

**SOLANO COUNTY BOARD OF SUPERVISORS
Legislative Committee Meeting**

Committee

Supervisor Linda J. Seifert (Chair)
Supervisor Erin Hannigan

Staff

Michelle Heppner

March 18, 2013

1:30 P.M.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- I. **Public Comment** (Items not on the agenda)
- II. **Discussion of Federal issues and consider making a recommendation (Waterman & Associates)**
 - a. Federal Legislative Update (Oral Report)
- III. **Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)**
 - a. Legislation
 - Treasurer
 - [AB 182](#) (Buchanan) - Bonds: school districts and community college districts. (Proposed Letter Attached)
 - Health & Social Services
 - Suspension of Benefits for County Jail Inmates – Support to Co-sponsor with City and County of San Francisco (Legislative Proposal Attached)
 - [SB 191](#) (Padilla) - Emergency medical services (Pediatric Trauma Care).
 - [SB 283](#) (Hancock) - CalWORKs and CalFresh eligibility.
 - [AB 197](#) (Stone) - CalWORKs eligibility: asset limits: vehicles.
 - Veterans Services
 - [SB 296](#) (Correa) - County veterans service officers.
 - [AB 531](#) (Frazier) - Driver's licenses: veteran designation.
 - Public Safety
 - [SB 199](#) (de Leon) - Probation: community corrections.
 - [AB 25](#) (Campos) - Employment: social media
 - [AB 218](#) (Dickinson) - Employment applications: criminal history
 - Resource Management (Transportation)
 - [AB 935](#) (Frazier) - San Francisco Bay Area Water Emergency Transportation Authority: terms of board members.
 - b. State Legislative Update (Oral Report)
 - c. Legislative Committee Meeting Schedule (Initial Discussion)
- IV. **Adjourn**

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 182

Introduced by Assembly Members Buchanan and Hueso

(Principal coauthor: Assembly Member Alejo)

(Principal coauthors: Senators Block and Wyland)

***(Coauthors: Assembly Members Ian Calderon, Roger Hernandez,
and Williams)***

January 24, 2013

An act to amend Section 15146 of, and to add Sections 15144.1 and 15144.2 to, the Education Code, and to amend Sections 53506, 53507, 53508.7, and 53530 of the Government Code, relating to bonds.

LEGISLATIVE COUNSEL'S DIGEST

AB 182, as amended, Buchanan. Bonds: school districts and community college districts.

(1) Existing law authorizes the governing board of any school district or community college district to order an election and submit to the electors of the district the question whether the bonds of the district should be issued and sold ~~for the purposes of raising~~ *to raise* money for specified purposes. Existing law requires ~~the interest rate on~~ the bonds to bear a rate of interest that does not exceed 8% per annum and requires the number of years the whole or any part of the bonds are to run to not exceed 25 years.

This bill would require the ratio of total debt service to principal for each bond series to not exceed 4 to one. The bill would require each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to mandatory tender for purchase or redemption

before its fixed maturity date, as specified, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued.

(2) Existing law requires the governing board of the school district or community college district, before the sale of bonds, to adopt a resolution as an agenda item at a public meeting that includes specified information.

This bill would require, if the sale includes capital appreciation bonds, the agenda item to identify that capital appreciation bonds are proposed and require the governing board of the school district or community college district to be presented with an analysis containing the overall cost of the capital appreciation bonds, a comparison to the overall cost of current interest bonds, the reason capital appreciation bonds are being recommended, and a copy of a certain disclosure made by the underwriter.

(3) Additionally and alternatively to the authority described above, existing law authorizes the legislative body of an issuer, by resolution, to provide for the issuance of bonds or refunding bonds and defines “issuer” to include, among other public entities, a school district and a community college district. Existing law also authorizes *these* bonds to bear an interest rate at a coupon rate or rates as determined by the legislative body of a local agency in its discretion but not to exceed 12% per year payable and defines “local agency” to include, among other public entities, a public district.

This bill would instead specify that issuer and local agency, as defined for purposes of this source of bonding authority, do not include a school district or a community college district.

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

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

- 1 SECTION 1. Section 15144.1 is added to the Education Code,
- 2 to read:
- 3 15144.1. The ratio of total debt service to principal for each
- 4 bond series shall not exceed four to one.
- 5 SEC. 2. Section 15144.2 is added to the Education Code, to
- 6 read:
- 7 15144.2. A capital appreciation bond maturing more than 10
- 8 years after its date of issuance shall be subject to mandatory tender
- 9 for purchase or redemption before its fixed maturity date, with or

1 without a premium, at any time *at the option of the issuer*, or from
2 time to time, beginning no later than the 10th anniversary of the
3 date the capital appreciation bond was issued.

4 SEC. 3. Section 15146 of the Education Code is amended to
5 read:

6 15146. (a) The bonds shall be issued and sold pursuant to
7 Section 15140, payable out of the interest and sinking fund of the
8 district. The governing board may sell the bonds at a negotiated
9 sale or by competitive bidding.

10 (b) Before the sale, the governing board shall adopt a resolution,
11 as an agenda item at a public meeting, that includes all of the
12 following:

13 (1) Express approval of the method of sale.

14 (2) Statement of the reasons for the method of sale selected.

15 (3) Disclosure of the identity of the bond counsel, and the
16 identities of the bond underwriter and the financial adviser if either
17 or both are ~~utilized~~ *used* for the sale, unless these individuals have
18 not been selected at the time the resolution is adopted, in which
19 case the governing board shall disclose their identities at the public
20 meeting occurring after they have been selected.

21 (4) Estimates of the costs associated with the bond issuance.

22 (c) If the sale includes capital appreciation bonds, the agenda
23 item shall identify that capital appreciation bonds are proposed
24 and the governing board shall be presented with all of the
25 following:

26 (1) An analysis containing the total overall cost of the capital
27 appreciation bonds.

28 (2) A comparison to the overall cost of current interest bonds.

29 (3) The reason capital appreciation bonds are being
30 recommended.

31 (4) A copy of the disclosure made by the underwriter in
32 compliance with Rule G-17 adopted by the federal Municipal
33 Securities Rulemaking Board.

34 (d) After the sale, the governing board shall do both of the
35 following:

36 (1) Present the actual cost information for the sale at its next
37 scheduled public meeting.

38 (2) Submit an itemized summary of the costs of the bond sale
39 to the California Debt and Investment Advisory Commission.

1 (e) The governing board shall ensure that all necessary
2 information and reports regarding the sale or planned sale of bonds
3 by the ~~school~~ district it governs are submitted to the California
4 Debt and Investment Advisory Commission in compliance with
5 Section 8855 of the Government Code.

6 (f) The bonds may be sold at a discount not to exceed 5 percent
7 and at an interest rate not to exceed the maximum rate permitted
8 by law. If the sale is by competitive bid, the governing board shall
9 comply with Sections 15147 and 15148. The bonds shall be sold
10 by the governing board no later than the date designated by the
11 governing board as the final date for the sale of the bonds.

12 (g) The proceeds of the sale of the bonds, exclusive of any
13 premium received, shall be deposited in the county treasury to the
14 credit of the building fund of the school district, or community
15 college district as designated by the California Community
16 Colleges Budget and Accounting Manual. The proceeds deposited
17 shall be drawn out as other school moneys are drawn out. The
18 bond proceeds withdrawn shall not be applied to any ~~other~~ purposes
19 *other* than those for which the bonds were issued. Any premium
20 or accrued interest received from the sale of the bonds shall be
21 deposited in the interest and sinking fund of the district.

22 (h) The governing board may cause to be deposited proceeds
23 of sale of any series of the bonds in an amount not exceeding 2
24 percent of the principal amount of the bonds in a costs of issuance
25 account, which may be created in the county treasury or held by
26 a fiscal agent appointed by the district for this purpose, separate
27 from the building fund and the interest and sinking fund of the
28 district. The proceeds deposited shall be drawn out on the order
29 of the governing board or an officer of the district duly authorized
30 by the governing board to make the order, only to pay authorized
31 costs of issuance of the bonds. Upon the order of the governing
32 board or duly authorized officer, the remaining balance shall be
33 transferred to the county treasury to the credit of the building fund
34 of the school district or community college district. The deposit
35 of bond proceeds pursuant to this subdivision shall be a proper
36 charge against the building fund of the district.

37 (i) The governing board may cause to be deposited proceeds of
38 sale of any series of the bonds in the interest and sinking fund of
39 the district in the amount of the annual reserve permitted by Section
40 15250 or in any lesser amount, as the governing board shall

1 determine from time to time. The deposit of bond proceeds
2 pursuant to this subdivision shall be a proper charge against the
3 building fund of the district.

4 (j) The governing board may cause to be deposited proceeds of
5 sale of any series of the bonds in the interest and sinking fund of
6 the district in the amount not exceeding the interest scheduled to
7 become due on that series of bonds for a period of two years from
8 the date of issuance of that series of bonds. The deposit of bonds
9 proceeds pursuant to this subdivision shall be a proper charge
10 against the building fund of the district.

11 SEC. 4. Section 53506 of the Government Code is amended
12 to read:

13 53506. (a) This article is full authority for the issuance of
14 bonds or refunding bonds by any city, county, city and county, or
15 special district, secured by the levy of ad valorem taxes, authorized
16 in accordance with the Constitution and, in the case of a chartered
17 city, county, or city and county, with the charter thereof, or in the
18 case of a special district, with the district's principal act. This
19 article shall not apply to a school district or a community college
20 district.

21 (b) This article is intended to provide a complete additional and
22 alternative method for doing the things authorized by this article.
23 The powers conferred by this article are supplemental and
24 additional to the powers conferred by any other laws, and the
25 limitations imposed by this article do not affect the powers
26 conferred by any other law.

27 SEC. 5. Section 53507 of the Government Code is amended
28 to read:

29 53507. As used in this article, the following terms shall have
30 the meanings assigned to them in this section.

31 (a) "Bonds" means bonds, notes, warrants, or other evidence of
32 indebtedness payable, both principal and interest, from the proceeds
33 of ad valorem taxes that may be levied without limitation as to
34 rate or amount upon property subject to taxation by the legislative
35 body.

36 (b) "Issuer" means a city, county, city and county, or special
37 district, secured by the levy of ad valorem taxes, authorized to
38 issue bonds pursuant to this article. "Issuer" shall not include a
39 school district or community college district.

40 (c) "Legislative body" means the governing body of the issuer.

1 SEC. 6. Section 53508.7 of the Government Code is amended
2 to read:

3 53508.7. (a) The bonds shall be sold at a public or private sale
4 and at a price at, above, or below par, as the legislative body
5 determines.

6 (b) ~~Any bonds~~ Bonds sold at a discount below the par value of
7 the bonds shall be sold in compliance with the provisions of Section
8 53532.

9 SEC. 7. Section 53530 of the Government Code is amended
10 to read:

11 53530. As used in this article:

12 (a) "Local agency" means county, city, city and county, public
13 district, public entity or authority, or other public or municipal
14 corporation, including redevelopment agencies, housing authorities,
15 and industrial development authorities. "Local agency" shall not
16 include a school district or community college district.

17 (b) "Bonds" means bonds, warrants, notes, or other evidences
18 of indebtedness of a local agency or zone or improvement district
19 thereof.

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March 13, 2013

The Honorable Joan Buchanan
California State Assembly
State Capitol, Room 2148
Sacramento, CA 95814

The Honorable Ben Hueso
California State Assembly
State Capitol, Room 5155
Sacramento, CA 95814

RE: AB 182 (Buchanan and Hueso) – Support

Dear Assembly Members Buchanan and Hueso,

On behalf of the Solano County Board of Supervisors, I am pleased to inform you of the Board's support for your measure, AB 182, related to the structure and sale of capital appreciation bonds (CABs). We truly appreciate your commitment and willingness to take on this important issue.

The accrual and compounding of interest on long-dated CABs leaves taxpayers with a staggering amount of debt on a facility that will sometimes be over a decade old before the first payment on it is due. That is not a prudent or reasonable way to manage taxpayer dollars raised to fund public facilities. The inordinately more expensive bonds do not mean more funds for the classroom or community – it means more money for institutional investors.

The alarmingly-widespread practice of using long-dated CABs with debt –service holidays has been much chronicled, and over 200 school districts statewide have outstanding CAB debt with repayment ratios of 8:1, 9:1, 10:1 and even more. As you know, taxpayer reaction to these facts is overwhelmingly negative, and could affect the long-term trust of voters in approving any type of bond for any type of project.

The Board is responsible for ensuring the delivery of publicly funded projects that are sometimes funded with voter-approved bonds. The integrity of those transactions must be beyond reproach. Any practice in the public finance realm that casts doubt upon the integrity of expenditures and the prudent use of taxpayer funds jeopardizes the prospect of bond funding being approved by the voters in the future.

The Board believes that AB 182 will bring common sense reforms to the laws governing the structure of bonds issued by schools, thereby enhancing the public's confidence in the use of taxpayer dollars to benefit all of our communities. Therefore, the Board supports AB 182 and stands prepared to assist you and your staff in assuring its approval.

Sincerely,

Linda J. Seifert, Chair

Solano County Board of Supervisors

CC: Members, Assembly Committee on Education
Members, Senate Committee on Education

2013 CWDA LEGISLATIVE PROPOSAL

Submitted by: City & County of San Francisco, Human Services Agency
Contact: Noelle Simmons, (415) 557-5753

TOPIC: Suspension of Benefits for County Jail Inmates

STATEMENT OF PROBLEM:

AB 109 (Chapter 15, Statutes of 2011) realigned responsibility for detention and supervision of certain criminal offenders from the state to the counties. AB 109 also mandated that each county's Community Corrections Partnership establish an executive committee responsible for developing a plan to implement public safety realignment in the county. County health and human services agencies are formal partners in those plans, reflecting the critical role that services play in ensuring successful community reentry. The fiscal incentives built into the realignment structure give counties a vested interest in seeing to it that AB 109 clients have continued access to the range of health care, income support, employment training and other services that will help prevent recidivism.

However, because individuals who are residents of institutions are generally ineligible for CalWORKs, CalFresh and Medi-Cal benefits, when current recipients are detained, their benefits are often terminated, resulting in lapses in income support, health coverage and nutrition assistance.

PROPOSED SOLUTION:

Allow CalWORKs, CalFresh and Medi-Cal benefits to be suspended rather than terminated when a current enrollee is detained in county jail for a period of less than a year.

ANALYSIS:

AB 109 Population

The AB 109 population is predominantly comprised of individuals under the age of 60. Many have significant neglected physical and mental health needs. Most are unemployed and therefore lack employer-based health coverage. Based on their profile, it is safe to assume that many in this group will fall into the "newly eligible" category when the Affordable Care Act's Medicaid expansion goes into effect in January 2014. By contrast, it is often assumed that most of the AB 109 population will be ineligible for CalFresh due to the program's ban on certain drug offenders. Repeated efforts to statutorily expand eligibility to drug felons have failed in California. However, a review of available data on offenders released to community supervision in San Francisco under AB 109 found that roughly one third would be ineligible for Cal Fresh based on their most recent conviction for narcotic sales. Others are likely to be ineligible based on a prior conviction (data on priors was unavailable), but even so this suggests that a sizable share of the population may not be excluded from CalFresh due to criminal history.

Based on data from San Francisco County for the period of October 2011 to August 2012, the average length of a sentence for non-serious, non-violent offenders under PC 1170(h)(5)(a) (i.e., a sentence to county jail time only) was 24 months, with 11 months being the average time actually spent in jail after credit for time served was applied. For split sentences mandated under PC 1170(h)(5)(b), the average duration of the jail portion of the sentence was 14 months, with 8 months being the actual time served after credit was applied. Therefore, the average time served is often within the one-year certification period for Medi-Cal, CalFresh and CalWORKs.

Summary of Benefits Eligibility for Incarcerated Persons

	CalWORKs Clients	CalFresh Clients	Current MC Eligibles	New MC Eligibles	Exchange Population
INITIAL BENEFIT ENROLLMENT					
Incarcerated, pre-adjudicated	CalWORKs benefits are not available to incarcerated individuals. Upon release, applications may be made.	CalFresh benefits are not available to incarcerated individuals. ¹ Upon release, applications may be made.	Medi-Cal benefits are not available to incarcerated adults. ²		Individuals who are incarcerated while awaiting adjudication of charges may enroll in Exchange coverage. ³ Those incarcerated for less than a month and those pending disposition are subject to the individual health insurance mandate. Health plans should reimburse for qualified services.
Incarcerated, post-adjudicated			Individuals may apply for Medi-Cal while incarcerated so that coverage for needed services is in place when they are released.		Incarcerated individuals are ineligible for Exchange coverage. Upon release, can apply to the Exchange and be determined eligible for a special enrollment period. ⁴
MAINTENANCE OF EXISTING BENEFITS					
Incarcerated, pre-adjudicated	An individual recipient is removed from the AU if s/he is absent from the AU for a full calendar month. ⁵ Once someone who has been incarcerated for more than 30 days is released, s/he must reapply. If a recipient is absent from the AU for less than 30 days, no benefit change is made and the recipient remains counted as part of the AU.	CalFresh terminated if the CWD learns of the incarceration. Must reapply upon release.	MC terminated if the CWD learns of the incarceration.		ACA allows maintenance of coverage. Health plans should reimburse for qualified services.
Incarcerated, adjudicated					Not eligible for Exchange-covered health benefits. Rules about maintaining enrollment in a plan are unclear. Inmate would likely have to stay current on premium payments.
Incarcerated, immediately prior to release				Individuals may apply for Medi-Cal while incarcerated so that coverage for needed services is in place when they are released.	

¹ Per CDSS Food Stamp Manual Section 63-402.4, "Individuals shall be considered residents of an institution when the institution provides them with the majority of the meals as part of the institution's normal services. Residents of institutions are not eligible for participation in the Food Stamp Program."

<http://www.calfresh.ca.gov/entres/getinfo/pdf/fsman4a.pdf>

² Per Medi-Cal Eligibility Procedures Manual, Article 6. <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/Article6-InstitutionalStatus.pdf>

³ Affordable Care Act, Section 1312(f)(1)(B): "An individual shall not be treated as a qualified individual if, at the time of enrollment, the individual is incarcerated, *other than incarceration pending the disposition of charges.*"

⁴ Exchange-eligible persons may enroll in a health plan outside of regular open enrollment periods in certain specified circumstances, including release from jail or prison.

⁵ The Manual of Eligibility and Assistance Standards (EAS) section 82-812.661 states that AU members who are incarcerated on the first of the month and expected to remain incarcerated for one month are discontinued. See <http://www.cdss.ca.gov/ord/entres/getinfo/pdf/23EAS.pdf>

Suspension of Benefits for Current Recipients Who Are Detained

Under existing state law, Medi-Cal benefits and CalFresh benefits must be terminated when the county welfare department (CWD) learns that a recipient has been incarcerated, and a new application is required upon release.

However, several precedents for temporarily suspending rather than terminating benefits exist:

- For juvenile offenders under the age of twenty-one, SB 1147 (Chapter 546, Statutes of 2008) allows for suspension of Medi-Cal eligibility upon incarceration for up to one year, and for reinstatement of benefits without a new application upon release.
- Existing CalWORKs regs are also more lenient in this regard than the regs governing Medi-Cal and CalFresh. Generally speaking, a parent/caretaker who is aided through CalWORKs must be discontinued if absent from the assistance unit for a full calendar month or more. However, the regs also provide for temporary absences; an individual who is absent for less than a full month can be reinstated to the assistance unit upon his or her return without a new application.
- Federal SSI benefits are suspended rather than terminated for recipients who are incarcerated for fewer than 12 consecutive months. Payments resume shortly after release provided that the SSA is informed of the release and the beneficiary submits a simple form demonstrating that s/he meets the financial eligibility requirements.⁶

Federal guidance already gives states the option of suspending rather than terminating Medicaid benefits for individuals who are detained,⁷ but additional research is needed to determine whether suspension of CalFresh and CalWORKs benefits would require a federal waiver.

This proposal would model itself on SB 1147. Specifically, the suspension of Medi-Cal, CalFresh and CalWORKs benefits would apply to individuals who:

- Are beneficiaries at the time of incarceration,
- Comply with all annual redetermination requirements while incarcerated,
- Remain otherwise eligible for benefits during the period of incarceration,
- Are no longer considered an inmate of a public institution within one year of their incarceration date, and
- Are eligible on the day they are released.

As with SB 1147, the development of state and county procedures for suspending benefits will require consideration of the following:

- Suspension and reactivation of benefits will be subject to existing noticing requirements.
- Incarceration will trigger an ongoing eligibility review for other members of the offender's household (if applicable).
- Inmates must be afforded the opportunity to comply with case maintenance requirements while incarcerated.
- How "suspended" status should be recorded in the MEDS and SAWS systems. There are known technical difficulties with suspending benefits in CalWIN (and perhaps the other SAWS systems as well). While a workaround has been developed to comply with SB 1147, it is cumbersome. SAWS could be modified to support suspension of benefits, but this change order

⁶ <http://consensusproject.org/downloads/AppendixC.pdf>

⁷ *County Jails and the Affordable Care Act: Enrolling Eligible Individuals in Health Coverage*. National Association of Counties, Community Services Division. March 2012. Page 3.

was not priorities by CalWIN when raised for discussion after SB 1147 passed. Additionally, as health care reform efforts move forward it will be necessary to consider whether and how suspension of Medi-Cal benefits would need to be reflected in CalHEERs.

Upon notification of the beneficiary's release by the county jail or local probation department, the CWD would reactivate benefits without requiring a new application, provided that the individual was still otherwise eligible.

POSSIBLE FISCAL EFFECTS:

If adopted, this proposal would result in fewer discontinuances from CalWORKs, CalFresh and Medi-Cal. Because CalFresh benefits are 100% federally funded, there would be no resulting increase in state costs associated with this program. Most of the AB 109 population will fall into the "newly eligible" Medi-Cal population, which will initially be 100% federally funded but eventually require 10% state participation. Therefore, if adopted, this proposal could result in modest additional state costs in out years related to the reduction in discontinuances from Medi-Cal. However, this increase would be very modest relative to the overall size of the program. CalWORKs benefits are approximately 97.5% state funded (somewhat less now with the new CalWORKs county MOE established through 2011 Realignment), so there would also be some increase in state costs due to the decrease in discontinuances. Some additional county costs are also possible depending on the level of county workload associated with coordinating with county jail staff in order to serve this population. However, there could also be a reduction in workload associated with terminating and reinstating cases for beneficiaries who are detained.

LIKELY SUPPORT OR OPPOSITION:

Department of Finance may oppose based on fiscal concerns. Advocates, law enforcement and county health and human services agencies are likely to support.

DRAFT

Senator Alex Padilla

Fact Sheet

SB 191 – Padilla Pediatric Trauma Care

Summary

This bill would authorize counties to continue to collect funds for local emergency medical services, including pediatric trauma care, at no cost to the general fund.

Background

Californians, regardless of geographic location, income or ethnicity continue to face either increased emergency room wait time, being rerouted to other hospitals, or both. Additionally, pediatric trauma care is still not widely available in California. There are only 14 pediatric trauma care centers in our state of 38 million people. Too often, pediatric trauma patients must be transported by helicopter to trauma centers and the time that elapses during transport can impact survival and recovery rates.

In 2006, legislation was signed into law authorizing counties to supplement their local Maddy Fund by collecting an additional \$2 penalty on every \$10 assessment on certain criminal and vehicle code violations, 15 percent of which is allocated for pediatric trauma care. This is the only dedicated source of funding for pediatric trauma care.

More than 20 counties throughout the state have elected to collect the additional revenue. SB 1236 (Padilla, Chapter 60, Statutes of 2008) extended the sunset on this additional revenue to January 1, 2014.

Existing Law

Because of the sunset provision, as of January 1, 2014, counties will no longer be able to collect additional revenues to fund emergency medical services and pediatric trauma care.

This Bill

This bill would authorize counties to continue to collect funds for local emergency medical services, including pediatric trauma care, at no cost to the general fund.

Support

California Chapter, American College of
Emergency Physicians (Sponsor)

FOR MORE INFORMATION – Contact Patrick Welch, Office of Senator Alex Padilla (916) 651-4020.

SENATE BILL

No. 191

Introduced by Senator Padilla

February 7, 2013

An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 191, as introduced, Padilla. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2014, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions indefinitely. The bill would also make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 76000.5 of the Government Code is
- 2 amended to read:
- 3 76000.5. (a) (1) Except as otherwise provided in this section,
- 4 for purposes of supporting emergency medical services pursuant

1 to Chapter 2.5 (commencing with Section 1797.98a) of Division
2 2.5 of the Health and Safety Code, in addition to the penalties set
3 forth in Section 76000, the county board of supervisors may elect
4 to levy an additional penalty in the amount of two dollars (\$2) for
5 every ten dollars (\$10), or part of ten dollars (\$10), upon every
6 fine, penalty, or forfeiture imposed and collected by the courts for
7 all criminal offenses, including violations of Division 9
8 (commencing with Section 23000) of the Business and Professions
9 Code relating to the control of alcoholic beverages, and all offenses
10 involving a violation of the Vehicle Code or a local ordinance
11 adopted pursuant to the Vehicle Code. This penalty shall be
12 collected together with and in the same manner as the amounts
13 established by Section 1464 of the Penal Code.

14 (2) This additional penalty does not apply to the following:

15 (A) A restitution fine.

16 (B) A penalty authorized by Section 1464 of the Penal Code or
17 this chapter.

18 (C) A parking offense subject to Article 3 (commencing with
19 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

20 (D) The state surcharge authorized by Section 1465.7 of the
21 Penal Code.

22 (b) Funds shall be collected pursuant to subdivision (a) only if
23 the county board of supervisors provides that the increased
24 penalties do not offset or reduce the funding of other programs
25 from other sources, but that these additional revenues result in
26 increased funding to those programs.

27 (c) Moneys collected pursuant to subdivision (a) shall be taken
28 from fines and forfeitures deposited with the county treasurer prior
29 to any division pursuant to Section 1463 of the Penal Code.

30 (d) Funds collected pursuant to this section shall be deposited
31 into the Maddy Emergency Medical Services (EMS) Fund
32 established pursuant to Section 1797.98a of the Health and Safety
33 Code.

34 ~~(e) This section shall remain in effect only until January 1, 2014,~~
35 ~~and as of that date is repealed, unless a later enacted statute, that~~
36 ~~is enacted before January 1, 2014, deletes or extends that date.~~

37 SEC. 2. Section 1797.98a of the Health and Safety Code is
38 amended to read:

39 1797.98a. (a) The fund provided for in this chapter shall be
40 known as the Maddy Emergency Medical Services (EMS) Fund.

1 (b) (1) Each county may establish an emergency medical
2 services fund, upon the adoption of a resolution by the board of
3 supervisors. The moneys in the fund shall be available for the
4 reimbursements required by this chapter. The fund shall be
5 administered by each county, except that a county electing to have
6 the state administer its medically indigent services program may
7 also elect to have its emergency medical services fund administered
8 by the state.

9 (2) Costs of administering the fund shall be reimbursed by the
10 fund in an amount that does not exceed the actual administrative
11 costs or 10 percent of the amount of the fund, whichever amount
12 is lower.

13 (3) All interest earned on moneys in the fund shall be deposited
14 in the fund for disbursement as specified in this section.

15 (4) Each administering agency may maintain a reserve of up to
16 15 percent of the amount in the portions of the fund reimbursable
17 to physicians and surgeons, pursuant to subparagraph (A) of, and
18 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
19 administering agency may maintain a reserve of any amount in
20 the portion of the fund that is distributed for other emergency
21 medical services purposes as determined by each county, pursuant
22 to subparagraph (C) of paragraph (5).

23 (5) The amount in the fund, reduced by the amount for
24 administration and the reserve, shall be utilized to reimburse
25 physicians and surgeons and hospitals for patients who do not
26 make payment for emergency medical services and for other
27 emergency medical services purposes as determined by each county
28 according to the following schedule:

29 (A) Fifty-eight percent of the balance of the fund shall be
30 distributed to physicians and surgeons for emergency services
31 provided by all physicians and surgeons, except those physicians
32 and surgeons employed by county hospitals, in general acute care
33 hospitals that provide basic, comprehensive, or standby emergency
34 services pursuant to paragraph (3) or (5) of subdivision (f) of
35 Section 1797.98e up to the time the patient is stabilized.

36 (B) Twenty-five percent of the fund shall be distributed only to
37 hospitals providing disproportionate trauma and emergency medical
38 care services.

39 (C) Seventeen percent of the fund shall be distributed for other
40 emergency medical services purposes as determined by each

1 county, including, but not limited to, the funding of regional poison
2 control centers. Funding may be used for purchasing equipment
3 and for capital projects only to the extent that these expenditures
4 support the provision of emergency services and are consistent
5 with the intent of this chapter.

6 (c) The source of the moneys in the fund shall be the penalty
7 assessment made for this purpose, as provided in Section 76000
8 of the Government Code.

9 (d) Any physician and surgeon may be reimbursed for up to 50
10 percent of the amount claimed pursuant to subdivision (a) of
11 Section 1797.98c for the initial cycle of reimbursements made by
12 the administering agency in a given year, pursuant to Section
13 1797.98e. All funds remaining at the end of the fiscal year in excess
14 of any reserve held and rolled over to the next year pursuant to
15 paragraph (4) of subdivision (b) shall be distributed proportionally,
16 based on the dollar amount of claims submitted and paid to all
17 physicians and surgeons who submitted qualifying claims during
18 that year.

19 (e) Of the money deposited into the fund pursuant to Section
20 76000.5 of the Government Code, 15 percent shall be utilized to
21 provide funding for all pediatric trauma centers throughout the
22 county, both publicly and privately owned and operated. The
23 expenditure of money shall be limited to reimbursement to
24 physicians and surgeons, and to hospitals for patients who do not
25 make payment for emergency care services in hospitals up to the
26 point of stabilization, or to hospitals for expanding the services
27 provided to pediatric trauma patients at trauma centers and other
28 hospitals providing care to pediatric trauma patients, or at pediatric
29 trauma centers, including the purchase of equipment. Local
30 emergency medical services (EMS) agencies may conduct a needs
31 assessment of pediatric trauma services in the county to allocate
32 these expenditures. Counties that do not maintain a pediatric trauma
33 center shall utilize the money deposited into the fund pursuant to
34 Section 76000.5 of the Government Code to improve access to,
35 and coordination of, pediatric trauma and emergency services in
36 the county, with preference for funding given to hospitals that
37 specialize in services to children, and physicians and surgeons
38 who provide emergency care for children. Funds spent for the
39 purposes of this section, shall be known as Richie's Fund. ~~This~~
40 ~~subdivision shall remain in effect only until January 1, 2014, and~~

1 ~~shall have no force or effect on or after that date, unless a later~~
2 ~~enacted statute, that is chaptered before January 1, 2014, deletes~~
3 ~~or extends that date.~~

4 (f) Costs of administering money deposited into the fund
5 pursuant to Section 76000.5 of the Government Code shall be
6 reimbursed from the money collected in an amount that does not
7 exceed the actual administrative costs or 10 percent of the money
8 collected, whichever amount is lower. ~~This subdivision shall remain~~
9 ~~in effect only until January 1, 2014, and shall have no force or~~
10 ~~effect on or after that date, unless a later enacted statute, that is~~
11 ~~chaptered before January 1, 2014, deletes or extends that date.~~

O

SENATE BILL

No. 283

Introduced by Senator Hancock

February 14, 2013

An act to amend Section 18901.3 of, to add Section 18901.35 to, to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as introduced, Hancock. CalWORKs and CalFresh eligibility.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

This bill would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person convicted of specified drug offenses, including transporting, selling,

furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release. The bill would also require the department to request a waiver from the federal government for the preenrollment of otherwise eligible applicants to the CalFresh program within one month of the applicant's reentry into the community from county jail or state prison, and would require the counties to implement the preenrollment program within 6 months of the waiver being granted. By requiring a new level of service from local government, this bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 11251.3 of the Welfare and Institutions
- 2 Code, as added by Section 1 of Chapter 283 of the Statutes of
- 3 1997, is repealed.
- 4 ~~11251.3. (a) An individual shall be ineligible for aid under~~
- 5 ~~this chapter if the individual has been convicted in state or federal~~
- 6 ~~court after December 31, 1997, including any plea of guilty or~~
- 7 ~~nolo contendere, of any offense classified as a felony and that has~~
- 8 ~~as an element of the possession, use, or distribution of a controlled~~

1 substance, defined in Section 102(6) of the Controlled Substance
2 Act (21 U.S.C. Sec. 802(6)).

3 ~~(b) For a family receiving aid under this chapter that includes~~
4 ~~an individual who is ineligible pursuant to subdivision (a), a county~~
5 ~~shall issue vouchers or vendor payments for at least rent and~~
6 ~~utilities payments.~~

7 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,
8 as added by Section 1 of Chapter 284 of the Statutes of 1997, is
9 repealed.

10 ~~11251.3. (a) An individual shall be ineligible for aid under~~
11 ~~this chapter if the individual has been convicted in state or federal~~
12 ~~court after December 31, 1997, including any plea of guilty or~~
13 ~~nolo contendere, of a felony that has as an element the possession,~~
14 ~~use, or distribution of a controlled substance, defined in Section~~
15 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~
16 ~~or Division 10 (commencing with Section 11000) of the Health~~
17 ~~and Safety Code.~~

18 ~~(b) For a family receiving aid under this chapter that includes~~
19 ~~an individual who is ineligible pursuant to subdivision (a), a county~~
20 ~~shall issue vouchers or vendor payments for at least rent and~~
21 ~~utilities payments.~~

22 SEC. 3. Section 11251.3 is added to the Welfare and
23 Institutions Code, to read:

24 11251.3. (a) Subject to the limitations of subdivision (b),
25 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
26 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
27 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An
28 individual convicted in state or federal court after December 31,
29 1997, including any plea of nolo contendere, of any offense
30 classified as a felony that has as an element the possession, use,
31 or distribution of a controlled substance shall be eligible to receive
32 CalWORKs benefits under this section.

33 (b) As a condition of eligibility for CalWORKs pursuant to
34 subdivision (a), an applicant described in subdivision (a) who is
35 on probation, parole, or other form of supervised release shall
36 comply with the conditions of the supervised release, including
37 participation in a drug treatment program, if required. If the county
38 social services agency receives verification that the individual's
39 supervised release has been revoked, the individual shall become

1 ineligible for CalWORKs benefits under this section for the
2 duration of the revocation period.

3 (c) Notwithstanding the rulemaking provisions of the
4 Administrative Procedure Act (Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code), valid until January 1, 2015, the department may implement
7 this section by all-county letters or similar instructions. Thereafter,
8 the department shall adopt regulations to implement this section
9 by January 1, 2015.

10 SEC. 4. Section 17012.5 of the Welfare and Institutions Code
11 is repealed.

12 ~~17012.5. An individual ineligible for aid under Chapter 2~~
13 ~~(commencing with Section 11200) of Part 3 pursuant to Section~~
14 ~~11251.3, who is a member of an assistance unit receiving aid under~~
15 ~~that chapter, shall also be ineligible for non-health-care benefits~~
16 ~~under this part.~~

17 SEC. 5. Section 18901.3 of the Welfare and Institutions Code
18 is amended to read:

19 18901.3. (a) Subject to the limitations of subdivision (b),
20 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
21 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
22 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). ~~A~~
23 ~~convicted drug felon~~ *An individual convicted in state or federal*
24 *prison after December 31, 1997, including any plea of guilty or*
25 *nolo contendere, of any offense classified as a felony that has as*
26 *an element the possession, use, or distribution of a controlled*
27 *substance shall be eligible to receive CalFresh benefits under this*
28 *section.*

29 ~~(b) Subdivision (a) does not apply to a person who has been~~
30 ~~convicted of unlawfully transporting, importing into this state,~~
31 ~~selling, furnishing, administering, giving away, possessing for~~
32 ~~sale, purchasing for purposes of sale, manufacturing a controlled~~
33 ~~substance, possessing precursors with the intent to manufacture a~~
34 ~~controlled substance, or cultivating, harvesting, or processing~~
35 ~~marijuana or any part thereof pursuant to Section 11358 of the~~
36 ~~Health and Safety Code.~~

37 ~~(c) Subdivision (a) does not apply to a person who has been~~
38 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~
39 ~~intimidating a minor to participate in any activity listed in~~
40 ~~subdivision (b).~~

1 ~~(d)~~

2 ~~(b) As a condition of eligibility to receive CalFresh benefits~~
3 ~~pursuant to subdivision (a), an applicant convicted of a felony drug~~
4 ~~offense that is not excluded under subdivision (b) or (c) shall be~~
5 ~~required to provide proof of one of the following subsequent to~~
6 ~~the most recent drug-related conviction: described in subdivision~~
7 ~~(a) who is on probation, parole, or any other form of supervised~~
8 ~~release shall comply with the terms of the supervised release,~~
9 ~~including participation in a drug treatment program, if required.~~
10 ~~If the county social services agency receives verification that the~~
11 ~~individual's supervised release has been revoked, the individual~~
12 ~~shall become ineligible for CalFresh benefits under this section~~
13 ~~for the duration of the revocation period.~~

14 ~~(1) Completion of a government-recognized drug treatment~~
15 ~~program.~~

16 ~~(2) Participation in a government-recognized drug treatment~~
17 ~~program.~~

18 ~~(3) Enrollment in a government-recognized drug treatment~~
19 ~~program.~~

20 ~~(4) Placement on a waiting list for a government-recognized~~
21 ~~drug treatment program.~~

22 ~~(5) Other evidence that the illegal use of controlled substances~~
23 ~~has ceased, as established by State Department of Social Services~~
24 ~~regulations.~~

25 ~~(e) Notwithstanding the Administrative Procedure Act (Chapter~~
26 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
27 ~~Title 2 of the Government Code), the department may implement~~
28 ~~this section through an all-county letter or similar instructions from~~
29 ~~the director no later than January 1, 2005.~~

30 ~~(f) The department shall adopt regulations as otherwise~~
31 ~~necessary to implement this section no later than July 1, 2005.~~
32 ~~Emergency regulations adopted for implementation of this section~~
33 ~~may be adopted by the director in accordance with the~~
34 ~~Administrative Procedure Act. The adoption of emergency~~
35 ~~regulations shall be deemed to be an emergency and necessary for~~
36 ~~immediate preservation of the public peace, health and safety, or~~
37 ~~general welfare. The emergency regulations shall be exempt from~~
38 ~~review by the Office of Administrative Law. The emergency~~
39 ~~regulations authorized by this section shall be submitted to the~~

1 ~~Office of Administrative Law for filing with the Secretary of State~~
2 ~~and shall remain in effect for no more than 180 days.~~

3 *(c) Notwithstanding the rulemaking provisions of the*
4 *Administrative Procedure Act (Chapter 3.5 (commencing with*
5 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
6 *Code), valid until January 1, 2015, the department may implement*
7 *this section by all-county letters or similar instructions. Thereafter,*
8 *the department shall adopt regulations to implement this section*
9 *by January 1, 2015.*

10 SEC. 6. Section 18901.35 is added to the Welfare and
11 Institutions Code, to read:

12 18901.35. The department shall submit to the United States
13 Department of Agriculture, Food, and Nutrition Services, on or
14 before March 31, 2014, a request to waive Section 273.1(b)(7)(vi)
15 of Title 7 of the Code of Federal Regulations to allow for the
16 preenrollment of otherwise eligible applicants to the CalFresh
17 program up to one month prior to the applicant's reentry into the
18 community from county jail or state prison. The counties shall
19 implement a preenrollment process within six months of the waiver
20 approval.

21 SEC. 7. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 197

Introduced by Assembly Member Stone

January 29, 2013

An act to amend Sections 11155, 11155.1, and 11257 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 197, as introduced, Stone. CalWORKs eligibility: asset limits: vehicles.

Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Existing law imposes limits on the amount of income and personal and real property an individual or family may possess in order to be eligible for public aid, including under the CalWORKs program, including specifying the allowable value of a licensed vehicle retained by an applicant for, or recipient of, that aid.

This bill would delete existing requirements for assessing the value of a motor vehicle for purposes of eligibility for public aid, including the CalWORKs program. The bill would exclude the value of a licensed motor vehicle from consideration when determining or redetermining eligibility for aid. By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program.

Existing law continually appropriates money from the General Fund to pay for a share of aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill pursuant to the provision continuously appropriating funds for the CalWORKs program.

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

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

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

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

1 SECTION 1. Section 11155 of the Welfare and Institutions
2 Code is amended to read:

3 11155. (a) Notwithstanding Section 11257, in addition to the
4 personal property or resources permitted by other provisions of
5 this part, and to the extent permitted by federal law, an applicant
6 or recipient for aid under this ~~chapter~~ *chapter*, including an
7 applicant or recipient under Chapter 2 (commencing with Section
8 ~~11200~~ *11200*), may retain countable resources in an amount equal
9 to the amount permitted under federal law for qualification for the
10 federal Supplemental Nutrition Assistance Program, administered
11 in California as CalFresh.

12 (b) The county shall determine the value of exempt personal
13 property other than motor vehicles in conformance with methods
14 established under CalFresh.

15 (c) ~~(1) The value of licensed vehicles a motor vehicle shall be~~
16 ~~the greater of the fair market value as provided in paragraph (3)~~
17 ~~or the equity value, as provided in paragraph (5), unless an~~
18 ~~exemption as provided in paragraph (2) applies~~ *excluded from*
19 *consideration as property when determining and redetermining*
20 *eligibility for applicants and recipients.*

21 ~~(2) The entire value of any licensed vehicle shall be exempt if~~
22 ~~any of the following apply:~~

23 (A) ~~It is used primarily for income-producing purposes.~~

1 ~~(B) It annually produces income that is consistent with its fair~~
2 ~~market value, even if used on a seasonal basis.~~

3 ~~(C) It is necessary for long distance travel, other than daily~~
4 ~~commuting, that is essential for the employment of a family~~
5 ~~member.~~

6 ~~(D) It is used as the family's residence.~~

7 ~~(E) It is necessary to transport a physically disabled family~~
8 ~~member, including an excluded disabled family member, regardless~~
9 ~~of the purpose of the transportation.~~

10 ~~(F) It would be exempted under any of subparagraphs (A) to~~
11 ~~(D), inclusive, but the vehicle is not in use because of temporary~~
12 ~~unemployment.~~

13 ~~(G) It is used to carry fuel for heating for home use, when the~~
14 ~~transported fuel or water is the primary source of fuel or water for~~
15 ~~the family.~~

16 ~~(H) The equity value of the vehicle is one thousand five hundred~~
17 ~~one dollars (\$1,501) or less.~~

18 ~~(3) Each licensed vehicle that is not exempted under paragraph~~
19 ~~(2) shall be individually evaluated for fair market value, and any~~
20 ~~portion of the value that exceeds four thousand six hundred fifty~~
21 ~~dollars (\$4,650) shall be attributed in full market value toward the~~
22 ~~family's resource level, regardless of any encumbrances on the~~
23 ~~vehicle, the amount of the family's investment in the vehicle, and~~
24 ~~whether the vehicle is used to transport family members to and~~
25 ~~from employment.~~

26 ~~(4) Any licensed vehicle that is evaluated for fair market value~~
27 ~~shall also be evaluated for its equity value, except for the following:~~

28 ~~(A) One licensed vehicle per adult family member, regardless~~
29 ~~of the use of the vehicle.~~

30 ~~(B) Any licensed vehicle, other than those to which~~
31 ~~subparagraph (A) applies, that is driven by a family member under~~
32 ~~18 years of age to commute to, and return from his or her place of~~
33 ~~employment or place of training or education that is preparatory~~
34 ~~to employment, or to seek employment. This subparagraph applies~~
35 ~~only to vehicles used during a temporary period of unemployment.~~

36 ~~(5) For purposes of this section, the equity value of a licensed~~
37 ~~vehicle is the fair market value less encumbrances.~~

38 ~~(d) The value of any unlicensed vehicle shall be the fair market~~
39 ~~value less encumbrances, unless an exemption applies under~~
40 ~~paragraph (2).~~

1 SEC. 2. Section 11155.1 of the Welfare and Institutions Code
2 is amended to read:

3 11155.1. (a) Notwithstanding Sections 11155 and 11257, the
4 department shall seek any federal approvals necessary to conduct
5 a demonstration program increasing the value of personal property
6 that may be retained by a recipient of aid under Chapter 2
7 (commencing with Section 11200) to two thousand dollars (\$2,000)
8 ~~and increasing the value of the exemption for an automobile to~~
9 ~~four thousand five hundred dollars (\$4,500).~~ The increased property
10 ~~limits~~ *limit* shall not apply to applicants.

11 (b) This section shall be implemented only if the director
12 executes a declaration, that shall be retained by the director, stating
13 that federal approval for the implementation of this section has
14 been obtained and specifying the duration of that approval.

15 SEC. 3. Section 11257 of the Welfare and Institutions Code is
16 amended to read:

17 11257. (a) To the extent not inconsistent with Sections
18 *11004.1*, 11265.1, 11265.2, *and* 11265.3, ~~and 11004.1~~, no aid
19 under this chapter shall be granted or paid for any child who has
20 real or personal property, the combined market value reduced by
21 any obligations or debts with respect to this property of which
22 exceeds one thousand dollars (\$1,000), or for any child or children
23 in one family who have, or whose parents have, or the child or
24 children and parents have, real and personal property the combined
25 market value reduced by any obligations or debts with respect to
26 this property which exceeds one thousand dollars (\$1,000).

27 For purposes of this subdivision, real and personal property shall
28 be considered both when actually available and when the applicant
29 or recipient has a legal interest in a liquidated sum and has the
30 legal ability to make that sum available for support and
31 maintenance.

32 (b) Notwithstanding subdivision (a) above, an applicant or
33 recipient may retain the following:

34 (1) Personal or real property owned by him or her, or in
35 combination with any other person, without reference to its value,
36 if it serves to provide the applicant or recipient with a home. If the
37 basic home is a unit in a multiple dwelling, then only that unit
38 shall be exempt.

39 For the purposes of paragraph (1), if an applicant has entered
40 into a marital separation for the purpose of trial or legal separation

1 or dissolution, real property which was the usual home of the
2 applicant shall be exempt for three months following the end of
3 the month in which aid begins. If the recipient was receiving aid
4 when the marital separation occurred, the period of exemption
5 shall be three months following the end of the month in which the
6 separation occurs. To remain exempt following this three-month
7 period, the home must be occupied by the recipient, or be
8 unavailable for use, control, and possession due to legal
9 proceedings affecting a property settlement or sale of the property.

10 ~~(2) Personal property consisting of one automobile with~~
11 ~~maximum equity value as permitted by federal law.~~

12 ~~(3)~~

13 (2) In addition to the foregoing, the director may at his or her
14 discretion, and to the extent permitted by federal law, exempt other
15 items of personal property not exempted under this section.

16 SEC. 4. No appropriation pursuant to Section 15200 of the
17 Welfare and Institutions Code shall be made for the purposes of
18 this act.

19 SEC. 5. If the Commission on State Mandates determines
20 that this act contains costs mandated by the state, reimbursement
21 to local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

O

SENATE BILL

No. 296

Introduced by Senator Correa

February 15, 2013

An act to add Section 972.3 to the Military and Veterans Code, relating to county veterans service officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 296, as introduced, Correa. County veterans service officers.

Existing law requires funds to be disbursed each fiscal year on a pro rata basis to counties that have established and maintained a county veterans service officer in accordance with the staffing level and workload of each county veterans service officer, under a specified formula.

This bill would appropriate the sum of \$5,000,000 from the General Fund to the Department of Veterans Affairs for the disbursement to counties to fund the activities of county veterans service officers, as specified.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The recent conflicts in the countries of Iraq and Afghanistan
- 4 are creating an entirely new generation of veterans who may be
- 5 eligible for federal veterans benefits because of their war service
- 6 and their physical and mental condition. California service

1 members make up to 10 percent of the military forces used in these
2 conflicts.

3 (b) The California National Guard and California-based reserve
4 units have contributed significantly to these current conflicts.

5 (c) Many of these returning California veterans are not aware
6 of the federal and state benefits that are available to them.

7 (d) Additionally, it is estimated that in California there may be
8 over two million veterans and their widows or widowers, who are
9 unaware that they may be eligible for pensions from the federal
10 government based upon their past military service in World War
11 II, Korea, Vietnam, or the Gulf War.

12 (e) California's county veterans service officers (CVSO's) are
13 the initial local point of contact for claimants accessing the United
14 States Department of Veterans Affairs.

15 (f) The costs of maintaining CVSO's are shared from county
16 general funds and state reimbursement to the counties. In 1997, in
17 order to track performance, the Governor signed into law Senate
18 Bill 608, which required the Department of Veterans Affairs to
19 annually report the amount of monetary benefits paid to veterans
20 by the federal government that were attributable to the assistance
21 of CVSO's. Senate Bill 608 of the 1997-98 Regular Session
22 requires the Department of Finance to consider an increase in the
23 annual budget for CVSO's of up \$5,000,000, if approved in the
24 yearly budget process. In 2009, the Governor signed Senate Bill
25 419 into law, which raised this amount to \$11,000,000, if approved
26 in the yearly budget process.

27 (g) As a result of this annual reporting, by the end of 2011 it
28 had been determined that from 1995 to 2011, the state had
29 cumulatively budgeted \$36.2 million for its share of the cost of
30 the CVSO's. As a result of this investment, CVSO's were able to
31 assist local veterans in obtaining \$3.3 billion in new federal
32 moneys. This is a return of about \$91 for every dollar the state
33 allocates to CVSO's. Furthermore, \$3.6 billion only reflects the
34 actual monetary benefits qualified for in a given year. The monetary
35 benefits qualified for in prior years are not tracked, yet the veterans
36 and their dependents may continue to receive those benefits for
37 the rest of their life. Added to this stellar return on the state's
38 investment, but not counted in the annual reporting are the
39 Medi-Cal cost avoidance savings incurred as a result of CVSO's

1 qualifying and shifting veterans away from Medi-Cal and onto the
2 appropriate federal veterans program.

3 (h) CVSO's had accomplished all of this without ever reaching
4 the allowable state budget allocation of \$5 million, set in 1997, or
5 the updated allowable allocation set in 2009. To date, the CVSO's
6 have not received more than \$2.6 million per year from the state.

7 (i) It is critical that the CVSO's receive an increase in this
8 allocation because there continues to be a large number of
9 underserved veterans and their dependents who are not aware of
10 the federal benefits available to them as a result of their military
11 service. Studies from other states have shown that increases in
12 CVSO's have resulted in larger amounts of federal moneys to the
13 veterans. These new federal moneys and benefits are paid directly
14 from the United States Department of Veterans Affairs to the
15 qualifying veteran or their dependent and are used in the local
16 economy.

17 SEC. 2. Section 972.3 is added to the Military and Veterans
18 Code, to read:

19 972.3. Notwithstanding any other law, the sum of five million
20 dollars (\$5,000,000) is hereby appropriated from the General Fund
21 to the Department of Veterans Affairs for the disbursement to
22 counties in accordance with the existing procedures established
23 under Section 972.1.

O

ASSEMBLY BILL

No. 531

**Introduced by Assembly Members Frazier, Achadjian, Campos,
Eggman, and Lowenthal**

February 20, 2013

An act to amend Section 12811 of, and to add Section 14901.1 to, the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 531, as introduced, Frazier. Driver's licenses: veteran designation.

(1) Under existing law, when the Department of Motor Vehicles determines that an applicant is lawfully entitled to a driver's license, the department is required to issue that license to the applicant. Existing law specifies the contents of a driver's license and requires the application for a driver's license or identification card to contain a space for an applicant to indicate whether he or she has served in the Armed Forces of the United States and to give his or her consent to be contacted regarding eligibility to receive state or federal veterans benefits.

This bill would require the application for a driver's license or identification card to also allow a person to present to the department, in a manner determined by the department, a Certificate of Release or Discharge from Active Duty, as specified, and to request the driver's license or identification card be printed with the word "VETERAN." The bill would require the department to allow an applicant to present a verification from the county veterans service officer that the person has received that form. The department would be required to print the word "VETERAN" on the face of a driver's license or identification card issued to a person who makes that request and presents that form to the department.

(2) Existing law establishes certain fee amounts for the applications for, and renewal of, driver's licenses and identification cards.

This bill would require the department to charge an additional fee in an unspecified amount to a person who requests that the person's driver's license or identification card be designated, as provided above. The bill would require the department to forward \$1 of the amount collected to the Controller, for deposit in the Veterans Service Office Fund. The bill would require the revenues deposited in the Veterans Service Office Fund to be expended, upon appropriation by the Legislature, for the support of county veterans service offices.

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

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

1 SECTION 1. Section 12811 of the Vehicle Code is amended
2 to read:

3 12811. (a) (1) (A) When the department determines that the
4 applicant is lawfully entitled to a license, it shall issue to the person
5 a driver's license as applied for. The license shall state the class
6 of license for which the licensee has qualified and shall contain
7 the distinguishing number assigned to the applicant, the date of
8 expiration, the true full name, age, and mailing address of the
9 licensee, a brief description and engraved picture or photograph
10 of the licensee for the purpose of identification, and space for the
11 signature of the licensee.

12 (B) Each license shall also contain a space for the endorsement
13 of a record of each suspension or revocation ~~thereof~~ *of the license*.

14 (C) The department shall use whatever process or processes, in
15 the issuance of engraved or colored licenses, that prohibit, as near
16 as possible, the ability to alter or reproduce the license, or prohibit
17 the ability to superimpose a picture or photograph on the license
18 without ready detection.

19 (2) In addition to the requirements of paragraph (1), a license
20 issued to a person under 18 years of age shall display the words
21 "provisional until age 18."

22 (b) (1) On and after July 1, 2011, an application for an original
23 or renewal driver's license or identification card shall contain a
24 space for the applicant to enroll in the Donate Life California Organ
25 and Tissue Donor Registry. The application shall include check

1 boxes for an applicant to mark either (A) Yes, add my name to the
2 donor registry or (B) I do not wish to register at this time.

3 (2) The department shall inquire verbally of an applicant
4 applying in person for an original or renewal driver's license or
5 identification card at a department office as to whether the applicant
6 wishes to enroll in the Donate Life California Organ and Tissue
7 Donor Registry. Failure or refusal to answer this question or check
8 a box on the application form shall not be a basis for the department
9 to deny an applicant a driver's license or identification card.

10 (3) The following language shall be included with the question
11 required by paragraph (1):

12
13 "Marking 'Yes' adds your name to the Donate Life California
14 Organ and Tissue Donor Registry and a pink 'donor' dot will
15 appear on your license. If you wish to remove your name from the
16 registry you must contact Donate Life California (see back); DMV
17 can remove the pink dot from your licenses but cannot remove
18 you from the registry."

19
20 (4) The back of the application shall contain the following
21 statement:

22
23 "If, on the front of this form, you marked 'Yes' to register as an
24 organ and tissue donor you are legally authorizing the recovery of
25 organs and tissues in the event of your death. Registering as a
26 donor will not affect your medical treatment in any way. As
27 outlined in the California Anatomical Gift Act, your authorization
28 is legally binding and, unless the donor is under 18 years of age,
29 your decision does not require the consent of any other person.
30 For registered donors under 18 years of age, the legal guardian
31 shall make the final donation decision. You may limit your
32 donation to specific organs or tissues, place usage restrictions, for
33 example transplantation or research, obtain more information about
34 donation, or remove your name from the registry on the Internet
35 Web site of Donate Life California:
36 www.donateLIFCalifornia.org."

37
38 (5) Notwithstanding any other ~~provision of~~ law, a person under
39 18 years of age may register as a donor. However, the legal

1 guardian of that person shall make the final decision regarding the
2 donation.

3 (6) The department shall collect donor designation information
4 on all applications for an original or renewal driver's license or
5 identification card.

6 (7) The department shall print the word "DONOR" or another
7 appropriate designation on the face of a driver's license or
8 identification card to a person who has indicated on the application
9 his or her intent to enroll in the organ donation program pursuant
10 to this section.

11 (8) On a weekly basis, the department shall electronically
12 transmit to Donate Life California, a nonprofit organization
13 established and designated as the California Organ and Tissue
14 Donor Registrar pursuant to Section 7150.90 of the Health and
15 Safety Code, all of the following information from every
16 application that indicates the applicant's decision to enroll in the
17 organ donation program:

18 (A) His or her true full name.

19 (B) His or her residence or mailing address.

20 (C) His or her year of birth.

21 (D) His or her California driver's license number or
22 identification card number.

23 (9) (A) A person who applies for an original or renewal driver's
24 license or identification card may designate a voluntary
25 contribution of two dollars (\$2) for the purpose of promoting and
26 supporting organ and tissue donation. This contribution shall be
27 collected by the department, and treated as a voluntary contribution
28 to Donate Life California and not as a fee for the issuance of a
29 driver's license or identification card.

30 (B) The department may use the donations collected pursuant
31 to this paragraph to cover its actual administrative costs incurred
32 pursuant to paragraphs (6) to (8), inclusive. The department shall
33 deposit all revenue derived pursuant to this paragraph and
34 remaining after the department's deduction for administrative costs
35 in the Donate Life California Trust Subaccount, that is hereby
36 created in the Motor Vehicle Account in the State Transportation
37 Fund. Notwithstanding Section 13340 of the Government Code,
38 all revenue in this subaccount is continuously appropriated, without
39 regard to fiscal years, to the Controller for allocation to Donate

1 Life California and shall be expended for the purpose of increasing
2 participation in organ donation programs.

3 (C) The department shall transmit to the Donate Life California
4 Organ and Tissue Donor Registry and the appropriate policy and
5 fiscal committees of the Legislature an annual report, and shall
6 make available quarterly updates, detailing funds collected through
7 voluntary contributions as well as a summary of applicants,
8 including all of the following nonidentifiable information:

9 (i) Date of application.

10 (ii) Method of application (field office, online, or mail).

11 (iii) Donor registration status.

12 (iv) ZIP code.

13 (v) Gender.

14 (vi) Year of birth.

15 (D) (i) The annual report to be submitted to the appropriate
16 policy and fiscal committees of the Legislature pursuant to
17 subparagraph (C) shall be submitted in compliance with Section
18 9795 of the Government Code.

19 (ii) Pursuant to Section 10231.5 of the Government Code, the
20 requirement for submitting the annual report to the appropriate
21 policy and fiscal committees of the Legislature imposed under
22 subparagraph (C) is inoperative four years after the date the first
23 annual report is due.

24 (10) The enrollment form shall be posted on the Internet Web
25 sites for the department and the California Health and Human
26 Services Agency.

27 (11) The enrollment shall constitute a legal document pursuant
28 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
29 with Section 7150) of Part 1 of Division 7 of the Health and Safety
30 Code) and shall remain binding after the donor's death despite any
31 express desires of next of kin opposed to the donation. Except as
32 provided in paragraph (5) of subdivision (b), the donation does
33 not require the consent of any other person.

34 (12) Donate Life California shall ensure that all additions and
35 deletions to the California Organ and Tissue Donor Registry,
36 established pursuant to Section 7150.90 of the Health and Safety
37 Code, shall occur within 30 days of receipt.

38 (13) Information obtained by Donate Life California for the
39 purposes of this subdivision shall be used for these purposes only
40 and shall not be disseminated further by Donate Life California.

1 (c) (1) All applications for a driver's license or identification
2 card shall contain a space for an applicant to indicate whether he
3 or she has served in the Armed Forces of the United States and to
4 give his or her consent to be contacted regarding eligibility to
5 receive state or federal veterans benefits. The application shall
6 contain the following statement:

7
8 "By marking the veteran box on this application, I certify that I
9 am a veteran of the United States Armed Forces and that I want
10 to receive veterans benefits information from the California
11 Department of Veterans Affairs. By marking the veteran box on
12 this application, I also consent to DMV transmitting my name and
13 mailing address to the California Department of Veterans Affairs
14 for this purpose only, and I certify that I have been notified that
15 this transmittal will occur."

16
17 (2) The department shall collect the information obtained
18 pursuant to paragraph (1).

19 (3) As mutually agreed between the department and the
20 Department of Veterans Affairs, the department shall electronically
21 transmit to the Department of Veterans Affairs the following
22 information on each applicant who has identified that he or she
23 has served in the Armed Forces of the United States since the last
24 data transfer and has consented to be contacted about veterans
25 benefits:

26 (A) His or her true full name.

27 (B) His or her mailing address.

28 (4) Information obtained by the Department of Veterans Affairs
29 for the purposes of this subdivision shall be used for the purpose
30 of assisting individuals to access veterans benefits and shall not
31 be disseminated except as needed for this purpose.

32 (5) *The application for a driver's license or identification card*
33 *shall also allow a person to present to the department, in a manner*
34 *determined by the department, a Certificate of Release or*
35 *Discharge from Active Duty (DD Form 214) issued pursuant to*
36 *Part 45 (commencing with Section 45.1) of Title 32 of the Code*
37 *of Federal Regulations, and to request the driver's license or*
38 *identification card be printed with the word "VETERAN." The*
39 *department shall allow an applicant to present a verification that*
40 *the person has received a DD Form 214 from the county veterans*

1 *service officer appointed pursuant to Section 970 of the Military*
2 *and Veterans Code. Upon payment of the fee required pursuant*
3 *to Section 14901.1, the department shall print the word*
4 *“VETERAN” on the face of a driver’s license or identification*
5 *card issued to a person who makes this request and presents the*
6 *DD Form 214 to the department.*

7 (d) A public entity or employee shall not be liable for loss,
8 detriment, or injury resulting directly or indirectly from false or
9 inaccurate information contained in the form provided pursuant
10 to subdivision (b).

11 (e) A contract shall not be awarded to a nongovernmental entity
12 for the processing of driver’s licenses, unless the contract conforms
13 to all applicable state contracting laws and all applicable procedures
14 set forth in the State Contracting Manual.

15 SEC. 2. Section 14901.1 is added to the Vehicle Code, to read:

16 14901.1. (a) In addition to the fees required by Section 14900,
17 14900.1, or 14902, the department shall charge a fee in the amount
18 of ____dollars (\$____) to any person who requests, pursuant to
19 paragraph (5) of subdivision (c) of Section 12811, that the person’s
20 driver’s license or identification card be printed with the word
21 “VETERAN” or another appropriate designation to indicate that
22 the person has served in the United States Armed Forces.

23 (b) The department shall forward one dollar (\$1) of the amount
24 collected pursuant to subdivision (a) to the Controller, for deposit
25 in the Veterans Service Office Fund created in the State Treasury
26 pursuant to Section 972.2 of the Military and Veterans Code. The
27 revenues deposited in the Veterans Service Office Fund pursuant
28 to this subdivision shall be expended, upon appropriation by the
29 Legislature, for the support of county veterans service offices.

O

SENATE BILL

No. 199

Introduced by Senator De León

February 7, 2013

An act to amend Sections 1230 and 1230.1 of the Penal Code, relating to community corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 199, as introduced, De León. Probation: community corrections community corrections.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and a chief of police. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment.

This bill would add a rank-and-file deputy sheriff or a rank-and-file police officer, and a rank-and-file probation officer or a deputy probation officer, each to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file deputy sheriff or rank-and-file police officer, and the rank-and-file probation officer or a deputy probation officer, on the local plan.

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

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

1 SECTION 1. Section 1230 of the Penal Code is amended to
2 read:

3 1230. (a) Each county is hereby authorized to establish in each
4 county treasury a Community Corrections Performance Incentives
5 Fund (CCPIF), to receive all amounts allocated to that county for
6 purposes of implementing this chapter.

7 (b) In any fiscal year for which a county receives moneys to be
8 expended for the implementation of this chapter, the moneys,
9 including any interest, shall be made available to the CPO of that
10 county, within 30 days of the deposit of those moneys into the
11 fund, for the implementation of the community corrections program
12 authorized by this chapter.

13 (1) The community corrections program shall be developed and
14 implemented by probation and advised by a local Community
15 Corrections Partnership.

16 (2) The local Community Corrections Partnership shall be
17 chaired by the CPO and comprised of the following membership:

18 (A) The presiding judge of the superior court, or his or her
19 designee.

20 (B) A county supervisor or the chief administrative officer for
21 the county or a designee of the board of supervisors.

22 (C) The district attorney.

23 (D) The public defender.

24 (E) The sheriff.

25 (F) *A rank-and-file deputy sheriff or a rank and file police*
26 *officer, appointed by the local labor organization.*

27 ~~(F)~~

28 (G) A chief of police.

29 (H) *A rank-and-file probation officer or a deputy probation*
30 *officer, appointed by the local labor organization.*

31 ~~(G)~~

32 (I) The head of the county department of social services.

33 ~~(H)~~

34 (J) The head of the county department of mental health.

35 ~~(I)~~

36 (K) The head of the county department of employment.

37 ~~(J)~~

1 (L) The head of the county alcohol and substance abuse
2 programs.

3 ~~(K)~~

4 (M) The head of the county office of education.

5 ~~(L)~~

6 (N) A representative from a community-based organization
7 with experience in successfully providing rehabilitative services
8 to persons who have been convicted of a criminal offense.

9 ~~(M)~~

10 (O) An individual who represents the interests of victims.

11 (3) Funds allocated to probation pursuant to this act shall be
12 used to provide supervision and rehabilitative services for adult
13 felony offenders subject to probation, and shall be spent on
14 evidence-based community corrections practices and programs,
15 as defined in subdivision (d) of Section 1229, which may include,
16 but are not limited to, the following:

17 (A) Implementing and expanding evidence-based risk and needs
18 assessments.

19 (B) Implementing and expanding intermediate sanctions that
20 include, but are not limited to, electronic monitoring, mandatory
21 community service, home detention, day reporting, restorative
22 justice programs, work furlough programs, and incarceration in
23 county jail for up to 90 days.

24 (C) Providing more intensive probation supervision.

25 (D) Expanding the availability of evidence-based rehabilitation
26 ~~programs programs~~, including, but not limited to, drug and alcohol
27 treatment, mental health treatment, anger management, cognitive
28 behavior programs, and job training and employment services.

29 (E) Evaluating the effectiveness of rehabilitation and supervision
30 programs and ensuring program fidelity.

31 (4) The CPO shall have discretion to spend funds on any of the
32 above practices and programs consistent with this act but, at a
33 minimum, shall devote at least 5 percent of all funding received
34 to evaluate the effectiveness of those programs and practices
35 implemented with the funds provided pursuant to this chapter. A
36 CPO may petition the Administrative Office of the Courts to have
37 this restriction waived, and the Administrative Office of the Courts
38 shall have the authority to grant ~~such a~~ *that* petition, if the CPO
39 can demonstrate that the department is already devoting sufficient
40 funds to the evaluation of these programs and practices.

1 (5) Each probation department receiving funds under this chapter
2 shall maintain a complete and accurate accounting of all funds
3 received pursuant to this chapter.

4 SEC. 2. Section 1230.1 of the Penal Code is amended to read:

5 1230.1. (a) Each county local Community Corrections
6 Partnership established pursuant to subdivision (b) of Section 1230
7 shall recommend a local plan to the county board of supervisors
8 for the implementation of the 2011 public safety realignment.

9 (b) The plan shall be voted on by an executive committee of
10 each county's Community Corrections Partnership consisting of
11 the chief probation officer of the county as chair, a chief of police,
12 the sheriff, *a rank-and-file deputy sheriff or a rank-and-file police*
13 *officer*, ~~the District Attorney, district attorney, the Public Defender,~~
14 *public defender*, the presiding judge of the superior court, or his
15 or her designee, *a rank-and-file probation officer or a deputy*
16 *probation officer*, and one department representative listed in either
17 subparagraph ~~(G), (H), (I), (J), or (K)~~ (L) of paragraph (2) of
18 subdivision (b) of Section 1230, as designated by the county board
19 of supervisors for purposes related to the development and
20 presentation of the plan.

21 (c) The plan shall be deemed accepted by the county board of
22 supervisors unless the board rejects the plan by a vote of four-fifths
23 of the board, in which case the plan goes back to the Community
24 Corrections Partnership for further consideration.

25 (d) Consistent with local needs and resources, the plan may
26 include recommendations to maximize the effective investment
27 of criminal justice resources in evidence-based correctional
28 sanctions and programs, including, but not limited to, day reporting
29 centers, drug courts, residential multiservice centers, mental health
30 treatment programs, electronic and GPS monitoring programs,
31 victim restitution programs, counseling programs, community
32 service programs, educational programs, and work training
33 programs.

O

ASSEMBLY BILL

No. 25

Introduced by Assembly Member Campos

December 3, 2012

An act to amend Section 980 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as introduced, Campos. Employment: social media.

Existing law prohibits a private employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. Existing law prohibits a private employer from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliating against an employee or applicant for not complying with a request or demand that violates these provisions.

This bill would apply the provisions described above to public employers. The bill would state that its provisions address a matter of statewide interest and apply to public employers generally, including charter cities and counties.

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

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

- 1 SECTION 1. Section 980 of the Labor Code is amended to
- 2 read:
- 3 980. (a) As used in this ~~chapter~~, "social *chapter*:

1 (1) “Employer” means a private employer or a public employer.

2 (2) “Social media” means an electronic service or account, or
3 electronic content, including, but not limited to, videos, still
4 photographs, blogs, video blogs, podcasts, instant and text
5 messages, email, online services or accounts, or Internet Web site
6 profiles or locations.

7 (b) An employer shall not require or request an employee or
8 applicant for employment to do any of the following:

9 (1) Disclose a username or password for the purpose of
10 accessing personal social media.

11 (2) Access personal social media in the presence of the
12 employer.

13 (3) Divulge any personal social media, except as provided in
14 subdivision (c).

15 (c) Nothing in this section shall affect an employer’s existing
16 rights and obligations to request an employee to divulge personal
17 social media reasonably believed to be relevant to an investigation
18 of allegations of employee misconduct or employee violation of
19 applicable laws and regulations, provided that the social media is
20 used solely for purposes of that investigation or a related
21 proceeding.

22 (d) Nothing in this section precludes an employer from requiring
23 or requesting an employee to disclose a username, password, or
24 other method for the purpose of accessing an employer-issued
25 electronic device.

26 (e) An employer shall not discharge, discipline, threaten to
27 discharge or discipline, or otherwise retaliate against an employee
28 or applicant for not complying with a request or demand by the
29 employer that violates this section. However, this section does not
30 prohibit an employer from terminating or otherwise taking an
31 adverse action against an employee or applicant if otherwise
32 permitted by law.

33 SEC. 2. Because of the crucial privacy rights at issue and the
34 growing abuse of those rights, the Legislature finds and declares
35 that this act addresses a matter of statewide interest and applies to
36 public employers generally, including charter cities and counties.

O

ASSEMBLY BILL

No. 218

Introduced by Assembly Member Dickinson

February 4, 2013

An act to add Section 432.9 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 218, as introduced, Dickinson. Employment applications: criminal history.

Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction.

This bill would prohibit a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until after the applicant's qualifications for the position have been determined to meet the requirements for the position. This bill would include specified findings and declarations of the Legislature in support of this policy.

Because this bill would impose new requirements on local agencies relative to employment application procedures, it would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares that reducing
2 barriers to employment for people who have previously offended,
3 and decreasing unemployment in communities with concentrated
4 numbers of people who have previously offended, are matters of
5 statewide concern. Therefore, this act shall apply to state agencies,
6 all cities and counties, including charter cities and charter counties,
7 and special districts. The Legislature further finds and declares
8 that, consistent with the 2011 Realignment Legislation addressing
9 public safety, increasing employment opportunities for people who
10 have previously offended will reduce recidivism and improve
11 economic stability in our communities.

12 SEC. 2. Section 432.9 is added to the Labor Code, to read:

13 432.9. (a) A state or local agency shall not ask an applicant
14 for employment to disclose, through any written form or verbally,
15 information concerning the criminal history of the applicant or
16 include any inquiry about criminal history on any initial
17 employment application. A state or local agency may inquire into
18 or consider an applicant's criminal history after the applicant's
19 qualifications have been screened and the agency has determined
20 the applicant meets the minimum employment requirements, as
21 stated in any notice issued for the position.

22 (b) This section shall not apply to a position for which a state
23 or local agency is otherwise required by law to conduct a criminal
24 history background check, to any position within a criminal justice
25 agency, as that term is defined in Section 13101 of the Penal Code,
26 or to any individual working on a temporary or permanent basis
27 for a criminal justice agency on a contract basis or on loan from
28 another governmental entity.

29 (c) This section shall not be construed to prevent a state or local
30 agency from conducting a criminal history background check after
31 complying with all of the provisions of subdivision (a).

1 (d) As used in this section, “state agency” means any state office,
2 officer, department, division, bureau, board, commission, or
3 agency.

4 (e) As used in this section, “local agency” means any county,
5 city, city and county, including a charter city or county, or any
6 special district.

7 (f) Section 433 does not apply to this section.

8 SEC. 3. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 935

**Introduced by Assembly Member Frazier
(Coauthor: Assembly Member Bonilla)**

February 22, 2013

An act to amend Section 66540.12 of the Government Code, relating to the San Francisco Bay Area Water Emergency Transportation Authority.

LEGISLATIVE COUNSEL'S DIGEST

AB 935, as introduced, Frazier. San Francisco Bay Area Water Emergency Transportation Authority: terms of board members.

Existing law establishes the San Francisco Bay Area Water Emergency Transportation Authority (WETA) with specified powers and duties, including, but not limited to, the authority to coordinate the emergency activities of all water transportation and related facilities within the bay area region, as defined.

Existing law provides for a board of directors, 3 members of which are appointed by the Governor and one each by the Senate Committee on Rules and the Speaker of the Assembly. Directors serve 6-year terms.

This bill would expand the number of members appointed by the Senate Committee on Rules and the Speaker of the Assembly to 2 members each. The bill would require that the initial terms of the additional members appointed by the Senate Committee on Rules and the Speaker of the Assembly pursuant to its provisions shall be 2 years and 6 years, respectively. The bill would also require that one of the members appointed by the Governor be selected from a list of 3 nominees provided by the Contra Costa Transportation Authority and

one from a list of 3 nominees provided by the San Mateo County Transportation Authority.

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

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

1 SECTION 1. Section 66540.12 of the Government Code is
2 amended to read:

3 66540.12. (a) The authority shall be governed by a board
4 composed of ~~five~~ *seven* members, as follows:

5 (1) Three members shall be appointed by the Governor, subject
6 to confirmation by the Senate. The Governor shall make the initial
7 appointment of these members of the board no later than January
8 11, 2008.

9 (A) *One member appointed by the Governor shall be a resident*
10 *of the County of Contra Costa and shall be selected from a list of*
11 *three nominees provided by the Contra Costa Transportation*
12 *Authority.*

13 (B) *One member appointed by the Governor shall be a resident*
14 *of the County of San Mateo and shall be selected from a list of*
15 *three nominees provided by the San Mateo County Transportation*
16 *Authority.*

17 (2) ~~One member~~ *Two members* shall be appointed by the Senate
18 Committee on Rules.

19 (3) ~~One member~~ *Two members* shall be appointed by the Speaker
20 of the Assembly.

21 (b) Each member of the board shall be a resident of a county in
22 the bay area region.

23 (c) Public officers associated with an area of government,
24 including planning or water, whether elected or appointed, may
25 be appointed to serve contemporaneously as members of the board.
26 A public agency shall not have more than one representative on
27 the board of the authority.

28 (d) The Governor shall designate one member as the chairperson
29 of the board and one member as the vice chairperson of the board.

30 (e) Except as provided in ~~subdivision (f)~~ *subdivisions (f) and*
31 *(g)*, the term of a member of the board shall be six years.

32 (f) (1) The appointments next following the expiration of the
33 terms of the initial appointments shall be for the following terms:

1 (A) Two of the members appointed by the Governor shall serve
2 terms of two years and one shall serve a term of six years.

3 (B) The member appointed by the Senate Committee on Rules
4 shall serve a term of four years.

5 (C) The member appointed by the Speaker of the Assembly
6 shall serve a term of four years.

7 (2) Each member appointed after the expiration of the terms set
8 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) shall
9 serve a term of six years.

10 (g) *The initial terms for additional appointees of the Senate*
11 *Committee on Rules and the Speaker of the Assembly added to the*
12 *authority pursuant to the act that added this subdivision shall be*
13 *the following:*

14 (1) *The additional member appointed by the Senate Committee*
15 *on Rules shall serve a term of two years.*

16 (2) *The additional member appointed by the Speaker of the*
17 *Assembly shall serve a term of six years.*

18 ~~(g)~~

19 (h) Vacancies shall be filled immediately by the appointing
20 power for the unexpired portion of the terms in which they occur.

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