

**News & Advocacy****Sacramento County Hosts NACo Hearing on U.S. Health Care System Reform****Administration of Justice****Agriculture and Natural Resources****Employee Relations****Government Finance and Operations****Health and Human Services****Housing, Land Use and Transportation****Calendar of Events****Ask Our Advocates****Legislative Tracking****PDF Version**

April 17, 2009

Sacramento County Hosts NACo Hearing on U.S. Health Care System Reform

By Paul McIntosh, Executive Director

pmcintosh@counties.org

The National Association of Counties' (NACo) Large Urban County Caucus (LUCC) Annual Meeting was held on April 15 -17 in Sacramento County. The purpose of the gathering was to build upon innovative solutions to common challenges facing metropolitan areas and to consider strategies to achieve comprehensive national health care system reform.

In tandem with the LUCC's meeting, NACo also sponsored a regional field hearing in Sacramento to elicit input on counties' current efforts to provide quality health services to ensure that county governments' voice in the national debate on health system reform is heard.

The hearings, chaired by NACo President-Elect Valerie Brown, provided an opportunity for county officials to shape national health policy by raising the visibility of county government's role as crucial partners in the national health system and by engaging NACo's members with Congress and the new presidential administration. NACo's goal is to achieve national health system reform that improves the health status of individuals and communities and has a positive fiscal impact upon counties.

"The purpose of these hearings is to engage county officials and health care professionals from across the country to help NACo contribute to national health policy reform," said Brown. "Counties play a critical role in the national health care system and must be part of the reform discussion in Washington in the months and years ahead."

The hearing was hosted by Sacramento County Supervisor Roger Dickinson, who chairs NACo's Human Services and Education Steering Committee. Among the many speakers providing testimony on the health reform issue were NACo Sustainability Leadership Team Chair Liz Kniss, Santa Clara County supervisor; Don Knabe, Los Angeles County supervisor; NACo Western Interstate Region President Brian Dahle, Lassen County supervisor; NACo Health Steering Committee Vice Chair Susan Adams, R.N., Ph.D., Marin County supervisor; and Richard Figueroa, deputy cabinet secretary, Office of Governor Arnold Schwarzenegger.

April 17, 2009

Administration of Justice

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

Parking Penalties

Information Transmittal on Effects of SB 1407 (2008) and SB 425 (2007)

CSAC has issued an information bulletin and related attachments on required remittances to the state associated with parking penalties. (See the [AOJ section](#) of the CSAC Web site; the parking penalty informational materials are first on the list, under the heading "Court Facility Transfers.") These materials are intended to ensure that counties are aware of certain effects of [SB 1407](#) (Perata, 2008), a measure that created a framework for the judicial branch to issue up to \$5 billion in lease-revenue bonds to finance the construction of state court capital projects. SB 1407 established the authority to increase various fees for purposes of creating a revenue source to support debt payments on the bond issuance. Among those fees is the State Court Construction Parking Penalty (Government Code (GC) Section 70372(b)), which was increased in SB 1407 by \$3 (from \$1.50 to \$4.50). The measure also created a new Immediate and Critical Needs Account (ICNA) within the State Court Facilities Construction Fund (SCFCF), into which revenues will be deposited for purposes of addressing the most pressing state court construction needs. Also addressed in this transmittal are the largely overlooked impacts of [SB 425](#) (Margett, 2007), as it relates to overall remittance of parking penalties.

We encourage all counties to review the materials to ensure they are aware correctly implementing parking penalty statutes and making the required remittances to the state. We also ask that counties communicate this information and the requirements in SB 1407 and SB 425 to the ticketing agencies in their respective jurisdictions.

Mortgage Information and Recordation

AB 919 (Nava) – Request for Comment

As Amended on April 13, 2009

AB 919, by Assembly Member Pedro Nava, would prohibit a county recorder from accepting a mortgage or deed of trust secured by residential real property for recordation if a completed rider that identifies by name the appraiser, lender, loan originator, and real estate broker who were involved in the origination of the mortgage or deed of trust is not part of the recordation.

This measure, as currently drafted, would place new duties on county recorders. CSAC encourages counties to examine this measure and provide feedback as soon as is practical to Rosemary Lamb at rlamb@counties.org. AB 919 is scheduled to be heard in the Assembly Banking and Finance Committee on April 20.

Civil Fees

AB 680 (Hall) – Support

As Introduced on February 26, 2009

AB 680, by Assembly Member Isadore Hall, seeks to revise and increase various civil fees collected by county sheriff's departments for services rendered. AB 680 — sponsored by the California State Sheriffs' Association and supported by CSAC — is scheduled for a hearing in the Assembly Judiciary Committee on April 21.

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 by 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-Court-Ordered Debt (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 will be heard April 21 in the Assembly Judiciary Committee.

Arraignment Courts

AB 1338 (Anderson) – Oppose

As Introduced on February 27, 2009

AB 1338, by Assembly Member Joel Anderson, would establish an arraignment 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 arraignment 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 arraignment 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 is scheduled to be heard the Assembly Public Safety Committee on April 21.

Metal Theft

AB 237 (Carter) – Support

As Introduced on 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 was passed out of the Assembly Public Safety Committee on April 14 on a 7-0 vote.

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 passed the Assembly Local Government Committee on a 5-2 vote on April 1 and is scheduled for a hearing in Assembly Transportation Committee on April 27.

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 scheduled for a hearing in the Assembly Health Committee on April 28.

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.

CSAC and CMHDA 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 21 in the Assembly Public Safety Committee.

SCAAP Reimbursement
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 was heard on April 14 in the Assembly Public Safety Committee. The measure is being held in committee as the author and committee staff work on amending the measure to focus solely on SCAAP reimbursement efforts and to remove language requiring the Department of Justice to quantify and report on how many offenders currently in custody are undocumented, as this is a responsibility of federal immigration courts.

Court Operations
SB 556 (Committee on Judiciary) – Request for Comment
As Amended April 15, 2009

The Judicial Council is sponsoring SB 556, a measure authored by the Senate Judiciary Committee. The bill contains two clean-up provisions intended to improve court operations.

The first of the two amendments relates to post-judgment fees in the small claims context. The Small Claims Act does not identify a fee for a variety of post-judgment motions, including a motion opposing a claim of exemption or one to “reset” or continue examination of a judgment debtor. Both occur regularly in the enforcement of small claims judgments. These motions are similar to those used in general civil cases, so fees used in general civil cases arguably would be appropriate to charge in the small claims context. The purpose of SB 556 is to clarify that a court is authorized to charge the same fees for post-judgment motions related to enforcement of a small claims judgment as a court is permitted to charge for the enforcement of a regular civil judgment (as provided for in the Code of Civil Procedure Section 680.010 et seq.).

A second change sought by SB 556 is to clarify that a court is authorized to submit unpaid bail amounts to the Franchise Tax Board’s (FTB) Court-Ordered Debt (COD) program. While courts presently have the authority to send unpaid bail amounts to the FTB’s Tax Intercept Program, there is no express authority to refer these amounts to the COD program. SB 556 would provide this authority.

The measure passed the Senate Judiciary Committee and is set for hearing on April 20 in the Senate Appropriations Committee. Counties are encouraged to review the provisions of SB 556 and contact CSAC with any comments.

April 17, 2009

Agriculture and Natural Resources

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

Solid Waste
AB 283 (Chesbro) – Support
As Amended on April 13, 2009

AB 283, by Assembly Member Wes Chesbro, would establish a comprehensive Extended Producer Responsibility Framework, with the goal of creating effective producer-lead reduction, reuse and recycling programs to deal with a product’s lifecycle impacts from design through end of life management. CSAC support for AB 283 is based on existing policy that supports the concept of Extended Producer Responsibility and greater product stewardship. This bill is set for hearing on April 20 in the Assembly Natural Resources Committee.

SB 55 (Corbett) – Support
As Introduced on January 15, 2009

SB 55, by Senator Ellen Corbett, would expand the scope of California’s Bottle and Can Recycling Law to include more beverage containers, including vegetable, nut, grain or soy drinks. CSAC supports this bill because expanding the program to include additional beverage containers will significantly reduce plastic litter pollution and will result in increased recycling. SB 55 will also help counties achieve the 50 percent solid waste diversion goals set forth by the California Integrated Waste Management Board and reduce collection and disposal costs to local governments. This bill has been set for hearing on April 20 in the Senate Environmental Quality Committee.

Water
AB 1520 (Evans) – Support
As Amended on April 13, 2009

AB 1520, by Assembly Member Noreen Evans, would establish a Statewide Watershed Program as a voluntary and non-regulatory program with the goal of providing assistance and funds to local community-based efforts in the conservation, protection, and restoration of the state’s watersheds. CSAC supports this bill because it would take a coordinated approach to dealing with important issues such as water quality, water supply, flood control and habitat

Air Quality

AB 1305 (V. Manuel Perez) – Support As Amended on March 31, 2009

AB 1305, by Assembly Member Manuel Perez, would require any person importing electricity from a power plant generating unit located in Mexico, within 100 kilometers of the U.S. border, that is constructed after January 1, 2010, and that does not meet California air pollution standards, to pay to the Air Resources Board a mitigation fee of \$0.001 per kilowatt hour of imported electricity. AB 1305 would require the Air Resources Board to distribute the fee revenues proportionately to air districts impacted by emissions of air contaminants from the Mexican power plants. CSAC, along with the Regional Council of Rural Counties (RCRC), supports this bill because it would help mitigate the impacts of air pollution transport. This bill has been referred to the Assembly Natural Resources Committee.

April 17, 2009

Employee Relations

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

AB 514 (De Leon) – Watch As Amended on April 2, 2009

AB 514, by Assembly Member De Leon, will require employers to provide 20-minute rest periods for lactation purposes during each four-hour work period.

Existing law requires employers to provide a reasonable amount of break time for lactation purposes. This break time should coincide with break time already been provided to the employee by the employer. Existing law also provides that provided break time is unpaid if it does not run concurrently with the employee's authorized rest time.

AB 514 will require that the required 20-minute rest period for lactation purposes for every four-hour work period take place either immediately before or immediately after any break time already provided to the employee and that the rest period for lactation be paid time.

AB 514 will be heard in the Assembly Labor and Employment Committee on April 22.

AB 637 (Hill) – Pending As Amended on April 2, 2009

AB 637, by Assembly Member Gerald Hill, would require contributions for employee health and retirement benefits to the Public Employees' Retirement System (PERS) by contracting agencies to be paid through an electronic funds transfer.

Current law allows public agencies to contract with PERS for employee health and retirement benefits. Participation by the public agencies in PERS is funded by employer and employee contributions.

AB 637 will require these contributions to be done via electronic fund transfer, either by automated debits through a clearinghouse (a federal reserve bank or a clearinghouse which transmits entries between bank accounts) or a Federal Reserve Wire Network transfer. Contracting agencies that cannot meet this requirement will be able to apply to the PERS board for a waiver.

AB 637 will be heard in the Assembly Public Employees, Retirement and Social Security Committee on April 22.

SB 656 (DeSaulnier) – Oppose As Introduced on February 27, 2009

SB 656, by Senator Mark DeSaulnier, would exempt bargaining units comprised of a majority of persons who are peace officers from the jurisdiction of the Public Employment Relations Board (PERB).

Existing law establishes PERB to resolve disputes and to enforce rules concerning unit determinations, representation and elections. Specified complaints must be processed as an unfair practice charge by PERB. Current law does not apply these requirements to peace officers.

CSAC opposes SB 656 because we do not see a problem with the current structure in which peace officer members of a mixed bargaining unit resolve their disputes in court while miscellaneous employees go before PERB. SB 656 would treat all employees in mixed bargaining units the same and this change could have the unintended result of having similar miscellaneous employees treated differently because some find themselves in bargaining units with a majority of peace officers.

SB 656 is awaiting a hearing date in the Senate Labor Relations Committee.

***SB 711 (Leno) – Concerns
As Amended on April 13, 2009***

SB 711, by Senator Mark Leno, would amend the Brown Act to require a local agency, before holding a closed session regarding employee compensation, to identify the employee or class of employees that are the subject of the negotiations, the representatives of the employees, and will also require that a designated representative provide an oral report on the status of all negotiations.

SB 711 also requires any final action on an agreement be conducted during an open and regular public meeting of the legislative body. The proposed agreement, a summary of its major provisions, and the costs that would be incurred by the local agency under the agreement for the current and subsequent years must also be disclosed at a public meeting. Final action could not take place until a reasonable time has elapsed after disclosure of the proposal has been made public.

CSAC has concerns with several provisions of SB 711. All interested parties continue to discuss amendments to the bill.

SB 711 will be heard in the Senate Local Government Committee on April 29.

April 17, 2009

Government Finance and Operations

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

**Property Tax
AB 311 (Ma) – Support
As Amended on 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 considered AB 311 at its April 13 meeting, but put off voting on the bill until April 20.

***SB 684 (Cogdill) – Support
As Introduced on February 27, 2009***

SB 684, by Senator Dave Cogdill, would end an unfair and unintended consequence of laws passed 30 years ago.

In the wake of Proposition 13, the Legislature passed a number of local government "bailout" bills, AB 8 chief among them. Unfortunately, the complex formulas used to calculate the bailout amounts for each specific jurisdiction resulted in six counties actually losing revenue to the state, via schools.

SB 684 would not end these "negative bailouts," as they are called. Rather, it would take the more modest step of capping the size of the negative bailouts to prevent them from growing beyond their 2011 levels. The counties that would directly benefit from this bill are Alpine, Lassen, Mariposa, Plumas, Stanislaus, and Trinity.

Local Government Finance
SB 676 (Wolk) – Support
As Amended on April 13, 2009

SB 676, by Senator Lois Wolk, would update several instances of county fee authority.

SB 676 provides important updates to numerous local fee provisions in state statute, some of which have not been updated since the 1980s. As a result, in many instances, counties are subsidizing fee-supported activities to the detriment of the county general fund, which is the primary funding source for local public safety programs and for local matching requirements for state- and federally-mandated health and human services programs that counties provide on the state's behalf.

Counties' current fiscal circumstances need not be dwelled on here, except to note that we are facing significant revenue shortfalls and dramatic caseload increases. Our role as the state's service provider for needy children and families makes us particularly vulnerable given the state's dire financial health. Any ability to generate revenue to support these services and free up general fund revenues for important public safety and health and human services programs is greatly needed and appreciated.

The Senate Public Safety Committee will consider AB 676 at its meeting April 21.

AB 1342 (Evans) – Support
As Amended on April 13, 2009

AB 1342, by Assembly Member Noreen Evans, would allow counties to ask their electorate whether to institute a local income tax or a local vehicle license fee.

Counties currently have very little revenue authority, yet are responsible for providing many of California's most important programs. In the absence of revenue authority, the state has become the largest revenue source for many counties, despite the fact that it is notoriously unpredictable. The result of decades of increasing requirements from the state and federal governments on the one hand and increasingly restricted revenue authority has been a county structure that, in some cases, cannot sufficiently meet its residents' needs.

AB 1342 offers an appropriate realignment of program responsibility and revenue authority, currently a key but missing characteristic of the California tax system. It would allow counties to provide for their residents needs and desires, and to be truly accountable for their actions in providing those services.

The Assembly Local Government Committee will consider AB 1342 at their meeting on April 22.

SB 321 (Benoit) – Concerns
As Amended on 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 had planned to consider SB 321 at its April 15 meeting, but the author pulled the bill to work out policy and technical issues raised by local government.

SB 113 (Committee on Local Government) – Support
As Amended on 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 passed SB 113 to the Assembly Appropriations Committee at its April 15 meeting.

***SB 101, SB 102, and SB 103 (Committee on Local Government) – Support
As introduced on 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 passed these three bills to the Assembly Floor at its April 15 meeting.

State Mandates

***AB 548 (Krekorian) – Support
As Introduced on 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 passed AB 548 to the Assembly Appropriations Committee at its April 15 meeting.

***AB 594 (Harkey) – Support in Concept
As Introduced on 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 had planned to consider AB 594 at its April 15 meeting, but the author pulled the bill to work out some of the implementation issues.

April 17, 2009

Health and Human Services

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

Health

Governor Schwarzenegger Unveils His Allied Health Initiative

On April 13, Governor Arnold Schwarzenegger released his Allied Health Initiative, a \$32 million program to expand the number of pharmacists, lab technicians and imaging specialists in an effort to meet the increasing demands for health care in California.

The Governor's plan uses public-private partnerships and funding from the federal Workforce Investment Act and the American Reinvestment and Recovery Act of 2009 (ARRA). Specific funding includes:

- * \$8 million in funding from the federal Workforce Investment Act.
- * \$8 million in ARRA funds.
- * \$16 million from private partners such as schools and hospitals.

California needs to educate roughly 206,000 additional healthcare professionals over the next five years to fill shortages in the healthcare industry; in the fall of 2009, the Allied Health Initiative will begin addressing this need by enrolling over 700 additional allied health students for the next three years at community colleges around the state.

AB 217 (Beall) – Support As Amended on April 13, 2009

AB 217, by Assembly Member Jim Beall, would allow the state to draw down federal funding for providing confidential alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries.

Currently, counties that provide substance and alcohol screening and brief intervention services to Medi-Cal beneficiaries must bear the full cost of such services. A new federal rule change allows California to receive federal revenue to perform Screening and Brief Intervention (SBI) services, making them more affordable. AB 217 would allow the state to take advantage of this rule change and draw down a federal match for local funds.

County budgets, like the state's, are impacted by the current economic downturn. Counties also anticipate an increased need for drug and alcohol services. As a result, counties are seeking ways to make scarce intervention and treatment dollars stretch even farther. AB 217 provides counties with a much-needed federal revenue stream – at no cost to the state – for these valuable services.

AB 217 will be heard in the Assembly Health Committee on April 21.

AB 657 (Hernandez) – Support As Introduced on 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.

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.

California needs a comprehensive health care professions master plan, and CSAC supports AB 657 for this reason.

AB 657 will be heard in the Assembly Labor and Employment Committee on April 22, 2009.

AB 754 (Chesbro) – Support As Amended on April 14, 2009

AB 754, by Assembly Member Wes Chesbro, will increase the efficiency and timeliness of Medi-Cal payments to county mental health plans by clarifying the state's current payment timeframes and responsibilities.

According to current law, counties must incur and reimburse the full cost of each mental health service provided prior to certifying and submitting the claim for reimbursement through the state to the appropriate federal agency. In other words, counties front the payment for the full cost of mental health Medi-Cal services while they wait for claims to be processed and reimbursed through the Department of Mental Health (DMH), the Department of Health Care Services, and the federal government.

Over the last year, there have been significant disruptions in the reimbursement of county mental health Medi-Cal, including Early and Periodic Screening, Diagnosis and Treatment program (EPSDT) claims (some going back to Fiscal Year

2004-05) due to problems in communication, accounting and claims processing at DMH. These disruptions have led to increased federal scrutiny, multi-year county payment deficiencies and, to date, approximately \$500 million in delayed reimbursement to counties for services provided to Medi-Cal beneficiaries.

AB 754 attempts to remedy the ongoing problem of late reimbursements for critical mental health care, which leaves counties to bear the financial risk of providing such services. The bill will strengthen the partnership between state and local government, and increase the efficiency and timeliness of Medi-Cal payments to county Mental Health Plans who are responsible for delivering mental health care to approximately half a million Californians with a serious mental illness or serious emotional disturbance.

AB 754 will be heard on April 21 in the Assembly Health Committee.

***AB 1445 (Chesbro) – Support
As Amended on April 15, 2009***

AB 1445, by Assembly Member Wes Chesbro, would allow federally qualified health centers (FQHCs) to be reimbursed by Medi-Cal for multiple visits by a patient with a single or different health care professional on the same day at a single location.

AB 1445 would also specifically allow for billing for two visits when a patient has a medical visit and an additional visit with a mental health practitioner or a dental professional.

In order to best provide integrated behavioral health services to patients, many community clinics and health centers provide medical and mental health services on the same day. However, Medi-Cal does not provide reimbursement when a patient sees a primary care provider and a mental health provider on the same day.

Federal law permits reimbursement for same-day medical and mental health visits and for federal matching funds to be provided for states that choose to allow same-day visits. This measure would not only allow California to take advantage of these federal funds, but also assists in improving the continuity of care to patients.

AB 1445 will be heard in the Assembly Health Committee on April 21, 2009.

***AB 1571 (Committee on Veterans Affairs) – Oppose
As Introduced on March 16, 2009***

AB 1571, by the Committee on Veterans Affairs, would amend the Mental Health Services Act (MHSA) to require counties to prioritize services to veterans over other populations who qualify for and are in need of community-based mental health services.

Counties oppose the language – but certainly not the intent – of AB 1571. Veterans are and should remain an identified part of the target population for MHSA programs– Community Services and Supports, (CSS), Prevention and Early Intervention (PEI) and Innovations. However, veterans should qualify for enrollment based on community-identified priority and need, not solely on their status as a veteran.

Many counties are serving veterans, including those with Post-Traumatic Stress Disorder (PTSD), through MHSA funding because they have been identified as a target population for mental health services. However, AB 1571 contradicts the intent of the MHSA, which is to allow local communities to identify their priorities through a stakeholder process. The measure prioritizes and singles out veterans for special attention, which would be very divisive at the local level. Veterans are already specified members of the “target population” for public mental health services, and AB 3083 (Chapter 591, Statutes of 2008) specifically lists PTSD as an eligible diagnosis. If special language regarding veterans is added to the MHSA regarding the stakeholders’ process (over and above what is already there), it will set a precedent that will open the floodgates to other populations seeking similar status.

Below are specific concerns counties have with AB 1571:

- County Plans. Much of the language regarding county plans in AB 1571 is “after the fact.” All CSS plans have already been approved; most PEI plans have been approved or are in process. For example, it prohibits DMH from approving a plan unless it:
 - 1) Includes “verifiable” representation from a “legitimate” veterans group in the stakeholder planning process required pursuant to Section 5848; and
 - 2) Includes a section that addresses the specific mental health issues of veterans and how the plan will, or will not, address those issues.

Practically speaking, how can the MHSA require DMH to approve or not approve county plans that have already been submitted and approved? At best, if everyone agreed to these new requirements (which, again, we believe would inappropriately prioritize veterans over others) and they became law, they would have to apply prospectively, when or if a plan is updated.

- “Legitimate” Veterans Groups. This bill requires “verifiable” representation from a “legitimate” veterans group in the stakeholder planning process.” What is the definition of a “legitimate” veterans group, and who would verify that? There are many competing veterans’ organizations at the local level – some of whom do not agree on issues and priorities. How would counties choose which groups qualify, and why would they need to? We agree that it makes sense to ensure that veterans’ organizations are invited to participate in the stakeholders process (they already are in most – if not all counties – particularly those that have significant veterans populations), but what is legitimate and verifiable, and why is it different for veterans than for other groups?
- Separate Section of Plan on Mental Health Needs of Veterans. This bill amends Section 5847 of the MHSA to include in its program for services to adults and seniors “a separate section specifically addressing the mental health needs of veterans.” Again, this creates a preference for veterans over other adults, and defies the process of identifying and prioritizing local need. If a county has a large veterans’ population that the community identifies as being a high priority and having significant need, the local process should address that need, to the extent resources are available.
- Expenditure Data. This bill requires each expenditure update to indicate the number of children, adults, including veterans, and the cost per person. How would counties accurately identify the number and costs of veterans served, and why would they be singled out over other segments of the population? We know that in many cases veterans come to county mental health and choose not to self-identify as a veteran or having been in the military. Many veterans are in fact being served through adult mental health service programs, but are not specifically identified as veterans, and may not want to be.
- Performance Outcomes. This bill would amend Section 5848 regarding performance outcomes to “specifically include recognition of the mental health needs of veterans and how those needs are, or are not, being met.” Again, this would single out and prioritize veterans over other segments of the population. Unless state data collection processes are modified to identify veterans, the only way a county could do this would be to create a program specifically for veterans. In some counties, this is appropriate and doable, depending on the size of the county, the available funding, the identified priorities of the community and the number of veterans. In others, it may not be. Many veterans are and will be served through various programs throughout the county that are available to all – not just veterans. Finally, what does “recognition” of the mental health needs of veterans mean?
- Services Tailored to Unique Needs. In addition, the public mental health services counties can provide under the MHSA for individuals and families are based on effective mental and/or physical health services for specific needs. In other words, services are effective when designed for the individual and his or her unique circumstances, not simply because he or she is a veteran. Veterans need a variety of different services, and it may not be the best clinical decision to lump all veterans into one program simply to track their outcomes. Their outcomes should be tracked based on their individual service needs like other all individuals and families enrolled in MHSA programs.

AB 1571 will be heard in the Assembly Health Committee on April 21.

Human Services
SB 179 (Runner) – Support
As Amended on April 14, 2009

SB 179, by Senator George Runner, would speed the appeals process for terminations of parental rights (TPR) in child welfare services cases. It would shorten the window for notifying intent to appeal a TPR from 60 to 30 days and would allow the juvenile law referee to serve minors' parents and attorneys with the findings and order in the courtroom setting. SB 179 will reduce appellate delay and minimize stress and anxiety for families during the appeal process.

The Senate passed SB 179 to the Assembly on April 16. The Senate Public Safety Committee had previously approved the bill on April 13.

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.

The Assembly Revenue and Taxation Committee passed AB 47 to the Assembly Appropriations Committee on April 13.

AB 421 (Beall) – Support
As Amended on April 13, 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.

Without this legislation, 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 amended and passed AB 421 to the Assembly Education Committee on April 14.

***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.

The Assembly Human Services Committee passed AB 510 to the Assembly Appropriations Committee on April 14.

***AB 631 (Tran) – Oppose
As Introduced on April 13, 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 a welfare fraud investigator 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.

The bill was amended on April 13 to require the visit be made by a "welfare fraud investigator" instead of the DA's office.

The Assembly Human Services Committee had planned to consider AB 631 at their April 14 hearing, but will now plan to consider it at their April 28 hearing.

***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.

The Assembly Human Services Committee passed AB 719 to the Assembly Appropriations Committee on 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 for possible action if the parent of a newborn has previously had his or her parental rights terminated.

The Senate Human Services Committee considered SB 452 at its April 14 meeting, but the author pulled it from consideration after testimony to work on some of the issues opponents such as CSAC raised.

***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 Senate Human Services Committee passed SB 654 to the Senate Appropriations Committee at their April 14 meeting.

April 17, 2009

Housing, Land Use and Transportation

For more information, contact DeAnn Baker at 916/327-7500, ext. 509, or dbaker@counties.org or Kiana Buss at

California Environmental Quality Act (CEQA)
AB 499 (Hill) – Watch
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 was passed out of the Assembly Natural Resources Committee on April 13 by a vote of 6 to 3. The measure is now scheduled for a hearing the Assembly Judiciary Committee on April 21.

AB 696 (Hagman) – Request for Comment
As Introduced on February 26, 2009

AB 696, by Assembly Member Curt Hagman, would allow an applicant for a project, at the time of application, to opt to resolve all disputes with the lead agency arising out of a subsequent environmental impact report for that project before an arbitrator, in lieu of retaining the option to file an action or proceeding arising out of those disputes before a court. If an applicant so opts, the bill would require the applicant and the lead agency, at that time, to agree to an arbitrator, thereby imposing a state-mandated local program. The bill would require any resulting arbitration to be binding on both the applicant and the lead agency and would require the arbitrator to resolve the dispute within 90 days of the request for arbitration.

AB 696 is set for hearing in the Assembly Natural Resources Committee on Monday, April 20.

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 was scheduled for a hearing in the Assembly Housing and Community Development Committee on April 15; however, it was canceled at the request of the author. The hearing has been rescheduled for April 29.

Land Use
SB 215 (Wiggins) – Request for Comment
As Amended on March 26, 2009

SB 215, by Senator Patricia Wiggins, would add regional transportation plans, including sustainable communities strategies and alternate planning strategies, to the list of factors that local agency formation commissions (LAFCos) must consider before making boundary decisions. SB 215 would also repeal the authorization for LAFCos to consider regional growth goals and policies.

SB 215 is set for hearing in the Senate Appropriations Committee on April 20.

SB 575 (Steinberg) – Watch
As Amended on April 15, 2009

SB 575, by Senator Darrell Steinberg, is the vehicle for SB 375 (Chapter 726, Statutes of 2008) clean-up. There were a number of issues which Senator Steinberg promised to address in the 2009-10 legislative session, as well as a number of concerns to tackle which the Governor outlined within his signing message to SB 375. Currently, SB 575 does the following:

- (1) would specify that nothing in SB 375 requires projects that are funded solely by a local sales tax measure to be subject to the above provisions if those projects were specifically listed in a ballot measure prior to December 31, 2008, approving a sales tax increase for transportation projects.
- (2) would require all local governments within the regional jurisdiction of the San Diego Association of Governments to adopt their 5th revision to their housing element no later than 18 months after the adoption of the next regional transportation plan to be adopted after September 30, 2010. The bill would provide that the planning period for the 5th revision would be from July 31, 2010, until 18 months after adoption of the regional transportation plan in 2019. The bill would authorize the Department of Housing and Community Development to adjust the deadlines for housing element adoption for the 5th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period for the housing element is not less than 90 months and not more than 102 months.
- (3) would provide that a meeting of the Strategic Growth Council, including a meeting related to the development of grant guidelines and policies and the approval of grants, is subject to the Bagley-Keene Open Meeting Act, and that, for the purposes of this provision, "meeting" would not include a meeting at which council members are meeting as members of the Governor's cabinet.

SB 575 is set for hearing in the Senate Transportation and Housing Committee on April 21.

Public Works Administration
AB 1229 (Evans) – Request for Comment
As Introduced on February 27, 2009

AB 1229, by Assembly Member Noreen Evans, would establish statewide minimum pre-qualification standards for prospective bidders on public works projects. Specifically, it would require agencies to (1) use a "standardized questionnaire and financial statement in a form specified by the public entity"; (2) adopt and apply a uniform system of rating bidders, on the basis of the completed questionnaires and financial statements; and (3) create an appeal procedure, by which a contractor that is denied pre-qualification may seek a reversal of that determination.

AB 1229 is set for hearing in the Assembly Business and Professionals Committee on April 21.

AB 1409 (John Perez) – Request for Comment
As Introduced on February 27, 2009

AB 1409, by Assembly Member John Perez, would delete the provision authorizing work on county highway contracts to be done by purchasing the material and having the work done by day labor, in which case advertising for bids is not required.

AB 1409 is set for hearing in the Assembly Local Government Committee on April 22.

Transportation
AB 564 (Portantino) – Request for Comment
As Introduced on February 25, 2009

AB 564, by Assembly Member Anthony Portantino, would revise the definition of a "local street or road" with respect to speed traps. Existing law relating to speed traps provides that a local street or road is defined by the latest functional usage and federal-aid system maps submitted to the federal Highway Administration, except that when these maps have not been submitted, or when the street or road is not shown on the maps, a "local street or road" means a street or road that primarily provides access to abutting residential property and meets 3 specified conditions. AB 564 would define a "local street or road" to have such meaning even if the maps have been submitted or the street or road is shown on those maps.

AB 564 is set for hearing in the Assembly Transportation Committee on April 20.

AB 726 (Nielsen) – Support
As Introduced on February 26, 2009

AB 726, by Assembly Member Jim Nielsen, would clarify existing law regarding the eligibility of certain local road projects for funding through the State Transportation Improvement Program (STIP). Specifically, the bill amends the Streets and Highways Code, Section 164 to include "local road rehabilitation" among the list of eligible types of projects.

Current law lists several types of projects eligible for STIP funding, including "local roads." The California Transportation Commission (CTC), who is responsible for allocating STIP resources, has interpreted the statute to include rehabilitation projects, and has included these projects in their published guidelines. AB 726 would ensure that these vital projects remain eligible in years to come, but subject to regional discretion pursuant to current law. For these reasons, CSAC supports AB 726.

AB 726 is set for hearing in the Assembly Transportation Committee on April 20.

***AB 766 (Krekorian) – Request for Comment
As Introduced February 26, 2009***

AB 766, by Assembly Member Paul Krekorian, would allow a local authority to retain a prima facie speed limit on any street, other than a state highway, if the local authority makes a finding, after a public hearing, that a higher speed limit is not the most appropriate for the orderly movement of traffic upon the street and does not promote a safe environment for the neighborhood or pedestrians.

AB 766 is set for hearing in the Assembly Transportation Committee on April 20.

April 17, 2009

Calendar of Events

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

April 17, 2009

Ask Our Advocates

Questions about a bill? Contact CSAC's [Legislative Staff](#).

April 17, 2009

Legislative Tracking

Keep up with CSAC legislation [online](#).

April 17, 2009

PDF Version

View and print a complete copy of this publication.

Published by CSAC