



SOLANO COUNTY

Legislative Committee Meeting

Committee
Supervisor Erin Hannigan (Chair)
Supervisor John M. Vasquez

Staff
Michelle Heppner

March 20, 2017

1:30 p.m.

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

AGENDA

- i. **Public Comment** (Items not on the agenda)
- ii. **Federal Legislative Update** (Waterman & Associates)
 - ACA Repeal & Replace
 - FY 17 and FY 18 Budget
 - Trump Infrastructure Package
 - Cannabis
- iii. **Update from Solano County Legislative Delegation** (Representative and/or Staff)
- iv. **Report on State Budget and Legislation and consider making a recommendation for a position on legislation** (Karen Lange)

Agriculture

[SB 287](#) (Dodd D) Habitat restoration: invasive species: Phytophthora pathogens.

Bonds

[SCA 3](#) (Dodd D) Local government financing: public libraries: voter approval.

Child Care

[AB 377](#) (Frazier D) Child care subsidy plans: County of Solano.

[AB 60](#) (Santiago D) Subsidized child care and development services: eligibility periods.

Current Analysis: 03/03/2017 [Assembly Human Services](#) (text 12/7/2016)

- v. **Next Regularly Scheduled Meeting: April 3, 2017 at 1:30 p.m.**
- vi. **Adjourn**

SB 287 – DODD

Phytophthora Pathogens – Habitat Restoration

Summary

SB 287 would require the Department of Fish and Wildlife to ensure that habitat restoration projects authorized, mandated, or funded by the State use clean nursery stock to minimize the introduction and spread of damaging *Phytophthora* plant pathogens into wildlands.

State agencies promote the use of nursery stock in wildlands through their vegetative cover standards for habitat restoration projects. The best defense against *Phytophthora* pathogens becoming established in wildlands, parks, open space and wetlands is to prevent their inadvertent introduction via infested nursery stock.

Background

Phytophthora (pronounced Fie-TOF-ther-uh; “plant destroyer” in Greek) is a group of microscopic plant pathogens that can damage or kill a wide variety of agricultural, horticultural, and forest plants, including native vegetation. The presence of root-rotting *Phytophthora* species in commercial ornamental plant nurseries has been known for some time. Recently, over 50 *Phytophthora* species, including species detected for the first time in the USA and new hybrid species, have been identified in habitat restoration plantings and native plant nurseries in California.

Many native plants have little or no resistance to these introduced pathogens. These pathogens can persist in the soil and proliferate on the plants they infect, causing irreparable damage to sensitive habitats. *Phytophthora* and other plant pathogens are a concern in restoration activities because the nursery plants are placed into wildland habitat, setting up a direct pathway for pathogen introduction and spread. Once these pathogens are introduced into the wild, they are very difficult, if not impossible, to eradicate.

Existing Law

Existing law does not directly address the use of planting material infected with *Phytophthora* or other pathogens in restoration plantings authorized, mandated, or funded by the State.

This Bill

SB 287 requires the Department of Fish and Wildlife to adopt regulations to minimize the risk of introducing *Phytophthora* pathogens in plant materials used for habitat restoration or enhancement projects.

Support

None on file

Opposition

None on file

Contact

Les Spahnn; 9160651-4003;
leslie.spahnn@sen.ca.gov

Introduced by Senator Dodd

February 9, 2017

An act to add Section 1017.5 to the Fish and Game Code, relating to habitat restoration.

LEGISLATIVE COUNSEL'S DIGEST

SB 287, as amended, Dodd. Habitat restoration: invasive species: ~~Phytophthora pathogens:~~ *pathogens*.

Existing law establishes the Department of Fish and Wildlife and sets forth the powers and duties of the department with regard to the implementation and administration of, among other things, projects and programs to protect wildlife and wildlife habitat in the state.

This bill would require the department, on or before December 31, 2019, to adopt regulations to minimize the risk of *Phytophthora* pathogens in plant materials used for habitat restoration projects authorized, funded, or required by the state.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) ~~Phytophthora, the Latin term for plant destroyer, is a~~
- 4 ~~microscopic plant pathogen that can severely damage or kill a wide~~
- 5 ~~variety of agricultural, ornamental, and native plants.~~

1 (2) ~~Phytophthora infestans caused the Great Irish Potato Famine~~
2 ~~from 1845 to 1849, and Phytophthora ramorum is the pathogen~~
3 ~~that causes sudden oak death, which has devastated oak and tanoak~~
4 ~~populations in coastal California and southwest Oregon.~~

5 (3) ~~The presence of root-rotting Phytophthora species in~~
6 ~~commercial ornamental plant nurseries has been known for some~~
7 ~~time, but more recently, a wide variety of Phytophthora species~~
8 ~~have been identified in habitat restoration plantings and native~~
9 ~~plant nurseries in California.~~

10 (4) ~~Native plants have no resistance to these introduced~~
11 ~~pathogens, so they can cause great damage to our wildlands.~~
12 ~~Planting Phytophthora-infected nursery stock in native habitats~~
13 ~~may be the most direct means of introducing these pathogens into~~
14 ~~wildlands.~~

15 (5) ~~Once these pathogens are introduced into the wild, they are~~
16 ~~extremely difficult, if not impossible, to eradicate.~~

17 (6) ~~State agencies promote the use of nursery stock in wildlands~~
18 ~~through their vegetative coverage standards for habitat restoration~~
19 ~~projects.~~

20 (7) ~~Use of infested nursery stock in habitat restoration projects~~
21 ~~increases long term cost for restoring these habitats due to high~~
22 ~~rates of plant failure.~~

23 (8) ~~The best defense against Phytophthora pathogens becoming~~
24 ~~established in wildlands is to prevent their inadvertent introduction~~
25 ~~via infested nursery stock.~~

26 (9) ~~Existing state regulations address detection, not prevention,~~
27 ~~do not cover the growing number of Phytophthora species being~~
28 ~~introduced to the state, and do not cover all suppliers for habitat~~
29 ~~restoration projects.~~

30 (1) *Phytophthora species, or “plant destroyers,” in Greek, are*
31 *microscopic plant pathogens that can severely damage or kill a*
32 *wide variety of agricultural, ornamental, and forest plants,*
33 *including native vegetation.*

34 (2) *Phytophthora infestans caused the Irish Potato Famine in*
35 *the 1840s, and Phytophthora ramorum causes sudden oak death,*
36 *which has killed millions of oaks and tanoaks in coastal California*
37 *and southwest Oregon.*

38 (3) *The presence of root-rotting Phytophthora species in*
39 *commercial horticultural plant nurseries has been well documented*
40 *over many years, but recently well over 50 Phytophthora species*

1 *have been found in habitat restoration plantings and native plant*
2 *nurseries in California. These include Phytophthora species*
3 *detected for the first time in the United States and new hybrid*
4 *species.*

5 *(4) Restoration plantings can inadvertently introduce*
6 *Phytophthora species into the soil, contaminating pristine areas,*
7 *or the limited habitats of threatened, rare, or sensitive plants.*
8 *Planting pathogen-infected nursery stock in native habitats is the*
9 *most direct means of introducing invasive exotic diseases into*
10 *wildlands.*

11 *(5) Many native plants have little or no natural resistance to*
12 *these introduced pathogens. Introduction of Phytophthora*
13 *pathogens can cause the destruction of native habitat and the*
14 *mortality of endangered species, and is counter to the goals of*
15 *restoration.*

16 *(6) Once these pathogens are introduced into the wildlands,*
17 *parks, open space areas, or wetlands, they are extremely difficult,*
18 *if not impossible, to eradicate.*

19 *(7) Use of Phytophthora-infested nursery stock in habitat*
20 *restoration projects increases long-term costs of restoring these*
21 *habitats due to high rates of plant failure, reduced growth, and*
22 *future costs to remediate contaminated sites. Adjacent native*
23 *vegetation is put at risk to infection.*

24 *(8) The best defense against Phytophthora pathogens becoming*
25 *established in wildlands is to prevent their inadvertent introduction*
26 *via infested nursery stock.*

27 *(9) State agencies promote the use of nursery stock in wildlands*
28 *through their vegetative cover standards for habitat restoration*
29 *projects.*

30 *(10) No existing state regulations prevent or discourage the use*
31 *of Phytophthora-infected nursery stock in habitat restoration*
32 *projects.*

33 (b) It is the intent of the Legislature that all of the following
34 occur:

35 (1) The spread of harmful plant pathogens in our wildlands be
36 avoided in state actions that authorize, fund, or require habitat
37 restoration in California.

38 (2) The availability of safe plant materials be increased by
39 requiring the use of best management practices *and clean*

1 *phytosanitary standards* by the suppliers of nursery stock for
2 habitat restoration projects.

3 (3) The success of habitat restoration projects be improved, and
4 their long-term costs *and potential for adverse environmental*
5 *impacts* reduced, by providing guidance to project sponsors on the
6 procurement and installation of *clean* plant materials *that are*
7 *disease free to the maximum extent possible* for their projects.

8 SEC. 2. Section 1017.5 is added to the Fish and Game Code,
9 to read:

10 1017.5. (a) On or before December 31, 2019, the department
11 shall adopt regulations to minimize the risk of *Phytophthora*
12 pathogens in plant materials used for habitat restoration projects
13 authorized, funded, or required by the state.

14 (b) In developing the regulations, the department shall consult
15 with regional water quality control boards and the Department of
16 ~~Food and Agriculture~~. *boards, other state departments and*
17 *agencies with responsibilities related to habitat restoration*
18 *projects, and plant pathologists with expertise in Phytophthora*
19 *diseases.*

20 (c) The department shall conduct at least three public meetings
21 to consider public comment before adopting the regulations.

22 (d) On or before December 31, 2018, the department shall
23 submit a report on its progress toward adopting the regulations to
24 the Legislature, including to the appropriate policy committees.
25 The report shall be submitted in compliance with Section 9795 of
26 the Government Code.

SCA 3 – DODD

LOCAL LIBRARY BONDS – VOTER THRESHOLD

Summary

SCA 3 would amend the State Constitution to allow cities, counties, and special districts to issue bonded indebtedness for library related capital outlay, as specified with 55% voter approval.

Background

There are 1,114 public libraries in California. Libraries provide vital services to the state's educational system and to communities across the state. More than 22 million people use California's public libraries annually.

Students, adults, seniors and those with hearing and visual impairments, among others, rely on public libraries more than ever before. Libraries provide a variety of services including literacy and study instruction, Internet access, and disability services. Professional librarians assist people in finding source material for research, employment training and work opportunities, reading pleasure, and more. Libraries are also an integral part of our public education system, where students receive guidance for effective study habits. This service has become even more important in light of cutbacks in school based libraries over the last 15 years.

The last state library bond was approved by voters in 2000. The bond amount was \$350 million. However, because the statewide need was more than \$2 billion at that time, approximately three fourths of the shovel ready library projects were left unfunded. According to a needs assessment done in 2016, there are 559 California public library "immediate need" projects awaiting \$4.1 billion in funds. Projects range from seismic retrofits, to addressing ADA compliance issues, to the addition of more space to meet growing demand.

Existing Law

The California Constitution requires cities, counties, and school districts to obtain voter approval for long term debt. If the debt is secured by an ad valorem tax on property, the debt must have 2/3 voter approval.

The Constitution however, allows school districts, community college districts, and county offices of education to issue bonded indebtedness for school facilities with 55% voter approval.

This Bill

SCA 3 would lower the vote threshold to approve the issuance of bonds by cities, counties, and special districts for the purpose of constructing, reconstructing, rehabilitating, or replacing public libraries, to 55% instead of two thirds of the voters voting in an election.

Support

California Library Association.
Senator Lois Wolk (ret.)
Napa County
Altadena Libraries
Placentia Library District
Palos Verdes Library District
Yolo County
Sonoma County Library
Oakland Public Library
City of Ontario
Redwood City
Group 4 Architects

Opposition

None on File

Contact

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Senator Dodd Introduces Measure to Support Libraries

January 31, 2017

SACRAMENTO –Senator Bill Dodd (D-Napa) recently introduced new legislation to support public libraries by giving local communities more flexibility to approve library bonds.

“Our public libraries provide critical services to our state, educating future generations, promoting lifelong learning and providing cultural enrichment,” said Senator Bill Dodd. “That’s why we need to empower local communities to better maintain and expand the accessibility and capacity at their public libraries.”

Currently, local library bond measures require a two-thirds vote. Dodd’s measure would allow voters to approve library bonds with a 55 percent vote, which is the same threshold currently in place for school and community college bonds. Library bonds can be used to construct, expand or rehabilitate public libraries.

“We are simply not keeping pace with the construction needs of our libraries at the state level, and consequently we must give local voters the tools to decide if they want to support these special and vital community centers,” said Helen McAlary, President of the California Library Association. “That is why the California Library Association strongly supports, and is sponsoring, SCA 3 by Senator Bill Dodd.”

California’s 1,114 public libraries are used by nearly 22 million registered borrowers. According to the California State Library, there are nearly 160 million library visits each year. The California Library Association conducted a needs assessment in 2016 to determine the construction and renovation requirements for public libraries throughout the state. The assessment found a staggering \$4.1 billion in needs. Projects range from seismic retrofits, to ADA compliance, to the addition of more space to meet growing demand.

Dodd’s library measure follows his introduction of Senate Bill 135 in January to add media literacy education to our state’s school curriculum.

###

Senator Bill Dodd represents the 3rd Senate District, which includes all or portions of Napa, Sonoma, Solano, Yolo, Sacramento, and Contra Costa Counties. You can learn more about Senator Dodd at www.sen.ca.gov/dodd (<http://www.sen.ca.gov/dodd>).



Senate District 3

AMENDED IN SENATE MARCH 6, 2017

Senate Constitutional Amendment

No. 3

Introduced by Senator Dodd

(Coauthors: Senators ~~McGuire~~ Hill, McGuire, and Wieckowski)

January 30, 2017

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, and by amending Section 18 of Article XVI thereof, relating to public libraries.

LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as amended, Dodd. Local government financing: public libraries: voter approval.

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions that include a tax rate to service ~~banded~~ *banded* indebtedness incurred by a school district, community college district, or county office of education for school facilities and approved by 55% of the voters of the district or county voting on the proposition at an election.

This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities, that is approved by 55% of the voters of the city, county, city and county, or special district, as ~~applicable~~. *applicable, if the proposition meets specified requirements.*

The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of

the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund public libraries.

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

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2017–18 Regular
3 Session commencing on the fifth day of December 2016, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 First—That Section 1 of Article XIII A thereof is amended to
8 read:

9 SECTION 1. (a) The maximum amount of any ad valorem
10 tax on real property shall not exceed 1 percent of the full cash
11 value of that property. The 1 percent tax shall be collected by the
12 counties and apportioned according to law to the districts within
13 the counties.

14 (b) The limitation provided for in subdivision (a) shall not apply
15 to ad valorem taxes or special assessments to pay the interest and
16 redemption charges on any of the following:

- 17 (1) Indebtedness approved by the voters prior to July 1, 1978.
18 (2) Bonded indebtedness for the acquisition or improvement of
19 real property approved on or after July 1, 1978, by two-thirds of
20 the votes cast by the voters voting on the proposition.
21 (3) Bonded indebtedness incurred by a school district,
22 community college district, or county office of education to fund
23 the construction, reconstruction, rehabilitation, or replacement of

1 school facilities, including the furnishing and equipping of school
2 facilities, or the acquisition or lease of real property for school
3 facilities, approved by 55 percent of the voters of the district or
4 county, as appropriate, voting on the proposition on or after
5 November 8, 2000. This paragraph shall apply only if the
6 proposition approved by the voters and resulting in the bonded
7 indebtedness includes all of the following accountability
8 requirements:

9 (A) A requirement that the proceeds from the sale of the bonds
10 be used only for the purposes specified in this paragraph and not
11 for any other purpose, including teacher and administrator salaries
12 and other school operating expenses.

13 (B) A list of the specific school facilities projects to be funded
14 and certification that the school district board, community college
15 board, or county office of education has evaluated safety, class
16 size reduction, and information technology needs in developing
17 that list.

18 (C) A requirement that the school district board, community
19 college board, or county office of education conduct an annual,
20 independent performance audit to ensure that the funds have been
21 expended only on the specific projects listed.

22 (D) A requirement that the school district board, community
23 college board, or county office of education conduct an annual,
24 independent financial audit of the proceeds from the sale of the
25 bonds until all of those proceeds have been expended for the school
26 facilities projects.

27 (4) (A) Bonded indebtedness, approved by 55 percent of the
28 voters of a city, county, city and county, or special district, as
29 applicable, voting on the proposition on or after the effective date
30 of the measure adding this paragraph, incurred by the city, county,
31 city and county, or special district to fund the construction,
32 reconstruction, rehabilitation, or replacement of public library
33 facilities, including the furnishing and equipping of public library
34 facilities, or the acquisition or lease of real property for public
35 library facilities.

36 (B) *This paragraph shall apply only if the proposition approved*
37 *by the voters includes all of the following accountability*
38 *requirements:*

39 (i) *A requirement that the proceeds from the sale of the bonds*
40 *be used only for the purposes specified in this paragraph and not*

1 *for any other purpose, including personnel and operating expenses*
 2 *of the public library.*

3 *(ii) A list of the specific public library facilities projects to be*
 4 *funded and certification that the city, county, city and county, or*
 5 *special district has evaluated the degree to which existing public*
 6 *library facilities are inadequate in meeting the needs of, and the*
 7 *degree to which the proposed public library facilities projects*
 8 *respond to the needs of, the residents in the library service area,*
 9 *in the development of that list.*

10 *(iii) A requirement that the city, county, city and county, or*
 11 *special district conduct an annual, independent performance audit*
 12 *to ensure that the funds have been expended only on the public*
 13 *library facilities projects listed.*

14 *(iv) A requirement that the city, county, city and county, or*
 15 *special district conduct an annual, independent financial audit of*
 16 *the proceeds from the sale of the bonds until all of those proceeds*
 17 *have been expended for the public library facilities projects.*

18 *(C) For purposes of this paragraph, “special district” has the*
 19 *same meaning as that term is used in subdivision (c) of Section 1*
 20 *of Article XIII C, but does not include a redevelopment agency.*

21 *(c) Notwithstanding any other provisions of law or of this*
 22 *Constitution, a school district, community college district, county*
 23 *office of education, city, county, city and county, or special district*
 24 *may levy a 55-percent-vote ad valorem tax pursuant to subdivision*
 25 *(b).*

26 *Second—That Section 18 of Article XVI thereof is amended to*
 27 *read:*

28 *SEC. 18. (a) A county, city, town, township, board of*
 29 *education, or school district shall not incur any indebtedness or*
 30 *liability in any manner or for any purpose exceeding in any year*
 31 *the income and revenue provided for that year, without the assent*
 32 *of two-thirds of the voters of the public entity voting at an election*
 33 *to be held for that purpose, except that with respect to any such*
 34 *public entity that is authorized to incur indebtedness for public*
 35 *school purposes, any proposition for the incurrence of indebtedness*
 36 *in the form of general obligation bonds for the purpose of repairing,*
 37 *reconstructing, or replacing public school buildings determined,*
 38 *in the manner prescribed by law, to be structurally unsafe for school*
 39 *use, shall be adopted upon the approval of a majority of the voters*
 40 *of the public entity voting on the proposition at that election; nor*

1 unless before or at the time of incurring the indebtedness, provision
2 shall be made for the collection of an annual tax sufficient to pay
3 the interest on the indebtedness as it falls due, and to provide for
4 a sinking fund for the payment of the principal thereof, on or before
5 maturity, which shall not exceed forty years from the time of
6 contracting the indebtedness.

7 (b) Notwithstanding subdivision (a), on or after November 8,
8 2000, in the case of any school district, community college district,
9 or county office of education, any proposition for the incurrence
10 of indebtedness in the form of general obligation bonds for the
11 construction, reconstruction, rehabilitation, or replacement of
12 school facilities, including the furnishing and equipping of school
13 facilities, or the acquisition or lease of real property for school
14 facilities, shall be adopted upon the approval of 55 percent of the
15 voters of the district or county, as appropriate, voting on the
16 proposition at an election. This subdivision shall apply only to a
17 proposition for the incurrence of indebtedness in the form of
18 general obligation bonds for the purposes specified in this
19 subdivision if the proposition meets all of the accountability
20 requirements of paragraph (3) of subdivision (b) of Section 1 of
21 Article XIII A.

22 (c) Notwithstanding subdivision (a), on or after the effective
23 date of the measure adding this subdivision, in the case of any city,
24 county, or city and county, any proposition to incur indebtedness
25 in the form of general obligation bonds shall be adopted by 55
26 percent of the voters of the city, county, or city and county, as
27 applicable, voting on the proposition at an election, where the
28 general obligation bonds would fund public libraries, including,
29 but not limited to, the construction, reconstruction, rehabilitation,
30 or replacement of public library facilities, the furnishing and
31 equipping of public library facilities, or the acquisition or lease of
32 real property for public library facilities.

33 (d) When two or more propositions for incurring any
34 indebtedness or liability are submitted at the same election, the
35 votes cast for and against each proposition shall be counted
36 separately, and when two-thirds or a majority or 55 percent of the
37 voters, as the case may be, voting on any one of those propositions,
38 vote in favor thereof, the proposition shall be deemed adopted.

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AB 377 – Child Care Subsidy Plans

SUMMARY

AB 377 would authorize the Counties of Solano and San Diego to develop and implement an individualized county child care subsidy plan pilot program. The authorization would sunset January 1, 2025.

AB 377 maximizes allocated funding and uses child care subsidy funds to meet local needs so quality child care can be provided to children with more flexibility in the following areas: 1) Family and Child Eligibility, 2) Reimbursement Rates, 3) family fees and 4) Maximizing the efficient use of subsidy dollars, including the coordination of child care provider contracts.

BACKGROUND

Existing Law establishes the Child Care and Developmental Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-efficient system to serve children from birth to 13 years old and their parents, including a full range of supervision, health, and support services through full and part time programs. (Ed Code 8200, et seq.) Existing Law also states the legislative intent that all families have access to child care and development services, regardless of demographic background or special needs. Also, families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in child care and development programs. (Ed code 8202) Also, existing law establishes several programs providing subsidized child care and development services that serve low income families who are

working, seeking work, in training, or providing community service. These programs are administered by the California Department of Education (CDE) and requires the Superintendent of Public Instruction to adopt rules and regulation on eligibility, enrollment, family fees, and priority services. (EC 8235 and 8263)

PURPOSE

Child Care funding allocated by the legislature often goes unused by counties, including Solano County because of requirements that fail to meet the needs of local families and child care providers. Solano County has given back up to \$500,000 to the state, and most recently, \$150,000. Yet, the unmet need for child care services in Solano County remains very high. For instance, income-eligible families with infants and toddlers are consistently not served by subsidized child care programs. AB 377 will allow Solano County to create a childcare subsidy plan that can best address the needs of local families and child care providers.

SUPPORT

Solano Local Child Care Planning Council
(Co-Sponsor)
Solano Children’s Network (Co-Sponsor)
First 5 Association of California

STAFF CONTACT

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Last updated: 3/3/17

ASSEMBLY BILL

No. 377

Introduced by Assembly Member Frazier

February 9, 2017

An act to add and repeal Article 15.4.2 (commencing with Section 8349) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as introduced, Frazier. Child care subsidy plans: County of Solano.

The Child Care and Development Services Act has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs. Existing law authorizes the County of Alameda, as a pilot project, to develop an individualized county child care subsidy plan, as provided.

This bill would authorize, until January 1, 2023, the County of Solano to develop and implement an individualized county child care subsidy plan, as specified. The bill would require the plan to be submitted to the local planning council and the Solano County Board of Supervisors for approval, as specified. The bill would require the Early Education and Support Division of the State Department of Education to review and approve or disapprove the plan and any subsequent modifications to the plan. The bill would require the County of Solano to annually prepare and submit to the Legislature, the State Department of Social

Services, and the State Department of Education a report that contains specified information relating to the success of the county’s plan.

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

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. It is the intent of the Legislature to build a stable,
2 comprehensive, and adequately funded high-quality early learning
3 and educational support system for children from birth to five years
4 of age, inclusive, with alignment and integration into the K–12
5 education system by strategically using state and federal funds,
6 and engaging all early care and education stakeholders, including
7 K–12 education stakeholders, in an effort to provide access to
8 affordable, high-quality services supported by adequate rates,
9 integrated data systems, and a strong infrastructure that supports
10 children and the educators that serve them.

11 SEC. 2. Article 15.4.2 (commencing with Section 8349) is
12 added to Chapter 2 of Part 6 of Division 1 of Title 1 of the
13 Education Code, to read:

14
15 Article 15.4.2. Individualized County of Solano Child Care
16 Subsidy Plan
17

18 8349. The County of Solano may, as a pilot project, develop
19 and implement an individualized county child care subsidy plan.
20 The plan shall ensure that child care subsidies received by the
21 County of Solano are used to address local needs, conditions, and
22 priorities of working families in the community.

23 8349.1. For purposes of this article, “county” means the County
24 of Solano.

25 8349.2. (a) For purposes of this article, “plan” means an
26 individualized county child care subsidy plan developed and
27 approved under the pilot project described in Section 8349, which
28 includes all of the following:

29 (1) An assessment to identify the county’s goals for its
30 subsidized child care system. The assessment shall examine
31 whether the current structure of subsidized child care funding

1 adequately supports working families in the county and whether
2 the county's child care goals coincide with the state's requirements
3 for funding, eligibility, priority, and reimbursement. The
4 assessment shall also identify barriers in the state's child care
5 subsidy system that inhibit the county from meeting its child care
6 goals. In conducting the assessment, the county shall consider all
7 of the following:

8 (A) The general demographics of families who are in need of
9 child care, including employment, income, language, ethnic, and
10 family composition.

11 (B) The current supply of available subsidized child care.

12 (C) The level of need for various types of subsidized child care
13 services, including, but not limited to, infant care, after-hours care,
14 and care for children with exceptional needs.

15 (D) The county's self-sufficiency income level.

16 (E) Income eligibility levels for subsidized child care.

17 (F) Family fees.

18 (G) The cost of providing child care.

19 (H) The regional market rates, as established by the department,
20 for different types of child care.

21 (I) The standard reimbursement rate or state per diem for centers
22 operating under contracts with the department.

23 (J) Trends in the county's unemployment rate and housing
24 affordability index.

25 (2) (A) Development of a local policy to eliminate state-imposed
26 regulatory barriers to the county's achievement of its desired
27 outcomes for subsidized child care.

28 (B) The local policy shall do all of the following:

29 (i) Prioritize lowest income families first.

30 (ii) Follow the family fee schedule established pursuant to
31 Section 8273 for those families that are income eligible, as defined
32 by Section 8263.1.

33 (iii) Meet local goals that are consistent with the state's child
34 care goals.

35 (iv) Identify existing policies that would be affected by the
36 county's plan.

37 (v) (I) Authorize an agency that provides child care and
38 development services in the county through a contract with the
39 department and either provides direct services or contracts with

1 licensed providers or centers to apply to the department to amend
2 existing contracts in order to benefit from the local policy.

3 (II) The department shall approve an application to amend an
4 existing contract if the plan is modified pursuant to Section 8349.3.

5 (III) The contract of a department contractor who does not elect
6 to request an amendment to its contract remains operative and
7 enforceable.

8 (C) The local policy may supersede state law concerning child
9 care subsidy programs with regard only to the following factors:

10 (i) Eligibility criteria, including, but not limited to, age, family
11 size, time limits, income level, inclusion of former and current
12 CalWORKs participants, and special needs considerations, except
13 that the local policy shall not deny or reduce eligibility of a family
14 that qualifies for child care pursuant to Section 8353. Under the
15 local policy, a family that qualifies for child care pursuant to
16 Section 8354 shall be treated for purposes of eligibility and fees
17 in the same manner as a family that qualifies for subsidized child
18 care on another basis pursuant to the local policy.

19 (ii) Fees, including, but not limited to, family fees, sliding scale
20 fees, and copayments for those families that are not income eligible,
21 as defined by Section 8263.1.

22 (iii) Reimbursement rates.

23 (iv) Methods of maximizing the efficient use of subsidy funds,
24 including, but not limited to, multiyear contracting with the
25 department for center-based child care, and interagency agreements
26 that allow for flexible and temporary transfer of funds among
27 agencies.

28 (3) Recognition that all funding sources utilized by direct service
29 contractors that provide child care and development services in
30 the county and contractors that contract with licensed providers
31 and centers are eligible to be included in the county's plan.

32 (4) Establishment of measurable outcomes to evaluate the
33 success of the plan to achieve the county's child care goals, and
34 to overcome any barriers identified in the state's child care subsidy
35 system.

36 (b) Nothing in this section shall be construed to permit the
37 county to change the regional market rate survey results for the
38 county.

39 8349.3. (a) The plan shall be submitted to the local planning
40 council, as defined in subdivision (g) of Section 8499, for approval.

1 Upon approval of the plan by the local planning council, the Board
2 of Supervisors of the County of Solano shall hold at least one
3 public hearing on the plan. Following the hearing, if the board
4 votes in favor of the plan, the plan shall be submitted to the Early
5 Education and Support Division of the department for review.

6 (b) Within 30 days of receiving the plan, the Early Education
7 and Support Division shall review and either approve or disapprove
8 the plan.

9 (c) Within 30 days of receiving a modification to the plan, the
10 Early Education and Support Division shall review and either
11 approve or disapprove that modification to the plan.

12 (d) The Early Education and Support Division may disapprove
13 only those portions of modifications to the plan that are not in
14 conformance with this article or that are in conflict with federal
15 law.

16 8349.4. The county shall, by the end of the first fiscal year of
17 operation under the approved child care subsidy plan, demonstrate,
18 in the report required pursuant to Section 8349.5, an increase in
19 the aggregate days a child is enrolled in child care in the county
20 as compared to the enrollment in the final quarter of the 2016–17
21 fiscal year.

22 8349.5. (a) The county shall annually prepare and submit to
23 the Legislature, the State Department of Social Services, and the
24 department a report that summarizes the success of the county’s
25 plan, and the county’s ability to maximize the use of funds and to
26 improve and stabilize child care in the county.

27 (b) A report to be submitted pursuant to subdivision (a) shall
28 be submitted in compliance with Section 9795 of the Government
29 Code.

30 8349.6. A participating contractor shall receive an increase or
31 decrease in funding that the contractor would have received if the
32 contractor had not participated in the plan.

33 8349.7. This article shall remain in effect only until January
34 1, 2023, and as of that date is repealed, unless a later enacted
35 statute, that is enacted before January 1, 2023, deletes or extends
36 that date.

37 SEC. 3. The Legislature finds and declares that a special statute
38 is necessary and that a general statute cannot be made applicable
39 within the meaning of Section 16 of Article IV of the California
40 Constitution because of the unique circumstances in the County

1 of Solano. Existing law does not reflect the fiscal reality of living
2 in the County of Solano, a high-cost county where the cost of living
3 is well beyond the state median level, resulting in reduced access
4 to quality child care. In recognition of the unintended consequences
5 of living in a high-cost county, this act is necessary to provide
6 children and families in the County of Solano proper access to
7 child care through an individualized county child care subsidy
8 plan.

O

AB 60 (Santiago & Gonzalez Fletcher)

The Child Care Protections for Working Families Act

Bill Summary

AB 60 establishes 12-month child care assistance and a graduated phase out that allows for tapered assistance to families whose income has increased at the time of re-determination, but still does not exceed the federal income limit of 85% of State Median Income (SMI).

Existing Law

Title V of the California Code of Regulations requires families to report, within 5 days, any changes in family income, family size, or activities requiring child care. A parent who is a student must report any request for a change in class schedule within 5 days, and progress reports within 10 days. Families authorized for a "variable schedule" due to unpredictable days and hours of employment must also, every 4 months, submit pay stubs, written statements from their employers, or other records of their time for the prior 4 months. Child care may be terminated for failure to report, or for purported lack of eligibility based on new information.

Current law states that families may not receive child care assistance for more than 12-months without redetermination of eligibility, but offers no protection from repeated reporting or termination prior to 12 months.¹

Existing law allows families in state child care programs to earn no more than 70% of a derived SMI based on income data from a decade ago.²

¹ Cal. Educ. Code § 8263 (a)(state has general authority to adopt rules and regulations on eligibility, enrollment); Cal. Code Regs. tit. 5, § 18103(a)(3)("[F]amilies shall be recertified at least once each contract period and at intervals not to exceed twelve (12) months.").

Background

The federal Child Care Development Block Grant Act of 2014 requires states immediately to implement a number of policies to promote stable child care assistance. California is not in compliance with the stable child care provisions of the federal law.

In California, burdensome reporting rules cause eligible families to churn between child care programs and long waiting lists for the programs. Churning disrupts children's school readiness and development; makes it impossible for child care providers to balance ledgers or plan for quality investments; and burdens employers and education providers to sign off on endless paperwork.

While a low-income working family that never underwent even small changes in income or activities might experience 12-months of uninterrupted child care assistance, extensive reporting requirements mean that, effectively, few families have this guarantee.

California does not have a statewide policy of graduated phase out. County pilots in cities such as San Francisco and San Mateo allow families to remain eligible up to 80% of SMI. Phase-out allows for moderate wage growth, such as through minimum wage increases, without the sudden withdrawal of support that can undermine a family's pathway to financial stability.

There is broad consensus among child care administrators, advocates, and parents that the

² Cal. Educ. Code §§ 8263.1(a)-(c)(setting income limits based on SMI in use for the 2007-08 fiscal year, which was based on data collected in 2005).

state's current reporting rules are harmful, and that establishing more stability within the child care system will create better outcomes for children.

Need for AB 60

AB 60 will bring the state into compliance with the federally required 12-months of child care assistance by relaxing the unrealistic reporting timelines that harm families the most.

Specifically, this bill protects families eligible for child care by:

- Updating the SMI income threshold for entering families to 70% of the current SMI;
- Updating income threshold at which families exit to 85% of the current SMI;
- Guaranteeing eligibility for child care for 12 months upon receiving a child care subsidy; and
- Eliminating required interim reporting during the 12 month-eligibility period unless:
 - family income exceeds 85% SMI; or
 - initial certification is under seeking employment, in which case the family must report at 6 months.

Support

For More Information

Jaspreet Johl
Assembly Member Miguel Santiago
916.319.2053 | jaspreet.johl@asm.ca.gov



February 16, 2017

The Honorable Blanca Rubio, Chair
Assembly Human Services Committee
1020 N Street, Room 124
Sacramento, CA 95814

**RE: SUPPORT ASSEMBLY BILL 60 (SANTIAGO AND GONZALEZ FLETCHER)
FIRST 5 CALIFORNIA (CO-SPONSOR)**

Dear Assemblymember Rubio:

First 5 California is proud to co-sponsor AB 60 (Santiago and Gonzalez Fletcher), which would modernize eligibility for subsidized early learning programs. AB 60 also will guarantee 12-month child care assistance and provide a graduated phase-out for families whose income has increased at the time of re-determination, but that still does not exceed the federal income limit of 85 percent of State Median Income.

First 5 California's vision is to ensure California's children receive the best possible start in life and thrive. In that regard, First 5 California has made a significant investment in school readiness programs. High-quality early learning programs are a major benefit to school readiness and enhance a child's success throughout school and life.

California's burdensome reporting rules cause eligible families to churn between child care programs and long waiting lists for those programs. Continuity of care is critical to the emotional growth and development of young children. Yet this churning disrupts children's school readiness and development. This waitlist also makes it impossible for child care providers to balance ledgers or plan for quality investments. Research has shown when a child-caregiver bond is continuously broken, young children experience a sense of loss, making it more difficult for them to feel secure and form emotional attachments.

AB 60 would promote continuous child care assistance for children and families for an extended period. Working low-income families often experience rapid changes in income and work-related activities. Retention of child care during a temporary hardship, such as unemployment or extended illness, alleviates stress on children and families, and facilitates parents' smooth transition back into the workforce. Stable child care is critical to strengthen parents' ability to work, improves their prospects in the job market, and increases their earning potential. In addition, continuity of care creates the stable conditions children need for their healthy development and school readiness. Research

reveals that children's educational and developmental outcomes improve when they have continuity in their child care arrangements.

AB 60 would bring the state into compliance with the federally required 12 months of child care assistance by relaxing the unrealistic reporting timelines that harm families most. By establishing more stability within the child care system that creates better outcomes for young children, AB 60 furthers the goals of First 5 California's Children's State Policy Agenda.

For these reasons, First 5 California¹ respectfully requests your "Aye" vote on AB 60. If you have questions regarding First 5 California's position on AB 60, please contact Erin Gabel, Deputy Director of External and Governmental Affairs, at egabel@ccfc.ca.gov or (916) 263-1093.

Sincerely,



Camille Maben
Executive Director

cc: The Honorable Miguel Santiago, California State Assembly
The Honorable Lorena Gonzalez Fletcher, California State Assembly
Daphne Hunt, Consultant, Assembly Human Services Committee
George Halvorson, Chair, First 5 California
Joyce Iseri, Vice Chair, First 5 California
Conway Collis, Commissioner, First 5 California
Muntu Davis, Commissioner, First 5 California
Shana Hazan, Commissioner, First 5 California
Lupe Jaime, Commissioner, First 5 California
Jim Suennen, Ex-Officio Member Designee, First 5 California

¹ First 5 California, also known as the California Children and Families Commission, was established after voters passed Proposition 10 in November 1998, which added a tax on tobacco products to fund education, health, childcare, and other services for children ages 0 to 5 and their families. Its programs and resources are designed to educate teachers, parents, grandparents, and caregivers about the critical role they play during a child's first five years – with the overarching goal of helping more California kids grow up healthy and ready to succeed in school and in life.

ASSEMBLY BILL

No. 60

Introduced by Assembly Members Santiago and Gonzalez

December 7, 2016

An act to amend Sections 8263, 8263.1, and 8273.1 of the Education Code, and to amend Section 11323.2 of the Welfare and Institutions Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as introduced, Santiago. Subsidized child care and development services: eligibility periods.

Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. Existing law requires the Superintendent to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement the act. The act, and regulations adopted pursuant to the act, set forth eligibility requirements for families to receive federal and state subsidized child development services and impose various time limits for receipt of services and recertification for continued services.

This bill would require that a family, upon establishing initial eligibility or ongoing eligibility for services under the act, be considered to meet all eligibility requirements for those services for not less than 12 months, receive those services for not less than 12 months before having its eligibility redetermined, and not be required to report changes to income or other changes for at least 12 months, except as provided. The bill would revise the definition of "income eligible" and provide that the definition applies for purposes of establishing initial income

eligibility for services under the act, and would add a definition of “ongoing income eligible” for purposes of establishing ongoing income eligibility for services under the act.

The bill would, except as provided, prohibit a payment made by a child development program for a child, during the period between a family’s most recent eligibility determination or redetermination and its next eligibility redetermination, from being considered an error or an improper payment due to a change in the family’s circumstances during that same period. The bill would, notwithstanding specified law, authorize the State Department of Education to implement this provision through management bulletins or similar letters of instruction until regulations are filed with the Secretary of State to implement the provision. The bill would require the department to initiate a rulemaking action to implement the provision on or before December 31, 2018. The bill would require the department, before initiating this rulemaking action, to convene a workgroup of parents, advocates, department staff, child development program representatives, and other stakeholders to develop recommendations regarding implementing the provision.

The bill would repeal certain provisions that impose time limits for services under the act and a provision that authorizes the Superintendent to grant an extension of services, as specified. The bill would make other conforming changes.

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 8263 of the Education Code is amended
2 to read:
3 8263. (a) (1) The Superintendent shall adopt rules and
4 regulations on eligibility, enrollment, and priority of services
5 needed to implement this chapter. In order to be eligible for federal
6 and state subsidized child development services, families shall
7 meet at least one requirement in each of the following areas:
8 (A) A family is (i) a current aid recipient, (ii) income eligible,
9 (iii) homeless, or (iv) one whose children are recipients of
10 protective services, or whose children have been identified as being
11 abused, neglected, or exploited, or at risk of being abused,
12 neglected, or exploited.

1 (B) A family needs the child care services (i) because the child
2 is identified by a legal, medical, or social services agency, a local
3 educational agency liaison for homeless children and youths
4 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
5 the United States Code, a Head Start program, or an emergency
6 or transitional shelter as (I) a recipient of protective services, (II)
7 being neglected, abused, or exploited, or at risk of neglect, abuse,
8 or exploitation, or (III) being homeless or (ii) because the parents
9 are (I) engaged in vocational training leading directly to a
10 recognized trade, paraprofession, or profession, (II) employed or
11 seeking employment, (III) seeking permanent housing for family
12 stability, or (IV) incapacitated.

13 (2) If only one parent has signed an application for enrollment
14 in child care services, as required by this chapter or regulations
15 adopted to implement this chapter, and the information provided
16 on the application indicates that there is a second parent who has
17 not signed the application, the parent who has signed the
18 application shall self-certify the presence or absence of the second
19 parent under penalty of perjury. The parent who has signed the
20 application shall not be required to submit additional information
21 documenting the presence or absence of the second parent.

22 (b) Except as provided in Article 15.5 (commencing with Section
23 8350), priority for federal and state subsidized child development
24 services is as follows:

25 (1) ~~(A)~~ First priority shall be given to neglected or abused
26 children who are recipients of child protective services, or children
27 who are at risk of being neglected or abused, upon written referral
28 from a legal, medical, or social services agency. If an agency is
29 unable to enroll a child in the first priority category, the agency
30 shall refer the family to local resource and referral services to
31 locate services for the child.

32 ~~(B) A family who is receiving child care on the basis of being~~
33 ~~a child at risk of abuse, neglect, or exploitation, as defined in~~
34 ~~subdivision (k) of Section 8208, is eligible to receive services~~
35 ~~pursuant to subparagraph (A) for up to three months, unless the~~
36 ~~family becomes eligible pursuant to subparagraph (C).~~

37 ~~(C) A family may receive child care services for up to 12 months~~
38 ~~on the basis of a certification by the county child welfare agency~~
39 ~~that child care services continue to be necessary or, if the child is~~
40 ~~receiving child protective services during that period of time, and~~

1 ~~the family requires child care and remains otherwise eligible. This~~
2 ~~time limit does not apply if the family's child care referral is~~
3 ~~recertified by the county child welfare agency.~~

4 (2) Second priority shall be given equally to eligible families,
5 regardless of the number of parents in the home, who are income
6 eligible. Within this priority, families with the lowest gross monthly
7 income in relation to family size, as determined by a schedule
8 adopted by the Superintendent, shall be admitted first. If two or
9 more families are in the same priority in relation to income, the
10 family that has a child with exceptional needs shall be admitted
11 first. If there is no family of the same priority with a child with
12 exceptional needs, the same priority family that has been on the
13 waiting list for the longest time shall be admitted first. For purposes
14 of determining order of admission, the grants of public assistance
15 recipients shall be counted as income.

16 (3) The Superintendent shall set criteria for, and may grant
17 specific waivers of, the priorities established in this subdivision
18 for agencies that wish to serve specific populations, including
19 children with exceptional needs or children of prisoners. These
20 new waivers shall not include proposals to avoid appropriate fee
21 schedules or admit ineligible families, but may include proposals
22 to accept members of special populations in other than strict income
23 order, as long as appropriate fees are paid.

24 (c) Notwithstanding any other law, in order to promote
25 continuity of services, a family enrolled in a state or federally
26 funded child care and development program whose services would
27 otherwise be terminated because the family no longer meets the
28 program income, eligibility, or need criteria may continue to
29 receive child development services in another state or federally
30 funded child care and development program if the contractor is
31 able to transfer the family's enrollment to another program for
32 which the family is eligible before the date of termination of
33 services or to exchange the family's existing enrollment with the
34 enrollment of a family in another program, provided that both
35 families satisfy the eligibility requirements for the program in
36 which they are being enrolled. The transfer of enrollment may be
37 to another program within the same administrative agency or to
38 another agency that administers state or federally funded child
39 care and development programs.

1 ~~(d) In order to promote continuity of services, the Superintendent~~
2 ~~may extend the 60-working-day period specified in subdivision~~
3 ~~(a) of Section 18086.5 of Title 5 of the California Code of~~
4 ~~Regulations for an additional 60 working days if he or she~~
5 ~~determines that opportunities for employment have diminished to~~
6 ~~the degree that one or both parents cannot reasonably be expected~~
7 ~~to find employment within 60 working days and granting the~~
8 ~~extension is in the public interest. The scope of extensions granted~~
9 ~~pursuant to this subdivision shall be limited to the necessary~~
10 ~~geographic areas and affected persons, which shall be described~~
11 ~~in the Superintendent's order granting the extension. It is the intent~~
12 ~~of the Legislature that extensions granted pursuant to this~~
13 ~~subdivision improve services in areas with high unemployment~~
14 ~~rates and areas with disproportionately high numbers of seasonal~~
15 ~~agricultural jobs.~~

16 ~~(e)~~

17 ~~(d) A physical examination and evaluation, including~~
18 ~~age-appropriate immunization, shall be required before, or within~~
19 ~~six weeks of, enrollment. A standard, rule, or regulation shall not~~
20 ~~require medical examination or immunization for admission to a~~
21 ~~child care and development program of a child whose parent or~~
22 ~~guardian files a letter with the governing board of the child care~~
23 ~~and development program stating that the medical examination or~~
24 ~~immunization is contrary to his or her religious beliefs, or provide~~
25 ~~for the exclusion of a child from the program because of a parent~~
26 ~~or guardian having filed the letter. However, if there is good cause~~
27 ~~to believe that a child is suffering from a recognized contagious~~
28 ~~or infectious disease, the child shall be temporarily excluded from~~
29 ~~the program until the governing board of the child care and~~
30 ~~development program is satisfied that the child is not suffering~~
31 ~~from that contagious or infectious disease.~~

32 ~~(f)~~

33 ~~(e) Regulations formulated and promulgated pursuant to this~~
34 ~~section shall include the recommendations of the State Department~~
35 ~~of Health Care Services relative to health care screening and the~~
36 ~~provision of health care services. The Superintendent shall seek~~
37 ~~the advice and assistance of these health authorities in situations~~
38 ~~where service under this chapter includes or requires care of~~
39 ~~children who are ill or children with exceptional needs.~~

40 ~~(g)~~

1 (f) The Superintendent shall establish guidelines for the
2 collection of employer-sponsored child care benefit payments from
3 a parent whose child receives subsidized child care and
4 development services. These guidelines shall provide for the
5 collection of the full amount of the benefit payment, but not to
6 exceed the actual cost of child care and development services
7 provided, notwithstanding the applicable fee based on the fee
8 schedule.

9 ~~(h)~~

10 (g) The Superintendent shall establish guidelines according to
11 which the director or a duly authorized representative of the child
12 care and development program will certify children as eligible for
13 state reimbursement pursuant to this section.

14 (h) (1) *Except as provided in paragraphs (2) to (4), inclusive,*
15 *upon establishing initial eligibility or ongoing eligibility for*
16 *services under this chapter, a family shall be considered to meet*
17 *all eligibility requirements for those services for not less than 12*
18 *months, shall receive those services for not less than 12 months*
19 *before having their eligibility redetermined, and shall not be*
20 *required to report changes to income or other changes for at least*
21 *12 months.*

22 (2) *A family shall report increases in income that exceed the*
23 *threshold for ongoing income eligibility as described in subdivision*
24 *(b) of Section 8263.1, and the family's ongoing eligibility for*
25 *services shall at that time be redetermined.*

26 (3) *A family that establishes initial eligibility or ongoing*
27 *eligibility on the basis of seeking employment shall receive services*
28 *under this chapter as follows:*

29 (A) *If seeking employment is the basis for initial eligibility, the*
30 *family shall receive services under this chapter for not less than*
31 *six months.*

32 (B) *If seeking employment is the only basis for ongoing eligibility*
33 *at the time of redetermination, the family shall receive services*
34 *under this chapter for six additional months unless the family*
35 *becomes eligible on another basis pursuant to subparagraph (B)*
36 *of paragraph (1) of subdivision (a).*

37 (4) *A family may at any time voluntarily report income or other*
38 *changes. This information shall be used, as applicable, to reduce*
39 *the family's fees, increase the family's subsidy, or extend the period*
40 *of the family's eligibility before redetermination.*

1 (i) (1) *Because a family that meets eligibility requirements at*
 2 *its most recent eligibility determination or redetermination is*
 3 *considered eligible until the next redetermination, as provided in*
 4 *subdivision (h), a payment made by a child development program*
 5 *for a child during this period shall not be considered an error or*
 6 *an improper payment due to a change in the family's circumstances*
 7 *during that same period.*

8 (2) *Notwithstanding paragraph (1), the state or its designated*
 9 *agent may seek to recover payments that are the result of fraud.*

10 (j) (1) *Notwithstanding the rulemaking provisions of the*
 11 *Administrative Procedure Act (Chapter 3.5 (commencing with*
 12 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
 13 *Code) and Section 33308.5 of this code, until regulations are filed*
 14 *with the Secretary of State to implement subdivision (h), the*
 15 *department may implement this section through management*
 16 *bulletins or similar letters of instruction.*

17 (2) *The department shall initiate a rulemaking action to*
 18 *implement subdivision (h) on or before December 31, 2018. Before*
 19 *initiating a rulemaking action pursuant to this paragraph, the*
 20 *department shall convene a workgroup of parents, advocates,*
 21 *department staff, child development program representatives, and*
 22 *other stakeholders to develop recommendations regarding*
 23 *implementing subdivision (h).*

24 (i)

25 (k) *Public funds shall not be paid directly or indirectly to an*
 26 *agency that does not pay at least the minimum wage to each of its*
 27 *employees.*

28 SEC. 2. Section 8263.1 of the Education Code is amended to
 29 read:

30 8263.1. (a) For purposes of *establishing initial income*
 31 *eligibility for services under this chapter, "income eligible" means*
 32 *that a family's adjusted monthly income is at or below 70 percent*
 33 *of the state median income, adjusted for family size, and adjusted*
 34 *annually based on the most recent data on state median income*
 35 *published by the United States Census Bureau, for a family of the*
 36 *same size.*

37 (b) ~~Notwithstanding any other law, for the 2011–12 fiscal year,~~
 38 ~~the income eligibility limits that were in effect for the 2007–08~~
 39 ~~fiscal year shall be reduced to 70 percent of the state median~~

1 income that was in use for the 2007–08 fiscal year, adjusted for
2 family size, effective July 1, 2011.

3 ~~(e) Notwithstanding any other law, for the 2012–13, 2013–14,~~
4 ~~2014–15, 2015–16, and 2016–17 fiscal years, the income eligibility~~
5 ~~limits shall be 70 percent of the state median income that was in~~
6 ~~use for the 2007–08 fiscal year, adjusted for family size.~~

7 *(b) For purposes of establishing ongoing income eligibility*
8 *under this chapter, “ongoing income eligible” means that a*
9 *family’s adjusted monthly income is at or below 85 percent of the*
10 *state median income, based on the most recent data on state median*
11 *income published by the United States Census Bureau, for a family*
12 *of the same size.*

13 ~~(d)~~

14 *(c) The income of a recipient of federal supplemental security*
15 *income benefits pursuant to Title XVI of the federal Social Security*
16 *Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program*
17 *benefits pursuant to Title XVI of the federal Social Security Act*
18 *and Chapter 3 (commencing with Section 12000) of Part 3 of*
19 *Division 9 of the Welfare and Institutions Code shall not be*
20 *included as income for purposes of determining eligibility for child*
21 *care under this chapter.*

22 SEC. 3. Section 8273.1 of the Education Code is amended to
23 read:

24 8273.1. ~~(a) Families receiving services pursuant to~~
25 ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section~~
26 ~~8263 may be exempt from family fees for up to three months.~~

27 ~~(b) Families receiving~~

28 *(a) A family that receives services pursuant to subparagraph (C)*
29 *of paragraph (1) of subdivision (b) of Section 8263 may be exempt*
30 *from family fees for up to 12 months.*

31 ~~(e) The cumulative period of time of exemption from family~~
32 ~~fees for families receiving services pursuant to paragraph (1) of~~
33 ~~subdivision (b) of Section 8263 shall not exceed 12 months.~~

34 ~~(d)~~

35 *(b) Notwithstanding any other law, a family receiving*
36 *CalWORKs cash aid shall not be charged a family fee.*

37 ~~(e)~~

38 *(c) Notwithstanding any other law, commencing with the*
39 *2014–15 fiscal year, family fees shall not be assessed for the*
40 *part-day California preschool program to income eligible families*

1 whose children are enrolled in that program pursuant to Article 7
2 (commencing with Section 8235).

3 SEC. 4. Section 11323.2 of the Welfare and Institutions Code
4 is amended to read:

5 11323.2. (a) Necessary supportive services shall be available
6 to every participant in order to participate in the program activity
7 to which he or she is assigned or to accept employment or the
8 participant shall have good cause for not participating under
9 subdivision (f) of Section 11320.3. As provided in the
10 welfare-to-work plan entered into between the county and
11 participant pursuant to this article, supportive services shall include
12 all of the following:

13 (1) Child care.

14 (A) Paid child care shall be available to every participant with
15 a dependent child in the assistance unit who needs paid child care
16 if the child is 10 years of age or under, or requires child care or
17 supervision due to a physical, mental, or developmental disability
18 or other similar condition as verified by the county welfare
19 department, or who is under court supervision.

20 (B) To the extent funds are ~~available~~ available, paid child care
21 shall be available to a participant with a dependent child in the
22 assistance unit who needs paid child care if the child is 11 or 12
23 years of age.

24 (C) Necessary child care services shall be available to every
25 former recipient for up to two years, pursuant to Article 15.5
26 (commencing with Section 8350) of Chapter 2 of Part 6 of Division
27 1 of Title 1 of the Education Code.

28 (D) A child in foster care receiving benefits under Title IV-E
29 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) or
30 a child who would become a dependent child except for the receipt
31 of federal Supplemental Security Income benefits pursuant to Title
32 XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et
33 seq.) shall be deemed to be a dependent child for the purposes of
34 this paragraph.

35 (E) The provision of care and payment rates under this paragraph
36 shall be governed by Article 15.5 (commencing with Section 8350)
37 of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
38 Code. Parent fees shall be governed by ~~subdivisions (g) and (h)~~
39 of Section 8263 of the Education Code.

1 (2) Transportation costs, which shall be governed by regional
2 market rates as determined in accordance with regulations
3 established by the department.

4 (3) Ancillary expenses, which shall include the cost of books,
5 tools, clothing specifically required for the job, fees, and other
6 necessary costs.

7 (4) Personal counseling. A participant who has personal or
8 family problems that would affect the outcome of the
9 welfare-to-work plan entered into pursuant to this article shall, to
10 the extent available, receive necessary counseling or therapy to
11 help him or her and his or her family adjust to his or her job or
12 training assignment.

13 (b) If provided in a county plan, the county may continue to
14 provide case management and supportive services under this
15 section to former participants who become employed. The county
16 may provide these services for up to the first 12 months of
17 employment to the extent they are not available from other sources
18 and are needed for the individual to retain the employment.

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Date of Hearing: March 7, 2017

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Blanca Rubio, Chair

AB 60 (Santiago/Gonzalez Fletcher) – As Introduced December 7, 2016

SUBJECT: Subsidized child care and development services: eligibility periods

SUMMARY: Provides for changes to eligibility determination and redetermination for subsidized child care.

Specifically, **this bill:**

- 1) Requires a family, upon establishing initial or ongoing eligibility for subsidized child care services, as specified, to:
 - a) Be considered to meet all eligibility requirements for a period of not less than 12 months, unless the family established eligibility on the basis of seeking employment, as specified;
 - b) Receive subsidized child care services for not less than 12 months prior to having their eligibility redetermined, unless the family established eligibility on the basis of seeking employment, as specified; and
 - c) Not be required to report changes to income or other changes for at least 12 months, unless the family attains an income that exceeds the threshold for ongoing eligibility, as specified, at which point a family must report increases in income that exceed this threshold and their ongoing eligibility for services would be redetermined.
- 2) Requires a family that establishes initial eligibility on the basis of seeking employment to receive services for not less than six months and further requires a family that establishes ongoing eligibility on the basis of seeking employment to receive services for six additional months unless the family becomes otherwise eligible, as specified.
- 3) Permits a family to, at any time, voluntarily report income or other changes for purposes of reducing a family's fees, increasing a family's subsidy, or extending the period of the family's eligibility prior to redetermination.
- 4) Prohibits a payment made by a child development program for a child during an eligible family's period of continuous eligibility from being considered an error or an improper payment due to the family's circumstances during that period, as specified, but permits the state or its designated agent to seek to recover payments that are the result of fraud.
- 5) Permits the California Department of Education (CDE) to implement certain provisions of this bill related to continuous eligibility through management bulletins or similar letters of instruction until regulations are filed with the Secretary of State and further, requires CDE to convene a workgroup of specified stakeholders to develop recommendations for implementing continuous eligibility prior to initiating a rulemaking action by December 31, 2018, as specified.
- 6) Specifies that, for purposes of establishing initial income eligibility for subsidized child care services, "income eligible" means that a family's adjusted monthly income is at or below

70% of the state median income (SMI) based on the most recent data published by the United States Census Bureau for a family of the same size.

- 7) Defines, for purposes of establishing ongoing income eligibility for subsidized child care services, “ongoing income eligible” to mean that a family’s adjusted monthly income is at or below 85% of the SMI based on the most recent data published by the United States Census Bureau for a family of the same size.
- 8) Authorizes any family that receives first priority for subsidized child care services, as specified, to be exempt from family fees for up to 12 months.
- 9) Makes technical amendments, including removing provisions that specify or refer to eligibility determination thresholds and periods that conflict with the provisions contained in this bill.

EXISTING LAW:

- 1) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, and including a full range of supervision, health, and support services through full- and part-time programs. (EDC 8200 *et seq.*)
- 2) Defines “child care and development services” to mean services designed to meet a wide variety of children’s and families’ needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite. (EDC 8208)
- 3) States the intent of the Legislature that all families have access to child care and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in child care and development programs. (EDC 8202)
- 4) Requires the Superintendent of Public Instruction to administer general child care and development programs to include, among other things as specified, age- and developmentally-appropriate activities, supervision, parenting education and involvement, and nutrition. Further allows such programs to be designed to meet child-related needs identified by parents or guardians, as specified. (EDC 8240 and 8241)
- 5) To allow for maximum parental choice, authorizes the operation of Alternative Payment Programs (APPs) and provision of alternative payments and support services to parents and child care providers by local government agencies or non-profit organizations that contract with CDE. (EDC 8220)
- 6) Establishes rules and requirements for APPs and providers, as contracted agencies with CDE, to observe, including but not limited to accounting and auditing requirements, attendance monitoring requirements, referral requirements where applicable, and reimbursement and payment procedures. (EDC 8220 *et seq.*)

- 7) Requires the Superintendent of Public Instruction to adopt rules and regulations regarding eligibility, enrollment, and priority of services. (EDC 8263)
- 8) Requires the Superintendent to adopt rules, regulations, and guidelines to facilitate funding and reimbursement procedures for subsidized child care. (EDC 8269)
- 9) Requires the Superintendent to establish a family fee schedule for subsidized child care, as specified, contingent on income and subject to a cap. (EDC 8273)

FISCAL EFFECT: Unknown.

COMMENTS:

Subsidized child care: California’s subsidized child care system is designed to provide assistance to parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. This child care is available through a number of programs; additionally, California offers State Preschool Programs to eligible three-and four-year-olds.

Parents participating in CalWORKs, as well as families transitioning off of and no longer receiving CalWORKs aid, can be eligible for child care, which is offered in three “stages.” DSS administers Stage 1, and CDE administers Stages 2 and 3. CDE also administers non-CalWORKs child care. The largest programs are: General Child Care, which includes contracted centers and family child care homes; the California State Preschool Program, which provides developmentally, culturally, and linguistically appropriate curriculum to eligible three-and four-year olds; and APPs, which provide vouchers that can be used to obtain child care in a center, family child care home, or from a license-exempt provider. Waitlists for non-CalWORKs child care are common.

Contracted providers are funded through the receipt of the Standard Reimbursement Rate (SRR) based on the number of children enrolled and the hours of care provided. Families may also be required to pay a family fee if they earn above a certain threshold income for their family size. The SRR for general child care programs adopted in the Budget Act of 2016 (SB 826 [Leno], Chapter 23, Statutes of 2016) was \$42.12 per child per full day of care, effective January 1, 2017; however, due to challenges with implementing two rates in the same contract year, CDE adopted a policy to average the approved rate (\$38.29) and the adjusted rate (\$42.12) into a blended rate (\$40.20), until July 1, 2017, when the adjusted rate of \$42.12 will be utilized for the entire year. Additionally, adjustment factors are applied to the SRR in some instances to reflect the increased cost of care for the different ages and needs of children.

The Regional Market Rate (RMR) survey calculates the market rates for child care in each of California’s 58 counties and uses these to establish maximum child care reimbursement rates for child care services for families in various APPs or other voucher child care programs. States are required to conduct a market rate survey every two years, but are not currently required to use the most recent survey to set rates. Reimbursement rates for licensed providers accepting vouchers are currently derived by selecting the higher of the following: 1) the 75th percentile of the 2014 RMR survey, or 2) the RMR ceilings as they existed prior to 2017. (As of July 1, 2018, the RMR for licensed providers will be set at the 75th percentile of the 2014 RMR survey.) License-exempt providers are reimbursed at 70% of the Family Child Care Home ceilings. In Los Angeles County, for example, the full-time daily RMR for a preschool-age child in a child

care center is \$64.21. For that same child in a family child care home, the RMR is \$50.44, and with a license-exempt provider, the RMR is \$35.31.

Families are typically eligible for subsidized child care if their income is less than 70% of the 2007-08 State Median Income (about \$42,000 per year for a family of 3), if the parents have a need related to work, training, or education, and if the children are up to 12 years old (or 21 years old for youth with exceptional needs). The following table shows current income ceilings by family size:

Family Size	Family Monthly Income	Family Yearly Income
1-2	\$3,283	\$39,396
3	\$3,518	\$42,216
4	\$3,908	\$46,896
5	\$4,534	\$54,408
6	\$5,159	\$61,908
7	\$5,276	\$63,312
8	\$5,394	\$64,728
9	\$5,511	\$66,132
10	\$5,628	\$67,536
11	\$5,745	\$68,940
12	\$5,863	\$70,356

(Source: California Department of Education)

The Superintendent of Public Instruction is required to establish a fee schedule whereby families may be charged a “family fee” depending on their income. For a family of 3, for example, subsidized child care remains at no cost for families earning less than \$1,950 per month. However, with incomes between \$1,950 a month and the monthly income ceiling of \$3,518, a family fee is charged, the amount of which increases with income, but never to surpass 10% of a family’s income. For a family of three with a monthly income of \$1,950, the family fee per month for full-time care is \$42; for a family of three earning \$3,518 per month, this fee is \$345.

Across the various subsidized child care programs, there are estimated to be over 190,000 slots (not including State Preschool). State Preschool contains over 163,000 additional slots.

Minimum wage increases: SB 3 (Leno), Chapter 4, Statutes of 2016, among other things, adopted increases to the state minimum wage. These increases are to take place in specific increments over a period of six years and then according to an adjustment factor each year

afterwards, with the increases beginning January 1, 2017, for employers with 26 or more employees and beginning January 1, 2018, for employers with 25 or fewer employees, as detailed in the table below:

	Employers with 26 or more employees	Employers with 25 or fewer employees
Minimum wage beginning January 1, 2017	\$10.50/hour (\$21,840/year)	(stays at \$10/hour, or \$20,800/year)
Minimum wage beginning January 1, 2018	\$11/hour (\$22,880/year)	\$10.50/hour (\$21,840/year)
Minimum wage beginning January 1, 2019	\$12/hour (\$24,960/year)	\$11/hour (\$22,880/year)
Minimum wage beginning January 1, 2020	\$13/hour (\$27,040/year)	\$12/hour (\$24,960/year)
Minimum wage beginning January 1, 2021	\$14/hour (\$29,120/year)	\$13/hour (\$27,040/year)
Minimum wage beginning January 1, 2022	\$15/hour (\$31,200/year)	\$14/hour (\$29,120/year)
Minimum wage beginning January 1, 2023	(\$15/hour, plus an annual adjustment)	\$15/hour (\$31,200/year)

Need for this bill: Many working families face a conundrum when it comes to child care: it is essential to parents being able to work outside of the home, yet child care can be costly – in essence, reducing wages earned. For low-income workers, this dilemma can be stark. Consider a family where both parents work full-time, year-round and earn the minimum wage of \$10.50 per hour, bringing in a total pre-tax household income of \$43,860 per year. If this family had one preschool-age child placed in a family child care home at the 2014 (the most data recent available) average cost in California for this type of care (\$7,850 per year), the family would be paying 18% of their *pre-tax* income on care. If this family had an infant placed in a child care center at average 2014 rates? They would be paying \$13,327 per year – 30% of their pre-tax income. Yet this family, with an annual income of \$43,860, would not qualify for subsidized child care because they earned too much to be eligible per current law.

According to the author:

“Currently, burdensome child care reporting rules in California cause eligible families to churn between child care programs and long waiting lists for the programs. Churning disrupts children’s school readiness and development; makes it impossible for child care providers to balance ledgers or plan for quality investments; and burdens employers and education providers to sign off on endless paperwork.

The increase in state minimum wage is a great achievement for California, but it's still not enough to afford child care, the very thing that enables families to work. [This bill] ensures that children can stay in the child care they love for as long as their families need it and keeps them working. This measure will help eligible families achieve stability by eliminating punitive interim reporting requirements that keep eligible families from losing their child care. It also defrosts the income guidelines that have been frozen for over a decade and creates a pathway out of poverty for families. With continuous child care, children will learn in a healthy, stable environment, and develop the skills they need for Kindergarten. Moreover, stable child care helps child care providers plan for quality improvements to their programs and allows them to keep serving families.”

PRIOR LEGISLATION:

AB 2150 (Santiago), 2016, was substantially similar to this bill. It died in the Senate Appropriations Committee.

SB 3 (Leno), Chapter 4, Statutes of 2016, among other things, adopted increases to the state minimum wage.

REGISTERED SUPPORT / OPPOSITION:

Support

24 Hour Oakland Parent Teacher Children Center
4C's of Alameda County
4C's of San Mateo County
9to5, National Association of Working Women
A Stronger California Advocates Network
Advancement Project
Alameda County Early Care and Education Planning Council
Alum Rock Counseling Center (ARCC)
American Academy of Pediatrics
BANANAS
Bay Area Hispano Institute for Advancement, Inc.
California Alternative Payment Program Association (CAPPA)
California Child Care Coordinators Association
California Child Care Resource and Referral Network
California Child Development Administrators (CCDAA)
California Department of Education
California Family Child Care Network
California Head Start Association
California Women's Law Center
Center for Law and Social Policy (CLASP)
Central Valley Children's Services Networks
Child Action, Inc.
Child Care Alliance of Los Angeles
Child Care Law Center (Co-sponsor)
Child Care Links
Child Care Planning Council of San Luis Obispo County

Child Development Associates, Inc.
Child Development Center and Continuing Development
Children Now
Children's Council of San Francisco
Choices for Children
Coalition of California Welfare Rights Organizations, Inc. (Co-sponsor)
Commerce San Jose
Common Sense Kids Action
Community Action Partnership of San Luis Obispo
Community Child Care Council of Alameda County
Community Child Care Council of Sonoma County
Congregation Beth Am
Crystal Stairs, Inc.
Del Norte Child Care Council
EarlyEdge California
Educare California at Silicon Valley
Educational Enrichment Systems, Inc.
Equal Rights Advocates
First 5 Association of California
First 5 California (Co-sponsor)
First 5 Monterey County
First 5 Sacramento
First 5 San Mateo County
First 5 Santa Clara County
Honorable Tom Torlakson, State Superintendent of Education
Institute for Human and Social Development (IHSD)
Kidango
KinderCare Education
LAUP
Los Angeles Area Chamber of Commerce
Los Angeles Unified School District
Marin Child Care Council
Marin Family Child Care Association
MomsRising
National Association of Social Workers, CA Chapter
National Council of Jewish Women California (NCJW CA)
Northern California Child Development, Inc.
Parent Voices CA (Co-sponsor)
Parent Voices Oakland (CPAC)
San Francisco Board of Supervisors (Katy Tang, Supervisor)
San Luis Obispo Co. Child Care Planning Council
San Mateo County Child Care Partnership Council
San Mateo County Office of Education
Santa Clara Co. Office of Education
SEIU California
Services Employees International Union (SEIU)
Shasta Head Start Child Development, Inc.
Sierra Nevada Children's Services
Silicon Valley Organization (The SVO)

Siskiyou Child Care Council
The Resource Connection of Amador and Calaveras Counties, Inc.
Toddle Flexible Preschool
UDW/AFSCME Local 3930
United Way of San Diego County
Voices for Progress
Western Center on Law and Poverty
Wu Yee Children's Services
Yolo County Office of Education
2 Individuals

Opposition

None on file.

Analysis Prepared by: Daphne Hunt / HUM. S. / (916) 319-2089

Solano County 2017 Bill Tracking List

Thursday, March 16, 2017

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 1 Frazier D Transportation funding.	1/19/2017-A. TRANS. 1/19/2017-Referred to Coms. on TRANS. and NAT. RES. Heard	Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund.	Support	Support	Support
AB 5 Gonzalez Fletcher D Employers: Opportunity to Work Act.	1/19/2017-A. L. & E. 1/19/2017-Referred to Com. on L. & E.	Would create the Opportunity to Work Act. The bill would require an employer with 10 or more employees to offer additional hours of work to an existing nonexempt employee before hiring an additional employee or subcontractor, except as specified, would require an employer to post a notice of employee rights, as specified, and would require the employer to maintain certain documentation. The bill would authorize an employee to file a complaint for violation of these provisions with the division and to, in the alternative, bring a civil action for remedies under the act.			
AB 52 Cooper D Public employees: orientation and informational programs: exclusive representatives.	1/19/2017-A. P.E.,R. & S.S. 1/19/2017-Referred to Com. on P.E., R., & S.S. Heard	Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. This bill would require the public employers regulated by the acts described above to provide all employees an orientation. The bill would also require these public employers to permit the exclusive representative, if applicable, to participate.	Oppose	Pending	Support in Concept
AB 60 Santiago D Subsidized child care and development services: eligibility periods.	3/8/2017-A. APPR. 3/8/2017-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 7). Re-referred to Com. on APPR. Agenda	Would require that a family, upon establishing initial eligibility or ongoing eligibility for services under the Child Care and Development Services Act, be considered to meet all eligibility requirements for those services for not less than 12 months, receive those services for not less than 12 months before having its eligibility redetermined, and not be required to report changes to income or other changes for at least 12 months, except as provided. The bill would revise the definition of "income eligible" and provide that the definition applies for purposes of establishing initial income eligibility for services under the act, and would add a definition of "ongoing income eligible" for purposes of establishing ongoing income eligibility for services under the act.			

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 216 Gonzalez Fletcher D Vote by mail ballots: identification envelopes: prepaid postage.	2/6/2017-A. E. & R. 2/6/2017-Referred to Com. on E. & R. 3/22/2017 9 a.m. - State Capitol, Room 444 ASSEMBLY ELECTIONS AND REDISTRICTING, LOW, Chair	Current law provides for the procedures by which a voter may apply for and receive a vote by mail ballot. Current law requires the elections official to deliver to each qualified applicant the ballot for the precinct in which the applicant resides and all supplies necessary for the use and return of the ballot. This bill would clarify that the elections official is required to deliver to each qualified applicant an identification envelope for the return of the vote by mail ballot and would require the identification envelope to have prepaid postage.			
AB 278 Steinorth R California Environmental Quality Act: exemption: existing transportation infrastructure.	2/13/2017-A. NAT. RES. 3/15/2017-Coauthors revised. 3/20/2017 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, GARCIA, Chair	Would exempt from the provisions of CEQA a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.			
AB 377 Frazier D Child care subsidy plans: County of Solano.	2/21/2017-A. HUM. S. 2/21/2017-Referred to Com. on HUM. S. Agenda	Would authorize, until January 1, 2023, the County of Solano to develop and implement an individualized county child care subsidy plan, as specified. The bill would require the plan to be submitted to the local planning council and the Solano County Board of Supervisors for approval, as specified. The bill would require the Early Education and Support Division of the State Department of Education to review and approve or disapprove the plan and any subsequent modifications to the plan.			
AB 459 Chau D Public records: body-worn cameras.	2/27/2017-A. P. & C.P. 2/27/2017-Referred to Coms. on P. & C.P. and JUD. 3/28/2017 1:30 p.m. - State Capitol, Room 126 ASSEMBLY PRIVACY AND CONSUMER PROTECTION, CHAU, Chair	Current law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would exempt video and audio files from a body-worn camera created by a peace officer of a state or local law enforcement agency that depict any victim of rape, incest, domestic violence, or child abuse from disclosure pursuant to the act, unless the victim or victims depicted provide express written consent.			
AB 542 Holden D Presidential Election Day: state holiday.	2/27/2017-A. E. & R. 2/27/2017-Referred to Coms. on E. & R. and G.O.	Would add the day on which the presidential general election is held, which is the first Tuesday after the first Monday in November of each year that is evenly divisible by the number four, to these lists of holidays. This bill would require community colleges and public schools to close on any day on which a presidential general election is held. This bill would require that state employees, with specified exceptions, be given time off with pay for days on which a presidential general election is held.			
AB 674 Low D Election day holiday.	2/15/2017-A. PRINT 2/16/2017-From printer. May be heard in committee March 18.	Current law requires congressional and state elective offices to be elected at an election held on the first Tuesday after the first Monday in November of each even-numbered year. Current law requires a presidential general election to be held on the first Tuesday after the first Monday in November in any year that is evenly divisible by the number 4. This bill would state the intent of the Legislature to enact legislation that would establish an election day holiday on the first Tuesday after the first Monday in November of each year in which a statewide or national election is held.			

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 720 Eggman D Inmates: psychiatric medication: informed consent.	3/2/2017-A. PUB. S. 3/2/2017-Referred to Coms. on PUB. S. and JUD.	Current law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent. This bill would instead prohibit, except as specified, a inmate, as defined, confined in a county jail, from being administered any psychiatric medication without his or her prior informed consent.			
AB 851 Caballero D Local agency design-build projects.	3/2/2017-A. L. GOV. 3/2/2017-Referred to Com. on L. GOV.	Current law authorizes a city or county or a special district that falls within the definition of a local agency to use the design-build procurement process for specified types of public works projects. Current law requires specified information submitted by a design-build entity, as defined, in the design-build procurement process to be certified under penalty of perjury. This bill would modify the definition of "local agency" for those purposes to include special districts that provide specified types of services, or that operate specified types of facilities.			
AB 887 Cooper D Public safety officers: investigations and interviews.	3/2/2017-A. PUB. S. 3/2/2017-Referred to Com. on PUB. S.	The Public Safety Officers Procedural Bill of Rights Act requires, when a public safety officer is under investigation and is interrogated by his or her commanding officer, or another member of the employing agency, on matters than that could lead to punitive action, the interrogation be conducted under certain conditions, including that the public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation. This bill would specify that a public safety officer under investigation is required to be informed of the time, date, and location of any incident at issue, the internal affairs case number, if any, the title of any alleged violation, and a brief summary of any complaint. The bill would also make technical, organization changes.			
AB 890 Medina D Local land use initiatives: environmental review.	3/2/2017-A. E. & R. 3/2/2017-Referred to Coms. on E. & R. and NAT. RES.	Would require a proponent of an proposed initiative ordinance, at the time he or she files a copy of the proposed initiative ordinance for preparation of a ballot title and summary with the appropriate elections official, to also request that an environmental review of the proposed initiative ordinance be conducted by the appropriate planning department, as specified. The bill would require elections official to notify the proponent of the result of the environmental review.			
AB 1017 Santiago D Collective bargaining agreements: arbitration: litigation.	3/9/2017-A. P.E.,R. & S.S. 3/9/2017-Referred to Coms. on P.E., R., & S.S. and JUD.	Current law, with regard to disputes concerning collective bargaining agreements for private employment, requires a court to award attorney's fees to a prevailing party in an action to compel arbitration of the disputes unless the other party has raised substantial and credible issues involving complex or significant questions of law or fact regarding whether or not the dispute is arbitrable. Current law also creates, in this context, a right to attorney's fees for a prevailing party in a court action to compel compliance with the decision or award of an arbitrator or grievance panel regarding the disputes, or for a prevailing appellee in the appeal of the decision of an arbitrator regarding the disputes, unless the other party or appellant, respectively, has raised substantial issues involving complex or significant questions of law. This bill would apply these provisions to public employment.			

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 1066 Aguiar-Curry D Public works: definition.	3/6/2017-A. L. & E. 3/6/2017-Referred to Com. on L. & E. 3/29/2017 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, THURMOND, Chair	Would specify that the term "demolition" within the definition of "public works" includes, but is not limited to, tree removal. By expanding the definition of "public works," this bill would modify the definition of a crime. This bill contains other related provisions and other existing laws.			
AB 1146 Flora R Cities and counties: legal services: contingency fee contracts.	3/9/2017-A. L. GOV. 3/9/2017-Referred to Coms. on L. GOV. and JUD.	Would require a city council or the board of supervisors of a county to, prior to entering into a contingency fee contract for legal services relating to civil litigation initiated by the city or county, make a determination that use of a contingency fee contract would be cost-effective and in the public interest. The bill would require this determination to be supported by specified findings and would require the city council or the board of supervisors to post on the city or county's Internet Web site a written request for proposals to represent the city or county on a contingency basis.			
AB 1223 Caballero D Construction contract payments: Internet Web site posting.	3/9/2017-A. A. & A.R. 3/9/2017-Referred to Coms. on A. & A.R. and L. GOV.	Current law imposes specified requirements on state and local agencies regarding payment of construction contracts. This bill would require, within 10 days of making a construction contract payment, a state or local agency to post to its Internet Web site the names of each construction contractor paid and the date and amount of the payment. This bill contains other related provisions and other current laws.			
AB 1628 Grayson D Public works: independent contractors.	2/17/2017-A. PRINT 2/19/2017-From printer. May be heard in committee March 21.	Would declare the intent of the Legislature to enact legislation that would prohibit the use of independent contractors on public works projects.			
ACA 1 Mullin D Ballot measures: effective date.	12/5/2016-A. PRINT 12/6/2016-From printer. May be heard in committee January 5.	Current law requires the Secretary of State to compile the results of all statewide measures, and to prepare, certify, and file a statement of the vote from the compiled results no later than the 38th day after the election. This measure would instead provide that an initiative statute, a referendum, or a constitutional amendment or revision approved by a majority of votes thereon takes effect 5 days after the Secretary of State files the statement of the vote for the election at which the measure is voted on unless the measure provides otherwise.			
SB 1 Beall D Transportation funding.	3/8/2017-S. APPR. 3/8/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (March 8). Re-referred to Com. on APPR. Heard	Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. This bill contains other related provisions and other existing laws. Last Amended on 1/26/2017	Support	Support	Support
SB 6 Hueso D Immigrants: removal proceedings: legal services.	3/14/2017-S. THIRD READING 3/14/2017-Read second time. Ordered to third reading. 3/16/2017 #12 SENATE SEN THIRD READING FILE - SEN BILLS	Would require the State Department of Social Services to either contract with qualified nonprofit legal services organizations, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to individuals in removal proceedings who are not otherwise entitled to legal representation under an existing local, state, or federal program. This bill contains other related provisions. Last Amended on 3/1/2017			

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
SB 54 De León D Law enforcement: sharing data.	3/14/2017-S. THIRD READING 3/14/2017-Read second time. Ordered to third reading. 3/16/2017 #14 SENATE SEN THIRD READING FILE - SEN BILLS	Current law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions. Last Amended on 3/6/2017			
SB 58 McGuire D Wildlife management areas: payment of taxes and assessments.	3/14/2017-S. APPR. 3/14/2017-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0.) (March 14). Re-referred to Com. on APPR. Heard	Existing law regulates real property acquired and operated by the state as wildlife management areas, and authorizes the Department of Fish and Wildlife, when income is directly derived from that real property, to annually pay to the county in which the property is located an amount equal to the county taxes levied upon the property at the time it was transferred to the state. Existing law requires those payments to only be made from funds that are appropriated to the department for those purposes. This bill would, commencing with the 2018–19 fiscal year and each fiscal year thereafter, require, instead of authorize, the department to make these payments subject to appropriation by the Legislature.	Support	Support	Watch
SB 190 Mitchell D Juveniles.	2/9/2017-S. PUB. S. 3/2/2017-Set for hearing March 21. 3/21/2017 8:30 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair	Current law provides that the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in a county jail or other county correctional facility or program. Current law authorizes the board of supervisors to prescribe a program administrative fee and an application fee for this program. This bill would make those fees payable only by adult participants of that home detention program who are over 21 years of age and under the jurisdiction of the criminal court.			
SB 222 Hernandez D Inmates: health care enrollment.	2/16/2017-S. HEALTH 3/10/2017-Set for hearing April 5. 4/5/2017 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE HEALTH, HERNANDEZ, Chair	Current law requires Medi-Cal benefits to an individual who is an inmate of a public institution to be suspended effective the date he or she becomes an inmate of a public institution. Current law requires the suspension to end on the date that he or she is no longer an inmate of a public institution or one year from the date he or she becomes an inmate of a public institution, whichever is sooner. This bill instead would require the suspension of Medi-Cal benefits to end on the date he or she is no longer an inmate of a public institution or is no longer otherwise eligible for benefits under the Medi-Cal program.			
SB 287 Dodd D Habitat restoration: invasive species: Phytophthora pathogens.	2/23/2017-S. N.R. & W. 3/15/2017-Set for hearing March 28. (Amended 3/15/2017) Agenda 3/28/2017 9 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, HERTZBERG, Chair	Current law establishes the Department of Fish and Wildlife and sets forth the powers and duties of the department with regard to the implementation and administration of, among other things, projects and programs to protect wildlife and wildlife habitat in the state. This bill would require the department, on or before December 31, 2019, to adopt regulations to minimize the risk of Phytophthora pathogens in plant materials used for habitat restoration projects authorized, funded, or required by the state. Last Amended on 3/15/2017			

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SB 292 Bates R Counties: officers: auditor.	2/23/2017-S. GOV. & F. 3/15/2017-March 22 hearing postponed by committee. 3/29/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair	Current law holds any officer who authorizes the illegal payment of any claim or demand upon or against the treasury of any county personally liable to the person damaged by that illegal action, as specified. This bill would provide that this provision does not apply to any person holding the position of elected auditor-controller who has made a decision related to a claim or charge in the course and scope of his or her duties. This bill contains other related provisions and other current laws.			
SB 345 Bradford D Public records: disclosure on Internet Web sites.	2/23/2017-S. JUD. 2/23/2017-Referred to Com. on JUD.	Would require, on and after July 1, 2018, each state and local law enforcement agency to post on its Internet Web site, in a text searchable format, all of its manuals and policies not exempt from disclosure pursuant to the California Public Records Act. This bill contains other related provisions and other existing laws.			
SB 365 Dodd D Regional park and open-space districts: County of Solano.	2/23/2017-S. GOV. & F. 3/8/2017-Set for hearing March 29. 3/29/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair	Current law authorizes proceedings for the formation of a regional park and open-space or regional open-space district in specified counties in the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution. This bill, in addition, would authorize the formation of a regional district in the County of Solano to be initiated by resolution of the county board of supervisors after a noticed hearing. The bill would specify the contents of the resolution, including the calling of an election, as prescribed.	Support & Co-Spo nsor	Watch	Watch
SB 609 Vidak R Elections: local initiative and referendum measures.	3/2/2017-S. E. & C.A. 3/2/2017-Referred to Com. on E. & C.A.	Current law requires the elections official to examine the petitions, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. If the petition is found sufficient, the elections official is required to certify the results of the examination to the appropriate legislative body. This bill would additionally require the elections official to immediately place the initiative measure on the election ballot for which it qualifies if the official finds the petition to be sufficient. If more than one election date is legally available, the official would be required to place the measure on the ballot for the earliest legally possible date, except as specified.			
SB 657 Bates R California Public Records Act: reverse public records actions.	3/9/2017-S. JUD. 3/9/2017-Referred to Com. on JUD.	Would require a court in a reverse public records action to apply the provisions of the California Public Records Act as if the action had been initiated by a person requesting disclosure of a public record. This bill would require the requestor, as defined, to be named as a real party of interest in a reverse public records action, and would require a court to allow the requestor, at his or her request, to be heard on the merits of the reverse public records action.			

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SB 686 Wilk R Public contracts: claim resolution.	3/9/2017-S. JUD. 3/9/2017-Referred to Com. on JUD.	Current law establishes, for contracts entered into on or after January 1, 2017, a claim resolution process applicable to any claim by a contractor in connection with a public works project against a public entity. Current law defines a claim as a separate demand by the contractor for one or more of the following: a time extension for relief from damages or penalties for delay, payment of money or damages arising from work done pursuant to the contract for a public work, or payment of an amount disputed by the public entity, as specified. In the case in which a claimant disputes the public entity's response or the public entity fails to respond, current law requires a public entity to schedule a meet and confer conference for the settlement of the dispute. This bill would require the public entity to, instead, conduct the meet and confer conference within that some period.			
SB 771 De León D California Environmental Quality Act: continuing education: public employees.	3/9/2017-S. E.Q. 3/10/2017-Set for hearing March 29. 3/29/2017 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	Would establish a continuing education requirement for employees of public agencies who have responsibility for overseeing compliance with the California Environmental Quality Act. Because this bill would require a public agency to ensure that this continuing education requirement is met, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.			
SCA 3 Dodd D Local government financing: public libraries: voter approval.	2/9/2017-S. GOV. & F. 3/8/2017-Set for hearing March 29. Agenda 3/29/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair	Would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements. This bill contains other related provisions and other existing laws. Last Amended on 3/6/2017			
SCA 6 Wiener D Local transportation measures: special taxes: voter approval.	2/23/2017-S. GOV. & F. 3/8/2017-Set for hearing April 5. 4/5/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair	Would require that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation purposes, as specified, be submitted to the electorate and approved by 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.			
SCA 11 Lara D Elections: Nonpartisan offices.	3/2/2017-S. E. & C.A. 3/2/2017-Referred to Coms. on E. & C.A. and APPR.	The California Constitution requires that all judicial, school, county, and city offices be nonpartisan. The California Constitution prohibits a political party or party central committee from nominating a candidate for nonpartisan office, and prohibits including the party preference of a candidate for nonpartisan office on the ballot for the nonpartisan office. This measure would allow school, county, and city offices, except the office of the Superintendent of Public Instruction, to be partisan offices.			

Total Measures: 37

Total Tracking Forms: 37