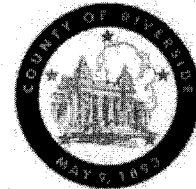


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
2.12
(ID # 6769)

MEETING DATE:

Tuesday, April 10, 2018

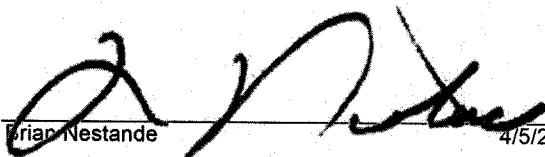
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Letters Sent to Riverside County's Legislative Delegation and Pertinent Parties from March 13, 2018-March 30, 2018, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the legislative letters sent from March 13, 2018 – March 30, 2018.


ACTION: Consent


Brian Nestande 4/5/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: April 10, 2018
xc: EO

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-------------------------|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$0 | \$0 | \$0 | \$0 |
| NET COUNTY COST | \$0 | \$0 | \$0 | \$0 |
| SOURCE OF FUNDS: | | | Budget Adjustment: | No |
| | | | For Fiscal Year: | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

As per Board Policy A-27, the purpose of Riverside County's Legislative Program is to secure legislation that benefits the county and its residents, and to oppose/amend legislation that might adversely affect the County. Recognizing the need for consistency in conveying official positions on legislative matters, the county has instituted a coordinated process involving interaction between the Board of Supervisors, the County Executive Office, County agencies/departments, and the County's legislative advocates in Sacramento and Washington, D.C.

The Executive Office shall include a copy of the written correspondence that is not based on a specific Board vote as a consent item on the next Board agenda.

Summary

Since the last meeting of the Riverside County Board of Supervisors, the following letters were delivered to our legislative delegation and all pertinent parties in order to voice Riverside County's Support/Opposition:

Legislation/Policy: AB 3157 (Bonta/Lackey): Taxation: cannabis

Position: SUPPORT

Recipient: The Honorable Autumn Burke, Chair

Summary: Assembly Bill 3157 would temporarily lower California's total tax on cannabis by decreasing the cannabis excise tax from 15% to 11% and suspending the cultivation tax for three years. The County is concerned about California's relatively high rate of cannabis taxation driving sales to the underground market, particularly when local taxes are added.

Legislation/Policy: AB 2821 (Mayes): Integrated and comprehensive health and human services system

Position: SPONSOR

Recipient: The Honorable Chad Mayes

Summary: Assembly Bill 2821 would authorize the County of Riverside County to operate an integrated and comprehensive county health and human services system. The County of Riverside is sponsoring this measure as part of comprehensive project to review and reorganize health and human services operations.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Legislation/Policy: AB 2250 (Thurmond) – Addressing the Needs of Children with Incarcerated Parents

Position: SUPPORT

Recipient: The Honorable Tony Thurmond

Summary: AB 2250 would establish a multi-agency working group to examine the needs of — and develop related policy recommendations for — children with incarcerated parents (CIP).

Legislation/Policy: SB 1093 (Jackson) – Enhanced DMV Confidentiality Protection for Adult Protective Services Staff

Position: SUPPORT

Recipient: The Honorable Nancy Skinner

Summary: Senate Bill 1093 adds Adult Protective Services (APS) social workers to the list of staff who can obtain enhanced confidentiality protections from the Department of Motor Vehicles.

Legislation/Policy: AB 3007 (Garcia) – Children of incarcerated parents; support and services

Position: SPONSOR

Recipient: The Honorable Eduardo Garcia

Summary: AB3007 would authorize the County of Riverside to establish a program that would provide support and services to children with a parent who is currently or formerly incarcerated.

Legislation/Policy: AB 2446 (Oberholte) – Courts; judgeships

Position: Support

Recipient: The Honorable Jay Oberholte

Summary: AB 2446 would authorize and fund one appellate court justice as well as provide funding for ten superior court judgeships statewide in an effort to address judicial branch workload needs.

Legislation/Policy: 2018-19 Cap-and-trade expenditure plan

Position: Support

Recipient: The Honorable Bob Wieckowski,

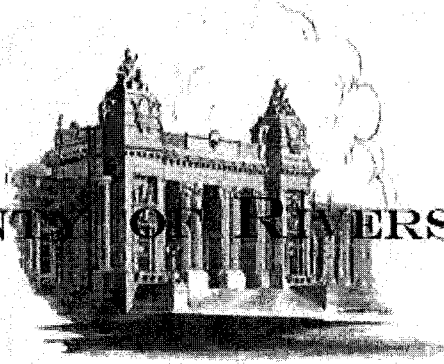
Summary: The County shares the concerns of the Southern California Association of Governments and urges your consideration of a new approach that helps to address the geographic disparities in receipt of these funds. The Southern California region, home to 48 percent of the state's total population and 67 percent of its disadvantaged communities, only received about 30 percent of the recent allocation of Greenhouse Gas Reduction Funds (GGRF) in 2016-17. The County simply cannot meet our GHG reduction goals or assist the state in meeting its broader GHG reduction and climate pollutant goals without additional investment of resources from the cap-and-trade fund. We recognize that we have real needs in our communities, but also know that our region cannot finance climate solutions alone.

Legislation/Policy: SB 2 Implementation: Draft Trailer Bill Language

Position: CONCERNS

Recipient: The Honorable Richard Roth

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
| District 2 | John F. Tavaglione 951-955-1020 |
| District 3 <i>Chairman</i> | Chuck Washington 951-955-1030 |
| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Marion Ashley 951-955-1050 |

March 22, 2018

The Honorable Eduardo Garcia
Member, California State Assembly
State Capitol, Room 4140
Sacramento CA 95814

RE: AB 3007 (Garcia) – Children of incarcerated parents; support and services
As amended 3/20/2018 – SPONSOR
Set for hearing 4/10/2018 – Assembly Human Services Committee

Dear Assembly Member Garcia:

On behalf of the Riverside County Board of Supervisors, I write to affirm our sponsorship of and support for AB 3007, your measure that would authorize the County of Riverside to establish a program that would provide support and services to children with a parent who is currently or formerly incarcerated. This measure is set for hearing in the Assembly Human Services Committee on April 10.

Given legislatively directed and voter-approved corrections reforms over the last decade, the County of Riverside is committed to developing a thoughtful response to its expanded criminal justice system responsibilities. One of the County's areas of interest is examining how to address the intergenerational impacts of justice involvement. The County is developing a program to deliver wrap-around services to reduce risk factors and develop resiliency among children of incarcerated parents (CIP). Research shows that the CIP population is more likely to become involved in the justice system, faces more financial and emotional stresses, and encounters more health issues than their peers who do not have an incarcerated parent.

Specifically, AB 3007 would authorize the County of Riverside to create a program for CIP; it sets forth various program components and identifies performance outcomes the County would track. The object of the CIP program is to improve health and wellness outcomes with the CIP population and reduce intergenerational involvement in the criminal justice and other local service systems. Eligible participants would include children (up to the age of 18) residing in the County, who are enrolled in or eligible for Medi-Cal, and who have a parent who is currently or formerly incarcerated in prison or jail.

The Honorable Eduardo Garcia

March 22, 2018

Page 2

We thank you for your leadership in advancing County-sponsored AB 3007, which highlights the need for targeted services and supports for the CIP population. We stand ready to assist you as this important measure makes its way through the legislative process. If you have any questions about the County's position, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

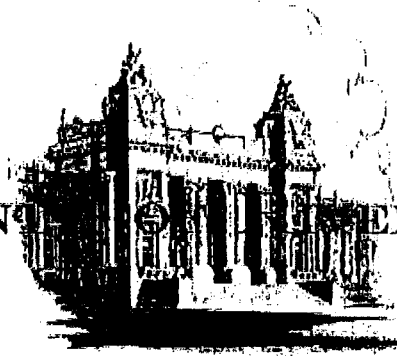
Sincerely,



Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: The Honorable Blanca Rubio, Chair, Assembly Human Services Committee
The Honorable Steven Choi, Vice-Chair, Assembly Human Services Committee
Members and Consultants, Assembly Human Services Committee
Riverside County Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
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| District 5 | Marion Ashley 951-955-1050 |

March 29, 2018

The Honorable Tony Thurmond
Member, California State Assembly
State Capitol, Room 4005
Sacramento CA 95814

RE: AB 2250 (Thurmond) – Addressing the Needs of Children with Incarcerated Parents
As amended 3/15/2018 – SUPPORT
Awaiting hearing – Assembly Public Safety Committee

Dear Assembly Member Thurmond:

On behalf of the Riverside County Board of Supervisors, I write in support of AB 2250, your measure that would establish a multi-agency working group to examine the needs of — and develop related policy recommendations for — children with incarcerated parents (CIP).

The County of Riverside has a shared interest in this policy area. As your measure acknowledges, CIP are more likely to become justice-involved, face numerous financial and emotional stresses, and be burdened with more health issues than their peers who do not have an incarcerated parent. The County is currently sponsoring AB 3007, by Assembly Member Eduardo Garcia, which would establish a county-based wrap-around program that aims to boost protective factors for purposes of developing resiliency and reducing risk factors that make CIP more susceptible to becoming incarcerated in the future.

Your measure would complement our county-focused effort by elevating the unique needs of the CIP population to a state-level policy discussion. Specifically, AB 2250 would create a multi-faceted policy forum to explore the obstacles faced by CIP and to develop a set of guiding principles to more thoughtfully and holistically support this vulnerable population. It appropriately recognizes the need for and value of examining and seeking to address the unique set of needs among the CIP, a population that may come in to contact with a diverse set of local and state service systems.

The Honorable Tony Thurmond

March 29, 2018

Page 2

We thank you for your effort to bring additional attention to the specific needs of the CIP population, and we are pleased to support AB 2250 as it makes its way through the legislative process. If you have any questions about the County's position, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

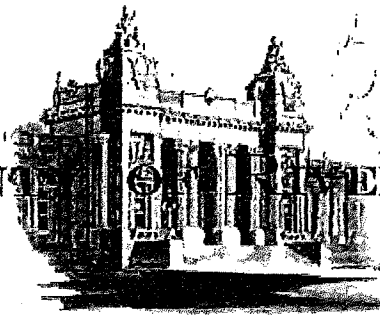
Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Washington". The signature is fluid and cursive, with the first name "Chuck" being more prominent than the last name "Washington".

Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: The Honorable Reggie Jones-Sawyer, Chair, Assembly Public Safety Committee
Members and Counsel, Assembly Public Safety Committee
Riverside County Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
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| District 5 | Marion Ashley 951-955-1050 |

March 21, 2018

The Honorable Jay Obernolte
Member, California State Assembly
State Capitol, Room 4116
Sacramento, CA 95814

RE: AB 2446 (Obernolte) – Courts; judgeships
As introduced 2/14/2018 – Awaiting hearing in Assembly Judiciary Committee
County of Riverside: SUPPORT – County Platform

Dear Assembly Member Obernolte:

On behalf of the Riverside County Board of Supervisors, I write in support of AB 2446, your measure that would authorize and fund one appellate court justice as well as provide funding for ten superior court judgeships statewide in an effort to address judicial branch workload needs.

The County of Riverside is acutely aware of the judgeship needs in the Inland Empire. The Judicial Council, in its biennial Judicial Needs Assessment most recently published in Fall 2016, identifies overall statewide judicial officer needs and then prioritizes placement of those positions on the basis of workload across 31 courts. The 2016 assessment identifies a need for 188.5 additional judicial officers to meet statewide workload and caseload demands. Further, the assessment compares each local court's assessed judicial need against its authorized judicial positions. Riverside County, regrettably, stands above all others in terms of overall need – the superior court's workload warrants an additional 46.8 judicial officers (a figure that is 62 percent greater than the level of judicial positions presently authorized). Steep population growth in Riverside County over the last several decades has greatly outpaced the trial court's ability to keep up with the attendant demand on judicial resources.

AB 2446 would fund for the first time a portion (one-fifth) of the superior court judgeships authorized a decade ago (AB 159 – Chapter 22, Statutes of 2007). The County previously supported the effort to re-distribute existing judicial positions as a first step in addressing the critical need for additional resources statewide (AB 103 – Chapter 17, 2017). AB 2446 takes the next necessary step in improving access to justice and assisting our county criminal justice partners in fulfilling core county responsibilities related to matters before the court. It would go a long way toward improving access to justice in our County.

The Honorable Jay Obernolte
March 21, 2018
Page 2

For these reasons, Riverside County is pleased to support AB 2446. We stand ready to assist you as the measure makes its way through the legislative process. If you have any questions about the County's position, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

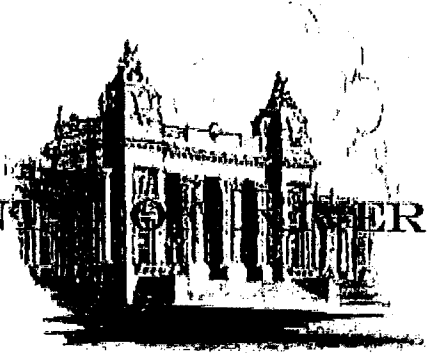
Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Washington". The signature is fluid and cursive, with the first name "Chuck" being more prominent than the last name "Washington".

Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: Members and Counsel, Assembly Judiciary Committee
Riverside County Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

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|-------------------------------|------------------------------------|
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| District 5 | Marion Ashley 951-955-1050 |

March 29, 2018

The Honorable Chad Mayes
Member, California State Assembly
State Capitol, Room 4098
Sacramento, California 95814

Re: AB 2821 (Mayes): Integrated and comprehensive health and human services system: County of Riverside - As amended 3/22/2018
Awaiting hearing in Assembly Human Services Committee
Per Legislative Platform: SPONSOR

Dear Assembly Member Mayes:

On behalf of the Riverside County Board of Supervisors, thank you for authoring Assembly Bill 2821, which would authorize the County of Riverside County to operate an integrated and comprehensive county health and human services system. The County of Riverside is sponsoring this measure as part of comprehensive project to review and reorganize health and human services operations.

In 2015, the Board hired KPMG, an accounting and management-consulting firm, to conduct forensic audits and reviews of county operations. The results of the first stage of the review identified a potential annual savings of several million dollars by implementing programmatic efficiencies and eliminating duplicative or obsolete practices, primarily in the public safety arena. The second stage is focused on operational efficiencies and best practices in the health and human services programs. The County of Riverside strives to operate as cost effectively and efficiently as possible across all department programs to ensure optimal, customer-focused service delivery.

Existing law authorizes the Counties of Humboldt, Mendocino, San Diego, and Alameda to implement a program for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system, subject to certain limitations. AB 2821 would authorize the County of Riverside, upon approval of the County Board of Supervisors, to operate an integrated and comprehensive health and human services system.

AB 2821 would allow the County to maintain and evaluate a system of administration that integrates and coordinates the management and support of client services. Additionally, the measure allows the County to maintain a system of reporting and accountability that provides for the combined provision of services without the loss of state or federal funds provided under current law. The County of Riverside believes these provisions would offer additional programmatic and budget flexibility, which, in turn, would assist in our goal of improving the outcomes of the residents served by Riverside County.

The Honorable Chad Mayes
March 29, 2018
Page 2

For these reasons, the Riverside County Board of Supervisors supports and is pleased to sponsor AB 2821. If you have any questions about the County's position, please do not hesitate to contact our Deputy County Executive Officer, Brian Nestande, at (951) 955-1110, bnestande@rivco.org.

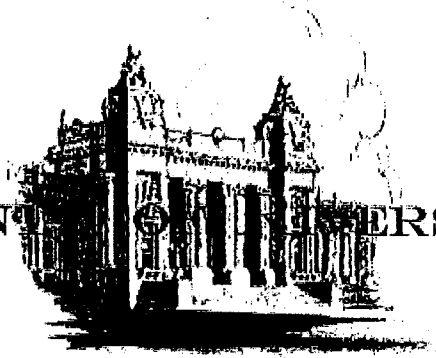
Sincerely,



Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: The Honorable Blanca Rubio, Chair, Assembly Human Services Committee
Members and Consultants, Assembly Human Services Committee
Riverside County Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
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| District 5 | Marion Ashley 951-955-1050 |

March 29, 2018

The Honorable Autumn Burke, Chair
Assembly Revenue and Taxation Committee
State Capitol
Sacramento, CA 95814

Re: AB 3157 (Bonta/Lackey): Taxation: cannabis
As amended 3/22/18 – SUPPORT
Per Legislative Platform
Awaiting hearing – Assembly Revenue and Taxation Committee

Dear Assembly Member Burke:

On behalf of the Riverside County Board of Supervisors, I write to express our support for Assembly Bill 1222, Assembly Members Rob Bonta's and Tom Lackey's measure that would temporarily lower California's total tax on cannabis by decreasing the cannabis excise tax from 15% to 11% and suspending the cultivation tax for three years. The County is concerned about California's relatively high rate of cannabis taxation driving sales to the underground market, particularly when local taxes are added.

The County of Riverside, like many local governments in the state, is in the process of developing local regulations for the cultivation, distribution, and sale of recreational and medical cannabis. While those conversations have included discussions about a local tax, the County has strong concerns about driving consumers to the underground market due to overtaxation, generating less revenue for the state and local jurisdictions.

Colorado, Washington, and Oregon have all taken steps to reduce their cannabis tax rates, after initial rates of 30 percent or more did not reduce the underground market sufficiently. More recent ballot initiative proposals across the country propose rates between 10 and 25 percent. There is a growing body of research highlighting that consumers in the legalized cannabis market are strongly price sensitive. We agree that California should take steps to help cannabis producers, sellers, and consumers enter the legal market and AB 3157 is an appropriate step to that end.

The Honorable Autumn Burke
March 29, 2018
Page 2

For these reasons, the County of Riverside supports AB 3157. If you have questions or concerns, please contact Brian Nestande, Deputy County Executive Officer, at bnestande@rivco.org.

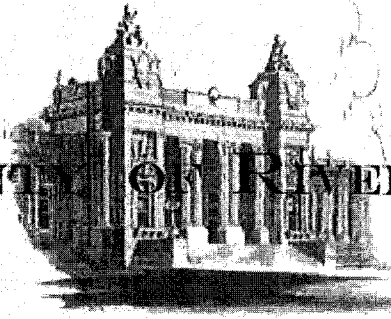
Sincerely,



Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: Members and Consultants, Assembly Revenue and Taxation Committee
The Honorable Rob Bonta, California State Assembly
The Honorable Tom Lackey, California State Assembly
Riverside County Legislative Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
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| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Marion Ashley 951-955-1050 |

March 19, 2018

The Honorable Bob Wieckowski, Chair
Senate Budget Subcommittee No. 2
State Capitol
Sacramento, CA 95814

The Honorable Richard Bloom, Chair
Assembly Budget Subcommittee No. 3
State Capitol
Sacramento, CA 95814

Re: 2018-19 Cap-and-trade expenditure plan
Per legislative platform

Dear Senator Wieckowski and Assembly Member Bloom:

On behalf of the Riverside County Board of Supervisors, I write to express our strong support for consideration for regional equity during the Legislature's debate on the allocation of cap-and-trade funds for the 2018-19 fiscal year.

As we have previously communicated, the County shares the concerns of the Southern California Association of Governments and urges your consideration of a new approach that helps to address the geographic disparities in receipt of these funds. The Southern California region, home to 48 percent of the state's total population and 67 percent of its disadvantaged communities, only received about 30 percent of the recent allocation of Greenhouse Gas Reduction Funds (GGRF) in 2016-17. The County simply cannot meet our GHG reduction goals or assist the state in meeting its broader GHG reduction and climate pollutant goals without additional investment of resources from the cap-and-trade fund. We recognize that we have real needs in our communities, but also know that our region cannot finance climate solutions alone.

Riverside County is gratified to have received two Transformative Climate Communities (TCC) planning grants (for the County and the Coachella Valley Council of Governments) during the last round of awards by the Strategic Growth Council. We are firmly committed to moving forward with these projects, but recognize that the \$25 million proposed for allocation to the TCC will likely fall far short of overall need. The TCC program is an important opportunity for local agencies to partner on efforts to reduce greenhouse gas emissions through investments in creative, effective, multi-sector neighborhood level programs. We strongly support the local government associations' request for your consideration of a \$100 million allocation to the TCC program. Additionally, we support inclusion of language that broadens the scope of the program to reach beyond the top 5 percent of disadvantaged communities to increase opportunity in other underserved portions of the state.

The Honorable Bob Wieckowski and Richard Bloom

March 19, 2018

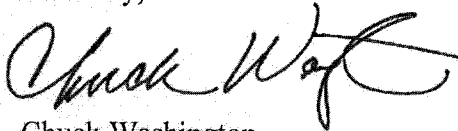
Page 2

In summary, we encourage your consideration of an allocation plan that achieves the following:

- Improved equity in allocation of cap-and-trade resources commensurate with population and emissions reduction targets
- Increased allocation of funds to the Strategic Growth Council for the Transformative Climate Communities (TCC) program to accommodate a wider pool of grant applications and opportunity for local success
- Modified definition of disadvantaged communities that provides for a broader geographic reach and distribution of funds

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

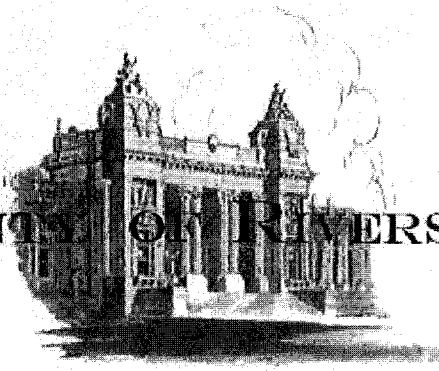
Sincerely,



Chuck Washington
Chairman, Riverside County Board of Supervisors

cc: Members and Consultants, Senate Budget and Fiscal Review, Subcommittee No. 2 and Assembly
Budget Subcommittee No. 3
County of Riverside Legislative Delegation

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
| District 2 | John F. Tavaglione 951-955-1020 |
| District 3 <i>Chairman</i> | Chuck Washington 951-955-1030 |
| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Marion Ashley 951-955-1050 |

March 21, 2018

The Honorable Hannah-Beth Jackson
Senator, State of California
State Capitol, Room 2032
Sacramento, CA 95814

RE: Support SB 1093 (Jackson) – Enhanced DMV Confidentiality Protection for Adult Protective Services Staff – Per Legislative Platform

Dear Senator Jackson:

Riverside County has a position of SUPPORT on your Senate Bill 1093 which adds Adult Protective Services (APS) social workers to the list of staff who can obtain enhanced confidentiality protections from the Department of Motor Vehicles.

In general, current state law makes confidential the home addresses of all individuals contained within DMV records. However, the law allows for disclosure to courts, law enforcement agencies, and other governmental agencies, along with limited disclosure to financial institutions, insurance companies, attorneys, vehicle manufacturers, and persons doing statistical research.

Enhanced protection is available under Vehicle Code Section 1808.4 to 23 classes of persons whose jobs are particularly sensitive which primarily includes law enforcement, along with Child Protective Service (CPS) workers and Community Care Licensing (CCL) staff. These individuals, along with their spouses and children, may request that their home addresses be held confidential by DMV. Under this enhanced confidentiality, the home addresses of these persons may only be disclosed to a court, a law enforcement agency, the State Board of Equalization (BOE); pursuant to a subpoena issued by a court in a civil or criminal case; or a governmental agency legally required to be furnished the information.

As the APS program has been implemented over the past two decades and as our population ages, the level of crime perpetrated against elder and dependent adults has increased and criminals have grown more sophisticated, encompassing financial abuse in addition to physical abuse and neglect. A growing number of county APS staff are reporting being harassed and followed by alleged perpetrators who are angry due to the discovery of their crimes and make the worker the target of their anger.

The Honorable Hannah-Beth Jackson

March 21, 2018

Page 2

In Riverside County, for example, law enforcement accompanied an APS social worker to the home of a client to investigate an allegation of adult abuse and arrested the suspected abuser. The suspected abuser is known to law enforcement to have an affiliation with a local gang and has a criminal history. The abuser bailed out of jail and, by all accounts, went straight to the APS office and made staff aware that he was "looking for" the social worker.

APS clients can also be a concern. In one instance, a mentally unstable APS client posted in a blog, and with great detail, the description of the vehicle the APS social worker used when visiting his home. The client was later detained pursuant to Welfare and Institutions Code (WIC) 5150 for making death threats on another person. The social worker felt the client posed a great risk to her safety.

In Riverside County, the elderly population is expected to grow by 56% over the next 10 years. Unfortunately, we expect crimes against elder and dependent adults to increase as the population grows. Ensuring the safety of our APS staff is critical so they can focus on doing their job: protecting our most vulnerable Californians.

It is time for the protections afforded to CPS and CCL staff and other law enforcement entities to be extended to the estimated 800 APS workers statewide. Ensuring their confidential information remains protected to the greatest extent possible requires only a small change to the law, but represents a huge step forward for the APS field.

For these reasons, Riverside County supports your SB 1093.

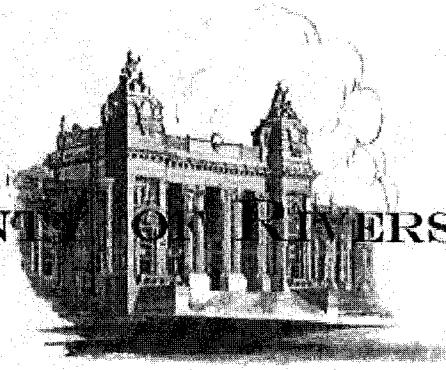
Sincerely,



Chuck Washington, Chairman
Riverside County Board of Supervisors

CC: Cathy Senderling-McDonald, County Welfare Directors Association of California
(Sponsor)

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
| District 2 | John F. Tavaglione 951-955-1020 |
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| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Marion Ashley 951-955-1050 |

March 21, 2018

The Honorable Nancy Skinner
Chair, Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, CA 95814

RE: Support SB 1093 (Jackson) – Enhanced DMV Confidentiality Protection for Adult Protective Services Staff

Dear Senator Jackson:

Riverside County has a position of SUPPORT on your Senate Bill 1093 which adds Adult Protective Services (APS) social workers to the list of staff who can obtain enhanced confidentiality protections from the Department of Motor Vehicles.

In general, current state law makes confidential the home addresses of all individuals contained within DMV records. However, the law allows for disclosure to courts, law enforcement agencies, and other governmental agencies, along with limited disclosure to financial institutions, insurance companies, attorneys, vehicle manufacturers, and persons doing statistical research.

Enhanced protection is available under Vehicle Code Section 1808.4 to 23 classes of persons whose jobs are particularly sensitive which primarily includes law enforcement, along with Child Protective Service (CPS) workers and Community Care Licensing (CCL) staff. These individuals, along with their spouses and children, may request that their home addresses be held confidential by DMV. Under this enhanced confidentiality, the home addresses of these persons may only be disclosed to a court, a law enforcement agency, the State Board of Equalization (BOE); pursuant to a subpoena issued by a court in a civil or criminal case; or a governmental agency legally required to be furnished the information.

As the APS program has been implemented over the past two decades and as our population ages, the level of crime perpetrated against elder and dependent adults has increased and criminals have grown more sophisticated, encompassing financial abuse in addition to physical abuse and neglect. A growing number of county APS staff are reporting being harassed and followed by alleged perpetrators who are angry due to the discovery of their crimes and make the worker the target of their anger.

The Honorable Nancy Skinner
March 21, 2018
Page 2

In Riverside County, for example, law enforcement accompanied an APS social worker to the home of a client to investigate an allegation of adult abuse and arrested the suspected abuser. The suspected abuser is known to law enforcement to have an affiliation with a local gang and has a criminal history. The abuser bailed out of jail and, by all accounts, went straight to the APS office and made staff aware that he was "looking for" the social worker.

APS clients can also be a concern. In one instance, a mentally unstable APS client posted in a blog, and with great detail, the description of the vehicle the APS social worker used when visiting his home. The client was later detained pursuant to Welfare and Institutions Code (WIC) 5150 for making death threats on another person. The social worker felt the client posed a great risk to her safety.

In Riverside County, the elderly population is expected to grow by 56% over the next 10 years. Unfortunately, we expect crimes against elder and dependent adults to increase as the population grows. Ensuring the safety of our APS staff is critical so they can focus on doing their job: protecting our most vulnerable Californians.

It is time for the protections afforded to CPS and CCL staff and other law enforcement entities to be extended to the estimated 800 APS workers statewide. Ensuring their confidential information remains protected to the greatest extent possible requires only a small change to the law, but represents a huge step forward for the APS field.

For these reasons, Riverside County supports your SB 1093.

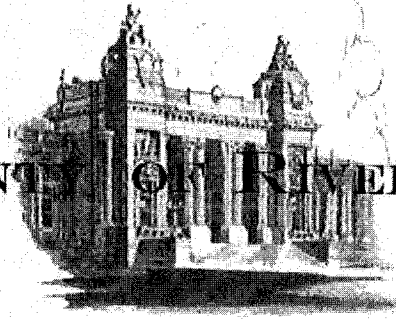
Sincerely,



Chuck Washington, Chairman
Riverside County Board of Supervisors

CC: Cathy Senderling-McDonald, County Welfare Directors Association of California
(Sponsor)

COUNTY OF RIVERSIDE



Board of Supervisors

| | |
|-------------------------------|------------------------------------|
| District 1 | Kevin Jeffries 951-955-1010 |
| District 2 | John F. Tavaglione 951-955-1020 |
| District 3 <i>Chairman</i> | Chuck Washington 951-955-1030 |
| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Marion Ashley 951-955-1050 |

March 19, 2018

The Honorable Richard Roth, Chair
Senate Budget Subcommittee No. 4
State Capitol
Sacramento, CA 95814

Re: SB 2 Implementation: Draft Trailer Bill Language – CONCERNS

Dear Senator Roth:

On behalf of the Riverside County Board of Supervisors, I write to express our concerns about the draft trailer bill language that would allocate the first year of funding associated with SB 2 (2017) to counties for purposes of addressing homelessness. We are unclear as to the considerations behind the specified methodology for allocation of resources and are concerned that the allocation unfairly disadvantages counties like ours.

Riverside County is concerned that utilizing the 2017 homeless Point-In-Time-Count (PITC) – a snapshot of local homeless conditions – for the allocation of the first year of SB 2 funding does not adequately reflect the true nature of homelessness in the community and will result in an allocation to Riverside County that is less than that of similarly-sized counties. Riverside County was one of the first in the nation to receive a Functional Zero designation from the United States Department of Housing and Urban Development (HUD) in caring for homeless veterans and we are building on that success with our efforts in the general population. The proposed methodology will penalize Riverside County for operating an effective and efficient program in caring for the homeless.

As you are aware, over many decades, Riverside County has been disproportionately harmed by funding formulas in various health care programs. We are committed to providing the best possible care to our shared constituents; however, these efforts are constrained when funding formulas disadvantage Riverside County when compared other jurisdictions.

We remain appreciative of the numerous efforts the Legislature and Administration are undertaking to assist local governments in addressing homelessness and are committed to working on proposed SB 2 implementation trailer bill language during the budget process. We appreciate your consideration of our concerns. If you have any questions about the County's position, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Sincerely,

Chuck Washington
Chair, Riverside County Board of Supervisors

cc: Members and Consultants, Senate Budget Subcommittee No. 4
County of Riverside Legislative Delegation

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2821

Introduced by Assembly Member Mayes

February 16, 2018

~~An act to amend Section 12301.15 of the Welfare and Institutions Code, relating to in-home supportive services. An act to amend Section 18991.4 of the Welfare and Institutions Code, relating to health and human services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2821, as amended, Mayes. ~~In-home supportive services. Integrated and comprehensive health and human services system: County of Riverside.~~

Existing law authorizes the County of San Diego, upon approval of the county board of supervisors, to operate an integrated and comprehensive county health and human services system that includes, among other services, child welfare services and mental health services, as specified, and requires the California Health and Human Services Agency to grant approval if the county furnishes a certified copy of a current ordinance or resolution authorizing that system in that county.

This bill would similarly authorize the County of Riverside to operate an integrated and comprehensive county health and human services system.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

~~Existing law provides for the county-administered In-Home Supportive Services program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to~~

safely remain in their own homes. Existing law requires an application for in-home supportive services to contain a notice to the recipient that his or her provider or providers will be given written notice of the recipient's authorized services and the full number of services hours allotted to the recipient.

~~This bill would make technical, nonsubstantive changes to the provision described above governing the application for those services.~~

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

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

- 1 SECTION 1. Section 18991.4 of the Welfare and Institutions
2 Code is amended to read:
- 3 18991.4. (a) (1) Notwithstanding the dates provided in
4 subdivisions (a) and (b) of Section ~~18986.87, 18991.2~~, the County
5 Counties of San Diego and Riverside may, upon approval of the
6 their respective county board of supervisors, each operate an
7 integrated and comprehensive county health and human services
8 system.
- 9 (2) A system described in paragraph (1) shall comply with the
10 requirements of this section and is subject to the approval of the
11 California Health and Human Services Agency. The California
12 Health and Human Services Agency shall grant approval for a
13 county if the county furnishes a certified copy of a current
14 ordinance or resolution authorizing an integrated and
15 comprehensive health and human services system in that county.
- 16 (b) In providing services through an integrated system to
17 families and individuals, the system may, among other things, do
18 both of the following:
- 19 (1) Maintain and evaluate a system of administration that
20 integrates and coordinates the management and support of client
21 services.
- 22 (2) Maintain a system of reporting and accountability that
23 provides for the combined provision of services without the loss
24 of state or federal funds provided under current law.
- 25 (c) The integrated and comprehensive county health and human
26 services system may include, but is not limited to, any of the
27 following:
- 28 (1) Adoption services.

- 1 (2) Child abuse prevention services.
- 2 (3) Child welfare services.
- 3 (4) Delinquency prevention services.
- 4 (5) Drug and alcohol services.
- 5 (6) Mental health services.
- 6 (7) Eligibility determination.
- 7 (8) Employment and training services.
- 8 (9) Foster care services.
- 9 (10) Health services.
- 10 (11) Public health services.
- 11 (12) Housing services.
- 12 (13) Medically indigent program services.
- 13 (14) Veterans' services.
- 14 (15) Aging services.
- 15 (16) Any other related program as designated by the board of
- 16 supervisors.

17 (d) The county shall comply with all applicable state and federal
18 privacy laws that govern medical and social service information,
19 including, but not limited to, the Confidentiality of Medical
20 Information Act (Part 2.6 (commencing with Section 56) of
21 Division 1 of the Civil Code), the federal Health Insurance
22 Portability and Accountability Act of 1996 (HIPAA), and Sections
23 827, 5328, and ~~10850 of this code.~~ 10850.

24 (e) Programs or services shall be included in the system only
25 to the extent that federal funding to either the state or the county
26 will not be reduced as a result of the inclusion of the services in
27 the project.

28 (f) This section does not authorize the county to discontinue
29 meeting its obligations under current law to provide services or to
30 reduce its accountability for the provision of these services.

31 (g) The county shall utilize any and all state general funds and
32 county funds that it is legally allocated or entitled to receive.
33 Through the creation of integrated health and social services
34 structures, the county shall maximize federal matching funds. This
35 integration shall not result in increased expenditures from the State
36 General Fund.

37 (h) The appropriate state departments, as designated by the
38 Secretary of Health and Human Services, that are assisting,
39 participating, and cooperating in the program authorized by this
40 section shall have the authority to waive regulations, with the

1 concurrence of the county, regarding the method of providing
2 services and the method of reporting and accountability, as may
3 be required to meet the goals set forth in subdivision (b). However,
4 the departments shall not waive regulations pertaining to privacy
5 and confidentiality of records, civil service merit systems, or
6 collective bargaining. The departments shall not waive regulations
7 if the waiver results in a diminished amount or level of services
8 or benefits to eligible recipients as compared to the benefits and
9 services that would have been provided to recipients absent the
10 waiver.

11 *SEC. 2. The Legislature finds and declares that a special statute*
12 *is necessary and that a general statute cannot be made applicable*
13 *within the meaning of Section 16 of Article IV of the California*
14 *Constitution because of the unique circumstances regarding the*
15 *provision of health and human services in the County of Riverside.*

16 ~~SECTION 1. Section 12301.15 of the Welfare and Institutions~~
17 ~~Code is amended to read:~~

18 ~~12301.15. The application for in-home supportive services~~
19 ~~shall contain a notice to the recipient that his or her provider or~~
20 ~~providers will be given written notice of the recipient's authorized~~
21 ~~services and the full number of services hours allotted to the~~
22 ~~recipient. The application shall inform recipients of the Medi-Cal~~
23 ~~toll-free telephone fraud hotline and Internet Web site for reporting~~
24 ~~suspected fraud or abuse in the provision or receipt of supportive~~
25 ~~services.~~

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 3157

Introduced by Assembly Member ~~Lackey~~ Members *Lackey, Bonta, Cooley, Jones-Sawyer, and Wood*

February 16, 2018

~~An act to amend Section 6002 of the Revenue and Taxation Code, relating to sales and use taxes. An act to amend Sections 34011 and 34012 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3157, as amended, ~~Lackey. Sales and use taxes. Taxation: cannabis.~~

The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, and additionally amended by statute, imposes an excise tax commencing January 1, 2018, on the purchase of cannabis and cannabis products, as defined, at the rate of 15% of the average market price of any retail sale by a cannabis retailer. Commencing January 1, 2018, AUMA also imposes a cultivation tax upon all cultivators on all harvested cannabis that enters the commercial market, at specified rates per dry-weight ounce of cannabis flowers and leaves. Existing law requires the revenues from those taxes to be deposited into the California Cannabis Tax Fund and to be continuously appropriated for specified purposes pursuant to a specified schedule. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent.

This bill would reduce that excise tax rate to 11% on and after the effective date of this bill until June 1, 2021, at which time the excise tax rate would revert back to 15%. This bill would suspend the imposition of the cultivation tax on and after the effective date of this bill until June 1, 2021.

This bill would make specified findings and declare that its provisions further the purposes and intent of the AUMA.

This bill would take effect immediately as a tax levy.

~~Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law defines various terms for these purposes:~~

~~This bill would make a nonsubstantive change with respect to the definitions that govern the construction of the Sales and Use Tax Law.~~

Vote: majority $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-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) *In 2016, California voters approved Proposition 64, the*
- 4 *Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).*
- 5 *In its statement of purpose and intent, AUMA calls for regulating*
- 6 *marijuana in a way to “prevent illegal production or distribution*
- 7 *of marijuana,” “reduce barriers to entry into the legal, regulated*
- 8 *market,” and “tax the growth and sale of marijuana in a way that*
- 9 *drives out the illicit market for marijuana and discourages use by*
- 10 *minors and abuse.”*
- 11 (b) *In 2017, the Legislature and the Governor passed Senate*
- 12 *Bill 94 to merge the AUMA regulatory system with the state’s*
- 13 *medical marijuana regulatory system known as the Medical*
- 14 *Cannabis Regulation and Safety Act. Currently, taxes on legal*
- 15 *cannabis product include a sales tax, a 15-percent excise tax, and*
- 16 *a cultivation tax of \$9.25 per ounce of flowers or \$2.75 per ounce*
- 17 *of leaves. The cumulative tax rate imposed by existing law is*
- 18 *substantial and undermines the legal regulatory system if high*

1 *taxes cause prices to far exceed that what is found on the black*
2 *market.*

3 *(c) It is the intent of the Legislature that this act suspend the*
4 *cultivation tax rate for the first three years of that market as*
5 *marijuana businesses come into that market.*

6 *SEC. 2. Section 34011 of the Revenue and Taxation Code is*
7 *amended to read:*

8 34011. (a) (1) ~~Effective January 1, 2018,~~ *On and after the*
9 *effective date of the act amending this section, and before June 1,*
10 *2021, a cannabis excise tax shall be imposed upon purchasers of*
11 *cannabis or cannabis products sold in this state at the rate of ~~15~~*
12 *11 percent of the average market price of any retail sale by a*
13 *cannabis ~~retailer.~~ retailer, and at a rate of 15 percent on and after*
14 *June 1, 2021. A purchaser's liability for the cannabis excise tax*
15 *is not extinguished until the cannabis excise tax has been paid to*
16 *this state except that an invoice, receipt, or other document from*
17 *a cannabis retailer given to the purchaser pursuant to this*
18 *subdivision is sufficient to relieve the purchaser from further*
19 *liability for the tax to which the invoice, receipt, or other document*
20 *refers.*

21 (2) Each cannabis retailer shall provide a purchaser with an
22 invoice, receipt, or other document that includes a statement that
23 reads: "The cannabis excise taxes are included in the total amount
24 of this invoice."

25 (3) The department may prescribe other means to display the
26 cannabis excise tax on an invoice, receipt, or other document from
27 a cannabis retailer given to the purchaser.

28 (b) (1) A distributor in an arm's length transaction shall collect
29 the cannabis excise tax from the cannabis retailer on or before 90
30 days after the sale or transfer of cannabis or cannabis product to
31 the cannabis retailer. A distributor in a nonarm's length transaction
32 shall collect the cannabis excise tax from the cannabis retailer on
33 or before 90 days after the sale or transfer of cannabis or cannabis
34 product to the cannabis retailer, or at the time of retail sale by the
35 cannabis retailer, whichever is earlier. A distributor shall report
36 and remit the cannabis excise tax to the department pursuant to
37 Section 34015. A cannabis retailer shall be responsible for
38 collecting the cannabis excise tax from the purchaser and remitting
39 the cannabis excise tax to the distributor in accordance with rules

1 and procedures established under law and any regulations adopted
2 by the department.

3 (2) A distributor shall provide an invoice, receipt, or other
4 similar document to the cannabis retailer that identifies the licensee
5 receiving the product, the distributor from which the product
6 originates, including the associated unique identifier, the amount
7 of cannabis excise tax, and any other information deemed necessary
8 by the department. The department may authorize other forms of
9 documentation under this paragraph.

10 (c) The excise tax imposed by this section shall be in addition
11 to the sales and use tax imposed by the state and local governments.

12 (d) Gross receipts from the sale of cannabis or cannabis products
13 for purposes of assessing the sales and use tax under Part 1
14 (commencing with Section 6001) shall include the tax levied
15 pursuant to this section.

16 (e) Cannabis or cannabis products shall not be sold to a
17 purchaser unless the excise tax required by law has been paid by
18 the purchaser at the time of sale.

19 (f) The sales and use taxes imposed by Part 1 (commencing
20 with Section 6001) shall not apply to retail sales of medicinal
21 cannabis, medicinal cannabis concentrate, edible medicinal
22 cannabis products, or topical cannabis as those terms are defined
23 in Division 10 (commencing with Section 26000) of the Business
24 and Professions Code when a qualified patient or primary caregiver
25 for a qualified patient provides his or her card issued under Section
26 11362.71 of the Health and Safety Code and a valid
27 government-issued identification card.

28 *SEC. 3. Section 34012 of the Revenue and Taxation Code is*
29 *amended to read:*

30 34012. (a) ~~Effective (1) On and after January 1, 2018, and~~
31 ~~before the effective date of the act amending this section, and on~~
32 ~~and after June 1, 2021,~~ there is hereby imposed a cultivation tax
33 on all harvested cannabis that enters the commercial market upon
34 all cultivators. The tax shall be due after the cannabis is harvested
35 and enters the commercial market. *The amounts specified in*
36 *paragraph (2) shall be adjusted as specified in subdivision (k),*
37 *including during the period on and after January 1, 2020, and*
38 *before June 1, 2021.*

39 (†)

1 (2) (A) The tax for cannabis flowers shall be nine dollars and
2 twenty-five cents (\$9.25) per dry-weight ounce.

3 ~~(2)~~

4 (B) The tax for cannabis leaves shall be set at two dollars and
5 seventy-five cents (\$2.75) per dry-weight ounce.

6 (b) The department may adjust the tax rate for cannabis leaves
7 annually to reflect fluctuations in the relative price of cannabis
8 flowers to cannabis leaves.

9 (c) The department may from time to time establish other
10 categories of harvested cannabis, categories for unprocessed or
11 frozen cannabis or immature plants, or cannabis that is shipped
12 directly to manufacturers. These categories shall be taxed at their
13 relative value compared with cannabis flowers.

14 (d) The department may prescribe by regulation a method and
15 manner for payment of the cultivation tax that utilizes tax stamps
16 or state-issued product bags that indicate that all required tax has
17 been paid on the product to which the tax stamp is affixed or in
18 which the cannabis is packaged.

19 (e) The tax stamps and product bags shall be of the designs,
20 specifications, and denominations as may be prescribed by the
21 department and may be purchased by any licensee under Division
22 10 (commencing with Section 26000) of the Business and
23 Professions Code.

24 (f) Subsequent to the establishment of a tax stamp program, the
25 department may by regulation provide that cannabis shall not be
26 removed from a licensed cultivation facility or transported on a
27 public highway unless in a state-issued product bag bearing a tax
28 stamp in the proper denomination.

29 (g) The tax stamps and product bags shall be capable of being
30 read by a scanning or similar device and must be traceable utilizing
31 the track and trace system pursuant to Section 26068 of the
32 Business and Professions Code.

33 (h) Cultivators shall be responsible for payment of the tax
34 pursuant to regulations adopted by the department. A cultivator's
35 liability for the tax is not extinguished until the tax has been paid
36 to this state except that an invoice, receipt, or other document from
37 a distributor or manufacturer given to the cultivator pursuant to
38 paragraph (3) is sufficient to relieve the cultivator from further
39 liability for the tax to which the invoice, receipt, or other document

1 refers. Cannabis shall not be sold unless the tax has been paid as
2 provided in this part.

3 (1) A distributor shall collect the cultivation tax from a cultivator
4 on all harvested cannabis that enters the commercial market. This
5 paragraph shall not apply where a cultivator is not required to send,
6 and does not send, the harvested cannabis to a distributor.

7 (2) (A) A manufacturer shall collect the cultivation tax from a
8 cultivator on the first sale or transfer of unprocessed cannabis by
9 a cultivator to a manufacturer. The manufacturer shall remit the
10 cultivation tax collected on the cannabis product sold or transferred
11 to a distributor for quality assurance, inspection, and testing, as
12 described in Section 26110 of the Business and Professions Code.
13 This paragraph shall not apply where a distributor collects the
14 cultivation tax from a cultivator pursuant to paragraph (1).

15 (B) Notwithstanding subparagraph (A), the department may
16 prescribe a substitute method and manner for collection and
17 remittance of the cultivation tax under this paragraph, including a
18 method and manner for collection of the cultivation tax by a
19 distributor.

20 (3) A distributor or manufacturer shall provide to the cultivator,
21 and a distributor that collects the cultivation tax from a
22 manufacturer pursuant to paragraph (2) shall provide to the
23 manufacturer, an invoice, receipt, or other similar document that
24 identifies the licensee receiving the product, the cultivator from
25 which the product originates, including the associated unique
26 identifier, the amount of cultivation tax, and any other information
27 deemed necessary by the department. The department may
28 authorize other forms of documentation under this paragraph.

29 (4) The department may adopt regulations prescribing
30 procedures for the refund of cultivation tax collected on cannabis
31 or cannabis product that fails quality assurance, inspection, and
32 testing as described in Section 26110 of the Business and
33 Professions Code.

34 (i) All cannabis removed from a cultivator's premises, except
35 for plant waste, shall be presumed to be sold and thereby taxable
36 under this section.

37 (j) The tax imposed by this section shall be imposed on all
38 cannabis cultivated in the state pursuant to rules and regulations
39 promulgated by the department, but shall not apply to cannabis
40 cultivated for personal use under Section 11362.1 of the Health

1 and Safety Code or cultivated by a qualified patient or primary
2 caregiver in accordance with the Compassionate Use Act of 1996
3 (Section 11362.5 of the Health and Safety Code).

4 (k) Beginning January 1, 2020, the rates set forth in subdivisions
5 (a), (b), and (c) shall be adjusted by the department annually
6 thereafter for inflation.

7 (l) The Department of Food and Agriculture is not responsible
8 for enforcing any provisions of the cultivation tax.

9 *SEC. 4. The Legislature finds and declares that this act furthers*
10 *the purposes and intent of the Control, Regulate and Tax Adult*
11 *Use of Marijuana Act.*

12 *SEC. 5. This act provides for a tax levy within the meaning of*
13 *Article IV of the California Constitution and shall go into*
14 *immediate effect.*

15 ~~SECTION 1. Section 6002 of the Revenue and Taxation Code~~
16 ~~is amended to read:~~

17 ~~6002. Except where the context otherwise requires, the~~
18 ~~definitions in this chapter govern the construction of this part.~~

AMENDED IN ASSEMBLY MARCH 15, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2250

Introduced by Assembly Member Thurmond

February 13, 2018

An act ~~relating to public social services~~; to add Section 7446 to the Penal Code, relating to children of incarcerated parents.

LEGISLATIVE COUNSEL'S DIGEST

AB 2250, as amended, Thurmond. ~~Child welfare services~~: *Children of incarcerated parents: working group.*

Existing law requires the California Research Bureau in the California State Library to conduct a study of the children of women who are incarcerated in state prisons for the purpose of determining how many incarcerated women have children and to gather basic information about the children. Existing law requires the California Research Bureau to convene an advisory group to assist in designing and administering the study.

This bill would require the Board of State and Community Corrections to convene a working group regarding the specified needs of children of incarcerated parents. The bill would require the working group to include representatives from the Department of Corrections and Rehabilitation, the Judicial Council, the Chief Probation Officers of California, and children of incarcerated parents and their advocacy groups, among others. The bill would require the working group to develop guidelines for policy and procedure decisions that impact children of incarcerated parents and to make policy and fiscal recommendations to the Legislature for potential revisions to state law.

Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect. Existing law defines "child welfare services" for these purposes to mean public social services that are directed toward the accomplishment of various purposes, including protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children. Existing law requires social workers to make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents, and encourages the Department of Justice, the Department of Corrections and Rehabilitation, county welfare departments, and county sheriffs to develop protocols for facilitating the exchange of information regarding the location and sentencing of the incarcerated parent or parents of a minor child who is in dependency care.

~~This bill would declare the intent of the Legislature to enact legislation to establish a multidepartment workgroup that would focus on coordinating support for children with incarcerated parents.~~

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

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

- 1 SECTION 1. Section 7446 is added to the Penal Code, to read:
- 2 7446. (a) The Board of State and Community Corrections
- 3 shall convene a working group regarding the needs of children of
- 4 incarcerated parents, as specified in paragraph (3) of subdivision
- 5 (b), in order to develop policy and fiscal recommendations for
- 6 meeting those needs. The working group shall include, but not be
- 7 limited to, representatives from all of the following:
- 8 (1) The Department of Corrections and Rehabilitation.
- 9 (2) The State Department of Education.
- 10 (3) The State Department of Social Services.
- 11 (4) The State Department of Health Care Services.
- 12 (5) The Judicial Council.
- 13 (6) The Commission on Peace Officer Standards and Training.
- 14 (7) The California State Sheriffs' Association.
- 15 (8) The Chief Probation Officers of California.
- 16 (9) Children of incarcerated parents and their advocacy groups,
- 17 including, but not limited to, the San Francisco Children of

1 *Incarcerated Parents Partnership, the Alameda County Children*
2 *of Incarcerated Parents Partnership, Project Avary, and Project*
3 *WHAT!.*

4 *(b) The working group shall do all of the following:*

5 *(1) By January 1, 2020, develop guidelines using the needs*
6 *described in paragraph (3) as a set of guiding principles for policy*
7 *and procedure decisions that impact children of incarcerated*
8 *parents in the areas of corrections, education, child welfare, mental*
9 *health, the courts, law enforcement, and probation.*

10 *(2) By January 1, 2020, make policy and fiscal recommendations*
11 *to the Legislature for potential revisions to state law that would*
12 *adhere to those aforementioned guidelines.*

13 *(3) Examine the unique needs of children of incarcerated*
14 *parents, which include, but are not limited to, the child's need for*
15 *all of the following:*

16 *(A) To be kept informed and protected from additional trauma*
17 *at the time of parental arrest.*

18 *(B) To be heard and respected by decisionmakers when*
19 *decisions are made about the child.*

20 *(C) To be considered when decisions are made about the child's*
21 *parent.*

22 *(D) To be cared for in the absence of the child's parent in a*
23 *way that prioritizes the child's physical, mental, and emotional*
24 *needs.*

25 *(E) To speak with, see, and touch the incarcerated parent.*

26 *(F) To be provided support through local services and programs*
27 *geared toward the needs of children with incarcerated parents.*

28 *(G) To not be judged, labeled, or blamed for the parent's*
29 *incarceration.*

30 *(H) To have a lifelong relationship with the incarcerated parent.*

31 ~~SECTION 1. It is the intent of the Legislature to enact~~
32 ~~legislation to establish a multidepartment workgroup that would~~
33 ~~focus on coordinating support for children with incarcerated~~
34 ~~parents.~~

Introduced by Senator Jackson

February 13, 2018

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as introduced, Jackson. Department of Motor Vehicles: records: confidentiality.

Existing law prohibits the disclosure of the home address of certain public employees and officials that appears in records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities.

This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of an adult abuse investigator or social worker working in protective services within a social services department.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 1808.4 of the Vehicle Code is amended
2 to read:

3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department is confidential
5 if the person requests the confidentiality of that information:

6 (1) Attorney General.

7 (2) State Public Defender.

8 (3) A Member of the Legislature.

9 (4) A judge or court commissioner.

10 (5) A district attorney.

11 (6) A public defender.

12 (7) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.

15 (8) A city attorney, city prosecutor, or an attorney who submits
16 verification from his or her public employer that the attorney
17 represents the city in matters that routinely place the attorney in
18 personal contact with persons under investigation for, charged
19 with, or convicted of, committing criminal acts, if that attorney is
20 employed by a city attorney or city prosecutor.

21 (9) A nonsworn police dispatcher.

22 (10) A child *or adult* abuse investigator or social worker,
23 working in ~~child~~ protective services within a social services
24 department.

25 (11) An active or retired peace officer, as defined in Chapter
26 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
27 Code.

28 (12) An employee of the Department of Corrections and
29 Rehabilitation, Division of Juvenile Facilities, or the Prison
30 Industry Authority specified in Sections 20403 and 20405 of the
31 Government Code.

32 (13) A nonsworn employee of a city police department, a county
33 sheriff's office, the Department of the California Highway Patrol,
34 a federal, state, or local detention facility, or a local juvenile hall,
35 camp, ranch, or home, who submits agency verification that, in
36 the normal course of his or her employment, he or she controls or
37 supervises inmates or is required to have a prisoner in his or her
38 care or custody.

- 1 (14) A county counsel assigned to child abuse cases.
- 2 (15) An investigator employed by the Department of Justice, a
- 3 county district attorney, or a county public defender.
- 4 (16) A member of a city council.
- 5 (17) A member of a board of supervisors.
- 6 (18) A federal prosecutor, criminal investigator, or National
- 7 Park Service Ranger working in this state.
- 8 (19) An active or retired city enforcement officer engaged in
- 9 the enforcement of the Vehicle Code or municipal parking
- 10 ordinances.
- 11 (20) An employee of a trial court.
- 12 (21) A psychiatric social worker employed by a county.
- 13 (22) A police or sheriff department employee designated by the
- 14 chief of police of the department or the sheriff of the county as
- 15 being in a sensitive position. A designation pursuant to this
- 16 paragraph shall, for purposes of this section, remain in effect for
- 17 three years subject to additional designations that, for purposes of
- 18 this section, shall remain in effect for additional three-year periods.
- 19 (23) A state employee in one of the following classifications:
- 20 (A) Licensing-Registration Examiner, Department of Motor
- 21 Vehicles.
- 22 (B) Motor Carrier Specialist I, Department of the California
- 23 Highway Patrol.
- 24 (C) Museum Security Officer and Supervising Museum Security
- 25 Officer.
- 26 (D) Licensing Program Analyst, State Department of Social
- 27 Services.
- 28 (24) (A) The spouse or child of a person listed in paragraphs
- 29 (1) to (23), inclusive, regardless of the spouse's or child's place
- 30 of residence.
- 31 (B) The surviving spouse or child of a peace officer, as defined
- 32 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
- 33 2 of the Penal Code, if the peace officer died in the line of duty.
- 34 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
- 35 listed in those subparagraphs was convicted of a crime and is on
- 36 active parole or probation.
- 37 (ii) For requests made on or after January 1, 2011, the person
- 38 requesting confidentiality for their spouse or child listed in
- 39 subparagraph (A) or (B) shall declare, at the time of the request

1 for confidentiality, whether the spouse or child has been convicted
2 of a crime and is on active parole or probation.

3 (iii) Neither the listed person's employer nor the department
4 shall be required to verify, or be responsible for verifying, that a
5 person listed in subparagraph (A) or (B) was convicted of a crime
6 and is on active parole or probation.

7 (D) (i) The department shall discontinue holding a home address
8 confidential pursuant to this subdivision for a person specified in
9 subparagraph (A) or (B) who is the child or spouse of a person
10 described in paragraph (9), (11), (13), or (22) if the child or spouse
11 is convicted of a felony in this state or is convicted of an offense
12 in another jurisdiction that, if committed in California, would be
13 a felony.

14 (ii) The department shall comply with this subparagraph upon
15 receiving notice of a disqualifying conviction from the agency that
16 employs or formerly employed the parent or spouse of the
17 convicted person, or as soon as the department otherwise becomes
18 aware of the disqualifying conviction.

19 (b) The confidential home address of a person listed in
20 subdivision (a) shall not be disclosed, except to any of the
21 following:

22 (1) A court.

23 (2) A law enforcement agency.

24 (3) The State Board of Equalization.

25 (4) An attorney in a civil or criminal action that demonstrates
26 to a court the need for the home address, if the disclosure is made
27 pursuant to a subpoena.

28 (5) A governmental agency to which, under any provision of
29 law, information is required to be furnished from records
30 maintained by the department.

31 (c) (1) A record of the department containing a confidential
32 home address shall be open to public inspection, as provided in
33 Section 1808, if the address is completely obliterated or otherwise
34 removed from the record.

35 (2) Following termination of office or employment, a
36 confidential home address shall be withheld from public inspection
37 for three years, unless the termination is the result of conviction
38 of a criminal offense. If the termination or separation is the result
39 of the filing of a criminal complaint, a confidential home address
40 shall be withheld from public inspection during the time in which

1 the terminated individual may file an appeal from termination,
2 while an appeal from termination is ongoing, and until the appeal
3 process is exhausted, after which confidentiality shall be at the
4 discretion of the employing agency if the termination or separation
5 is upheld. Upon reinstatement to an office or employment, the
6 protections of this section are available.

7 (3) With respect to a retired peace officer, his or her home
8 address shall be withheld from public inspection permanently upon
9 request of confidentiality at the time the information would
10 otherwise be opened. The home address of the surviving spouse
11 or child listed in subparagraph (B) of paragraph (24) of subdivision
12 (a) shall be withheld from public inspection for three years
13 following the death of the peace officer.

14 (4) The department shall inform a person who requests a
15 confidential home address what agency the individual whose
16 address was requested is employed by or the court at which the
17 judge or court commissioner presides.

18 (d) A violation of subdivision (a) by the disclosure of the
19 confidential home address of a peace officer, as specified in
20 paragraph (11) of subdivision (a), a nonsworn employee of the
21 city police department or county sheriff's office, or the spouses or
22 children of these persons, including, but not limited to, the
23 surviving spouse or child listed in subparagraph (B) of paragraph
24 (24) of subdivision (a), that results in bodily injury to the peace
25 officer, employee of the city police department or county sheriff's
26 office, or the spouses or children of these persons is a felony.

27 SEC. 2. The Legislature finds and declares that Section 1 of
28 this act, which amends Section 1808.4 of the Vehicle Code,
29 imposes a limitation on the public's right of access to the meetings
30 of public bodies or the writings of public officials and agencies
31 within the meaning of Section 3 of Article I of the California
32 Constitution. Pursuant to that constitutional provision, the
33 Legislature makes the following findings to demonstrate the interest
34 protected by this limitation and the need for protecting that interest:

35 The need to protect the privacy of investigators of adult abuse
36 and social workers addressising adult abuse from the public
37 disclosure of their home addresses outweighs the interest in public
38 disclosure of that information.

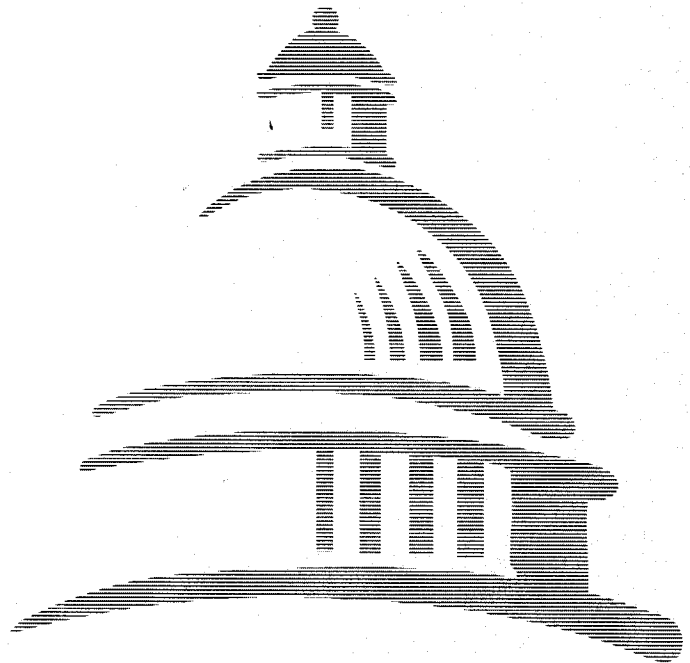
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August 24, 2017

2017-18 Cap-and-Trade Expenditure Plan

LEGISLATIVE ANALYST'S OFFICE

Presented to:
Senate Budget and Fiscal Review, Subcommittee No. 2
Hon. Bob Wieckowski, Chair





State GHG Goals and Policies



The Global Warming Solutions Act of 2006 (Chapter 488 [AB 32, Núñez/Pavley])

- Established the goal of reducing greenhouse gas (GHG) emissions statewide to 1990 levels by 2020.
- Directed the Air Resources Board (ARB) to adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions by 2020. Authorized ARB to adopt cap-and-trade regulation through 2020.



State Established a Variety of Policies to Meet 2020 Target

- Scoping Plan developed by ARB includes 33 percent renewable portfolio standard (RPS), low carbon fuel standard, energy efficiency, and cap-and-trade.



SB 32 Established More Aggressive 2030 GHG Target

- Chapter 249 of 2016 (SB 32, Pavley) established GHG target of at least 40 percent below 1990 levels by 2030.
- Other legislation provides direction regarding some of the policies used to achieve 2030 target, including a 50 percent RPS, doubling energy efficiency, activities to reduce short-lived climate pollutants, and extension of cap-and-trade.



Chapter 135 of 2017 (AB 398, E. Garcia) Extended Cap-and-Trade Through 2030



Provides Additional Direction to ARB in Implementing Cap-and-Trade

- AB 398 requires ARB to (1) establish a hard price ceiling; (2) address concerns related to overallocation of allowances when establishing caps from 2021 through 2030; (3) establish rules related to banking (future use of current allowances) that discourage speculation, avoid financial windfalls, and consider volatility in the market; and (4) establish two price containment points (commonly referred to as "speed bumps").



Requires Auction Revenue to Backfill Partial Manufacturing R+D Sales and Use Tax (SUT) Exemption

- Extends the sunset date for the partial SUT exemption from 2022 to 2030, and expands it to include such things as certain electric power generation and agricultural activities. Transfers auction revenue to General Fund to backfill revenue losses from existing and expanded SUT exemption.

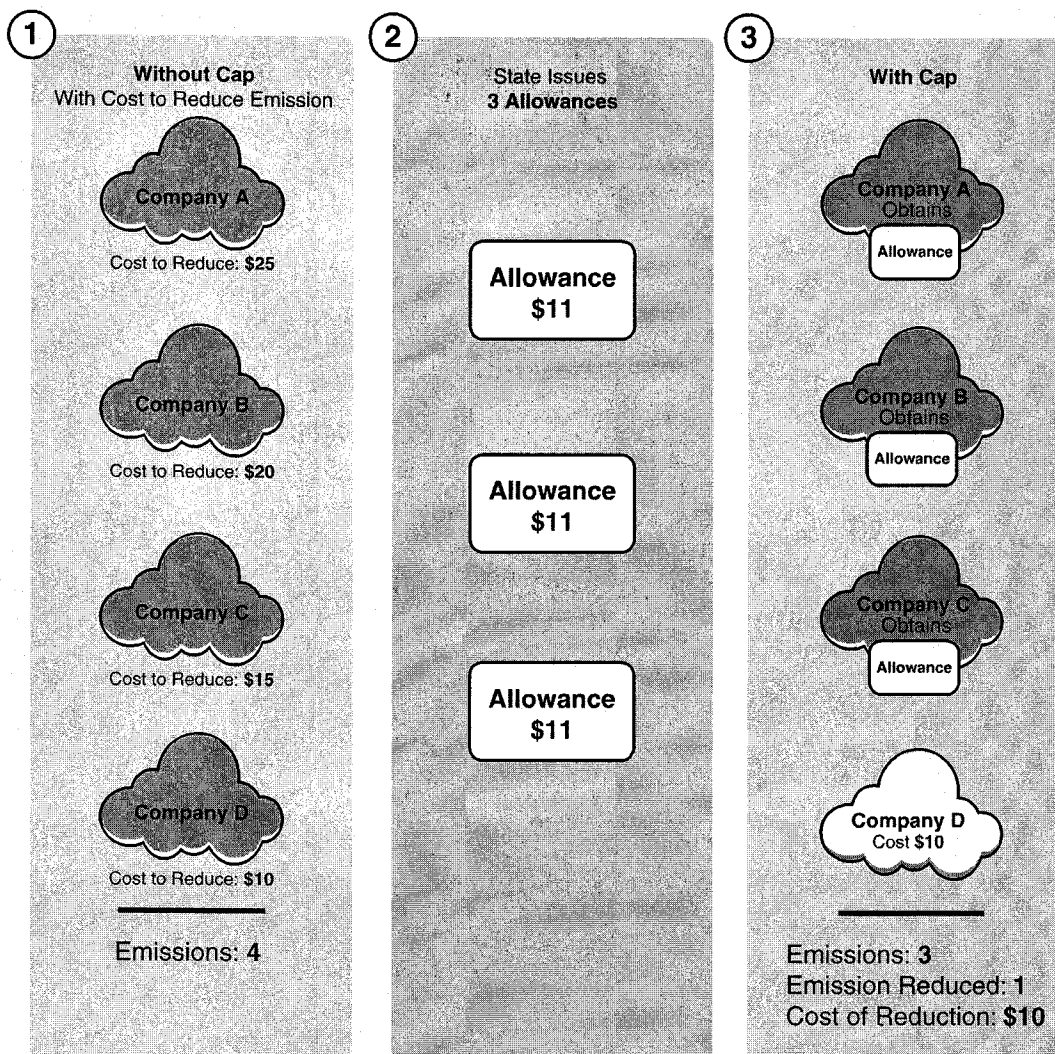


Expresses Legislative Intent to Use Funds for Certain Activities

- AB 398 suspends the state fire prevention fee through 2030 and expresses legislative intent to use auction revenue to backfill the lost fee revenue.
- Identifies other legislative priorities for the use of auction revenues, including such things as reducing toxic and criteria air pollutants, climate adaptation and resiliency, and climate and clean energy research.

Cap-and-Trade Regulation Designed to Encourage Cost-Effective Reductions

Cap-and-Trade Designed to Limit Emissions at Lowest Cost





Cap-and-Trade Regulation Designed to Encourage Cost-Effective Reduction

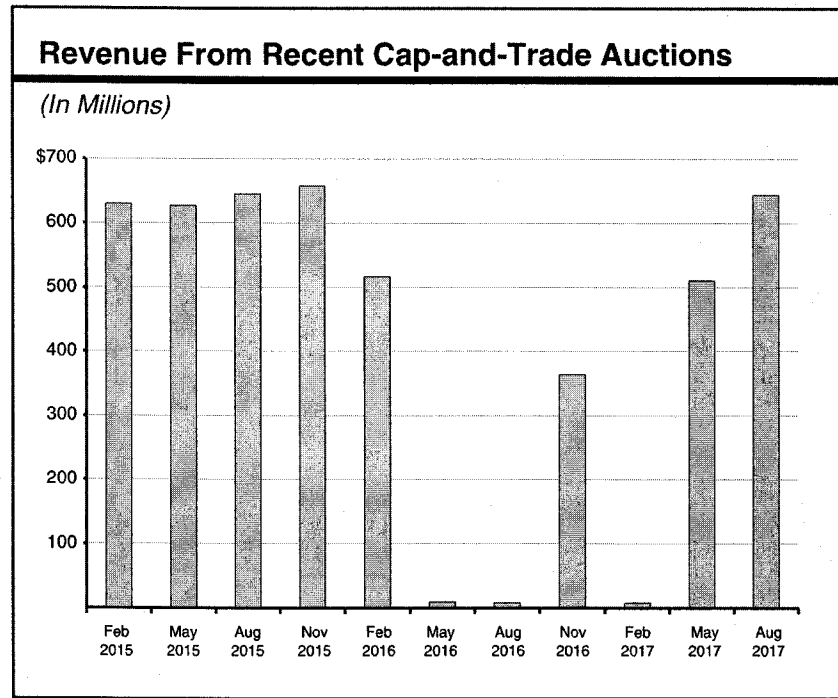
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-
- Designed to Meet State's GHG Goal at Lowest Cost.*** Overall "capped" emissions are limited by the number of allowances issued. Allowance prices provide incentive for cost-effective reductions.

 - Generating Additional Revenue Not a Primary Goal of Cap-and-Trade.*** Auctions help maintain price signal for cost-effective reductions. Revenue is a by-product of this design feature, not a primary goal.



Recent Auction Revenue Has Been Volatile



- Allowance auctions have generated a total of nearly \$5 billion in revenue through 2016-17.
- Allowance prices have consistently been near the price floor. The 2017 price floor is \$13.57.
- Oversupply of allowances in first several years of program relative to near-term demand. In addition, legal challenge to ARB's ability to generate revenue from auctions and lack of statutory authority beyond 2020 created legal uncertainty about future of program.



State Law Directs Revenue Be Used to Reduce GHGs



Auction Revenue Deposited in Greenhouse Gas Reduction Fund (GGRF) and Used to Facilitate GHG Reductions

- To the extent feasible, funds must be used to achieve other goals, such as providing economic, environmental, and public health benefits to the state.
- Chapter 830 of 2012 (SB 535, de León) and Chapter 369 of 2016 (AB 1550, Gomez) require that at least 25 percent of auction revenue go to projects located in disadvantaged communities and benefiting low-income individuals.



Legislative Reporting Requirements

- Agencies must have expenditure record approved by ARB outlining how proposed expenditure reduces GHGs and how it will further the regulatory purposes of AB 32.
- ARB required to develop a three-year investment plan for GHG reductions.
- Department of Finance, in consultation with ARB, must provide annual report to the Legislature with estimated GHG reductions from programs receiving GGRF.



Current Law Continuously Appropriates 60 percent of Annual Revenue to Certain Programs.

- The programs include high-speed rail (25 percent), affordable housing and sustainable communities (20 percent), transit and intercity rail (10 percent), and transit operations (5 percent).
- Remaining 40 percent of annual revenue can be allocated to other, so-called discretionary programs.



Auction Revenues Have Been Used for a Variety of Programs

| Cap-and-Trade Spending | | | |
|--|------------------------------------|----------------|-----------------------------------|
| <i>(In Millions)</i> | | | |
| Program | Agency | 2016-17 | Cumulative Through 2016-17 |
| High-speed rail | High-speed Rail Authority | \$223 | \$1,331 ^a |
| Low carbon vehicles | Air Resources Board | 369 | 695 |
| Affordable housing and sustainable communities | Strategic Growth Council | 178 | 674 |
| Transit and intercity rail capital | Transportation Agency | 224 | 433 |
| Low-income weatherization and solar | Community Services and Development | 20 | 174 |
| Transit operations | Department of Transportation | 45 | 160 |
| Transformational Climate Communities | Strategic Growth Council | 140 | 140 |
| Forest health and urban forestry | Forestry and Fire Protection | 40 | 82 |
| Green infrastructure | Natural Resources Agency | 80 | 80 |
| Waste diversion | CalRecycle | 41 | 71 |
| State water project turbines and urban water efficiency grants | Department of Water Resources | — | 70 |
| Agricultural water efficiency | Food and Agriculture | 8 | 68 |
| Dairy digesters | Food and Agriculture | 50 | 62 |
| Wetlands and watershed restoration | Fish and Wildlife | 2 | 30 |
| Active transportation | Department of Transportation | 10 | 10 |
| Healthy soils | Food and Agriculture | 8 | 8 |
| Black carbon woodsmoke | Air Resources Board | 5 | 5 |
| Biofuels | Food and Agriculture | — | 3 |
| Other technical assistance and administration | Various | 14 | 41 |
| Totals | | \$1,457 | \$4,135 |

^a Includes \$400 million loan repayment from General Fund to Greenhouse Gas Reduction Fund that is allocated to high-speed rail under current law.



Revenue Subject to Substantial Uncertainty



Extension Could Lead to Higher Long-Run Allowance Prices and Revenue, but Substantial Uncertainty Remains

- Extension of the program to meet 2030 GHG goals—which are likely much more aggressive than 2020 goals—and the legal certainty provided by approving the program with a two-thirds vote could lead to much higher long-term prices.
- However, long-term prices will depend on a variety of factors, including future ARB regulatory decisions, long-term economic conditions and technological advancements, and the effects of other so-called “complementary” policies. All of these factors are highly uncertain.
- Significantly higher long-term prices would result in higher revenue. For example, if allowance prices were \$50 in 2025, state revenue could exceed \$5 billion annually.



2017-18 Revenue Depends on Market Expectations

- Short-term prices largely depend on market expectations about future allowance prices. Future allowance prices depend, in part, on future ARB regulatory decisions. For example, ARB decisions about how to implement AB 398—including allowance banking, post-2020 caps, and the level of the price ceiling—could have significant effects on both short-term and long-term prices.
- In addition, under current program rules, the number of allowances offered in the next several auctions depends on whether or not allowance prices are above the floor.



If Prices Are Slightly Above Floor, 2017-18 Revenue Likely About \$2.5-\$3 Billion

- Revenue could be lower if market prices are at the floor (or below the floor on the secondary market). This could happen, for example, if ARB indicates its plans to establish major limitations on allowance banking into the post-2020 program.



Revenue Subject to Substantial Uncertainty (Continued)

- Alternatively, prices and revenue could be substantially higher in some scenarios. For example, prices could be substantially higher if ARB allows banking of allowances beyond 2020 and substantially reduces the number of post-2020 allowances.

| Discretionary Funds if 2017-18 Revenue Is \$2.5 Billion | |
|---|----------------|
| <i>(In Millions)</i> | |
| | Amount |
| Revenue | |
| Unallocated revenue from prior auctions | \$800 |
| 2017-18 Revenue | 2,500 |
| Subtotal | (\$3,300) |
| Existing Allocations | |
| 60 percent continuous appropriations | -\$1,500 |
| Estimated backfill for SUT exemption and fire fee suspension ^a | -300 |
| Subtotal | (-\$1,800) |
| Discretionary Funds Remaining | \$1,500 |

^a The allocation to backfill the fire fee suspension is not in current law, but the Legislature expressed intent to backfill in AB 398.
SUT = sale and use tax.



Options to Deal With Revenue Uncertainty Exist

- Various options to mitigate against downside revenue risk exist. For example, the Legislature could allocate the roughly \$800 million available at the end of 2016-17, plus a small portion of expected 2017-18 revenue. Any additional revenue would be available for spending in later years. Another option would be for the Legislature to use funding “buckets” that designate which programs receive allocations first, and which programs receive allocations only if sufficient revenue is collected.



AB 398 Gives Legislature Greater Flexibility Over Use of Revenue



Spending on Certain GHG Reductions Creates Policy Challenges

- In our February 2016 report, *Cap-and-Trade Revenues: Strategies to Promote Legislature Priorities*, we discussed how cap-and-trade *spending* interacts with the cap-and-trade *regulation*.
- Spending auction revenue to reduce GHG from capped sources likely has no net effect on overall emissions. As long as the cap is limiting emissions, subsidizing an emission reduction from one capped source will simply free-up allowances for other emitters to use. The end result is a change in the sources of emissions, but no change in the overall level of emissions.
- In addition, spending on GHG reductions from capped sources likely results in a more costly overall mix of GHG reduction activities.



AB 398 Extension Provides Greater Flexibility Over Use of Revenue

- About \$800 million available from auctions conducted before AB 398 was enacted is likely still subject to legal requirements to spend on GHG-related activities.
- AB 398 approval with two-thirds vote gives Legislature flexibility to consider a wider range of uses for new cap-and-trade revenue beyond activities that reduce GHGs.



AB 398 Gives Legislature Greater Flexibility Over Use of Revenue *(Continued)*



Consider Highest Priorities, Including Those That Do Not Reduce GHGs

- This could include such activities related to climate change—such as air toxic reductions, climate adaptation, and alternative energy research—or programs unrelated to climate change that the Legislature might consider higher priorities.
- If additional GHG reductions are a priority, consider targeting areas that cap-and-trade regulation does not address, such as reducing emissions from uncapped sources. Also, consider opportunities to address other “market failures” that may not be addressed by carbon prices, such as promoting research and development that private businesses would not otherwise invest in.



Rebates and/or Tax Reductions Could Help Offset Costs for Households and Businesses

- We suggest the Legislature consider giving the money back to households and/or businesses by issuing rebates and/or reducing other taxes. This would also help offset the higher energy costs for household and businesses associated with cap-and-trade.
- This option would be especially effective if allowance prices increase in the future, resulting in higher energy costs for households and businesses.



Ensuring Legislative Requirements Are Consistent With Goals

- Current GGRF spending requirements, guidance, and reporting requirements largely focus on GHG reductions.

- If the Legislature allocates funds to programs whose primary goal are something other than reducing GHGs, it may need to modify current GGRF requirements to ensure programs are structured and monitored in a way that is consistent with these goals. For example:
 - If funds are allocated to climate adaptation programs, the Legislature might want to exempt these programs from the requirements that projects reduce GHGs. It might also want to modify the existing GGRF guidance and reporting requirements to ensure funds are being targeted to projects that have the greatest climate adaptation benefits.

 - If funds are allocated to programs that focus primarily on reducing criteria and toxic pollutants—rather than GHGs—the Legislature might want to modify legislative direction and reporting requirements in a way that reflects this priority. This could help ensure departments are prioritizing projects that reduce the most criteria and toxic pollutants.

AMENDED IN ASSEMBLY MARCH 20, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 3007

Introduced by Assembly Member Eduardo Garcia

February 16, 2018

An act to add Section 16501.85 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 3007, as amended, Eduardo Garcia. Children of incarcerated parents: support and services.

Existing law provides that a child whose parent has been incarcerated or institutionalized and cannot arrange for the care of the child is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court. Existing law requires, if the parent or guardian of a dependent child is incarcerated, institutionalized, or detained by the United States Department of Homeland Security, the court to order reasonable family reunification services, unless the court determines, by clear and convincing evidence, those services would be detrimental to the child. Existing law also requires social workers to make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents.

~~This bill would express the intent of the Legislature to enact legislation that would provide support and services to the children of incarcerated parents.~~

This bill would authorize the County of Riverside to establish a program that would provide comprehensive social services to children who reside in the county, whose parents are currently or were formerly incarcerated in either a county jail or the state prison, and who are

currently enrolled in or eligible for Medi-Cal. The bill would require the County of Riverside, if it opts to establish that program, to prepare and submit an interim report regarding the program to the Joint Legislative Budget Committee on or before December 31, 2024, as specified, and a final report to that committee on December 31, 2028.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

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. (a) The Legislature finds and declares all of the
2 following:
3 (1) The effects of parental arrest and incarceration on a child's
4 development are profound.
5 (2) Studies have consistently found that children of incarcerated
6 parents (CIP) are more likely to become justice-involved, commit
7 crimes, face numerous financial and emotional stresses, and be
8 burdened with more health issues than their peers who do not have
9 an incarcerated parent.
10 (3) The Center for Disease Control-Kaiser Permanente Adverse
11 Childhood Experiences Study is one of the largest investigations
12 of childhood abuse and neglect and later-life health and well-being.
13 This study found that the adverse childhood experiences that
14 negatively influence long-term health outcomes and general
15 well-being into adulthood include the incarceration of a household
16 member.
17 (4) A California Research Bureau study (2000) found that the
18 CIP population may suffer from multiple psychological problems,
19 including trauma, anxiety, guilt, shame, and fear. Negative
20 behavioral manifestations associated with these problems often
21 emerge.
22 (5) Absent positive intervention, a child's exposure to associated
23 trauma, the resulting emotional response, and related reactive
24 behavior can lead to school failure, delinquency, and adult
25 criminal activity and incarceration.
26 (6) It is estimated that in 2015, 17,600 children in the County
27 of Riverside had an incarcerated parent.

1 SEC. 2. Section 16501.85 is added to the Welfare and
2 Institutions Code, immediately following Section 16501.8, to read:

3 16501.85. (a) As used in this section, a child of an incarcerated
4 parent (CIP) means a child who is under 18 years of age and who
5 meets all of the following criteria:

6 (1) He or she currently resides in the County of Riverside.

7 (2) His or her parent is currently or was formerly incarcerated
8 in either a county jail or the state prison.

9 (3) He or she is currently enrolled in or eligible for Medi-Cal.

10 (b) The County of Riverside is authorized to establish a Children
11 of Incarcerated Parents Program to provide comprehensive social
12 services to develop resiliency and reduce risk factors that make
13 the CIP population more susceptible to becoming incarcerated as
14 juveniles or adults.

15 (c) The program established pursuant to subdivision (b) shall
16 include, at a minimum, all of the following elements:

17 (1) Delivery of program services pursuant to a centralized hub
18 that promotes a holistic health approach and refers participants
19 to multiple health resources and services.

20 (2) Delivery of evidence-based resources and services to
21 program participants.

22 (3) Voluntary participation in the program and the written
23 consent of the nonincarcerated parent, legal guardian, or
24 caretaker.

25 (4) At least three of the five components listed in subparagraphs
26 (A) to (E), inclusive:

27 (A) Physical health, including any of the following:

28 (i) Enrollment in Medi-Cal, if the child is not already covered
29 by insurance.

30 (ii) Referrals, if appropriate, to medical treatment.

31 (iii) Vision and dental check-ups and treatments.

32 (B) Emotional health, which may include mentorship programs.

33 (C) Mental health, which may include counseling services.

34 (D) Environmental health, including either of the following:

35 (i) Tutors.

36 (ii) Parenting classes for the caretaker of the child or the
37 incarcerated parent.

38 (E) Social health, including either of the following:

39 (i) After school programs.

1 (ii) Visitation with the incarcerated parent, if appropriate for
2 the child and the incarcerated parent.

3 (d) In accordance with any applicable County of Riverside
4 outcomes rate card development service grant agreement, the
5 county shall track and report participants' performance outcomes,
6 including increased visitation with the incarcerated parent, trauma
7 alleviation, improved mental health, improved developmental
8 health, improved parenting practices within the family, reduced
9 utilization of child welfare services, and indicators of reduced
10 intergenerational transfer of criminal behavior.

11 (e) (1) The County of Riverside shall, if it opts to establish the
12 program described in this section, prepare and submit an interim
13 report regarding the Children of Incarcerated Parents Program
14 to the Joint Legislative Budget Committee on or before December
15 31, 2024. The report shall contain, at a minimum, information on
16 the number and ages of participants served, including performance
17 outcomes.

18 (2) The County of Riverside shall, if it opts to establish the
19 program described in this section, prepare and submit a final
20 report regarding the Children of Incarcerated Parents Program
21 to the Joint Legislative Budget Committee on December 31, 2028.

22 SEC. 3. The Legislature finds and declares that a special statute
23 is necessary and that a general statute cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique need in the County of Riverside
26 to implement the program that the county has developed to provide
27 services to the children of incarcerated parents.

28 ~~SECTION 1. It is the intent of the Legislature to enact~~
29 ~~legislation that would provide support and services to the children~~
30 ~~of incarcerated parents.~~

ASSEMBLY BILL

No. 2446

Introduced by Assembly Member Obernolte

February 14, 2018

An act to amend Section 69104 of the Government Code, relating to judges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2446, as introduced, Obernolte. Courts: judgeships.

Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal. Existing law provides that the Court of Appeal for the 4th Appellate District consists of 3 divisions. Existing law requires that one of these divisions hold its regular sessions in the San Bernardino/Riverside area and further requires this division to have 7 judges.

This bill would increase the number of judges in the division of the Court of Appeal for the 4th Appellate District located in the San Bernardino/Riverside area to 8 judges. The bill would appropriate \$1,202,000 from the General Fund to the judicial branch for the purpose of funding the cost of that new appellate court justice and accompanying staff.

Existing law allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council. Existing law requires the Judicial Council to report biennially to the Legislature and the Governor on the factually determined need for new judgeships in each superior court using those uniform criteria for allocation of judgeships. Existing law authorizes 50 additional judges, upon appropriation by the Legislature, to be allocated to the various

county superior courts, pursuant to uniform criteria approved by the Judicial Council.

This bill would appropriate \$14,813,000 from the General Fund to the judicial branch for the purpose of funding the cost of 10 of those 50 judgeships and accompanying staff.

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. Section 69104 of the Government Code is
2 amended to read:

3 69104. The Court of Appeal for the Fourth Appellate District
4 consists of three divisions. One division shall hold its regular
5 sessions at San Diego and shall have 10 judges. One division shall
6 hold its regular sessions in the San Bernardino/Riverside area and
7 shall have ~~seven~~ *eight* judges. One division shall hold its regular
8 sessions in Orange County and shall have eight judges.

9 SEC. 2. The sum of sixteen million fifteen thousand dollars
10 (\$16,015,000) is hereby appropriated from the General Fund to
11 the judicial branch for the following purposes:

12 (a) The sum of one million two hundred two thousand dollars
13 (\$1,202,000) shall be used by the judicial branch to fund the cost
14 of a new appellate court justice and accompanying staff pursuant
15 to Section 69104 of the Government Code.

16 (b) The sum of fourteen million eight hundred thirteen thousand
17 dollars (\$14,813,000) shall be used by the judicial branch to fund
18 the cost of 10 of the 50 new judgeships, and accompanying staff,
19 pursuant to Section 69614.2 of the Government Code.

O

Senate Bill No. 2

CHAPTER 364

An act to add Section 27388.1 to the Government Code, and to add Chapter 2.5 (commencing with Section 50470) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2017. Filed with Secretary of State September 29, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Atkins. Building Homes and Jobs Act.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law. Existing law requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need to establish permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that a county recorder quarterly send revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, to the Controller for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury.

The bill would, upon appropriation by the Legislature, except as provided, require (1) for moneys collected on and after January 1, 2018, and until December 31, 2018, that 50% of the moneys deposited in the fund be made available to local governments for specified purposes, and 50% made available to the Department of Housing and Community Development to assist persons experiencing or at risk of homelessness, and (2) for moneys collected on and after January 1, 2019, that 70% of the moneys deposited in the fund be provided to local governments in accordance with a specified formula and 30% made available to the department for specified purposes,

including a continuous appropriation of moneys to the California Housing Finance Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households, as provided. The bill would also provide that funds allocated to a local government that does not have a documented plan to expend certain moneys allocated to it within 5 years would revert and be deposited in the Housing Rehabilitation Loan Fund, to be used for specified purposes. By continuously appropriating moneys for use by the California Housing Finance Agency, this bill would make an appropriation. The bill would require that 20% of all moneys in the fund be expended for affordable owner-occupied workforce housing, and that moneys in the fund allocated to local governments be expended to support affordable housing, home ownership opportunities, and other housing-related programs, as specified. The bill would impose certain auditing and reporting requirements.

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

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

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. This act shall be known as the Building Homes and Jobs Act.

SEC. 2. (a) The Legislature finds and declares that having a healthy housing market that provides an adequate supply of homes affordable to Californians at all income levels is critical to the economic prosperity and quality of life in the state.

(b) The Legislature further finds and declares all of the following:

(1) Funding approved by the state's voters in 2002 and 2006, as of June 2015, has financed the construction, rehabilitation, and preservation of over 14,000 shelter spaces and 245,000 affordable homes. These numbers include thousands of supportive homes for people experiencing homelessness. In addition, these funds have helped tens of thousands of families become or remain homeowners. Nearly all of the voter-approved funding for affordable housing has been awarded.

(2) The requirement in the Community Redevelopment Law that redevelopment agencies set aside 20 percent of tax increment for affordable housing generated roughly \$1 billion per year. With the elimination of redevelopment agencies, this funding stream has disappeared.

(3) In 2014, the Legislature committed 10 percent of ongoing cap-and-trade funds for affordable housing that reduces greenhouse gas emissions and dedicated \$100 million in one-time funding for affordable

multifamily and permanent supportive housing. In addition, the people of California thoughtfully approved the repurposing of \$600 million in already committed bond funds for the creation of affordable rental and permanent supportive housing for veterans through the passage of Proposition 41.

(4) In 2015, the Legislature approved \$2 billion in revenue bonds for the construction and rehabilitation of permanent supportive housing for homeless individuals with mental illness through the “No Place Like Home” initiative and increased funding for the CalWORKs Housing Support Program to \$47 million per year. Another \$45 million was directed to Emergency Solutions Grants to fund rapid rehousing, outreach, shelters, and homeless prevention and \$10 million was provided to reduce homelessness among families who are part of the child welfare system.

(5) Despite these investments, the need for affordable housing in the State of California greatly exceeds the available resources, demonstrated by the Public Policy Institute of California finding that, as of January 2016, 31.5 percent of mortgaged homeowners and 47 percent of all renters are spending more than 35 percent of their household incomes on housing.

(6) California has 12 percent of the United States population, but 20 percent of its homeless population. California has the highest percentage of unsheltered homeless in the nation, with 64 percent of homeless Californians not having shelter. California has 24 percent of the nation’s homeless veterans population and one-third of the nation’s chronically homeless population. California also has the largest population of unaccompanied homeless children and youth, with 28 percent of the national total.

(7) Furthermore, four of the top 10 metropolitan areas in the country with the highest rate of homelessness are in the following metropolitan areas in California: San Jose-Sunnyvale-Santa Clara, Los Angeles-Long Beach-Santa Ana, Fresno, and Stockton.

(8) California continues to have the second lowest homeownership rate in the nation, and the Los Angeles metropolitan area is now a majority renter area. In fact, five of the eight lowest homeownership rates are in metropolitan areas in California.

(9) Los Angeles and Orange Counties have been identified as the epicenter of overcrowded housing, and numerous studies have shown that children in crowded homes have poorer health, worse scores on mathematics and reading tests, and higher rates of depression and behavioral problems—even when poverty is taken into account.

(10) Millions of Californians are affected by the state’s chronic housing shortage, including seniors, veterans, people experiencing chronic homelessness, working families, people with mental, physical, or developmental disabilities, agricultural workers, people exiting jails, prisons, and other state institutions, survivors of domestic violence, and former foster and transition-aged youth.

(11) California has 109 federally recognized tribes and 723,000 residents with Native American ancestry, the largest number of tribes and residents in the United States. Due to historic dislocation and lack of housing choices,

most do not live on tribal lands and those who do live in severely substandard, overcrowded homes lacking quality water and sewer services at rates greater than the general population.

(12) Low rates of teacher recruitment and retention have been exacerbated by many factors, including housing. In high housing cost areas, low teacher recruitment and retention rates are largely a consequence of salaries insufficient to cover housing costs. In rural areas, rental housing is often unavailable. In both instances, the long commute faced by teachers and other classified employees further pushes school employees to leave their position or the profession entirely. School employee housing provides a tool that school districts can use to recruit and retain qualified teachers.

(13) Eight of the top 10 hardest hit cities by the foreclosure crisis in the nation were in California. They include the Cities of Stockton, Modesto, Vallejo, Riverside, San Bernardino, Merced, Bakersfield, and Sacramento.

(14) California's workforce continues to experience longer commute times as persons in the workforce seek affordable housing outside the areas in which they work. If California is unable to support the construction of affordable housing in these areas, congestion problems will strain the state's transportation system and exacerbate greenhouse gas emissions.

(15) Many economists agree that the state's higher than average unemployment rate is due in large part to massive shrinkage in the construction industry from 2005 to 2009, including losses of nearly 700,000 construction-related jobs, a 60-percent decline in construction spending, and an 83-percent reduction in residential permits. Restoration of a healthy construction sector will significantly reduce the state's unemployment rate.

(16) The lack of sufficient housing impedes economic growth and development by making it difficult for California employers to attract and retain employees.

(17) To keep pace with continuing demand, the state should identify and establish a permanent, ongoing source or sources of funding dedicated to affordable housing development. Without a reliable source of funding for housing affordable to the state's workforce and most vulnerable residents, the state and its local and private housing development partners will not be able to continue increasing the supply of housing after existing housing bond resources are depleted.

(18) The investment will leverage billions of dollars in private investment, lessen demands on law enforcement and dwindling health care resources as fewer people are forced to live on the streets or in dangerous substandard buildings, and increase businesses' ability to attract and retain skilled workers.

(19) In order to promote housing and homeownership opportunities, the recording fee imposed by this act shall not be applied to any recording made in connection with a sale of real property. Purchasing a home is likely the largest purchase made by Californians, and it is the intent of this act to not increase transaction costs associated with these transfers.

SEC. 3. Section 27388.1 is added to the Government Code, to read:

27388.1. (a) (1) Commencing January 1, 2018, and except as provided in paragraph (2), in addition to any other recording fees specified in this code, a fee of seventy-five dollars (\$75) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225). "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps, and covenants, conditions, and restrictions.

(2) The fee described in paragraph (1) shall not be imposed on any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code or on any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

(b) The county recorder shall remit quarterly, on or before the last day of the month next succeeding each calendar quarterly period, the fees, after deduction of any actual and necessary administrative costs incurred by the county recorder in carrying out this section, to the Controller for deposit in the Building Homes and Jobs Trust Fund established by Section 50470 of the Health and Safety Code, to be expended for the purposes set forth in that section. In addition, the county shall pay to the Controller interest, at the legal rate, on any funds not paid to the Controller before the last day of the month next succeeding each quarterly period.

(c) If the Department of Housing and Community Development determines that any moneys derived from fees collected are being allocated by the state for a purpose not authorized by Section 50470 of the Health and Safety Code, the county recorder shall, upon notice of the determination, immediately cease collection of the fees, and shall resume collection of those fees only upon notice that the moneys derived from the fees collected are being allocated by the state only for a purpose authorized by Section 50470 of the Health and Safety Code.

SEC. 4. Chapter 2.5 (commencing with Section 50470) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 2.5. BUILDING HOMES AND JOBS ACT

Article 1. General Provisions

50470. (a) (1) There is hereby created in the State Treasury the Building Homes and Jobs Trust Fund. All interest or other increments resulting from the investment of moneys in the fund shall be deposited in the fund, notwithstanding Section 16305.7 of the Government Code.

(2) Moneys in the Building Homes and Jobs Trust Fund shall not be subject to transfer to any other fund pursuant to any provision of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except to the Surplus Money Investment Fund.

(b) Moneys in the Building Homes and Jobs Trust Fund shall be appropriated either through the annual Budget Act, or as provided in this subdivision, in accordance with the following:

(1) Moneys collected on and after January 1, 2018, and until December 31, 2018, shall, upon appropriation by the Legislature, be allocated as follows:

(A) Fifty percent of deposits into the fund shall be made available for local governments to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, general plans, community plans, specific plans, sustainable communities strategies, and local coastal programs. Eligible uses also include new environmental analyses that eliminate the need for project-specific review and local process updates that improve and expedite local permitting.

(i) Five percent of the funds specified by this subparagraph shall be available for technical assistance to jurisdictions updating specified planning documents. Technical assistance shall be provided by the department and the Governor's Office of Planning and Research.

(ii) The funds to be allocated pursuant to this subparagraph shall be held by the department until a local government submits a request for use. The request shall include a description of the proposed use of the funds in the interest of accelerating housing production. The proposed use of these funds shall be included in the local government's funding plan and annual reports pursuant to subclauses (II) and (III) of clause (ii) of subparagraph (B) of paragraph (2). Any of these funds not allocated by the department within the first two years that those funds are available shall be made available by the department for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(B) Fifty percent of deposits into the fund shall be made available to the department to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(C) The department shall ensure geographic equity in the distribution and expenditure of funds allocated pursuant to this paragraph.

(2) Moneys collected on and after January 1, 2019, shall be allocated as follows:

(A) Twenty percent of all moneys in the fund shall, upon appropriation by the Legislature, be expended for affordable owner-occupied workforce housing.

(B) (i) Seventy percent of moneys deposited in the fund shall, upon appropriation by the Legislature, be made available to local governments as follows:

(I) Ninety percent of the moneys specified in this subparagraph shall be allocated based on the formula specified in Section 5306 of Title 42 of the United States Code, in accordance with the distribution of funds pursuant to that formula for the federal Fiscal Year 2017, except that the portion allocated to nonentitlement areas pursuant to that section shall be distributed through a competitive grant program, administered by the department, as follows:

(ia) The department shall award priority points to a county that has a population of 200,000 or less within the unincorporated areas of the county, to a local government that did not receive an award based on the formula specified in Section 5306 of Title 42 of the United States Code in 2016, and to a local government that pledges to use the money awarded pursuant to a competitive grant under this subclause to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(ib) Moneys awarded to a local government pursuant to the competitive grant program shall be used for the purposes specified in subparagraph (D).

(II) The remaining 10 percent of the moneys specified in this subparagraph shall be allocated equitably among local jurisdictions that are nonentitlement areas pursuant to the formula specified in Section 5306 of Title 42 of the United States Code for federal Fiscal Year 2017.

(ii) To receive moneys pursuant to this subparagraph, local governments shall document minimum standards including the following:

(I) Submit a plan to the department detailing the manner in which allocated funds will be used by the local government in a manner consistent with this paragraph and to meet the local government's unmet share of the regional housing needs allocation.

(II) Have a compliant housing element with the state and submit a current annual report pursuant to Section 65400 of the Government Code.

(III) Submit an annual report to the department that provides ongoing tracking of the uses and expenditures of any allocated funds.

(IV) Funds may be expended for the uses listed in subparagraph (D). Two or more local governments that receive an allocation pursuant to this subparagraph may expend those moneys on a joint project that is an authorized use under subparagraph (D).

(V) Prioritize investments that increase the supply of housing to households that are at or below 60 percent of area median income, adjusted for household size.

(VI) If a local government does not have a documented plan to expend the moneys allocated to it pursuant to this subparagraph within five years of that allocation, those moneys shall be exempt from the allocation requirements in this paragraph and shall revert to, and be paid and deposited in, the Housing Rehabilitation Loan Fund established pursuant to Section 50661 to be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)) or for technical assistance for local governments.

(VII) A local government may petition the department to return any moneys allocated to it pursuant to this subparagraph. Any moneys returned pursuant to this clause shall be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(C) Thirty percent of moneys deposited in the fund shall be made available to the department for use as follows:

(i) Five percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used for state incentive programs, including loans and grants administered by the department. If the department receives insufficient funding applications for incentive programs financed pursuant to this clause, the department shall make those funds available for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(ii) Ten percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used to address affordable homeownership and rental housing opportunities for agricultural workers and their families.

(iii) Fifteen percent of the moneys deposited in the fund shall, notwithstanding any other provision of this section or Section 13340 of the Government Code, be continuously appropriated to the California Housing Finance Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households pursuant to Chapter 6.7 (commencing with Section 51325) of Part 3.

(D) The moneys in the fund allocated to local governments may be expended for the following purposes:

(i) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low-, and moderate-income households, including necessary operating subsidies.

(ii) Affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of area median income, or 150 percent of area median income in high-cost areas.

(iii) Matching portions of funds placed into local or regional housing trust funds.

(iv) Matching portions of funds available through the Low and Moderate Income Housing Asset Fund pursuant to subdivision (d) of Section 34176 of the Health and Safety Code.

(v) Capitalized reserves for services connected to the creation of new permanent supportive housing, including, but not limited to, developments

funded through the Veterans Housing and Homelessness Prevention Bond Act of 2014.

(vi) Assisting persons who are experiencing or at risk of homelessness, including providing rapid rehousing, rental assistance, navigation centers, emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

(vii) Accessibility modifications.

(viii) Efforts to acquire and rehabilitate foreclosed or vacant homes.

(ix) Homeownership opportunities, including, but not limited to, downpayment assistance.

(x) Fiscal incentives or matching funds to local agencies that approve new housing for extremely low, very low, low-, and moderate-income households.

(3) A state or local entity that receives an appropriation or allocation pursuant to this chapter shall use no more than 5 percent of that appropriation or allocation for costs related to the administration of the housing program for which the appropriation or allocation was made.

(c) Both of the following shall be paid and deposited in the fund:

(1) Any moneys appropriated and made available by the Legislature for purposes of the fund.

(2) Any other moneys that may be made available to the department for the purposes of the fund from any other source or sources.

(d) In consultation with stakeholders, the department may adopt guidelines to implement this section, including to determine allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

50470.5. For purposes of this chapter:

(a) "Department" means the Department of Housing and Community Development.

(b) "Local government" means any city, county, or city and county.

50471. The department and the California Housing Finance Agency shall report on the expenditure of funds pursuant to this chapter in accordance with Sections 50408 and 51005, respectively.

Article 2. Audits and Reporting

50475. (a) The Office of State Audits and Evaluation may conduct periodic audits to ensure that the annual allocation to individual programs is awarded by the department in a timely fashion consistent with the requirements of this chapter.

(b) The department shall reimburse the Office of State Audits and Evaluation for the actual costs of audit work performed pursuant to this section.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide affordable housing opportunities at the earliest possible time, it is necessary for this act to take effect immediately.