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April 08, 2009

## State and Federal Leaders Spotlight Health Care Reform

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Despite the lingering recession and resulting budget deficits at both the state and federal level, health care reform promises to be on center stage during the next few months.

Last month, President Obama invited a bipartisan group of lawmakers, physicians, health care executives, business leaders, and Americans from across the country to the White House for a forum on health reform. Sonoma County Supervisor and NACo President-Elect Valerie Brown was the only non-federal elected official to be invited to this forum. The President expressed his intention to enact comprehensive health reform by the end of the year. At the event, the President announced that the White House would be teaming up with a bipartisan group of governors from around the country to host regional forums on health reform.

The fifth and final regional forum took place on Monday, April 6 in Los Angeles. Governor Arnold Schwarzenegger and Washington Governor Chris Gregoire hosted the Los Angeles event. The forum was a town-hall style meeting to solicit input from a wide variety of individuals on health care reform. Additional locations – including San Diego, Clovis and Oakland – were linked by satellite to the Los Angeles site.

Many California county officials participated in Monday's event, including Imperial County Supervisor and CSAC President Gary Wyatt, Kings County Supervisor and CSAC First Vice President Tony Oliveira, Sonoma County Supervisor Valerie Brown, San Diego Supervisor Greg Cox, Los Angeles County Supervisors Zev Yaroslavsky and Mark Ridley-Thomas.

In addition to the President's forum on health reform, the National Association of Counties (NACo) is hosting a hearing in Sacramento – the third in a series – spotlighting national health care reform. The hearing will be on Thursday, April 16 and is hosted by Sonoma County Supervisor Valerie Brown and Sacramento County Supervisor Roger Dickinson.

Additionally NACo's Large Urban County Caucus' (LUCC) will meet in Sacramento April 15-17 and will be focusing on best practices and cutting edge programs in the health arena. The meeting is entitled "Restoring the Partnership for Urban Health: Metro Counties in a 21st Century Health System," and will showcase innovative county programs.

As county, state and federal officials continue discussions on health reform, all eyes will be on Washington, D.C. With the regional forums now concluded, action will shift to Congress. Some are talking about completing a health reform bill as soon as July – which would give stakeholders approximately 100 days to provide input on what could be a comprehensive health reform plan. The coming months hold the promise of much intense debate and a lot of hard work to achieve some consensus on health reform.

April 08, 2009

## Administration of Justice

For more information, please contact Elizabeth Howard at 916/650-8131 or [ehoward@counties.org](mailto:ehoward@counties.org) or Rosemary Lamb at 916/650-8116 or [rlamb@counties.org](mailto:rlamb@counties.org).

**Legislature Takes Its Regularly Scheduled Spring Recess**

This week the Legislature is on its regularly scheduled spring recess. Consequently, no policy committee meetings are being held. Administration of Justice staff members are taking this opportunity to update you on measures covered in previous bulletins and to highlight certain bills we have recently taken an active position on. Many measures have yet to be heard in their first committee; however, the Legislature — with deadlines looming — will review hundreds of bills in committee hearings scheduled in the coming weeks. Therefore, you will notice that bills not previously set for hearing now have a hearing date. If your county wishes to submit a position letter, it is generally advisable to do so no later than one week before the bill's hearing date.

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**Brown Act**  
***AB 137 (Jeffries) – Two Year Bill***  
***As Introduced January 20, 2009***

AB 137, by Assembly Member Kevin Jeffries, seeks to further specify what types of local meetings are subject to the Ralph M. Brown Act. This measure, as introduced, would make advisory committees subject to the Brown Act, if the committee presides over the same subject matter area for a period of more than two years.

CSAC jointly opposed this measure with the Regional Council of Rural Counties (RCRC). The author has indicated his intent to make this measure a two-year bill, so its hearing before the Assembly Local Government will not take place.

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**Collection of Court-Ordered Debt**  
***AB 273 (Anderson) - Oppose***  
***As Introduced on February 12, 2009***

AB 273, by Assembly Member Joel Anderson, would require a superior court to refer delinquent court-ordered debt to the Franchise Tax Board (FTB) for collection. CSAC and the Regional Council of Rural Counties (RCRC) are jointly opposed to the bill for operational and fiscal reasons.

As counties are aware, the organizational structure of court-ordered debt collection efforts varies from jurisdiction to jurisdiction. To the extent that a court has some level of collection responsibility in a jurisdiction, the provisions of AB 273 could substantially affect a county's revenue distribution. If the FTB were to receive all delinquent accounts, its administrative costs (up to 15 percent) would be deducted from the revenue collected — costs that would not be applicable had the debt been successfully settled prior to referral, as permitted under current law.

In addition to significant questions regarding FTB's capacity to take on the workload associated with the mandatory collection referrals, CSAC and RCRC also have concerns about a presumption that FTB operate as the primary entity for the collection of court-ordered debt. Presently, the provisions of Penal Code Section 1463.007 set forth guidelines — and what effectively function as best practices — for local comprehensive collections programs for delinquent payments. Our experience has been that collections operate optimally on a tiered basis, with the local entity being most effective at making early contact to capture the least problematic accounts and subsequently using the FTB or outside vendors for the older and harder-to-collect accounts.

The structure of AB 273, as introduced, appears to take away needed tools and flexibility that, under current law, permit local entities to determine and pursue the collection methods that best meet their needs. While the FTB-COD program is a key element that should continue to play a role in the overall effort to collect, we do not believe it is necessary or advisable to unilaterally transfer the primary collections responsibility as contemplated in this measure.

This measure is scheduled for hearing on April 14 in the Assembly Judiciary Committee.

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**Courts: Continuous Hours of Operation**  
***AB 996 (Anderson) – Oppose***  
***As Introduced on February 27, 2009***

AB 996, by Assembly Member Joel Anderson, seeks to provide the Chief Justice of the Supreme Court, the presiding justice of a court of appeal or the presiding judge of a superior court the authority to order the court to operate 24 hours a day, 7 days a week.

CSAC has significant concerns with this measure and has registered a joint oppose position along with RCRC. Should the Chief Justice, a presiding justice or a presiding judge exercise their authority to order a court to remain operational 24/7, county-provided functions connected to the courts such as the district attorney, public defender and sheriffs who provide security, would be expected to be deployed. Presumably, the objective of the bill is to expand the operating hours of the courts so that more cases could move through the system. Significant additional local funding would be needed to support the increase in county staff to accommodate a move to a 24-hour, daily operation. Further, the measure, as drafted, accords the county no role or opportunity to provide input into a local decision about the hours of operation and whether and how a county could marshal the resources needed to provide vital justice system services.

CSAC encourages counties to examine this measure and if possible provide estimations as to the potential costs and feedback on implementation concerns to Rosemary Lamb at [rlamb@counties.org](mailto:rlamb@counties.org).

AB 996 is set for hearing in the Assembly Judiciary on April 21.

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**Arrestment Courts**  
***AB 1338 (Anderson) – Oppose***  
***As Introduced on February 27, 2009***

AB 1338, by Assembly Member Joel Anderson, would establish an arrestment court program.

CSAC and RCRC jointly have registered opposition to this measure based on two primary concerns. First, the bill would authorize — but not require — the establishment of an arrestment program. To exercise this authority, the bill contemplates having the presiding judge (or his or her designee), the district attorney, and the public defender arrive at mutual terms in writing to operate the program. What the construct does not take into account are other operational and fiscal impacts to the county. Chief among those are (1) the impact to the county if the court facility is housed in a shared-use building and (2) the costs associated with providing court security and, if necessary, defendant transportation — both functions provided by the county sheriff.

Secondly, while it is not clear what pecuniary orders — perhaps bail or unpaid court-ordered debt from a previous offense — might be involved in arrestment proceedings, counties would oppose the sharing of any proceeds among “the participating prosecutorial, defense, probation, and arresting agencies,” as contemplated in the bill. This provision disregards the extensive and complex statutory direction that distributes revenues to specific funds and entities. (See Appendix C of the State Controller’s Manual of Accounting and Audit Guidelines for Trial Courts.)

The measure currently awaits hearing in the Assembly Public Safety Committee.

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**Public Records Act**  
***AB 520 (Carter) – Support***  
***As Introduced on February 25, 2009***

AB 520, by Assembly Member Wilmer Amina Carter, seeks to provide public entities with relief from repetitive public records requests from the same individual. Specifically, the measure authorizes a superior court to issue a protective order limiting the number of requests an individual can make, if it has been proven that the requestor has requested documents in the past and used them for improper purposes, including harassment of a public agency.

Any protective order would be granted only after the court determines that the requestor sought records “for an improper purpose,” which could include harassment of an employee of a public agency or the agency itself. The measure also specifies an avenue for review of any such order made by a superior court under new Government Code Section 6256 (a).

Regrettably, public agencies occasionally encounter members of the public who misuse the Public Records

Act. AB 520 is carefully and narrowly drawn, delineating a process that would be applicable only in the most extreme circumstances.

CSAC is requesting that counties review this measure and, if possible, provide staff examples whereby a requestor has misused the Public Records Act as described in AB 520. This input would greatly assist in our advocacy efforts on this measure.

AB 520 is set for hearing in Assembly Judiciary on April 21.

***AB 1245 (Monning) – Support  
As Amended April 2, 2009***

AB 1245, by Assembly Member Bill Monning, seeks to establish a procedure to ensure that documents rightfully owned by local or state agencies are returned to that local or state agency. Counties will recall that former Assembly Member Laird carried similar legislation last year that CSAC supported – AB 2595. This measure ultimately was vetoed by the Governor, who cited that the state’s historic delay in passing a budget prevented him from signing bills other than those of the highest priority.

AB 1245 is set for hearing in the Assembly Governmental Organization Committee on April 21.

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***Metal Theft***

***AB 237 (Carter) – Support  
As Introduced February 6, 2009***

AB 237, by Assembly Member Wilmer Amina Carter, seeks to provide local law enforcement with an additional tool in fighting metal theft. This measure amends the section of the Vehicle Code that specifies which entities have authority to stop and search vehicles transporting products and what specific products could trigger such a stop. AB 237 would add metal products to the list of products that grant law enforcement stop and search authority and would extend this authority to local law enforcement, including county sheriffs. Currently, only the California Highway Patrol is granted this authority.

AB 237 is sponsored by the California State Sheriffs’ Association. The measure is set for hearing in the Assembly Public Safety Committee on April 14.

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***Missing Persons: DNA Database***

***AB 275 (Solorio) – Support  
As Amended on March 24, 2009***

AB 275, by Assembly Member José Solorio, would delete the sunset 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.

This measure would make three changes to existing statute regarding the DNA database operated by the Department of Justice (DOJ) as follows: 1) as mentioned previously, it would delete the sunset on the \$2 increase on death certificates to fund the database; 2) it would require medical examiners and coroners to submit missing remains for examination in the DNA database to the DOJ; however, recent amendments removed the 90-day timeframe to do so, which created a state mandate; and 3) DOJ would retain the right to prioritize case analysis but would give priority to those cases involving children and homicide victims.

Counties will recall that Assembly Member Solorio carried similar legislation last year in his AB 1975, which was vetoed by the Governor. The Governor explained that his veto related to the mandate contained within the measure requiring counties to charge the fee on death certificates. It is hoped that recent amendments have addressed the Governor’s concerns.

AB 275 was heard in the Assembly Appropriations Committee on April 1 and was placed on the Suspense File.

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***Vehicle Theft***

**AB 286 (Salas) – Support**  
**As Introduced on February 13, 2009**

AB 286, by Assembly Member Mary Salas, is a reintroduction of her AB 860 from last year, which sought to extend the sunset date on county authority to impose additional fees on vehicle registration to fund local programs relating to vehicle theft crimes. AB 860 was vetoed by the Governor in his blanket veto message stating that the measure did not meet a priority threshold for the year, given the limited amount of time available to him to review legislation in the context of protracted budget negotiations.

AB 286 is again sponsored by the California State Sheriffs' Association, and CSAC is in support.

AB 286 is passed the Assembly Local Government Committee on a 5-2 vote on April 1 and is now awaiting a hearing in Assembly Transportation Committee.

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**County Jails: Reentry Facilities**  
**AB 320 (Solorio) – Watch**  
**As Proposed to be Amended**

AB 320, by Assembly Member Jose Solorio, seeks to amend AB 900, the Public Safety and Offender Rehabilitation Services Act, the corrections reform measure he authored in 2007.

Specifically, AB 320 would allow counties to receive coequal preference points in its bid to seek funds for local jail construction projects for either agreeing to site a reentry facility or contracting county jail beds to the California Department of Corrections and Rehabilitation (CDCR) for reentry facilities. Under current law, a county receives preferential consideration in its jail construction proposal only for siting a reentry facility.

As outlined in the bill's hearing before the Assembly Public Safety Committee, AB 320 has been amended to make the changes in prospective and not applicable to Phase 1 jail bond funds conditionally awarded to counties that have agreed to participate with CDCR in citing a reentry facility. Additionally, the measure will be amended to require that any county operating a reentry program on behalf of CDCR provide programming that is approved by CDCR.

AB 320 — with these amendments, which are not yet in print — passed the Assembly Public Committee Safety on a 7-0 vote. It is now awaiting hearing in Assembly Appropriations Committee.

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**Medi-Cal Eligibility**  
**AB 334 (Fuentes) - Support**  
**As Amended on March 9, 2009**

AB 334, by Assembly Member Felipe Fuentes, seeks to suspend rather than terminate an adult offender's Medi-Cal eligibility while he or she is in a county detention facility. CSAC supported similar legislation enacted last year (SB 1147, Calderon) pertaining to detained juvenile offenders. AB 334 extends the work of last year's measure to adult offenders.

Furthermore, AB 334 seeks to bring California into compliance with federal guidelines issued by the Federal Department of Health and Human Services, Centers for Medicare and Medicaid Services that encourages states to suspend rather than terminate offenders' benefits while in public institutions.

AB 334 is awaiting hearing in the Assembly Health Committee.

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**Graffiti: Recovery of Costs**  
**AB 576 (Torres) – Watch**  
**As Amended on March 26, 2009**

AB 576, by Assembly Member Norma Torres, would allow local law enforcement agencies to receive compensation for apprehending offenders who are arrested for vandalizing property.

Specifically, AB 576 would require the court to order an offender to pay for the costs incurred by local law

enforcement when apprehending the offender and any other costs associated with the crime. The measure was recently amended to remove language whereby the local law enforcement agency would bear the burden of establishing — and providing evidence of — the costs it incurred in identifying and apprehending the offender. The measure would now require the court to order the defendant to pay a \$50 fee and require a county collecting that fee to deposit it in a special Graffiti Intelligence and Technology Fund to be spent reimbursing local law enforcement for their costs and to cover county costs associated with administering the program.

AB 576 is awaiting hearing in Assembly Appropriations.

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**Recreational Skateparks**  
**AB 874 (Saldaña) – Support**  
**As Introduced on February 26, 2009**

SB 874, by Assembly Member Lori Saldaña, seeks to remove the knee and elbow pad requirement at California's public skate parks, but leaves the helmet requirement in place. This change would thereby place more responsibility on the skate park visitor and at the same time reduce the liability exposure to the local jurisdiction.

CSAC supported a similar measure in the past: SB 1179 (Chapter 140, Statutes of 2006), which reduced the age limit at which helmet and pads were required. AB 874 is sponsored by the International Association of Skateboard Companies and is scheduled to be heard in Assembly Judiciary on April 14.

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**911 Surcharge**  
**AB 912 (Torres) – Support**  
**As Introduced on February 26, 2009**

AB 912, by Assembly Member Norma J. Torres, would increase the percentage rate surcharge maximum range in the Emergency Telephone Users Surcharge Act by 0.25 percent. That change would raise the existing range of no more than 0.75 percent to no more than 1 percent.

In addition, this bill seeks to ensure that Public Safety Answering Points, which field 911 calls, remain capable of meeting the 10-second answering guideline as recommended by the National Emergency Number Association. Furthermore, AB 912 amends Revenue and Taxation Code Section 41136 to state that a minimum of 50 percent of the revenues deposited into the State Emergency Telephone Number Account shall be spent to pay a myriad of costs including, but not limited to, claims of local agencies for approved incremental costs.

AB 912 is sponsored by the California State Sheriffs' Association. AB 912 is set for hearing in the Assembly Utilities and Commerce Committee on April 20.

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**Veterans' Court**  
**AB 674 (Salas) – Oppose**  
**As Introduced on February 25, 2009**

AB 674, by Assembly Member Mary Salas, would mandate the creation of a deferred entry of judgment program and a pre-conviction drug diversion program for specified veterans in every county.

CSAC has joined with the California Mental Health Directors Association (CMHDA) in opposition to this measure. While we support the intent of AB 674 — which is to recognize the role that a defendant's combat service (and resulting psychological injury) may have played in his or her criminal offense and to determine an appropriate sentence for those individuals — we oppose the bill because it is a one-size-fits-all mandate approach that it does not reflect current best practices and, from our view, is not necessary, affordable or appropriate. Indeed, we are aware that Orange and Santa Clara counties have voluntarily opened veterans' courts to offer therapeutic alternative and support services to their local military service personnel who become involved with the criminal justice system and need effective mental health treatment.

We have offered to work with the author as the measure moves forward to ensure that it is appropriately designed to recognize the existing limitations and treatment capacity constraints at the county level.

This measure is set for hearing on April 14 in the Assembly Public Safety Committee.

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**Restrictive Covenants**  
**AB 985 (De La Torre) – Watch**  
**As Introduced February 27, 2009**

AB 985, by Assembly Member Hector De La Torre, seeks to remove restrictive covenants from any deed of real property in California. Specifically, this measure would require a title insurance company involved in any real estate transaction in which the deed contains a restrictive covenant or other restrictive condition to have that provision stricken from the deed before the property is transferred.

Counties will recall that Assembly Member De La Torre carried a measure addressing restrictive covenants last year (AB 2204), which, in its final version, would have required — for each recordation involving the transfer of title for real property constructed before 1964 — a review by county counsel for purposes of identifying and striking restrictive covenants. CSAC and the Regional Council of Rural Counties (RCRC) opposed this measure for fiscal and operational reasons, when it was amended toward the end of the legislative session to require review by county counsels. That measure was held in the Senate Appropriations Committee.

AB 985 was recently scheduled for a hearing in the Assembly Judiciary on April 21.

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**Inmate Medical Expenses**  
**AB 1487 (Hill) – Support**  
**As Amended on April 2, 2009**

AB 1487, by Assembly Member Gerald Hill, seeks to authorize a county sheriff's department to increase the fee charged to an inmate for a medical visit from \$3 to \$6. The measure was recently amended to direct any additional revenue collected over the existing \$3 charge into the Inmate Welfare Fund.

AB 1487 is sponsored by the California State Sheriffs' Association and is awaiting hearing in Assembly Public Safety Committee.

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**Probation**  
**SB 731 (Ashburn) - Support**  
**As Introduced on February 27, 2009**

SB 731, by Senator Roy Ashburn, seeks to increase information sharing across county multidisciplinary teams by authorizing groups who participate in these teams for the purpose of prevention, identification and control of adult crime - including but not limited to criminal street gang activity - to share information.

SB 731 is sponsored by the Chief Probation Officers of California and is set for hearing in the Senate Public Safety Committee on April 21.

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**Vehicle Abatement**  
**AB 14 (Fuentes) – Support**  
**As Amended on March 12, 2009**

AB 14, by Assembly Member Felipe Fuentes, is a reintroduction of his measure from last year, AB 1751 that would have provided local law enforcement an additional tool in fighting prostitution; however AB 14 extends the scope of AB 1751 by adding illegal dumping to the list of crimes.

Specifically, AB 14 authorizes a city or county to adopt an ordinance allowing local law enforcement the right to impound a vehicle found to be involved in the commission of certain crimes to include prostitution and illegal dumping of commercial quantities of waste. The measure would allow law enforcement to

impound a vehicle for no more than 30 days if the vehicle was used in the commission of these crimes.

CSAC is jointly supporting AB 14 with the League of California Cities. AB 14 is awaiting an Assembly Floor vote so that it can be transferred to the Senate for policy committee hearings.

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#### **Misdemeanors**

##### ***AB 713 (Gaines) – Support if Amended As Introduced on February 26, 2009***

AB 713, by Assembly Member Ted Gaines, seeks federal reimbursements for the costs of incarcerating undocumented criminals by requiring the Secretary of the Department of Corrections and Rehabilitation to annually bill the federal government for these costs.

CSAC has joined the California State Sheriffs' Association (CSSA) and the Chief Probation Officers of California (CPOC) in support of AB 713, if the measure is amended to clarify that co-equal weight be given to state and local governments for State Criminal Alien Assistance Program (SCAAP) reimbursement.

California counties rely on SCAAP funds to help offset the increasing costs of incarcerating undocumented criminals in California. While AB 713 will help the state bring more of these dollars back to California, we have respectfully requested amendments to give co-equal weight to state and local billing so that this bill, as currently written, does not inadvertently supplant local requests for reimbursement.

The measure is set for hearing on April 14 in the Assembly Public Safety Committee.

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#### **Jails: Discharge of Inmates**

##### ***SB 153 (Liu) – Two Year Bill As Introduced February 12, 2009***

SB 153, by Senator Carol Liu, sought to standardize the practice of discharging inmates from county detention facilities.

As introduced, the measure would have prohibited county sheriffs from discharging inmates between the hours of 6 p.m. to 6 a.m. In addition, any court-ordered release of an inmate would need to be concluded by 8 p.m. on the date the release was issued. The author's intent with this measure was to mitigate unsafe circumstances for individuals being released from local detention facilities. Because there are implementation and operational concerns with the objectives of this measure the author has made this measure a two-year bill. It will remain in the Senate Public Safety Committee until next year.

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#### **Misdemeanors**

##### ***AB 688 (Eng) – Watch As Introduced on February 26, 2009***

AB 688, by Assembly Member Mike Eng, seeks to clarify discrepancies in the Penal Code related to the release of a person charged with a misdemeanor for domestic violence.

Penal Code Section 853.6 gives a peace officer the ability to release a person charged with misdemeanor domestic violence without having to appear in front of a judge or commissioner, if the officer believes doing so would no place the victim in danger. However, Penal Code Section 1270.1 requires — without exception — that a person charged with domestic violence cannot be released on his or her own recognizance before appearing before a magistrate. AB 688 would eliminate the release option provided under current law in Section 853.6, making clear that the requirement in 1270.1 prevails.

Assembly Member Eng's office has contacted CSAC to request county review, feedback and, where possible, support of this measure. Counties wishing to receive additional information about AB 688 should contact the author's office. The measure is sponsored by the Los Angeles County Sheriff's Department and District Attorney's Office.

AB 688 is set for hearing before the Assembly Public Safety Committee on April 14.

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## **Agriculture&NaturalResources**

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

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### **Land Use: Resources**

#### ***AB 444 (Caballero) – Request for Comments As Introduced February 24, 2009***

AB 444, by Assembly Member Anna Caballero, would allow local and state agencies to allow nonprofit land trusts and special districts to hold the funds (endowment) dedicated to the management of mitigation lands or easements held by nonprofit land trusts and special districts. Local and state agencies may allow nonprofits to hold such mitigation lands/easements when: (1) the agency is in the position of issuing permits for a project, or (2) when the local or state agency itself is the project proponent and must provide mitigation for its project. Currently, many state and local agencies allow this practice to happen. However, it is not explicit in statute. This bill would clarify the practice, allowing nonprofit land trusts and special districts to hold funds dedicated to the management of mitigation lands.

This bill is set for hearing on April 14, 2009 in the Assembly Water, Parks and Wildlife Committee.

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### **Solid Waste – Plastic Bags**

#### ***AB 87 (Davis) – Support As Amended March 18, 2009***

AB 87, by Assembly Member Mike Davis, would require a store, effective July 1, 2010, to collect a fee from customers on plastic carryout bags of not less than twenty five cents (\$0.25) with the exception of those customers participating in certain assistance programs. The bill would also establish a Bag Pollution Fund and would require that stores that collect fees deposit them in the Fund for appropriation of the Legislature for environmental mitigation purposes. CSAC supports AB 87 because it will reduce pollution caused by excess plastic bags, and help counties achieve the 50 percent solid waste diversion goals set forth by the California Integrated Waste Management Board. This bill is sponsored by Los Angeles County.

AB 87 is set for hearing on April 13, 2009 in the Assembly Natural Resources Committee.

#### ***AB 68 (Brownley) – Support As Amended March 31, 2009***

AB 68, by Assembly Member Julia Brownley, is nearly identical to AB 87 by Assembly Member Mike Davis. Both bills would require a store, effective July 1, 2010, to collect a fee from customers on plastic carryout bags of not less than twenty five cents (\$0.25). AB 68 also creates a Bag Pollution Fund, which would contain grants funds for cities and counties for programs related to single-use carryout bags and reusable bag giveaway programs.

This bill is set for hearing on April 13, 2009 in the Assembly Natural Resources Committee.

#### ***AB 1141 (Calderon) – Request for Comments As Introduced February 27, 2009***

AB 1141, by Assembly Member Charles Calderon, would make several changes to existing law regarding the use of plastic carryout bags. Specifically, this bill would:

- Extend the sunset date which prohibits local governments from imposing fees on paper and plastic carryout bags;
- Prohibit local government from banning or restricting paper and plastic carryout bags;

- Amend the definition of reusable bags to include certain plastic carryout bags
- Direct the CIWMB to establish a 50 percent reduction goal for plastic carryout bags
- Require manufacturers to pay a producer responsibility fee

This bill is set for hearing on April 20, 2009 in the Assembly Natural Resources Committee.

***SB 531 (DeSaulnier) – Request for Comments  
As Introduced February 27, 2009***

SB 531, by Senator Mark DeSaulnier, would make several changes to statute regarding single-use carryout bags. Similar to the Calderon bill in the approach, SB 531 would also extend the sunset date which prohibits local governments from imposing fees on plastic carryout bags. Additionally, this bill would prohibit local governments from banning or restricting plastic carryout bags. SB 531 would also require, among other things, plastic bag manufacturers to pay the State one-tenth of a cent (\$0.001) for each plastic carryout bag supplied to large supermarkets with a minimum annual gross of \$2 million and retail stores with a minimum of 10,000 square feet. Funds collected would be available to local governments in the form of grants for litter abatement activities.

This bill is set for hearing on April 20, 2009 in the Senate Environmental Quality Committee.

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***Forestry  
AB 149 (Jeffries) – Support  
As Amended March 31, 2009***

AB 149, by Assembly Member Kevin Jeffries, would create two additional appointments from counties to the State Board of Forestry and Fire Protection. This bill would require one of the appointments to come from a rural county that has entered into a cooperative agreement with the department to provide fire prevention and suppression services on lands within that county. The other county appointment would be a county supervisor from any county that also has entered into a cooperative agreement with the department to provide fire prevention and suppression services on lands within that county. The bill requires the Governor to give consideration to appointment nominations from CSAC and the Regional Council of Rural Counties (RCRC).

This bill is set for hearing on April 13, 2009 in the Assembly Natural Resources Committee.

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***Williamson Act  
AB 512 (Yamada) – Request for Comments  
As Introduced February 24, 2009***

AB 512, by Assembly Member Mariko Yamada, would include horse breeding and training facilities as a compatible use of land under a Williamson Act contract.

This bill has been referred to Assembly Natural Resources Committee and the Assembly Agriculture Committee.

***SB 671 (Runner) – Request for Comments  
As Introduced February 27, 2009***

SB 671, by Senator George Runner, would make changes to existing law regarding agriculture land valuation. Statute requires the county assessor to assess current fair market valuations to determine the cancellation fee for removing land from a Williamson Act contract. Existing law also permits the Department of Conservation or the landowner, if either believes that the current fair market valuations are inaccurate, to request formal review from the county assessor in the county considering the cancellation petition. This bill would authorize the Department of Conservation or the landowner to hire an independent fee appraiser to obtain an appraisal within 45 days of receipt of the assessor's appraisal. SB 671 would also require the County Board of Supervisors, if the department and the landowner cannot agree on which valuation is correct, to hire or appoint a mediator to make the final determination.

This bill is set for hearing on April 15, 2009 in the Senate Local Government Committee.

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**Delta****AB 13 (Salas) – Pending  
As Amended April 1, 2009**

AB 13, by Assembly Member Mary Salas, would create a Sacramento-San Joaquin Delta Conservancy. The Conservancy would be required to provide policy oversight and implementation and management of funds for the purposes of Delta restoration and habitat management. The Conservancy would also develop and implement projects to address the economic vitality of the Delta region. The makeup of the Conservancy would include eleven voting members, five of which would be appointed by the Boards of Supervisors from the five Delta counties, including Solano, Yolo, Sacramento, San Joaquin and Contra Costa. This bill is one of a number of bills dealing with the Delta this session. A bi-partisan legislative working group has been set up in the Capitol to address the numerous bills dealing with the Delta.

This bill is set for hearing on April 14, 2009 in the Assembly Water, Parks and Wildlife Committee.

**SB 458 (Wolk) – Pending  
As Amended April 2, 2009**

SB 458, by Senator Lois Wolk, would also create a Sacramento-San Joaquin Delta Conservancy. AB 458 would establish a Delta Conservancy with the goal of supporting efforts that advance both the environmental protection of the Delta and the economic well-being of the Delta residents. Like the Salas bill, this bill would require eleven voting members on the Conservancy, including one public member appointed by the County Board of Supervisors from each of the five Delta Counties. This bill would require that the Delta County members be a resident of the county they represent. AB 458 also includes specific language that stipulates the goal of the conservancy to increase recreation and public access in the Delta, promote tourism and economic vitality, promote legacy communities and protect historical and cultural resources and protect agriculture and working landscapes.

This bill is set for hearing on April 14, 2009 in the Senate Natural Resources Committee.

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**AB 39 (Huffman) – Pending  
As Amended April 2, 2009**

AB 39, by Assembly Member Jared Huffman, would require the California Delta and Ecosystem Water Council to prepare a plan to implement the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force in October 2008, and to submit that plan to the Legislature before January 1, 2011.

This bill has been set for hearing on April 14, 2009 in the Assembly Water, Parks and Wildlife Committee.

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**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).

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### **In-Home Supportive Services**

Recently, counties received a letter from the Department of Social Services with information regarding the state's participation in wages and health benefits funding for In-Home Supportive Services (IHSS). For more information see the Health and Human Services section of this week's Legislative Bulletin.

#### ***AB 378 (Cook) – Request for Comment As Introduced February 23, 2009***

Assembly Bill 378, by Assembly Member Paul Cook, would require each public authority or nonprofit consortium to develop training standards and core topics to be used in the training it provides to In-Home Supportive Services (IHSS) providers and recipients.

Current law allows counties to contract with a nonprofit consortium (a nonprofit public benefit corporation) to carry out the delivery of IHSS to recipients. Current law also permits counties to establish a public authority for the same purpose. In both instances, the nonprofit consortium or the public authority is deemed the employer of record for IHSS personnel and is required to provide training to IHSS providers and recipients.

AB 378 would require such nonprofit consortiums or public authorities to work with stakeholders to develop core topics and training standards for the IHSS providers and recipients.

AB 378 will be heard in the Assembly Human Services Committee on April 14, 2009.

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### **Workers' Compensation**

#### ***AB 128 (Coto) – Oppose/Request for Comment As Introduced January 16, 2009***

Assembly Bill 128, by Assembly Member Joe Coto, would extend the workers' compensation cancer presumption to a member following termination of service for a period of one year for each full year of requisite service, essentially creating a 30-year presumption period.

Current law establishes certain cancer presumptions for firefighters and peace officers if the cancer develops when they are in the service of a public agency and has been deemed to be caused by exposure to a cancer-causing agent. This presumption is currently extended to a member for three months for each year of service after the member's service has been terminated.

CSAC opposes AB 128 because it will result in increased workers' compensation costs by extending the presumption to firefighters and police officers for, in many possible cases, decades after the employees have terminated their employment. CSAC believes that counties must be able to retain the discretion to reject workers' compensation claims when the injury does not arise out of the person's employment.

AB 128 will be heard in the Assembly Insurance Committee on April 22, 2009.

#### ***AB 664 (Skinner) – Oppose/Request for Comment As Introduced February 25, 2009***

Assembly Bill 664, by Assembly Member Nancy Skinner, would establish a presumption for workers' compensation purposes when a hospital employee contracts a blood-borne infectious disease, neck or back impairment, or methicillin-resistant *Staphylococcus aureus* (MRSA) infection.

AB 664 would also extend this presumption three months for each year of service after the employee's service has been terminated.

CSAC opposes AB 664 because employers need to retain the discretion to accept or challenge workers' compensation claims. Further, AB 664 could result in increased costs in workers' compensation for county hospitals at a time when counties are facing budget deficits and reduced funding for program services.

AB 664 is set to be heard in the Assembly Insurance Committee on April 22, 2009.

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## **Government, Finance & Operations**

For more information, contact Jean Kinney Hurst at 916/327-7500, ext. 515, or [jhurst@counties.org](mailto:jhurst@counties.org) or Geoffrey Neill at 915/327-7500, ext. 567, or [gneill@counties.org](mailto:gneill@counties.org).

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### **Municipal Bankruptcy AB 155 (Mendoza) – Oppose As amended on March 27, 2009**

AB 155, by Assembly Member Tony Mendoza, was recently amended to require approval of a municipality's bankruptcy filing by the California Debt and Investment Advisory Commission (CDIAC) prior to entering federal bankruptcy court. This measure arises from the recent bankruptcy filing by the City of Vallejo in 2008.

The California Debt and Investment Advisory Commission is established within the State Treasurer's Office to provide information, education, and technical assistance on debt issuance and public fund investments to local public agencies. CDIAC is comprised of nine members: the State Treasurer, the Governor or the Director of Finance, the State Controller, two local government finance officials (currently Jose Cisneros, the San Francisco City and County Treasurer and Tax Collector and Jay Goldstone, the Chief Operating Officer of City of San Diego), two Assembly Members, and two Senators. The Treasurer acts as chair and appoints the two local government finance officials.

This version of AB 155 requires CDIAC to provide advice and authorize a municipality to seek Chapter 9 bankruptcy protection. The local agency must provide CDIAC with a proposed plan for restructuring debt and other financial obligations to avert a fiscal crisis; an itemization of creditors that may be impaired or may seek damages as a result of the proposed restructuring; and any supporting documentation that the local agency deems appropriate to provide or is requested by CDIAC in order for CDIAC to perform a desk audit. After receiving this information, CDIAC will "do all that it deems necessary" to evaluate the local agency's fiscal condition, including providing recommendations for actions to be taken by the local agency to avert fiscal insolvency. CDIAC may impose terms and conditions on a local agency prior to receiving approval to seek bankruptcy protection.

CSAC remains concerned about this measure due to the simple fact that the citizens of each of California's 58 counties have duly elected and empowered their locally elected county officials to oversee and manage the fiscal affairs of the county. County supervisors take their fiduciary responsibilities extremely seriously and recognize that bankruptcy is an option that is only exercised at the very last resort. We are very concerned about the state intervening in a manner that puts the fiscal health of already troubled local entities and taxpayers at even greater risk. Moving this responsibility to CDIAC does not offer any comfort, as CDIAC is not currently tasked with dealing with issues related to local agency finance beyond debt and investments and the extensive time involved with evaluating and providing recommendations to the local agency is time that comes at a significant cost.

CSAC encourages counties to review AB 155 and share your concerns with us. Please contact Jean Kinney Hurst or Geoffrey Neill at the phone number or email addresses listed above.

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### **Property Tax AB 311 (Ma) – Support As amended April 2, 2009**

AB 311, by Assembly Member Fiona Ma, would extend the 2010 sunset date by five years for an aircraft

assessment method that has been used since 2005-06. Under the method, a special subcommittee of county assessors appoints a lead assessor for each commercial air carrier who then has primary responsibility for determining the value of that fleet and transmitting the information to other assessors. This bill is sponsored by the California Assessors' Association.

The Assembly Revenue and Taxation Committee will consider AB 311 at its meeting next Monday, April 13.

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#### **State Mandates**

##### ***AB 548 (Krekorian) – Support As introduced February 25, 2009***

AB 548, by Assembly Member Paul Krekorian, would delete the provision of law that authorizes the State Controller to begin an audit more than three years from the date of the initial payment of the claim.

Statute generally limits audits to three years, but there is a strange exception for instances when the money has not yet been appropriated. This has led to audits going back well over twice the normal limit, which in turn creates record retention headaches for local officials. The long delays between service delivery and audit sometimes cause reimbursements to be based on which records have survived rather than the actual cost of providing the service.

The Assembly Local Government Committee will consider AB 548 at its meeting next Wednesday, April 15.

##### ***AB 594 (Harkey) – Support in Concept As introduced February 25, 2009***

AB 594, by Assembly Member Diane Harkey, would require new legislation that imposes a state mandate to include a provision that repeals the mandate after no more than six years. It would also require the Legislative Analyst's Office (LAO) to report on the mandate's enactment to the Legislature.

Counties applaud the goal of repealing unnecessary mandates on local government, and will support effective means of doing so. However, given the Legislature's inability to bind future Legislatures, this bill's provisions would be of questionable efficacy. Any future legislation that would impose a mandate could avoid this new requirement by "notwithstanding" it.

Furthermore, six years is often not long enough to get through the arduous process the state has contrived for determining whether a mandate is reimbursable and at what level, so it is entirely possible that the LAO would not be able to report on the cost of the program at that time.

The Assembly Local Government Committee will consider AB 594 at its meeting next Wednesday, April 15.

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#### **Local Government Finance**

##### ***SB 321 (Benoit) – Concerns As amended April 2, 2009***

SB 321, by Senator John Benoit, would make a number of changes to assessment and property-related fee proceedings. While CSAC appreciates the sponsor's interest in ensuring that all eligible voters do in fact vote in assessment and fee proceedings and that voters can be confident that those results are sound, we have concerns about the practical implications of the proposed language and believe that significant amendments are required to make the legislation workable and consistent with existing law.

Provisions regarding what may be placed in the ballot mailing, procedures for opening and tallying ballots, authorization for public review of ballots, and responsibility for administration of the proceedings are all areas of concern. We anticipate additional conversations with the bill's author and sponsor, the Howard Jarvis Taxpayer's Association, if the bill moves forward.

The Senate Local Government Committee is scheduled to hear SB 321 at its meeting next Wednesday, April 15.

##### ***SB 113 (Committee on Local Government) – Support As amended April 2, 2009***

SB 113, by the Senate Committee on Local Government, is the annual local government omnibus bill, which implements noncontroversial changes to the laws that govern local governments.

This year's bill includes a section to modernize the statutes that specify counties' budget procedures. Specifically, it would clarify the definition of the terms administrative officer, auditor, board, and controller, and would define the terms adopted budget, budget year, final budget, and recommended budget, and would make conforming changes throughout. The bill would also repeal obsolete provisions and make other conforming changes.

The Senate Local Government Committee will consider SB 113 at its meeting next Wednesday, April 15.

***SB 101, SB 102, and SB 103 (Committee on Local Government) – Support  
As introduced January 27, 2009***

SB 101, SB 102, and SB 103, all by the Senate Committee on Local Government, are the annual “validating” acts. They would retroactively cure the minor errors and omissions that public officials make throughout the year. This, in turn, will give investors confidence in public agencies' securities, and therefore lead to lower interest rates for state and local bonds. These annual bills are even more important than before given the currently difficult borrowing environment. They do not correct fraud, corruption, or unconstitutional acts.

The Assembly Local Government Committee will consider these three bills at its meeting next Wednesday, April 15.

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## **Health&HumanServices**

For more information, contact Kelly Brooks at 916/327-7500, ext. 531 or [kbrooks@counties.org](mailto:kbrooks@counties.org), Faith Conley (for Health policy) at 916/327-7500, ext. 522 or [fconley@counties.org](mailto:fconley@counties.org), or Geoffrey Neill (for Human Services Policy) at 916/327-7500, ext. 567 or [gneill@counties.org](mailto:gneill@counties.org)

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## **New Requirements Affecting In-Home Supportive Services Wages Effective July 1, 2009**

On April 2, the California Department of Social Services (DSS) sent a letter to counties regarding how the state will implement the decrease in state participation in In-Home Supportive Services (IHSS) wages.

Senate Bill X3 6 (Chapter 13, Statutes of 2009) will reduce the level of state participation in IHSS Individual Providers' (IP) wages and health benefits from \$12.10 to \$10.10 per hour. This new level will go into effect on July 1, 2009. For counties that have a Public Authority (PA) or a Non-Profit Consortium, the state will pay up to \$9.50 in the cost of IP wages and individual health benefits up to \$10.10 per hour. Counties will be required to submit a PA Rate Change request to DSS and the Department of Health Care Services to reduce the wages and health benefits to the \$10.10 state participation level. It will take the state 60 days to approve the wage and health changes. In order to have a new wage in effect locally by July 1, counties would need to submit a PA Rate Change no later than May 1, 2009.

To view the full letter, please click [here](#).

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## **Human Services Child Welfare Legislation AB 12 (Beall and Bass) – Support As Amended on March 23, 2009**

AB 12, by Assembly Member Jim Beall and Speaker Karen Bass, would extend foster care to youth through age 21. This measure will allow California to draw down newly available federal funds.

Youth would have the option to continue receiving services and supports. Studies have shown that extending these services enormously increase the youth's chances of succeeding in school, staying out of prison, and avoiding homelessness.

The Assembly Human Services Committee will consider AB 12 at their meeting next Tuesday, April 14.

***AB 47 (Ma) – Support  
As Amended on March 5, 2009***

AB 47, by Assembly Member Fiona Ma, would double the income tax credit for families that adopt a foster youth who is 12 or over or who comes from a group home. The provision would last through 2015.

Older youth are much less likely to be adopted from foster care. More than 40 percent of foster youth statewide are age 12 or older, yet only 11 percent of those adopted in 2006 were over 12. Providing a higher credit for older youth and youth who are in a group home recognizes that these youth often have higher service needs and it is more difficult for counties to find willing adoptive parents for these youth. Of course, a tax credit is not the only reason a family welcomes an abused or neglected child into their home permanently, but a higher credit could help in the decision.

Youth who find permanent homes with loving caregivers, such as an adoptive family, are more likely to achieve educational success, less likely to become homeless, and better able to transition to adulthood than youth who remain in foster care until age 18. AB 47 would help achieve these lasting benefits for individual children – and society as a whole – by increasing adoptions of older youth from foster care.

The Assembly Revenue and Taxation Committee will consider AB 47 at their hearing next Monday, April 13.

***AB 421 (Beall) – Support  
As Amended on March 9, 2009***

AB 421, by Assembly Member Jim Beall, would conform state law to federal law and ensure state reimbursement to counties for special education pupils with serious mental illness who are placed out of state.

AB 421 is similar to last year's SB 292 (Wiggins) and is sponsored by the California Mental Health Director's Association. This year's bill differs in one important aspect: Counties are not seeking retroactive reimbursement for these placements. Instead, AB 421 would allow the state to approve reimbursements for these types of critical out-of-state placements for seriously emotionally disturbed children for a period of three years: January 1, 2010 through January 1, 2013.

Counties are at risk of losing a significant amount of reimbursement for these state and federally mandated services unless California law is changed. Counties will also be forced to find alternative arrangements for hundreds of children with serious emotional issues. Again, there is no restriction under federal law regarding reimbursement for these placements.

The Assembly Human Services Committee will consider AB 421 at their hearing next Tuesday, April 14.

***AB 719 (B. Lowenthal) – Support  
As Introduced on February 26, 2009***

AB 719, by Assembly Member Bonnie Lowenthal, would extend food stamps for one year to foster youth after they "age out" of the current system.

AB 719 would seek a federal waiver to allow California to offer 12 months of food stamp benefits to independent foster care adolescents without regard to income or resources. After the initial 12-month period, participants in the Transitional Food Stamps for Foster Youth Program would have to undergo the normal eligibility process for such benefits.

Furthermore, only those foster youth who have "aged out" of the foster care system and who are not eligible for CalWORKs or Supplemental Security Income benefits would qualify for the 12-month Transitional Food Stamps for Foster Youth Program.

AB 719 provides much-needed food aid to one of our most vulnerable populations: former foster youth. The bill also does so in a way that maximizes federal participation and without impacting the state's fiscal health.

Counties strongly support all efforts to obtain additional funding and flexibility at both the state and federal levels to provide robust transitional services to foster youth, including services for former and emancipated foster youth.

The Assembly Human Services Committee will consider AB 719 at their hearing next Tuesday, April 14.

***SB 452 (Dutton) – Oppose  
As Introduced on February 26, 2009***

SB 452, by Senator Bob Dutton, would require the state to notify counties of possible action if the parent of a newborn has a history of certain behavior.

SB 452 would require the county child welfare agency to conduct an immediate investigation upon receipt of certain information from the State Registrar. Currently, child welfare agencies are required to provide either an immediate or 10-day response based on the information received in a child abuse hotline report concerning a child who has been abused or neglected or is at some risk of harm. While a parent who has abused a child in the past might be more likely to abuse a child again in the future, this is not the case for all parents formerly involved with the child welfare system.

No statutory scheme currently exists for the child welfare system to intervene preemptively when a child has not been abused or is not at some demonstrable, immediate risk of harm. The parent would not be required to cooperate with any sort of investigation or with any services that may be offered, undermining what seems to be the intent of the bill.

This presumptive requirement that counties investigate would be costly, would result in excessive new workload for county staff, and would come after a decade of state cuts to county administration of these programs. For example, the bulk of this new workload would be felt in county emergency response units which are already overwhelmed. These units currently are budgeted to carry over 15 cases per worker, despite caseload studies which recommend that an optimal workload is between nine to 10 cases per worker. Inadequate state support for social worker workload is compounded by the fact the state has failed to fund the actual costs of operating this program since 2000-01, resulting in a loss of \$486.4 million (\$206.9 million GF) annually. Requiring child welfare agencies to conduct an immediate investigation on families where there is no evidence of harm or risk will further strain local resources and divert attention away from families in crisis.

There is some evidence that providing services to at-risk families can help stop abuse or neglect before it rises to the level that requires court intervention, and indeed many counties strive to provide that level of service within their limited budgets for prevention and early intervention activities. Additional supports to at-risk families would be a more cost-effective alternative and yield better outcomes for children and their families. SB 452 would burden the already strained system and would siphon services away from abused and neglected children.

The Senate Human Services Committee will consider SB 452 at their meeting next Tuesday, April 14.

***SB 654 (Leno) – Support  
As Introduced on February 27, 2009***

SB 654, by Senator Mark Leno, would enable foster youth placed with non-related legal guardians to receive critical independent living services to help them more successfully transition to adulthood.

The Independent Living Program (ILP) helps youth in foster care learn basic life skills, receive assistance applying for jobs and college, learn about programs and services available in their communities, and develop supportive relationships with adult mentors and peers.

Most foster youth are eligible for ILP services beginning at age 14 to 16. The program is voluntary and differs somewhat from county to county, but youth who participate generally report that it is one of their most valuable experiences in foster care. Unfortunately, not every foster youth is eligible for these services. Specifically, those who have been placed with non-related legal guardians by the dependency court cannot access ILP, even though these guardians maintain a relationship with the county, the youth has an ongoing case plan, and periodic social worker contact. Unfortunately, the inability to access ILP services also renders these youth ineligible for post-secondary education grants under the federal Chafee program. SB 654 would close this gap in services, allowing youth living with non-related guardians approved by the dependency court to participate in ILP.

The Senate Human Services Committee will consider SB 654 at their meeting next Tuesday, April 14.

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**CalWORKs Legislation**  
**AB 510 (Evans) – Support**  
**As Amended on April 2, 2009**

AB 510, by Assembly Member Noreen Evans, would prevent CalWORKs recipients who are unable to access welfare-to-work services due to the effects of recent budget cuts from being unfairly penalized.

Counties have been underfunded for the administration of CalWORKs activities since 2001, when the state froze the annual budget appropriation for such programs. Furthermore, counties are suffering under an unexpected \$86.4 million veto of childcare and welfare-to-work funding from the 2008-09 Budget Act.

Due to these factors, some counties are no longer able to provide the supportive services that are necessary for CalWORKs recipients to participate in welfare-to-work activities. In fact, counties have advised the state that human services case workers will begin granting voluntary good cause for non-participation to recipients who are unable to access the needed services, which is allowable under current law.

However, recipients who fall into this category are still subject to the 60-month lifetime time clock for CalWORKs aid. AB 510 attempts to fairly address this situation by stopping the 60-month state time clock for any recipient granted good cause for non-participation if the county cannot provide the necessary supportive services due to budget cuts.

The Assembly Human Services Committee will consider AB 510 at their hearing next Tuesday, April 14.

**AB 631 (Tran) – Oppose**  
**As Introduced on February 25, 2009**

AB 631, by Assembly Member Van Tran, would require the inspection of the residence in which a CalWORKs program applicant resides.

Specifically, AB 631 would require the district attorney's office to arrange to visit a CalWORKs applicant within 10 days of a preliminary application approval. Additionally, the bill specifies that the visit will consist of a brief interview with an applicant and walkthrough of the applicant's residence.

Counties are concerned that the measure limits local control and flexibility and does not allow for different approaches to reduce fraud or efficiently assess each client's needs. Home visits have been and continue to be an appropriate aspect of social work duties when assessing families in need, as San Diego County's "Project 100 Percent" program proves. However, AB 631 would require all counties to conduct such visits, placing additional burdens on caseworkers by requiring them to conduct home visits for all applicants for public assistance within 10 days of an application for aid.

Furthermore, with additional workload come additional costs, and AB 631 would exacerbate the already stretched-thin county eligibility infrastructure in most counties. Counties, like the state, are experiencing significant budget deficits. Counties have already reduced spending in many health and human services areas, instituted hiring freezes, reduced services, and in some cases, furloughed or permanently laid off staff. AB 631 would add yet another significant mandate to the county workload, with the prospect of reimbursement for services nearly a decade away due to the inefficient mandate reimbursement process.

The Assembly Human Services Committee will consider AB 631 at their hearing next Tuesday, April 14.

**AB 1193 (A. Strickland) – Oppose**  
**As Introduced on February 27, 2009**

AB 1193, by Assembly Member Audra Strickland, would require the inspection of the residence in which a CalWORKs program applicant resides is drafted exactly the same way as AB 631, which is outlined above.

The Assembly Human Services Committee will consider AB 1193 at their hearing next Tuesday, April 14.

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**Health**  
**AB 23 (Jones) – Neutral**

***As Amended April 2, 2009***

AB 23, by Assembly Member Dave Jones, will establish specific notice requirements and enrollment opportunities within the Cal-COBRA program for persons eligible for premium assistance under the American Recovery and Reinvestment Act of 2009 (ARRA).

Cal-COBRA applies to health plans and insurers offering small group health coverage to employers with two to 19 employees who are not eligible for continuation coverage under federal COBRA. Premiums in Cal-COBRA cannot exceed 110% of the group. Prior to ARRA, assistance for these premiums was unavailable to individuals electing Cal-COBRA coverage.

ARRA provides premium assistance for health benefits under COBRA, and state mini-COBRA laws such as Cal-COBRA, for individuals and their dependents that were involuntarily terminated between September 1, 2008 and December 31, 2009. Instead of paying the entire COBRA premium amount, eligible individuals would pay 35 percent of premium, and the remaining 65 percent would be reimbursable to the employer or health plan as a credit against certain payroll taxes. The premium assistance applies to periods of health coverage beginning on or after February 17, 2009 and lasts for up to nine months.

AB 23 would ensure that Californians who lose their jobs while working for a small employer through a layoff or other involuntarily termination are notified that they may be eligible for premium assistance through the federal stimulus bill to help them pay for and keep their health coverage through Cal-COBRA. Additionally, for those individuals who lost their jobs going back to September 2008, AB 23 would give them a second chance to elect coverage under Cal-COBRA now that premium assistance is available.

AB 23 is awaiting committee assignment in the Senate.

***AB 657 (Hernandez) – Support  
As Introduced February 25, 2009***

AB 657, by Assembly Member Ed Hernandez, would establish a Health Professions Workforce Task Force to assist in the development of a health professions workforce master plan for the state. Counties, as providers and purchasers of health care, support the creation of a health care workforce master plan for the state. The dearth of qualified medical personnel in California continues to hamper our ability to provide quality health care to our residents and employees.

The significant shortage of qualified medical personnel affects all counties large and small. For large urban counties and counties that operate hospitals, the shortage of medical personnel threatens their ability to meet state staff ratio standards and attract physicians. The impacts of the medical workforce shortage are also dire in rural counties, where access to medical specialists is severely limited. All counties report difficulty attracting and retaining primary care physicians.

AB 657 will be heard in the Assembly Health Committee at their hearing next Tuesday, April 14, 2009.

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**Housing, Land Use & Transportation**

**California Environmental Quality Act (CEQA)  
AB 499 (Hill) – Request for Comment  
As Introduced on February 24, 2009**

AB 499, by Assembly Member Jerry Hill, would require that a petitioner or plaintiff name, as a real party in interest, a recipient of an approval, as identified by the public agency in its notice of determination or notice of exemption, that is the subject of an action or proceeding challenging the determination, finding, or decision of a public agency pursuant to the California Environmental Quality Act (CEQA). The bill would require that a petition or complaint be subject to dismissal if a petitioner or plaintiff fails to serve any recipient of an approval within the statute of limitations period. The bill would provide that the above requirement would not apply to a proceeding for judicial review filed pursuant to CEQA that is pending on or before December 31, 2009, or to actions or proceedings challenging an act or decision of a public agency for which a notice of decision or notice of exemption was filed on or before December 31, 2009. The bill would require a notice of approval or notice of determination to contain the name of the recipient of the agency's approval, if any.

AB 499 is scheduled for a hearing in the Assembly Natural Resources Committee on Monday, April 13.

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**Housing  
AB 566 (Nava) – Support  
As Introduced on February 25, 2009**

AB 566, by Assembly Member Pedro Nava, would require that a survey of residents of a mobilehome park for proposed conversion to demonstrate support of a majority of the residents of the mobilehome park. The bill also would state that a local agency is not prohibited from enacting reasonable measures by ordinance to prevent sham conversions or to preserve affordable housing.

AB 566 is scheduled for a hearing in the Assembly Housing and Community Development Committee on Wednesday, April 15.

April06,2009

## **CalendarofEvents**

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