in exchange for the developer providing a substantial affordable housing component in a housing development. Over the past several years, a number of bills have amended the law to substantially reduce the amount of affordable housing that must be provided in exchange for substantial incentives and concessions from local governments. For instance, recent changes to density bonus law allow for-profit developers to waive requirements established by the local community, by including as few as 1 affordable unit out of 20 market rate units. The existing density bonus law has now moved away from incentives for affordable housing in favor of large developers seeking to avoid community building standards that apply to all other development projects, causing continual disputes between project applicants and cities and counties.

In addition, because of all of the changes, the law is now extremely confusing for cities and counties that must sort out this language that was patched together over the last five years of legislation on this issue.

AB 2280 is designed to clearly establish how density bonus law is supposed to work and will once again require a balance between affordable units provided and the types of waivers and concessions that will be offered in return.

The measure is set for hearing June 24 before the Senate Transportation and Housing Committee.

**AB 2594 (Mullin & Nunez) – Support  
As Amended on May 5, 2008**

AB 2594, by Assembly Members Gene Mullin and Fabian Nunez, would allow a redevelopment agency to use tax increment funds to acquire, assume, or refinance loans to eligible homeowners with sub-prime or nontraditional mortgages in default or at risk of default.

CSAC supports this measure as it seeks to help low- and moderate-income persons and families affected by the sub-prime mortgage crisis. It is estimated that 500,000 Californians have lost or will lose their home to foreclosure due to the epic sub-prime mortgage crisis currently hitting the state and the nation. With the high number of foreclosures occurring, and

with the worst projected yet to come, it is imperative that all levels of government work together to provide the tools necessary to assist Californians to stay in their homes, as well as to help stabilize the market.

AB 2594 is set for hearing June 24 before the Senate Transportation and Housing Committee.

**AB 3005 (Jones) – Oppose  
As Amended on May 15, 2008**

AB 3005, by Assembly Member Dave Jones, would require a local agency, when assessing an impact fee for the mitigation of traffic impacts on a transit-oriented housing development, to establish the fee at a rate that reflects reduced automobile trip generation associated with such developments unless the local agency finds that the development would not significantly reduce automobile trip generation.

First, it is unclear to us why the measure is necessary since the fee imposed on any project must meet the nexus test, which requires that the fee imposed is related to the benefit derived. Thus, the fees imposed for transit-oriented development would reflect a variety of needs not just vehicle trips. Reducing these fees would impact bicycle, pedestrian, and disabled access projects in addition to road projects. The reduction of transportation mitigation fees will jeopardize these alternatives to vehicle travel and thwart the very intent of the bill to provide transportation choices. AB 3005 comes at a time when all transportation systems are severely underfunded and reducing any one revenue stream is very problematic in meeting future needs.

AB 3005 will create funding shortfalls if more developments meet the qualifying standards than were originally anticipated without providing anyway to make up those fees. Again, it may actually discourage transit friendly planning. Many of these capital improvement plans exist for 10- or even 20-year planning horizons. A local agency that increases transit options during this time within the plan area would see a reduction in fees because they would have to reduce the fees to new subsequent development that met the standards for reduced fees. We should be rewarding agencies that get creative, not tie their hands.

AB 3005 is not practical as there isn't a way for a city or county to accurately estimate how many future developments will qualify for this reduction. As a result, if a local agency guesses wrong, jurisdictions may end up being unable to raise sufficient funds for necessary improvements.

Some jurisdictions, rather than considering reducing infill fees, are considering raising fees for projects that contribute to sprawl and long commutes to take into account the full impacts that such commutes have on infrastructure, greenhouse gas (GHG) emissions and congestion, both project specific and cumulative. While we appreciate the goal of making transit-oriented development pay less fees for traffic and congestion costs, any legislation that seeks to minimize the fees that can be charged on infill development must go the extra yard, and find on a statewide basis, that developments not entitled to a fee reduction must make up the difference. The pie must remain whole.

AB 3005 is set for hearing June 24 before the Senate Transportation and Housing Committee.

---

**Land Use  
AB 842 (Jones) – Oppose  
As Amended on January 17, 2008**

AB 842, by Assembly Member Dave Jones, would require the Department of Housing and Community Development (HCD) to give priority to projects located in jurisdictions or regions that have adopted plans that will reduce the amount of vehicle miles traveled by at least 10% when awarding grants under the Infill Incentives Grant Program and the Transit-Oriented Development Implementation Program.

AB 842 was passed out of the Senate Transportation and Housing Committee on June 17 by a vote of 9 to 3.

**AB 2093 (Jones) – Oppose  
As Amended on May 23, 2008**

AB 2093, by Assembly Member Dave Jones, would require that consideration of policies that reduce the emission of greenhouse gases (GHG) be incorporated into a city or county's general plan.

CSAC is opposed to this measure for numerous reasons. Among these reasons is that the measure is premature. While AB 32 (Nunez) set a goal to make California a world leader in addressing climate change, it also recognized that the scope of this goal was so large that it allowed four years (until 2012) to begin its implementation. While the bill does not come effective until after this deadline, the prudent course would be for the state to refrain from adopting new and potentially conflicting standards until the processes that AB 32 put in motion takes shape.

Furthermore, AB 2093 does not consider other processes. For example, under the authorization of SB 97 (Dutton), the Governor's Office of Planning and Research is developing new CEQA Guidelines for addressing climate change under the California Environmental Quality Act. At the same time, the California Transportation Commission has just adopted new Guidelines for Regional Transportation Plans to address greenhouse gas emissions. Moreover, the state's Air Resources Board's Scoping Plan has yet to be published (due in December 2008). It makes more sense to see what is included in these programs and understand how they are working before adopting a new layer of regulation. The Legislature should avoid a patchwork approach and allow these programs to fully develop and integrate all regulations.

AB 2093 was passed out of the Senate Environmental Quality Committee June 16 by a vote of 5 to 2. It is now set for hearing on June 25 before the Senate Local Government Committee.

### **SB 303 (Ducheny) – Oppose Unless Amended As Amended on June 9, 2008**

SB 303, by Senator Denise Ducheny, is an alternative measure to SB 375, by Senator Steinberg, that would address climate change from the land use and transportation sectors. SB 303 would require a Regional Transportation Plan (RTP) to include an initial planning scenario. Under this measure, the initial planning scenario would project a land use and development pattern that includes land use designations, densities, and building intensities for the area covered by the RTP based on existing general plan policies and recent and current growth patterns, provide for sufficient housing within the region to accommodate the region's medium- and long-term housing need for all income levels during the planning period, and establish a regional greenhouse gas emissions target by projecting the Land Use-Transportation Carbon Footprint associated with implementation of the regional transportation plan.

A transportation planning agency with a population exceeding 200,000 persons, would be required (A) to adopt and publish procedures governing the preparation and adoption of the RTP, (B) to prepare an alternative planning scenario, and (C) to submit, at least 90 days prior to circulation of the draft RTP, the initial planning scenario and the alternative planning scenario and accompanying report to the State Air Resources Board (ARB). Further, the bill would grant significant new authority to the ARB over RTPs with respect to the California Global Warming Solutions Act of 2006. Lastly, SB 303 would revise the time period for the development of local housing elements to eight years and require cities and counties to rezone, and provide services and facilities within three years of adoption of their housing element to meet their regional housing needs allocation (RHNA).

CSAC supports utilizing regional approaches to address the reduction of greenhouse gas (GHG) emissions; however, we have several concerns with the bill. We oppose requiring submittal of RTPs to the State and the statutory authority granted to the ARB to challenge or amend those plans. We support cities and counties working through their regional governments to develop the RTP and an enhanced land use plan to address GHG reduction targets. Regional governments are utilizing very sophisticated modeling and analysis to determine alternative growth scenarios appropriate for their unique circumstances in order to achieve the GHG reduction targets. We do not believe that the State has the expertise or knowledge to override these regional efforts and provide sufficient flexibility necessary to achieve these GHG reduction goals.

Further, while we support revising the housing element requirement to 8 years to synchronize it with the RTP process, we oppose the requirement that cities and counties rezone, and actually provide services and facilities for their RHNA within 3 years of the adoption of the housing element. We find this requirement very onerous and impossible to meet. Under current law we are required to identify actions that will be taken to make sites available with these requirements. This language imposes an unrealistic timeline and actually requires that we complete rezonings, services and facilities associated with the adequate sites to meet the RHNA. This would, among other things, require infrastructure to be in place to meet the RHNA—an impossible task. We also have concerns with the specific language that requires that cities and counties provide for sufficient housing to accommodate the regions medium- and long-term housing needs. This suggests that we are responsible for actually producing housing.

Lastly, we would request inclusion of language that acknowledges the contribution that many counties make towards the GHG reduction effort with respect to agriculture and resource land protection. While counties that serve in this role may not compete well for transportation investments, they remain the owners and operators of a significant portion of the state's transportation system and thus need recognition for funding to meet preservation, safety, and interconnectivity needs.

To address these concerns, CSAC is requesting the following amendments to SB 303:

- Deletion of the provisions that grant statutory authority for the ARB to make determination's regarding the RTP beginning on page 13, line 3 thru page 14, line 14.
- Deletion of the provision that imposes onerous requirements in relation to the adequate sites requirement found on page 22, lines 17 through 24.
- Deletion of the provision that requires cities and counties to provide sufficient housing found on page 6, lines 32 through 34.

· Inclusion of language recognizing the need to ensure rural sustainability in the GHG debate.

SB 303 was passed out of the Assembly Local Government Committee on June 18 by a vote of 5 to 0 and now awaits a hearing in the Assembly Appropriations Committee. However, Senator Ducheny intends to hold it in committee for the time being to allow discussions and negotiations to continue on both this bill and SB 375 by Senator Steinberg.

---

### **Transportation**

#### ***AB 660 (Galgiani) – Pending As Amended on June 4, 2008***

AB 660, by Assembly Member Galgiani, would make numerous changes to California's railroad-highway at-grade separation Section 190 program.

AB 660 was passed out of the Senate Transportation and Housing Committee on June 17 by a vote of 11 to 1.

#### ***AB 1836 (Feuer) – Support As Amended on April 16, 2008***

AB 1836, by Assembly Member Mike Feuer, would bring Infrastructure Financing Districts (IFDs) more in line with redevelopment districts by removing the voter approval currently needed for cities and counties to create IFDs. The measure would still require approval of every affected taxing jurisdiction including the city council or board of supervisors to approve a plan for the IFD, thus making it a public process that allows for community input into the program.

Given the fact that there has been a significant underinvestment in transportation infrastructure across the state over the past few decades and that the major sources of transportation funding are no longer sufficient to maintain our current system, let alone modernize it, AB 1836 offers an easy solution to allow local governments more flexibility to make transportation investments in their communities.

AB 1836 was heard on June 18 before the Senate Local Government Committee where it passed by a unanimous vote.

#### ***AB 2588 (Calderon) – Support As Amended on June 9, 2008***

AB 2588, by Assembly Member Charles Calderon, would clarify that the California Retail Food Code (CRFC) does not prohibit a local governing body from adopting requirements for public safety, regulating the type of vending and the time, place, and manner of vending from vehicles upon a street.

The ability to regulate these vehicles is extremely important to protect public health and safety for many reasons, including traffic hazards, loitering, litter, hygiene and food safety. While many vehicle vendors do not create public nuisances, AB 2588 will provide cities and counties with an additional tool to regulate those who do, while simultaneously protecting the public.

AB 2588 was heard before the Senate Local Government Committee on June 18 where it was passed by a unanimous vote.

#### ***AB 3034 (Galgiani & Ma) – Support As Amended on April 21, 2008***

AB 3034, by Assembly Members Galgiani and Ma, would revise, update and expand upon provisions of the original bond proposal that enacted the high-speed train system (HST) in 2002 (SB 1856, Costa) and would establish additional fiscal controls on the expenditure of state bond funds to ensure that they are directed to construction activities in the most cost effective and efficient way. Among other things, AB 3034 would do the following:

- State the Legislature's intent that construction of the HST system be consistent with the High Speed Rail Authority's more recent November 2005 certified environmental impact report, rather than the Authority's June 2000 Final Business Plan;
- Place a limit on the use of bond funds for preconstruction activities in order to maximize the amount of funds available for HST system construction;
- Ensure that complementary rail capital improvements funded from the \$950 million in bond funds allocated to intercity, commuter and urban rail systems shall provide direct connectivity and benefits to the HST system and its facilities or be part of the construction of the system; and
- Require that in selecting each specific segment for construction and prior to awarding a construction contract, the Authority must have a detailed funding plan identifying the full cost of constructing the segment and the sources of all revenues needed to complete the segment's construction.

California's booming population and current and future economic prosperity depend on access to an efficient, seamless, multi-modal transportation network – a network that should include high speed rail options. Furthermore, as all levels of government struggle battle congestion and air pollution and work to reduce greenhouse gas emissions and protect prime agriculture and critical resource land, the need for high speed rail in California has become even greater.

AB 3034 is set for hearing June 24 before the Senate Transportation and Housing Committee.

June20,2008

## **IndianGaming**

For more information, contact DeAnn Baker at 916/327-7500, ext. 509, [dbaker@counties.org](mailto:dbaker@counties.org) or Kiana Buss at 916/327-7500, ext. 566, [kbuss@counties.org](mailto:kbuss@counties.org).

---

### **Indian Gaming**

#### ***AB 1389 (Torrico) – Concerns As Amended on January 7, 2008***

AB 1389, by Assembly Member Alberto Torrico, would enact several recommendations proposed by the California State Auditor relative to the allocation and uses of proceeds from the Indian Gaming Special Distribution Fund (SDF).

CSAC agrees with some of the Bureau of State Audits findings and recommendations, as well as the legislative solutions to these issues as found in AB 1389. Specifically, we agree that grant recipients should be required to keep grant monies in an interest-bearing account and to apply that interest to grant projects. We also support the requirement that counties must submit their annual reports to the State Controller's Office prior to receiving the next fiscal year's grant allocation.

However, an issue of concern to CSAC is the requirement that grants finance only the "proportionate share" of expenditures that mitigate casino impacts. These changes would require either the grant applicants or the Local Community Benefit Committee to conduct an analysis to determine the "proportionate share" required for that particular program. Regarding grants to law enforcement, emergency services, and roads, requiring only a proportionate expenditure for projects will increase costs to the applicant and decrease the incentive to apply for a grant.

CSAC believes that the addition of this language will eliminate the kind of grants supported by both the Tribe and the Committee, which may potentially be too small in scope to justify the expense of a study to determine proportionate expenditure.

Additionally, AB 1389 still gives tribes unilateral discretion over sponsoring grant projects. This is problematic for a number of reasons, including the fact that the audit puts the burden on county government for not meeting the intent of the program however, local governments have no authority to sponsor appropriate projects to be funded with SDF monies.

AB 1389 is set for hearing June 24 before the Senate Governmental Organization Committee.

#### ***SB 1201 (Battin) – Oppose Unless Amended As Amended on April 30, 2008***

SB 1201, by Senator Jim Battin, would provide that the aggregate limit of gaming device licenses available for issuance under the 1999 Tribal-State Gaming Compacts shall be 122,000, and would further provide that certain gaming device licenses available for issuance under subsequent compact amendments shall not be counted in determining whether that aggregate limit has been reached.

This measure is intended to settle the very controversial issue regarding the aggregate number of slots that the 61 tribes under the 1999 Compact can collectively operate. That compact did authorize up to 2,000 slots per tribe, but established an aggregate cap that was not sufficient for every tribe to achieve their maximum amount. Thus, distributing gaming licenses was done via a type of lottery. As such, significant inequities have occurred from tribe to tribe with respect to their allotted slot amount. Senator Battin wants to ensure that every tribal government with a 1999 Compact can obtain gaming licenses, if desired, up to the maximum of 2,000 gaming machines authorized in the compact.

Should SB 1201 be successful, numerous tribes would have the ability to pursue increased slot machines without the obligation to re-negotiate a new compact with Governor Schwarzenegger, and thus would not trigger the critical CSAC

objective of requiring a judicially enforceable local agreement to mitigate off-reservation impacts. Therefore, CSAC is opposed unless amended to SB 1201.

CSAC believes that a Tribal Government operating a casino or other related businesses should mitigate all off-reservation impacts caused by that business. Furthermore, a tribal government operating a casino or other related businesses should pay to the local jurisdiction the tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, law enforcement, roads, transit, flood control, and other public infrastructure.

In order to fully implement these principles, CSAC believes that tribes should meet with and reach a judicially enforceable agreement with local jurisdictions on these issues before a new compact or an extended compact becomes effective. Thus, CSAC requests that an amendment be made to SB 1201 requiring any tribe that increases its number of gaming devices under this legislation to negotiate a local agreement for the mitigation of off-reservation impacts with local communities.

SB 1201 is set for hearing June 25 before the Assembly Governmental Organization Committee.

June20,2008

## **Washington,D.C.,Report**

For more information, contact Joe Krahn, Waterman and Associates, 202/898-1444, or e-mail [jk@wafed.com](mailto:jk@wafed.com).

---

After weeks of debate and with the Pentagon running short on money to fund military operations in Iraq and Afghanistan, the House approved June 19 a revised version of the fiscal year 2008 emergency supplemental appropriations bill. Approval of the revised bill was necessary after the House and Senate cleared competing versions of the legislation.

At press time, senators were still reviewing the House-passed supplemental. Although initial reaction to the bill was mixed, the Senate is expected to follow suit and approve the spending legislation the week of June 23.

All told, the final supplemental spending bill includes \$161.8 billion in war funding, as well as an expanded veterans' education benefit and an extension of unemployment insurance. The legislation also provides funding to Midwestern states that have been deluged by recent flooding.

For its part, the White House released on June 19 an official statement of administration policy endorsing the House-brokered bill. With the legislation free of policy riders that would restrict the Bush administration's war policies, the president is expected to sign the measure once it clears the Senate.

In a victory for states and counties, the final supplemental includes a moratorium – until April 1, 2009 – on the implementation of six of the Bush administration's seven Medicaid regulations. Included in the implementation delay are public hospital regulations limiting reimbursements and terminating graduate medical education payments. Regulations restricting payments and services for rehabilitative services and targeted case management for at-risk populations also will be delayed.

It should be noted that the final bill would not impose a moratorium on restrictions for outpatient hospital services payments. According to the federal Centers for Medicare and Medicaid Services, the rule is not expected to have a significant economic effect on health care providers. Nevertheless, California's Department of Health Care Services estimates the loss of approximately \$266 million in 2008 due to the implementation of this regulation.

Also left out of the final spending bill was funding for the Secure Rural Schools/County Payments program, as well as additional fiscal year 2008 dollars for the Byrne Justice Assistance Grant (JAG) program. Although both programs – along with a number of other domestic items – received funding under the original Senate-passed bill, House negotiators once again chose not to endorse the additional spending.

As expected, a number of key senators have expressed disappointment over the omission of the aforementioned funding, with several senators calling for the restoration of the deleted funding in a second supplemental spending bill. According to Senate Appropriations Committee Chairman Robert Byrd (D-WV), he expects his committee to meet in the near future to consider another round of emergency spending.

On a related matter, the fiscal year 2009 appropriations process is behind schedule due to delays in passage of the war spending legislation. Nevertheless, some of the 12 annual appropriations measures have begun to advance, with subcommittees in both the House and Senate clearing several of the fiscal year 2009 funding bills in recent days.

On June 12, the House Commerce-Justice-Science (CJS) Appropriations Subcommittee approved its spending bill for next fiscal year. In a victory for California's counties, the panel approved \$420 million in funding for the State Criminal Alien Assistance Program (SCAAP), or a \$10 million increase over current spending.

It should be noted that Representatives Mike Honda (D-CA) and Adam Schiff (D-CA) – both members of the CJS Subcommittee – worked diligently to ensure that the bill coming out of subcommittee included adequate funding for SCAAP.

The next step in the process is full Appropriations Committee consideration of the fiscal year 2009 CJS bill. The legislation is expected to be considered by the full committee the week of June 23.

Across Capitol Hill, the Senate Appropriations Committee approved its bill on June 18. Included in the measure is \$355 million for SCAAP. The bill also would provide \$45 million to reimburse state and local governments for prosecuting or detaining defendants in federally-initiated and referred criminal cases, including \$25 million for southwest border states.

Lawmakers in the House and Senate would like to have all 12 appropriations bill ready for floor action by August. However, that schedule may prove to be ambitious considering the limited legislative time remaining in the second session.

In other news, the House Judiciary Committee approved June 18 legislation that would reauthorize the JAG Program. The bill (HR 3546), which is strongly supported by CSAC and the League of California Cities, would set the JAG program's authorized funding level at \$1.1 billion annually through fiscal 2012.

Finally, the Bush administration proposed on June 17 new, extensive Americans with Disabilities Act (ADA) rules that will affect all state and local governments and businesses. The proposal updates enforcement of the 1990 law and expands its reach. While there are some exemptions for existing facilities, the new proposals invites comments on a number of issues, including providing lifts or ramps to witness stands in courts and accessibility requirements in new playgrounds or recreational facilities.

Comments on the proposal are due to the Civil Rights Division of the U.S. Department of Justice by August 18.