



**LEGISLATION AND PUBLIC POLICY  
COMMITTEE (LPPC)  
MEETING NOTICE/AGENDA**

Posted at [www.scdd.ca.gov](http://www.scdd.ca.gov)

**DATE:** October 17, 2012

**TIME:** 10:30 a.m. – 3:00 p.m.

**LOCATION:** State Council on Developmental Disabilities  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811  
916/322-8481

*Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in the meeting, should contact Michael Brett at 916/322-8481 or [michael.brett@scdd.ca.gov](mailto:michael.brett@scdd.ca.gov) by 5p on October 12, 2012.*

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|--------------------------------|--------------|---|
| 1. CALL TO ORDER               | R. Ceragioli |   |
| 2. ESTABLISHMENT OF QUORUM     | R. Ceragioli |   |
| 3. WELCOME AND INTRODUCTIONS   | R. Ceragioli |   |
| 4. APPROVAL OF 5/24/12 MINUTES | R. Ceragioli | 3 |

**5. PUBLIC COMMENTS**

*This item is for members of the public only to provide comments and/or present information to the Committee on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

**6. LEGISLATIVE ISSUES**

**A. State Legislation**

i. Summary of Bills from the 2011-2012 Legislative Session	C. Arroyo	6
ii. AB 2338 and possible sponsorship of Employment First Policy Legislation Next Session	C. Arroyo	121
iii. Other Areas of Interest for Sponsoring Legislation	M. Polit	131

B. State Budget Update and Potential Impact of November Ballot Initiatives	M. Polit	132
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C. SCDD Legislative Update	C. Arroyo	N/A
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D. RC Conflict of Interest Regulation	K. Alipourfard	171
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E. Review of State Legislative Process	C. Arroyo	178
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**7. AREA BOARD LEGISLATIVE UPDATES** ~ --

**8. ADJOURNMENT** R. Ceragioli

**DRAFT**  
**Legislative & Public Policy (LPPC) Committee Minutes**  
**Thursday, May 24, 2012**

**Members Present**

Ray Ceragioli, Chair  
Jennifer Allen  
Tho Vinh Banh  
Marilyn Barraza  
Lisa Cooley  
Connie Lapin  
Leroy Shipp  
Margaret Shipp  
Rocio Smith

**Members Absent**

Dan Boomer  
Denise Filz

**Others Present**

Karim Alipourfard  
Christofer Arroyo  
Melissa Corral  
Carol Risley

**1. CALL TO ORDER**

Ray Ceragioli, Chairperson, called the meeting to order at 10:30 AM.

**2. ESTABLISHMENT OF A QUORUM**

A quorum was established.

**3. INTRODUCTIONS AND ANNOUNCEMENTS**

Members introduced themselves and announcements were made.

**4. APPROVAL OF 3/15/12 MINUTES**

It was moved, seconded (Lapin/L. Shipp), and carried to approve the LPPC minutes as written.

**5. PUBLIC COMMENTS**

There were no public comments.

**6. LEGISLATIVE ISSUES**

Senate Bill (SB) 1186 was reviewed. It was motioned, seconded (L. Shipp/Allen), and carried to oppose SB 1186.

SB 1051 was reviewed. It was motioned, seconded (Lapin/Barraza) and carried to support SB 1051.

SB 1522 was reviewed. It was motioned, seconded (M. Shipp/Barraza) and carried to support SB 1522.

SB 1392 was reviewed. It was motioned, seconded (M. Shipp/Lapin) and carried to support the intent of SB 1392 per staff analysis.

HR 4297 was reviewed. It was motioned, seconded (Lapin/L. Shipp) and carried to watch HR 4297.

SB 1228 was reviewed. It was motioned, seconded (L. Shipp/Barraza) and carried to support SB 1228.

SB 1267 was reviewed. It was motioned, seconded (Lapin/Barraza) and carried to support SB 1267.

AB 2338 and its recent amendments were reviewed.

An update regarding the state budget was provided to the LPPC.

The legislative report was briefly reviewed and provided to the LPPC.

## **7. ENSURING FAIR AND EQUAL ACCESS TO REGIONAL CENTER SERVICES FOR AUTISM SPECTRUM DISORDERS HEARING**

The recent legislative hearing regarding equitable access to services was reviewed. Discussion ensued.

## **8. AREA BOARD UPDATES**

No updates provided.

## **8. ADJOURNMENT**

The meeting was adjourned at 3:03 PM.

## AGENDA ITEM DETAIL SHEET

**ISSUE:** Summary of Bills from the 2011-2012 Legislative Session

**SUMMARY:** The LPPC will be provided a summary of the bills the Council has taken a position on and if those bills have passed or not.

**BACKGROUND:** The Council takes positions on bills in order to educate legislators about the impact of those bills on people with disabilities, their families, the service system, and so on.

**ANALYSIS/DISCUSSION:** N/A

**COUNCIL STRATEGIC PLAN OBJECTIVE:** The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** N/A

**ATTACHMENT(S):** Summary of Bills

**PREPARED:** Christofer Arroyo, October 1, 2012

# State Council on Developmental Disabilities

Summary of Bills, Positions, and Outcomes for 2011-2012 Session

As of October 4, 2012

Bill No.	Bill Author	Bill Subject	Council Position	Outcome
AB 39	Beall	Special education: funding	Support	Dead
AB 40	Yamada	Elder and dependent adult abuse: reporting	Support with amendments	Chaptered
AB 154	Beall	Health care coverage: mental health services	Support with amendments	Dead
AB 170	Jeffries	Developmental services: regional centers: Inland Regional Center	Oppose unless amended	Dead
AB 171	Beall	Pervasive developmental disorder or autism	Support	Dead
AB 181	Portantino & Beall	Foster youth: mental health bill of rights	Support with amendments	Dead
AB 254	Beall	Developmental services: Employment First Policy	Support and sponsor	Dead
AB 443	Bonilla	Children with disabilities: insurance coverage	Watch	Dead
AB 479	Nestande	CalWORKS	Watch	Dead
AB 518	Wagner	Elder and dependent adult abuse: mandated reporters	Support	Dead
AB 519	Hernandez	Pupil discipline: restraint and seclusion	Support with amendments	Dead
AB 533	Yamada	Area agencies on aging: independent living centers: funding	Support with amendments	Dead
AB 594	Yamada	California Department of Aging and Adult Services	Watch and participate as a stakeholder	Dead
AB 862	Silva	Developmental services: regional centers	Support if amended	Vetoed
AB 876	Valadao	In-Home Supportive Services program	Support	Chaptered
AB 889	Ammiano	Domestic work employees	Oppose	Vetoed
AB 1205	Berryhill	Licensed behavior analysts	Oppose	Dead
AB 1244	Chesbro	Developmental services: Self-Determination Program	Support	Dead
AB 1375	Huber	Developmental services: autism spectrum disorders	Watch	Dead
AB 1525	Allen	Elder or dependent adult financial abuse: money transmission agents: training materials	Support	Chaptered
AB 1553	Monning	Medi-Cal: managed care: exemption from plan enrollment	Support	Dead
AB 1554	Jeffries	Developmental services: regional centers	Support if amended	Dead
AB 1564	Lara	Child abuse reporting: mandated reporters: tax-exempt organizations	Watch, work with bill author	Dead
AB 1610	Wagner	Special access: liability	Oppose	Dead
AB 1641	Lowenthal	Health care coverage: durable medical equipment	Watch	Dead
AB 1657	Wieckowski	Traffic offenses: additional penalty: spinal cord injury research	Watch	Vetoed
AB 1705	Silva	Pupil assessment: high school exit examination: eligible pupils	Oppose unless amended	Chaptered

		with disabilities		
AB 1714	Halderman	In-home supportive services: providers	Support	Dead
AB 1729	Ammiano	Pupil rights: suspension or expulsion: alternatives and other means of correction	Support	Chaptered
AB 1841	Silva	In-home supportive services providers: criminal exclusions	Support if amended	Dead
AB 1994	Huber	Disability access: causes of action	Oppose	Dead
AB 2074	Bradford	In-Home Supportive Services program: telehealth training program	Watch	Dead
AB 2325	Norby	Special access: liability	Oppose	Dead
AB 2338	Chesbro and Beall	Developmental services: Employment First Policy	Support and sponsor	Dead
AB 2370	Mansoor	Mental retardation: change of term to intellectual disabilities	Support	Chaptered
AB 2538	Perez, J.	In-home supportive services: criminal exclusions	Watch	Dead
AB 2623	Allen	State hospitals: peace officers	Oppose	Vetoed
SB 121	Liu	Pupils: foster children: special education	Watch	Chaptered
SB 161	Huff	Schools: emergency medical assistance: administration of epilepsy medication	Support with amendments	Chaptered
SB 166	Steinberg	Health care coverage: mental illness: autism spectrum disorders	Support the intent	Dead
SB 177	Strickland	Congregate living health facilities	Oppose	Chaptered
SB 309	Liu	Child day care facilities: schoolage child care centers: nonminor students	Watch	Chaptered
SB 368	Liu	Developmental services: decisionmaking	Support	Chaptered
SB 382	Liu	Developmental services: regional centers: complaints	Support in concept	Dead
SB 411	Price	Home Care Services Act of 2012	Support	Vetoed
SB 462	Blakeslee	Special education: special education advocates: certification	Oppose	Dead
SB 472	Correa	Early intervention services: assessments	Oppose	Dead
SB 764	Steinberg	Developmental services: telehealth systems program	Support if amended	Vetoed
SB 770	Steinberg	Health care coverage: mental illness: developmental disorder and autism	Watch	Dead
SB 1050	Alquist	Autism: telehealth task force	Watch	Vetoed
SB 1051	Liu	Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters	Support with amendments	Chaptered
SB 1123	DeLeon	Vehicles: disabled persons or disabled veterans: parking placards	Watch, work with bill author	Dead
SB 1163	Walters	Special access: liability	Oppose	Dead
SB 1186	Steinberg	Disability access	Oppose	Chaptered
SB 1228	Alquist	Small house skilled nursing facilities	Support	Chaptered

SB 1267	Padilla	Genetic Information Privacy Act	Support	Dead
SB 1377	Corbett	Protection and advocacy agencies	Support	Chapters
SB 1381	Pavley	Mental retardation: change of term to intellectual disability	Support	Chapters
SB 1392	Pavley	Developmental services	Support intent	Dead
SB 1522	Leno	Developmental centers: reporting requirements	Support	Chapters
HR 3086	Stearns	Fair Wages for Workers with Disabilities Act of 2011	Support	In committee
HR 3356	Lungren	ACCESS (ADA Compliance for Customer Entry to Stores and Services)	Oppose	In committee
HR 3610	Foxx	Streamlining Workforce Development Programs Act of 2011	Watch	In committee
S 2020	Harkin	Keeping All Students Safe Act	Support	In committee

<b>SCDD Legislatove Report 2011-2012</b> <b>Update as of 10/3/2012</b>								
Measure	Author	Topic	Chapter No.	Introduced	Status	Location	Position	Subject
<a href="#">AB 13</a>	<a href="#">Knight R</a>	Public school volunteers.		12/6/2010	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was A. ED. on 6/28/2012)	7/6/2012- A. DEAD		Education/Special Education
<a href="#">AB 40</a>	<a href="#">Yamada D</a>	Elder and dependent adult abuse: reporting.	659	12/6/2010	9/27/2012- Chaptered by the Secretary of State, Chapter Number 659, Statutes of 2012	9/27/2012- A. CHAPTERED	support with Amendments	Abuse Prevention
<a href="#">AB 43</a>	<a href="#">Monning D</a>	Medi-Cal: eligibility.		12/6/2010	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. INACTIVE FILE on 8/27/2012)	9/1/2012- S. DEAD		Health Care
<a href="#">AB 154</a>	<a href="#">Beall D</a>	Health care coverage: mental health services.		1/18/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HEALTH on 2/16/2012)	7/6/2012- S. DEAD	support with Amendments	Mental Health
<a href="#">AB 171</a>	<a href="#">Beall D</a>	Pervasive developmental disorder or autism.		1/20/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HEALTH on 2/16/2012)	7/6/2012- S. DEAD	support with Amendments	Autism
<a href="#">AB 350</a>	<a href="#">Solorio D</a>	Displaced Janitor Opportunity Act.		2/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. THIRD READING on 9/6/2011)	9/1/2012- S. DEAD		Employment
<a href="#">AB 369</a>	<a href="#">Huffman D</a>	Health care coverage: prescription drugs.		2/14/2011	9/30/2012- Vetoeed by the Governor	9/30/2012- A. VETOED		Health Care
<a href="#">AB 493</a>	<a href="#">Perea D</a>	Registered sex offenders: community care facilities.		2/15/2011	8/17/2012- Failed Deadline pursuant to Rule 61(b) (14). (Last location was S. APPR. on 8/16/2012)	8/17/2012- S. DEAD		Other
<a href="#">AB 508</a>	<a href="#">Swanson D</a>	Displaced public transit, solid waste handling,		2/15/2011	8/17/2012- Failed Deadline pursuant to	8/17/2012- S. DEAD		Employment

		and recycling services employees.			Rule 61(b) (14). (Last location was S. 2 YEAR on 8/26/2011)			
AB 518	Wagner R	Elder and dependent adult abuse: mandated reporters.		2/15/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was A. 2 YEAR on 8/26/2011)	7/6/2012- A. DEAD	Support	Abuse Prevention
AB 519	Hernández, Roger D	Pupil discipline: restraint and seclusion.		2/15/2011	1/13/2012- Failed Deadline pursuant to Rule 61(b)(1). (Last location was ED. on 1/4/2012)	1/13/2012- A. DEAD	support with Amendments	Education/Special Education
AB 733	Ma D	Pupil records: privacy rights.	388	2/17/2011	9/19/2012- Chaptered by the Secretary of State, Chapter Number 388, Statutes of 2012	9/19/2012- A. CHAPTERED		Education/Special Education
AB 784	Yamada D	Long-term health care facilities: bed holds: appeals.		2/17/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HEALTH on 6/6/2012)	7/6/2012- S. DEAD		Other
AB 889	Ammiano D	Domestic work employees.		2/17/2011	9/30/2012- Vetoed by the Governor	9/30/2012- A. VETOED	Oppose	In Home Supportive Services (IHSS), Other, Regional Center
AB 1244	Chesbro D	Developmental services: Self-Determination Program.		2/18/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HUM. S. on 5/24/2012)	7/6/2012- S. DEAD	support with Amendments	Regional Center
AB 1435	Dickinson D	Child abuse reporting: athletic personnel.	520	1/4/2012	9/24/2012- Chaptered by the Secretary of State, Chapter Number 520, Statutes of 2012	9/24/2012- A. CHAPTERED		Abuse Prevention
AB 1438	Bradford D	Child abuse reporting.		1/4/2012	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. PUB. S. on 4/19/2012)	7/6/2012- S. DEAD		Abuse Prevention
AB 1448	Furutani D	Home-to-school transportation: funding.		1/4/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE	5/25/2012- A. DEAD	Watch	Budget

					FILE on 5/2/2012)			
AB 1452	Hill D	Vehicles: child passenger restraints.	185	1/5/2012	8/27/2012-Chaptered by Secretary of State - Chapter 185, Statutes of 2012.	8/27/2012-A. CHAPTERED		Other
AB 1453	Monning D	Health care coverage: essential health benefits.	854	1/5/2012	9/30/2012-Chaptered by the Secretary of State, Chapter Number 854, Statutes of 2012	9/30/2012-A. CHAPTERED		Health Care
AB 1463	Blumenfield D	2012-13 Budget.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 3/12/2012)	9/1/2012-A. DEAD	Watch	Budget
AB 1464	Blumenfield D	2012-13 Budget.	21	1/10/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 21, Statutes of 2012	6/27/2012-A. CHAPTERED	Watch	Budget
AB 1466	Committee on Budget	Budget Act of 2012: Governor's Scholarship Programs: vote by mail ballots and election result statements.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. RLS. on 8/27/2012)	9/1/2012-S. DEAD	Watch	Budget
AB 1467	Committee on Budget	Health.	23	1/10/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 23, Statutes of 2012	6/27/2012-A. CHAPTERED	Watch	Budget
AB 1468	Committee on Budget	Health.	438	1/10/2012	9/22/2012-Chaptered by the Secretary of State, Chapter Number 438, Statutes of 2012	9/22/2012-A. CHAPTERED	Watch	Budget
AB 1469	Committee on Budget	Public health: Medi-Cal: skilled nursing facility and managed care plan charges.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. THIRD READING on 8/23/2012)	9/1/2012-S. DEAD	Watch	Budget
AB 1470	Committee on Budget	Mental health: State Department of State Hospitals.	24	1/10/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 24,	6/27/2012-A. CHAPTERED	Watch	Budget

					Statutes of 2012			
AB 1471	Committee on Budget	Human services.	439	1/10/2012	9/22/2012-Chaptered by the Secretary of State, Chapter Number 439, Statutes of 2012	9/22/2012-A. CHAPTERED	Watch	Budget
AB 1472	Committee on Budget	Developmental services.	25	1/10/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 25, Statutes of 2012	6/27/2012-A. CHAPTERED	Watch	Budget
AB 1473	Committee on Budget	Child welfare services: realignment.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. BUDGET & F.R. on 7/2/2012)	9/1/2012-S. DEAD	Watch	Budget
AB 1474	Committee on Budget	Public social services: alcohol and drug programs.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. BUDGET & F.R. on 7/2/2012)	9/1/2012-S. DEAD	Watch	Budget
AB 1476	Committee on Budget	Education finance.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. ED. on 8/30/2012)	9/1/2012-A. DEAD	Watch	Budget
AB 1477	Committee on Budget	Budget Act of 2012.	630	1/10/2012	9/27/2012-Chaptered by the Secretary of State, Chapter Number 630, Statutes of 2012	9/27/2012-A. CHAPTERED	Watch	Budget
AB 1478	Blumenfeld D	State Parks: finances.	530	1/10/2012	9/25/2012-Chaptered by Secretary of State - Chapter 530, Statutes of 2012.	9/25/2012-A. CHAPTERED	Watch	Budget
AB 1479	Committee on Budget	Budget Act of 2012.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. THIRD READING on 8/20/2012)	9/1/2012-S. DEAD	Watch	Budget
AB 1480	Committee on Budget	Public Safety Realignment.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S.	9/1/2012-S. DEAD	Watch	Budget

					BUDGET & F.R. on 7/2/2012)			
<a href="#">AB 1481</a>	Committee on Budget	Public safety.	342	1/10/2012	9/17/2012-Chaptered by the Secretary of State, Chapter Number 342, Statutes of 2012	9/17/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1482</a>	Committee on Budget	Correctional facilities.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. BUDGET & F.R. on 7/2/2012)	9/1/2012-S. DEAD	Watch	Budget
<a href="#">AB 1483</a>	Committee on Budget	Public safety: realignment.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. BUDGET & F.R. on 7/2/2012)	9/1/2012-S. DEAD	Watch	Budget
<a href="#">AB 1484</a>	Committee on Budget	Community redevelopment.	26	1/10/2012	6/28/2012-Chaptered by the Secretary of State, Chapter Number 26, Statutes of 2012	6/28/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1485</a>	Committee on Budget	Budget Act of 2011: augmentation.	27	1/10/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 27, Statutes of 2012	6/27/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1486</a>	Lara D	California Environmental Quality Act: exemption: Los Angeles Regional Interoperable Communications System.	690	1/10/2012	9/28/2012-Chaptered by the Secretary of State, Chapter Number 690, Statutes of 2012	9/28/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1487</a>	Committee on Budget	State government: state funds.	343	1/10/2012	9/17/2012-Chaptered by the Secretary of State, Chapter Number 343, Statutes of 2012	9/17/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1488</a>	Committee on Budget	State Department of State Hospitals.	440	1/10/2012	9/22/2012-Chaptered by the Secretary of State, Chapter Number 440, Statutes of 2012	9/22/2012-A. CHAPTERED	Watch	Budget
<a href="#">AB 1489</a>	Committee on Budget	Public health: Medi-Cal: nursing facilities.	631	1/10/2012	9/27/2012-Chaptered by the Secretary of State, Chapter Number 631,	9/27/2012-A. CHAPTERED	Watch	Budget

					Statutes of 2012			
<a href="#">AB 1490</a>	Committee on Budget	Budget Act of 2012.		1/10/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. THIRD READING on 8/20/2012)	9/1/2012- S. DEAD	Watch	Budget
<a href="#">AB 1492</a>	Committee on Budget	Forest resource management.	289	1/10/2012	9/11/2012- Chaptered by the Secretary of State, Chapter Number 289, Statutes of 2012	9/11/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1493</a>	Committee on Budget	State and local government.		1/10/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. RLS. on 8/27/2012)	9/1/2012- S. DEAD	Watch	Budget
<a href="#">AB 1494</a>	Committee on Budget	Healthy Families Program: Medical: program transition: expansion.	28	1/10/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 28, Statutes of 2012	6/27/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1495</a>	Committee on Budget	Budget Act of 2012.		1/10/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. DESK on 6/25/2012)	9/1/2012- A. DEAD	Watch	Budget
<a href="#">AB 1496</a>	Committee on Budget	Criminal justice realignment.	717	1/10/2012	9/28/2012- Chaptered by the Secretary of State, Chapter Number 717, Statutes of 2012	9/28/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1497</a>	Committee on Budget	Budget Act of 2012.	29	1/10/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 29, Statutes of 2012	6/27/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1498</a>	<a href="#">Buchanan D</a>	Department of Technology: state contracts: information technology goods and services acquisition.	139	1/10/2012	7/17/2012- Chaptered by the Secretary of State, Chapter Number 139, Statutes of 2012	7/17/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1499</a>	Committee on Budget	Elections: ballot order for statewide measures.	30	1/10/2012	6/27/2012- Chaptered by the Secretary of State, Chapter	6/27/2012- A. CHAPTERED	Watch	Budget

					Number 30, Statutes of 2012			
<a href="#">AB 1502</a>	Committee on Budget	Budget Act of 2012: augmentation.	31	1/10/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 31, Statutes of 2012	6/27/2012- A. CHAPTERED	Watch	Budget
<a href="#">AB 1503</a>	Perea D	Safe, Clean, and Reliable Drinking Water Supply Act of 2012: submission to voters.		1/10/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. N.R. & W. on 7/3/2012)	9/1/2012- S. DEAD	Watch	Budget
<a href="#">AB 1512</a>	Garrick R	Medi-Cal.		1/12/2012	5/11/2012- Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 1/12/2012)	5/11/2012- A. DEAD		Health Care
<a href="#">AB 1525</a>	Allen D	Elder or dependent adult financial abuse: money transmission agents: training materials.	632	1/19/2012	9/27/2012- Chaptered by the Secretary of State, Chapter Number 632, Statutes of 2012	9/27/2012- A. CHAPTERED	support with Amendments	Abuse Prevention
<a href="#">AB 1553</a>	Monning D	Medi-Cal: managed care: exemption from plan enrollment.		1/26/2012	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HEALTH on 6/14/2012)	7/6/2012- S. DEAD	Support	Health Care
<a href="#">AB 1554</a>	Jeffries R	Developmental services: regional centers.		1/26/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 3/28/2012)	5/25/2012- A. DEAD	Support if Amended	Regional Center
<a href="#">AB 1564</a>	Lara D	Child abuse reporting: mandated reporters: tax- exempt organizations.		1/30/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. PUB. S. on 2/9/2012)	4/27/2012- A. DEAD		Abuse Prevention
<a href="#">AB 1580</a>	Bonilla D	Health care: eligibility: enrollment.	856	2/2/2012	9/30/2012- Chaptered by the Secretary of State, Chapter Number 856, Statutes of 2012	9/30/2012- A. CHAPTERED		Health Care
<a href="#">AB 1610</a>	Wagner R	Special access: liability.		2/7/2012	5/11/2012- Failed Deadline pursuant to Rule 61(b)(6). (Last location	5/11/2012- A. DEAD		Civil Rights

					was A. JUD. on 2/23/2012)			
<a href="#">AB 1628</a>	<a href="#">Beall D</a>	Child abuse.		2/9/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)	5/25/2012- A. DEAD		Abuse Prevention
<a href="#">AB 1629</a>	<a href="#">Halderman R</a>	Medi-Cal: provisional provider status: medically underserved areas.		2/9/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/9/2012)	4/27/2012- A. DEAD		Health Care
<a href="#">AB 1639</a>	<a href="#">Hill D</a>	Retirement: public employees.		2/13/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)	5/25/2012- A. DEAD		Other
<a href="#">AB 1641</a>	<a href="#">Lowenthal, Bonnie D</a>	Health care coverage: durable medical equipment.		2/13/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 2/23/2012)	4/27/2012- A. DEAD		Autism
<a href="#">AB 1649</a>	<a href="#">Smyth R</a>	Public employees' retirement: felony forfeiture.		2/13/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)	5/25/2012- A. DEAD		Other
<a href="#">AB 1653</a>	<a href="#">Cook R</a>	Public employees: pensions: forfeiture.		2/13/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)	5/25/2012- A. DEAD		Other
<a href="#">AB 1654</a>	<a href="#">Cook R</a>	Public employment: disqualification from employment.	54	2/13/2012	7/9/2012- Chaptered by the Secretary of State, Chapter Number 54, Statutes of 2012	7/9/2012- A. CHAPTERED		Other
<a href="#">AB 1655</a>	<a href="#">Dickinson D</a>	Public employees: rights.		2/13/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/18/2012)	5/25/2012- A. DEAD		Other
<a href="#">AB 1657</a>	<a href="#">Wieckowski D</a>	Traffic offenses: additional penalty: spinal cord injury research.		2/13/2012	9/17/2012- Vetoed by the Governor	9/17/2012- A. VETOED		Other
<a href="#">AB 1690</a>	<a href="#">Nestande R</a>	State Budget: key liabilities.		2/15/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b)	9/1/2012- A. DEAD		Budget

					(17). (Last location was A. BUDGET on 4/9/2012)			
AB 1697	Perea D	Foster youth: placement.		2/15/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/9/2012)	5/25/2012- A. DEAD		Abuse Prevention
AB 1705	Silva R	Pupil assessment: high school exit examination: eligible pupils with disabilities.	192	2/15/2012	8/27/2012- Chaptered by Secretary of State - Chapter 192, Statutes of 2012.	8/27/2012- A. CHAPTERED		Education/Special Education
AB 1707	Ammiano D	Child Abuse Central Index.	848	2/15/2012	9/30/2012- Chaptered by the Secretary of State, Chapter Number 848, Statutes of 2012	9/30/2012- A. CHAPTERED		Abuse Prevention
AB 1714	Halderman R	In-home supportive services: providers.		2/16/2012	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was S. HUM. S. on 6/26/2012)	7/6/2012- S. DEAD		In Home Supportive Services (IHSS)
AB 1729	Ammiano D	Pupil rights: suspension or expulsion: alternatives and other means of correction.	425	2/16/2012	9/21/2012- Chaptered by Secretary of State - Chapter 425, Statutes of 2012.	9/21/2012- A. CHAPTERED		Education/Special Education
AB 1731	Block D	Newborn screening program: critical congenital heart disease.	336	2/16/2012	9/15/2012- Chaptered by the Secretary of State, Chapter Number 336, Statutes of 2012	9/15/2012- A. CHAPTERED		Health Care
AB 1733	Logue R	Health.	782	2/16/2012	9/29/2012- Chaptered by the Secretary of State, Chapter Number 782, Statutes of 2012	9/29/2012- A. CHAPTERED		Health Care
AB 1803	Mitchell D	Medi-Cal: emergency medical conditions.	442	2/21/2012	9/22/2012- Chaptered by the Secretary of State, Chapter Number 442, Statutes of 2012	9/22/2012- A. CHAPTERED		Health Care
AB 1817	Atkins D	Child abuse reporting.	521	2/21/2012	9/24/2012- Chaptered by the Secretary of State, Chapter	9/24/2012- A. CHAPTERED		Abuse Prevention

					Number 521, Statutes of 2012			
AB 1841	Silva R	In-home supportive services providers: criminal exclusions.		2/22/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 4/11/2012)	4/27/2012- A. DEAD		In Home Supportive Services (IHSS)
AB 1878	Gaines, Beth R	Disability access: liability.		2/22/2012	5/11/2012- Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 5/8/2012)	5/11/2012- A. DEAD		Other
AB 1923	Mendoza D	Special education: staff development.		2/22/2012	5/11/2012- Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/22/2012)	5/11/2012- A. DEAD		Education/Special Education
AB 1994	Huber D	Disability access: causes of action.		2/23/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. JUD. on 3/8/2012)	4/27/2012- A. DEAD		
AB 1997	Huber D	Guardianships and conservatorships: appointment of counsel.		2/23/2012	5/11/2012- Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 3/8/2012)	5/11/2012- A. DEAD		Civil Rights
AB 2002	Cedillo D	Medi-Cal: managed care plan assignment: safety net provider.		2/23/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)	5/25/2012- A. DEAD		Health Care
AB 2034	Fuentes D	Medical care: genetically handicapping conditions.		2/23/2012	9/29/2012- Vetoed by the Governor	9/29/2012- A. VETOED		Health Care
AB 2041	Swanson D	Regulations: adoption: disability access.	723	2/23/2012	9/28/2012- Chaptered by the Secretary of State, Chapter Number 723, Statutes of 2012	9/28/2012- A. CHAPTERED		Other
AB 2074	Bradford D	In-Home Supportive Services program: telehealth training program.		2/23/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 3/8/2012)	4/27/2012- A. DEAD		In Home Supportive Services (IHSS)
AB 2145	Alejo D	Pupils: expulsion and suspension.		2/23/2012	8/17/2012- Failed Deadline pursuant to Rule 61(b)	8/17/2012- S. DEAD		Education/Special Education

					(14). (Last location was S. APPR. on 8/16/2012)			
AB 2206	Atkins D	Medi-Cal: dual eligibles: pilot projects.		2/23/2012	9/22/2012-Vetoed by the Governor	9/22/2012-A. VETOED		Health Care
AB 2224	Smyth R	Public employees' retirement.		2/24/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. RLS. on 4/26/2012)	9/1/2012-A. DEAD		Other
AB 2282	Berryhill, Bill R	Disability access: standing: injunctive relief.		2/24/2012	8/17/2012-Failed Deadline pursuant to Rule 61(b) (14). (Last location was S. APPR. on 8/16/2012)	8/17/2012-S. DEAD		Civil Rights
AB 2325	Norby R	Special access: liability.		2/24/2012	5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 3/15/2012)	5/11/2012-A. DEAD		Civil Rights
AB 2338	Chesbro D	Developmental services: Employment First Policy.		2/24/2012	8/17/2012-Failed Deadline pursuant to Rule 61(b) (14). (Last location was S. APPR. on 8/16/2012)	8/17/2012-S. DEAD	Support	Employment
AB 2370	Mansoor R	Mental retardation: change of term to intellectual disabilities.	448	2/24/2012	9/22/2012-Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2012	9/22/2012-A. CHAPTERED	Support	Other
AB 2392	John A. Pérez D	Medi-Cal: CommuniCal.		2/24/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. INACTIVE FILE on 8/31/2012)	9/1/2012-A. DEAD		Health Care
AB 2472	Butler D	Medi-Cal: managed care.		2/24/2012	5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/18/2012)	5/25/2012-A. DEAD		Health Care
AB 2538	John A. Pérez D	In-home supportive services: criminal exclusions.		2/24/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. APPR. on 6/28/2012)	9/1/2012-S. DEAD	Watch	In Home Supportive Services (IHSS)

AB 2545	Loque R	Medi-Cal: nonemergency medical transportation.		2/24/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/19/2012)	4/27/2012- A. DEAD		Health Care
AB 2585	Nestande R	Vehicles: child passenger restraints.		2/24/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. TRANS. on 4/16/2012)	4/27/2012- A. DEAD		Other
AB 2623	Allen D	State hospitals: peace officers.		2/24/2012	9/30/2012- Vetoed by the Governor	9/30/2012- A. VETOED	Oppose	Developmental Center
ACA 22	Smyth R	Public employees' retirement.		2/22/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. PRINT on 2/22/2012)	9/1/2012- A. DEAD		Other
ACA 25	Mansoor R	State budget.		2/24/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/6/2012)	9/1/2012- A. DEAD		Budget
GRP 2	Governor	Governor's reorganization plan: reorganization of executive branch of state government.		5/3/2012	7/3/2012- Governor Brown's Government Reorganization Plan Becomes Law	7/3/2012- A. CHAPTERED		Other
SB 60	Evans D	Mental health: state hospitals.		12/22/2010	8/17/2012- Failed Deadline pursuant to Rule 61(b) (14). (Last location was A. 2 YEAR on 8/26/2011)	8/17/2012- A. DEAD		Mental Health
SB 71	Leno D	State agencies: boards, commissions, and reports.	728	1/10/2011	9/28/2012- Chaptered by the Secretary of State, Chapter Number 728, Statutes of 2012	9/28/2012- S. CHAPTERED		Budget
SB 75	Committee on Budget and Fiscal Review	California Children and Families Act of 1998: use of funds.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 3/14/2011)	9/1/2012- A. DEAD		Budget, Health Care
SB 76	Committee on Budget and Fiscal Review	Mental Health Services Act.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 3/14/2011)	9/1/2012- A. DEAD		Budget, Regional Center

<a href="#">SB 85</a>	Committee on Budget and Fiscal Review	Education finance.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. DESK on 6/23/2011)	9/1/2012- S. DEAD		Budget, Education/Special Education
<a href="#">SB 96</a>	Committee on Budget and Fiscal Review	Budget Act of 2011.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 6/28/2011)	9/1/2012- A. DEAD		
<a href="#">SB 97</a>	Committee on Budget and Fiscal Review	Adult day health care.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. CONCURRENCE on 8/13/2012)	9/1/2012- S. DEAD		
<a href="#">SB 99</a>	Committee on Budget and Fiscal Review	Budget Act of 2011.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. APPR. on 2/24/2011)	9/1/2012- A. DEAD		
<a href="#">SB 121</a>	Liu D	Pupils: foster children: special education.	571	1/24/2011	9/26/2012- Chaptered by the Secretary of State, Chapter Number 571, Statutes of 2012	9/26/2012- S. CHAPTERED	Watch	Mental Health, Civil Rights, Education/Special Education
<a href="#">SB 345</a>	Wolk D	Office of the State Long-Term Care Ombudsman.	649	2/15/2011	9/27/2012- Chaptered by the Secretary of State, Chapter Number 649, Statutes of 2012	9/27/2012- S. CHAPTERED		Abuse Prevention
<a href="#">SB 382</a>	Liu D	Developmental services: regional centers: complaints.		2/15/2011	7/6/2012- Failed Deadline pursuant to Rule 61(b) (13). (Last location was A. 2 YEAR on 7/8/2011)	7/6/2012- A. DEAD	Support in Concept	Regional Center
<a href="#">SB 411</a>	Price D	Home Care Services Act of 2012.		2/16/2011	9/30/2012- Vetoed by the Governor	9/30/2012- S. VETOED	Support	Health Care
<a href="#">SB 558</a>	Simitian D	Elder and dependent adults: abuse or neglect: damages.		2/17/2011	8/20/2012- Failed Deadline pursuant to Rule 61(b) (15). (Last location was A. APPR. SUSPENSE FILE on 7/13/2011)	8/20/2012- A. DEAD		Abuse Prevention
<a href="#">SB 677</a>	Hernandez D	Medi-Cal: eligibility.		2/18/2011	9/1/2012- Failed Deadline pursuant to	9/1/2012- A. DEAD		Health Care

					Rule 61(b) (17). (Last location was A. INACTIVE FILE on 8/29/2012)			
<a href="#">SB 764</a>	<a href="#">Steinberg D</a>	Developmental services: telehealth systems program.		2/18/2011	9/22/2012-Vetoed by the Governor	9/22/2012-S. VETOED	Support if Amended	Health Care
<a href="#">SB 770</a>	<a href="#">Steinberg D</a>	Health care coverage: mental illness: developmental disorder and autism.		2/18/2011	8/17/2012-Failed Deadline pursuant to Rule 61(b) (14). (Last location was A. APPR. on 8/31/2011)	8/17/2012-A. DEAD		Autism, Health Care
<a href="#">SB 951</a>	<a href="#">Hernandez D</a>	Health care coverage: essential health benefits.	866	1/5/2012	9/30/2012-Chaptered by the Secretary of State, Chapter Number 866, Statutes of 2012	9/30/2012-S. CHAPTERED		Health Care
<a href="#">SB 957</a>	<a href="#">Leno D</a>	2012-13 Budget.		1/10/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. BUDGET & F.R. on 1/10/2012)	9/1/2012-S. DEAD	Watch	Budget
<a href="#">SB 1011</a>	Committee on Budget and Fiscal Review	Human Services.		2/6/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/14/2012)	9/1/2012-A. DEAD		Budget
<a href="#">SB 1012</a>	Committee on Budget and Fiscal Review	Developmental services.		2/6/2012	9/1/2012-Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/14/2012)	9/1/2012-A. DEAD		Budget
<a href="#">SB 1013</a>	Committee on Budget and Fiscal Review	Child welfare services: realignment.	35	2/6/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 35, Statutes of 2012	6/27/2012-S. CHAPTERED		Budget
<a href="#">SB 1014</a>	Committee on Budget and Fiscal Review	Public social services: alcohol and drug programs.	36	2/6/2012	6/27/2012-Chaptered by the Secretary of State, Chapter Number 36, Statutes of 2012	6/27/2012-S. CHAPTERED		Budget
<a href="#">SB 1016</a>	Committee on Budget and Fiscal Review	Education finance.	38	2/6/2012	6/27/2012-Chaptered by the Secretary of State,	6/27/2012-S. CHAPTERED		Budget

					Chapter Number 38, Statutes of 2012			
SB 1017	Committee on Budget and Fiscal Review	Vote by mail ballots and election result statements.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/23/2012)	9/1/2012- A. DEAD		Budget
SB 1018	Committee on Budget and Fiscal Review	Public resources.	39	2/6/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 39, Statutes of 2012	6/27/2012- S. CHAPTERED		Budget
SB 1019	Committee on Budget and Fiscal Review	Health.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was S. CONCURRENCE on 8/29/2012)	9/1/2012- S. DEAD		Budget
SB 1020	Committee on Budget and Fiscal Review	Public Safety Realignment.	40	2/6/2012	6/28/2012- Chaptered by the Secretary of State, Chapter Number 40, Statutes of 2012	6/28/2012- S. CHAPTERED		Budget
SB 1021	Committee on Budget and Fiscal Review	Public safety.	41	2/6/2012	6/28/2012- Chaptered by the Secretary of State, Chapter Number 41, Statutes of 2012	6/28/2012- S. CHAPTERED		Budget
SB 1022	Committee on Budget and Fiscal Review	Correctional facilities.	42	2/6/2012	6/28/2012- Chaptered by the Secretary of State, Chapter Number 42, Statutes of 2012	6/28/2012- S. CHAPTERED		Budget
SB 1023	Committee on Budget and Fiscal Review	Public safety: realignment.	43	2/6/2012	6/28/2012- Chaptered by the Secretary of State, Chapter Number 43, Statutes of 2012	6/28/2012- S. CHAPTERED		Budget
SB 1024	Committee on Budget and Fiscal Review	Community redevelopment.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/27/2012)	9/1/2012- A. DEAD		Budget
SB 1025	Lowenthal D	State regulations: review.		2/6/2012	9/1/2012- Failed Deadline pursuant to	9/1/2012- S. DEAD		Budget

					Rule 61(b) (17). (Last location was S. RLS. on 8/30/2012)			
SB 1026	Committee on Budget and Fiscal Review	Human services.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/28/2012)	9/1/2012- A. DEAD		Budget
SB 1027	Committee on Budget and Fiscal Review	Federal transportation funds: allocation.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/24/2012)	9/1/2012- A. DEAD		Budget
SB 1028	Committee on Budget and Fiscal Review	Education finance.	575	2/6/2012	9/26/2012- Chaptered by the Secretary of State, Chapter Number 575, Statutes of 2012	9/26/2012- S. CHAPTERED		Budget
SB 1029	Committee on Budget and Fiscal Review	Budget Act of 2012.	152	2/6/2012	7/18/2012- Chaptered by the Secretary of State, Chapter Number 152, Statutes of 2012	7/18/2012- S. CHAPTERED		Budget
SB 1030	Committee on Budget and Fiscal Review	Redevelopment Property Tax Trust Fund allocations: excess Educational Revenue Augmentation Fund moneys.		2/6/2012	9/29/2012- Vetoed by the Governor	9/29/2012- S. VETOED		Budget
SB 1032	Committee on Budget and Fiscal Review	Public safety.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/22/2012)	9/1/2012- A. DEAD		Budget
SB 1033	Committee on Budget and Fiscal Review	State and local government.	44	2/6/2012	6/28/2012- Chaptered by the Secretary of State, Chapter Number 44, Statutes of 2012	6/28/2012- S. CHAPTERED		Budget
SB 1034	Committee on Budget and Fiscal Review	Healthy Families Program: Medi-Cal: program transition: expansion.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/25/2012)	9/1/2012- A. DEAD		Budget

SB 1035	Committee on Budget and Fiscal Review	Budget Act of 2012.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/14/2012)	9/1/2012- A. DEAD		Budget
SB 1036	Committee on Budget and Fiscal Review	Public social services: in-home supportive services.	45	2/6/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 45, Statutes of 2012	6/27/2012- S. CHAPTERED		Budget
SB 1037	Committee on Budget and Fiscal Review	Budget Act of 2012.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. THIRD READING on 6/25/2012)	9/1/2012- A. DEAD		Budget
SB 1038	Committee on Budget and Fiscal Review	State government.	46	2/6/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 46, Statutes of 2012	6/27/2012- S. CHAPTERED		Budget
SB 1039	Steinberg D	State government: Business, Consumer Services, and Housing Agency.	147	2/6/2012	7/17/2012- Chaptered by the Secretary of State, Chapter Number 147, Statutes of 2012	7/17/2012- S. CHAPTERED		Budget
SB 1040	Evans D	Fire prevention: fees.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/27/2012)	9/1/2012- A. DEAD		Budget
SB 1041	Committee on Budget and Fiscal Review	Human services.	47	2/6/2012	6/27/2012- Chaptered by the Secretary of State, Chapter Number 47, Statutes of 2012	6/27/2012- S. CHAPTERED		Budget
SB 1042	Committee on Budget and Fiscal Review	State Department of State Hospitals.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. BUDGET on 8/23/2012)	9/1/2012- A. DEAD		Budget
SB 1043	Committee on Budget and Fiscal Review	Criminal justice realignment.		2/6/2012	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A.	9/1/2012- A. DEAD		Budget

					BUDGET on 8/22/2012)			
SB 1050	Alquist D	Autism: telehealth task force.		2/8/2012	9/19/2012-Vetoed by the Governor	9/19/2012-S. VETOED		Autism
SB 1051	Liu D	Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters.	660	2/8/2012	9/27/2012-Chaptered by the Secretary of State, Chapter Number 660, Statutes of 2012	9/27/2012-S. CHAPTERED		Developmental Center
SB 1070	Steinberg D	Career Technical Education Pathways Program.	433	2/13/2012	9/21/2012-Chaptered by the Secretary of State, Chapter Number 433, Statutes of 2012	9/21/2012-S. CHAPTERED		Employment
SB 1072	Strickland R	Newborn screening program.		2/14/2012	5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)	5/25/2012-S. DEAD		Health Care
SB 1081	Fuller R	Public health care: Medi-Cal: demonstration projects.	453	2/14/2012	9/22/2012-Chaptered by the Secretary of State, Chapter Number 453, Statutes of 2012	9/22/2012-S. CHAPTERED		Health Care
SB 1123	De León D	Vehicles: disabled persons or disabled veterans: parking placards.		2/17/2012	4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. SENATE on 4/25/2012)	4/27/2012-S. DEAD		Other
SB 1136	Steinberg D	Health: mental health: Mental Health Services Act.		2/21/2012	7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. HEALTH on 6/7/2012)	7/6/2012-A. DEAD		Mental Health
SB 1141	Walters R	Public employees: postemployment health care benefits.		2/21/2012	4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. & R. on 4/18/2012)	4/27/2012-S. DEAD		Other
SB 1163	Walters R	Special access: liability.		2/22/2012	5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. JUD. on 5/9/2012)	5/11/2012-S. DEAD		Other
SB 1176	Huff R	Public employees' retirement.		2/22/2012	4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. &	4/27/2012-S. DEAD		Other

					R. on 3/1/2012)			
SB 1186	Steinberg D	Disability access.	383	2/22/2012	9/19/2012- Chaptered by the Secretary of State, Chapter Number 383, Statutes of 2012	9/19/2012- S. CHAPTERED		Other
SB 1259	Emmerson R	Developmental disabilities: regional centers.		2/23/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)	5/25/2012- S. DEAD		Regional Center
SB 1264	Vargas D	Child abuse reporting: mandated reporters.	518	2/23/2012	9/24/2012- Chaptered by the Secretary of State, Chapter Number 518, Statutes of 2012	9/24/2012- S. CHAPTERED		Abuse Prevention
SB 1352	Corbett D	Child abuse: investigation and prosecution: child advocacy centers.		2/24/2012	7/3/2012- Vetoed by Governor	7/3/2012- S. VETOED		Abuse Prevention
SB 1377	Corbett D	Protection and advocacy agencies.	664	2/24/2012	9/27/2012- Chaptered by the Secretary of State, Chapter Number 664, Statutes of 2012	9/27/2012- S. CHAPTERED	Support	Civil Rights
SB 1381	Pavley D	Mental retardation: change of term to intellectual disability.	457	2/24/2012	9/22/2012- Chaptered by the Secretary of State, Chapter Number 457, Statutes of 2012	9/22/2012- S. CHAPTERED	Support	Other
SB 1392	Pavley D	Developmental services.		2/24/2012	8/17/2012- Failed Deadline pursuant to Rule 61(b) (14). (Last location was A. APPR. on 8/16/2012)	8/17/2012- A. DEAD		Developmental Center
SB 1432	Steinberg D	Child and family welfare.		2/24/2012	5/25/2012- Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)	5/25/2012- S. DEAD		Other
SB 1503	Steinberg D	In-Home Supportive Services program.		2/24/2012	8/17/2012- Failed Deadline pursuant to Rule 61(b) (14). (Last location was A. APPR. on 7/5/2012)	8/17/2012- A. DEAD		In Home Supportive Services (IHSS)
SB 1522	Leno D	Developmental centers:	666	2/24/2012	9/27/2012- Chaptered by the Secretary	9/27/2012- S. CHAPTERED		Developmental Center

		reporting requirements.			of State, Chapter Number 666, Statutes of 2012			
SB 1551	Vargas D	Child sexual abuse: mandated reporting.		2/24/2012	4/27/2012- Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. PUB. S. on 4/9/2012)	4/27/2012- S. DEAD		Abuse Prevention
SCA 7	Yee D	Public bodies: meetings.		1/10/2011	9/1/2012- Failed Deadline pursuant to Rule 61(b) (17). (Last location was A. APPR. SUSPENSE FILE on 8/17/2011)	9/1/2012- A. DEAD		
SCR 69	Pavley D	California Autism Awareness Month.	16	2/23/2012	5/3/2012- Chaptered by Secretary of State - Chapter No. 16, Statutes of 2012	5/3/2012- S. CHAPTERED		Autism
SJR 18	Pavley D	Individuals with disabilities: tax exempt accounts.	62	2/23/2012	6/25/2012- Chaptered by Secretary of State - Chapter No. 62, Statutes of 2012	6/25/2012- S. CHAPTERED		Other
<b>Total Measures: 180</b>								
<b>Total Tracking Forms: 180</b>								



**Legislation Report**

**as of 10/4/2012**

- GoTo:
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**AB 13**

**(Knight R) Public school volunteers.** (Amended: 5/11/2011 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. ED. on 6/28/2012)

**Location:** 7/6/2012-A. DEAD

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes any person, except a person required to register as a sex offender pursuant to a designated provision, to be permitted by the governing board of a school district to serve as a nonteaching volunteer aide under the immediate supervision and direction of certificated personnel of the district to perform noninstructional work that serves to assist the certificated personnel of the district in their teaching and administrative responsibilities. Existing law authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of a designated sex offense. This bill would specify that each of these provisions applies to charter schools. The bill would also authorize a school district, county office of education, or charter school to request a local law enforcement agency to conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether that person has been convicted of a felony controlled substance offense that involves a minor or a violent or serious felony, as specified. The bill would additionally prohibit persons who have been convicted of violent or serious felonies, specified sex offenses, or felony controlled substance offenses, as specified, from serving as nonteaching volunteer aides, but would provide that a person would not be prohibited from serving as a nonteaching volunteer aide solely because of a conviction of a controlled substance offense that involves a minor or a violent or serious felony 5 years after the date of that conviction. This bill contains other existing laws.

**Position**

**Priority :**

**AB 40**

**(Yamada D) Elder and dependent adult abuse: reporting.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 659, Statutes of 2012

**Location:** 9/27/2012-A. CHAPTERED

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse. The act requires a mandated reporter, and authorizes any person who is not a mandated reporter, to report the abuse to the local ombudsman or the local law enforcement agency if the abuse occurs in a long-term care facility. Failure to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor. This bill would require that, if the suspected abuse results in serious bodily injury, as defined, a mandated reporter make a telephone report to report suspected or alleged physical abuse, as defined, that occurs in a long-term care facility, to the local law enforcement agency, immediately, and no later than within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. The bill would require that a written report be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. The bill would require that, if the suspected abuse does not result in serious bodily injury, a mandated reporter make a report by telephone and in writing within 24 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse, as specified. This bill contains other related provisions and other existing laws.

**Position** support with Amendments      **Priority :** Letter

**AB 43**

**(Monning D) Medi-Cal: eligibility.** (Amended: 8/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. INACTIVE FILE on 8/27/2012)

**Location:** 9/1/2012-S. DEAD

17000 2012-13	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would, commencing January 1, 2014, implement various provisions of the federal Patient Protection and Affordable Care Act (Affordable Care Act) (Public Law 111-148), as amended, by, among other things, modifying provisions relating to determining eligibility for certain eligibility groups. The bill would, in this regard, extend Medi-Cal eligibility to specified adults and would require that income eligibility be determined based on modified adjusted gross income (MAGI), as prescribed. The bill would prohibit the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of MAGI. The bill would also add, commencing January 1, 2014, benefits, services, and coverage included in the essential health benefits package, as adopted by the state and approved by the United States Secretary of Health and Human Services, to the schedule of Medi-Cal benefits. This bill contains other related provisions and other existing laws.

**Position**      **Priority :**

**AB 154**

**(Beall D) Health care coverage: mental health services.** (Amended: 1/23/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HEALTH on 2/16/2012)

**Location: 7/6/2012-S. DEAD**

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan contract and a health insurance policy are required to provide coverage for the diagnosis and treatment of severe mental illnesses of a person of any age. Existing law does not define the term "severe mental illnesses" for this purpose but describes it as including several conditions. This bill would expand this coverage requirement for certain health care service plan contracts and health insurance policies issued, amended, or renewed on or after January 1, 2013, to include the diagnosis and treatment of a mental illness of a person of any age and would define mental illness for this purpose as a mental disorder defined in the Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV), including substance abuse but excluding nicotine dependence and specified diagnoses defined in the manual, subject to regulatory revision, as specified. The bill would specify that this requirement does not apply to a health care benefit plan, contract, or health insurance policy with the Board of Administration of the Public Employees' Retirement System unless the board elects to purchase a plan, contract, or policy that provides mental health coverage. This bill contains other related provisions and other existing laws.

**Position** support with Amendments

**Priority :** Letter

**AB 171**

**(Beall D) Pervasive developmental disorder or autism.** (Amended: 1/23/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HEALTH on 2/16/2012)

**Location:** 7/6/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Insurance Commissioner. Existing law requires health care service plan contracts and health insurance policies to provide coverage for the diagnosis and treatment of severe mental illnesses, including pervasive developmental disorder or autism, under the same terms and conditions applied to other medical conditions, as specified. Commencing July 1, 2012, and until July 1, 2014, existing law requires health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. This bill would require health care service plan contracts and health insurance policies to provide coverage for the screening, diagnosis, and treatment, other than behavioral health treatment, of pervasive developmental disorder or autism. The bill would, however, provide that no benefits are required to be provided that exceed the essential health benefits that will be required under specified federal law. The bill would prohibit health care service plans and health insurers from denying, terminating, or refusing to renew coverage solely because the individual is diagnosed with or has received treatment for pervasive developmental disorder or autism. Because the bill would change the definition of a crime with respect to health care service plans, it would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**AB 350**

**(Solorio D) Displaced Janitor Opportunity Act.** (Amended: 9/2/2011 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 9/6/2011)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, as defined, window cleaning, food cafeteria and dietary services, janitorial services, and building maintenance services. This bill would exclude from the definitions of "contractor" and "subcontractor" specified types of food service providers. The bill also would make conforming changes.

**Position**

**Priority :**

**AB 369**

**(Huffman D) Health care coverage: prescription drugs.** (Vetoed: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Vetoed by the Governor

**Location:** 9/30/2012-A. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Commonly referred to as utilization review, existing law governs the procedures that apply to every health care service plan and health insurer that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees or insureds, as specified. This bill would impose specified requirements on health care service plans or health insurers that restrict medications for the treatment of pain pursuant to step therapy or fail first protocol. The bill would authorize the duration of any step therapy or fail first protocol to be determined by the prescribing participating plan provider or prescribing provider, as respectively defined, and would, except under certain conditions, prohibit a health care service plan or health insurer from requiring that a patient try and fail on more than 2 pain medications before allowing the patient access to other pain medication prescribed by the prescribing participating plan provider or prescribing provider, as specified. This bill contains other related provisions and

other existing laws.

**Governor's Message:** *I am returning Assembly Bill 369 without my signature. This bill would prohibit a health plan or insurer from requiring a patient to try and "fail" more than two medications before allowing a patient to have the pain medication prescribed by his or her doctor. While I sympathize with the author's good intentions, I am not convinced that this bill strikes the right balance between physician discretion and health plan or insurer oversight. A doctor's judgment and a health plan's clinical protocols both have a role in ensuring the prudent prescribing of pain medications. Independent medical reviews are available to resolve differences in clinical judgment when they occur, even on an expedited basis. If current law does not suffice ? and I am not certain that it doesn't, any limitations on the practice of "step-therapy" should better reflect a health plan or insurer's legitimate role in determining the allowable steps. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**AB 493**

**(Perea D) Registered sex offenders: community care facilities.** (Amended: 8/6/2012

[pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

**Location:** 8/17/2012-S. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense. Existing law provides for the licensing and regulation of various community care and child care facilities by the State Department of Social Services. This bill would prohibit a person required to register under the act from residing, except as specified, working, or volunteering in, among other places, foster homes or facilities licensed by the State Department of Social Services or a county child welfare services agency. Violation of this prohibition would be a misdemeanor. The bill would also authorize a juvenile court to waive this prohibition if the residence involved is that of a noncustodial parent, relative, or nonrelative extended family member who receives the placement of a child who is or may be declared a dependent of the court and the court finds that placing the child in that residence is in the child's best interest. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 508**

**(Swanson D) Displaced public transit, solid waste handling, and recycling services employees.** (Introduced: 2/15/2011 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. 2 YEAR on 8/26/2011)

**Location:** 8/17/2012-S. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree

to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor. This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 518**

**(Wagner R) Elder and dependent adult abuse: mandated reporters.**

(Amended: 3/23/2011 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. 2 YEAR on 8/26/2011)

**Location:** 7/6/2012-A. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:** Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse, including, but not limited to financial abuse, as defined. These procedures require persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. A violation of the reporting requirements by a mandated reporter is a misdemeanor. Existing law, which will be repealed on January 1, 2013, defines who is a mandated reporter of suspected financial abuse of an elder or dependent adult. A violation of the financial abuse reporting requirements is subject to civil penalties. This bill would delete the January 1, 2013, repeal date and make conforming changes .

**Position Support**

**Priority :** Letter

**AB 519**

**(Hernández, Roger D) Pupil discipline: restraint and seclusion.** (Amended: 1/4/2012

[pdf](#) [html](#))

**Status:** 1/13/2012-Failed Deadline pursuant to Rule 61(b)(1). (Last location was ED. on 1/4/2012)

**Location:** 1/13/2012-A. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:** Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil. This bill would authorize an educational provider, as defined, to use physical or mechanical restraint or seclusion, as defined, if specified conditions are met. The bill would require a seclusion room utilized by an educational provider to fulfill specified safety requirements. The bill would prohibit an

educational provider from depriving a pupil of sleep, food, hydration, or access to bathroom facilities and from utilizing specified restraint and seclusion techniques, including, but not limited to, using chemical restraint, as defined, using an improvised mechanical restraint device, and using physical or mechanical restraint techniques that restrict breathing. The bill would require the State Department of Education to establish a mandatory system of data collection regarding the use of physical and mechanical restraint and seclusion that is consistent, timely, and publicly accessible. The bill would require an educational provider to annually report the data required to be collected to the department and would require the reported data to include the name of the educational provider and other specified information. To the extent that the data collection and reporting requirements would impose new duties on local educational agencies not required by federal law, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position** support with Amendments

**Priority :** Letter

**AB 733**

**(Ma D) Pupil records: privacy rights.** (Chaptered: 9/19/2012 [pdf](#) [html](#))

**Status:** 9/19/2012-Chaptered by the Secretary of State, Chapter Number 388, Statutes of 2012

**Location:** 9/19/2012-A. CHAPTERED

Year 2012	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order, except as provided. This bill would make various changes to these pupil record provisions to conform them to federal law, except as specified.

**Position**

**Priority :**

**AB 784**

**(Yamada D) Long-term health care facilities: bed holds: appeals.** (Amended: 6/6/2012

[pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HEALTH on 6/6/2012)

**Location:** 7/6/2012-S. DEAD

Year 2012	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, residents of long-term health care facilities have certain rights, including the right to be readmitted to a facility following a hospital stay, as specified, and the right, if denied readmission by the facility, to appeal this decision. This bill would require the State Department of Health Care Services to conduct the appeal hearings. This bill would require that the State Department of Public Health be bound by a decision rendered by the State Department of Health Care Services. If readmission is ordered on appeal and the facility refuses to readmit the resident, the bill would require the State Department of Health Care Services to refer the matter to the State Department of Public Health, and require the State Department of Public Health to assess a specified civil penalty against the facility each day, until the resident is readmitted or a maximum penalty amount is reached. This bill would increase these penalty amounts if the facility has previously refused after being ordered on appeal to readmit a resident. The bill would require that these penalties be deposited into the State Health Facilities Citation Penalties Account. The bill would authorize the State Department of Health Care Services and the State Department of Public Health to request that

the Attorney General seek injunctive relief and damages pursuant to specified provisions of law. The bill would authorize the departments to implement these provisions by means of letters, provider bulletins, or other similar instructions. This bill contains other existing laws.

**Position**

**Priority :**

**AB 889**

**(Ammiano D) Domestic work employees.** (Vetoed: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Vetoed by the Governor

**Location:** 9/30/2012-A. VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law regulates the wages, hours, and working conditions of any man, woman, and minor employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except for individuals employed as outside salesmen and individuals participating in specified national service programs. Under existing law, the Industrial Welfare Commission within the Department of Industrial Relations is authorized to adopt rules, regulations, and orders to ensure that employers comply with those provisions of law. This bill would require the Department of Industrial Relations, by January 1, 2014, to adopt regulations governing the working conditions of domestic work employees, as defined.

**Governor's Message:** *I am returning Assembly Bill 889 without my signature. Domestic workers work in the homes of ill, elderly or disabled people. They often share duties and responsibilities with the family and friends of the patient-employer. Those employed in this noble endeavor, like anyone who works for a living, deserve fair pay and safe working conditions. Seeking to improve the circumstances of these workers however, raises a number of unanswered questions. What will be the economic and human impact on the disabled or elderly person and their family of requiring overtime, rest and meal periods for attendants who provide 24 hour care? What would be the additional costs and what is the financial capacity of those taking care of loved ones in the last years of life? Will it increase costs to the point of forcing people out of their homes and into licensed institutions? Will there be fewer jobs for domestic workers? Will the available jobs be for fewer hours? Will they be less flexible? What will be the impact of the looming federal policies in this area? How would the state actually enforce the new work rules in the privacy of people's homes? The bill calls for these questions to be studied by the state Department of Industrial Relations and for the department to simultaneously issue new regulations to provide overtime, meal, rest break and sleep periods for domestic workers. In the face of consequences both unknown and unintended, I find it more prudent to do the studies before considering an untested legal regime for those that work in our homes. Finally, a drafting error leaves most In Home Supportive Service (IHSS) workers subject to this measure - - resulting in costs to the state of over \$200 million per year. This could require cuts in wages, reduced hours of care and other reductions to those served by IHSS workers. Sincerely, Edmund G. Brown Jr.*

**Position** Oppose

**Priority :** Letter

**AB 1244**

**(Chesbro D) Developmental services: Self-Determination Program.**

(Amended: 5/24/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HUM. S. on 5/24/2012)

**Location:** 7/6/2012-S. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers, or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program to be available in every regional center catchment area to provide participants, within an individual budget, greater control over needed services and supports. This bill would repeal the provisions establishing the Self-Directed Services Program and would, instead, contingent upon approval of federal Medicaid matching funding, establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives, and would make conforming changes. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to establish a risk pool fund to meet the unanticipated needs of participants in the program. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

**Position** support with Amendments

**Priority :** Letter, Hearing Testimony, & Meet with Legislative Staff

**AB 1435**

**(Dickinson D) Child abuse reporting: athletic personnel.** (Chaptered: 9/24/2012 [pdf](#) [html](#))

**Status:** 9/24/2012-Chaptered by the Secretary of State, Chapter Number 520, Statutes of 2012

**Location:** 9/24/2012-A. CHAPTERED

Track Live	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would add athletic coaches, athletic administrators, and athletic directors employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive, to the list of individuals who are mandated reporters. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1438**

**(Bradford D) Child abuse reporting.** (Amended: 3/8/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. PUB. S. on 4/19/2012)

**Location:** 7/6/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law generally requires a person who reasonably believes that he or she has observed the commission of a lewd or lascivious act on a child who is under 14 years of age by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury to notify a peace officer. A failure to report pursuant to those provisions is a misdemeanor punishable by a fine of not more than \$1,500, by imprisonment in a county jail for not more than six months, or by both that fine and imprisonment. This bill would require a person to notify a peace officer when the person believes that he or she has observed the commission of a lewd and lascivious act on a child under 14 years of age, regardless of whether force, violence, duress, menace, or fear of immediate and lawful bodily injury is used. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1448**

**(Furutani D) Home-to-school transportation: funding.** (Amended: 3/19/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/2/2012)

**Location:** 5/25/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes school district governing boards to provide for the transportation of pupils to and from school whenever, in the judgment of the governing board, the transportation is advisable and reasons exist therefor. Existing law also authorizes school district governing boards to purchase or rent and provide for the upkeep, care, and operation of vehicles, or contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or contract with and pay responsible private parties for the transportation. This bill would , commencing with the 2012-13 fiscal year and each fiscal year thereafter, prohibit the Legislature from reducing funding for home-to-school transportation below the amount established in the Budget Act of 2011. The bill would also express legislative findings and declarations relating to the provision of home-to-school transportation by school districts , and would express legislative intent to fund home-to-school transportation at the level approved in the Budget Act of 2011.

**Position** Watch

**Priority :**

**AB 1452**

**(Hill D) Vehicles: child passenger restraints.** (Chaptered: 8/27/2012 [pdf](#) [html](#))

**Status:** 8/27/2012-Chaptered by Secretary of State - Chapter 185, Statutes of 2012.

**Location:** 8/27/2012-A. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a public or private hospital, clinic, or birthing center, at the

time of discharge of a child, to provide and discuss information on the current law requiring child passenger restraint systems, safety belts, and the transportation of children in rear seats to the parents or the person to whom the child is released if the child is under 8 years of age, but specifies that a public or private hospital, clinic, or birthing center shall not be responsible for the failure of the parent or person to whom the child is released to properly transport the child. This bill would require a public or private hospital, clinic, or birthing center, at the time a child under 8 years of age is discharged, to also provide and discuss contact information relating to obtaining, at no cost or low cost, information and assistance relating to child passenger restraint system requirements, installation, and inspection, including, among other things, the telephone number of the local office of the Department of the California Highway Patrol. Because this bill would expand the definition of an existing crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1453**

**(Monning D) Health care coverage: essential health benefits.** (Chaptered: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 854, Statutes of 2012

**Location:** 9/30/2012-A. CHAPTERED

2 Year	Death	Policy	Health	Policy	Death	Policy	Health	Policy	Death	Policy	Health	Policy	Chaptered
Deco	Health				Health				Health	Health	Health	Health	Chaptered

**Summary:** Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. PPACA requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers. PPACA defines a qualified health plan as a plan that, among other requirements, provides an essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. This bill would require an individual or small group health care service plan contract issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the health benefits covered by particular benchmark plans. The bill would prohibit treatment limits imposed on these benefits from exceeding the corresponding limits imposed by the benchmark plans and would generally prohibit a plan from making substitutions of the benefits required to be covered. The bill would specify that these provisions apply regardless of whether the contract is offered inside or outside the Exchange but would provide that they do not apply to grandfathered plans, specialized plans, or Medicare supplement plans, as specified. The bill would prohibit a health care service plan from issuing, delivering, renewing, offering, selling, or marketing a plan contract as compliant with the federal essential health benefits requirement satisfies the bill's requirements. The bill would authorize the Department of Managed Health Care to adopt emergency regulations implementing these provisions until March 1, 2016, and would enact other related provisions. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1463**

**(Blumenfield D) 2012-13 Budget.** (Introduced: 1/10/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 3/12/2012)

**Location:** 9/1/2012-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would make appropriations for support of state government for the 2012-13 fiscal year. This bill contains other related provisions.

**Position Watch**

**Priority :**

**AB 1464**

**(Blumenfield D) 2012-13 Budget.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 21, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would make appropriations for support of state government for the 2012-13 fiscal year. This bill contains other related provisions.

**Governor's Message:** Governor State of California Governor's Office I object to the following appropriations contained in Assembly Bill 1464. Item 0510-001-0001-For support of Secretary of State and Consumer Services. I reduce this item from \$246,000 to \$0 by reducing: (1) Support from \$1,530,000 to \$1,094,000, and by deleting: (3) Amount payable from the Central Service Cost Recovery Fund (Item\0510\001\9740) of (?\$190,000). I am reducing this item by \$246,000 and 3.5 positions for the Office of Privacy Protection. While I am supportive of efforts in this area, I do not believe this program is of sufficient priority to justify the use of limited state resources. I am revising this item to conform to the action taken in Item 0510-001-9740. Item 0510-001-9740-For support of Secretary of State and Consumer Services. I delete this item. I am deleting this item to conform to the action taken in Item 0510-001-0001. Item 2660-001-0042-For support of Department of Transportation. I reduce this item from \$2,387,730,000 to \$2,383,185,000 by reducing: (9) 40-Transportation Planning from \$118,242,000 to \$113,697,000, and delete Provision 3. I am reducing this item by \$4,545,000 and 23.0 positions to reserve state funds to fund state projects and not to subsidize the development and review of project initiation documents for locally funded projects on the state highway system. I am sustaining \$3,890,000 and 28.0\positions to complete work on projects where local agencies executed cooperative agreements with Caltrans to provide reimbursements. I am also vetoing Provision 3 because the requirements contained in this provision to expend Capital Outlay Support funds on state staff, external contracts, and operating expenses and equipment create unnecessary cost pressures and limit Caltrans' flexibility to utilize the most cost-effective portfolio of resources to meet its workload needs. Caltrans needs the flexibility to choose a staffing mix that allows it to complete the workload without resulting in unnecessary costs associated with hiring additional state staff and incur training expenses for short-term workload. Item 3360-011-3117-For transfer by the Controller, upon order of the Director of Finance, from the Alternative and Renewable Fuel and Vehicle Technology Fund to the State Parks and Recreation Fund. I reduce this item from (\$10,000,000) to (\$3,000,000). I am reducing this item by \$7,000,000 to conform to the action I have taken in Item\3790\001\0392. Item 3600-001-0200-For Support, the Department of Fish and Game. I revise this item by deleting Provisions 3 and 4. I am deleting Provision 3 because the requirement contained in this provision to expend funds on a plan to redirect Fish and Game Preservation Fund to

other priorities increases overall cost pressures within this item. The Fish and Game Preservation Fund is structurally imbalanced with expenditures exceeding revenues by approximately \$17 million. While the intent of this provision is to identify a plan that could reduce the imbalance, any activities that would be redirected to the Greenhouse Gas Reduction Fund would not result in Fish and Game Preservation Fund savings as permit fees currently cover the Department's renewable energy activities. I am also deleting Provision 4 because it would require up to \$2 million to be appropriated from the Salton Sea Restoration Fund to the Salton Sea Authority to update previous analyses of restoration planning efforts for the Salton Sea. I am vetoing the provision because the Salton Sea Restoration Fund has a reserve of \$675,000 for the 2012-13 fiscal year, and using other departmental funds would result in an unallocated reduction to other Fish and Game programs. I will be directing the Department of Fish and Game to continue conversations with the Salton Sea Authority and environmental stakeholders in an effort to identify other options for conducting the proposed feasibility study and enhancing restoration efforts.

Item 3790-001-0392-For support of Department of Parks and Recreation. I reduce this item from \$147,946,000 to \$126,946,000 by reducing: (1) Support of Department of Parks and Recreation from \$430,099,000 to \$399,099,000, and by deleting: (9.5) Amount payable from State Water Pollution Control Revolving Fund (Item 3790-001-0617) (-\$10,000,000). The Department has readied the closure of 70 state parks based on criteria included in the 2011 Budget Act. As of today, the state has signed its 32nd agreement with a local partner to continue to operate a park slated for closure. This achievement is a testament to the work and dedication of the Department, nonprofit organizations, local governments, and others along with the state Legislature to keep state parks available to the public. The Budget includes one-time funding to attempt to resolve an ongoing structural imbalance by using funds that were intended for other important uses to support state parks. While a portion of these funds will help ensure a successful transition as the state develops a long-range vision for state parks, I cannot fully support this action because proposed funding either takes from other important purposes or may violate the state's agreement with the federal government regarding the State Water Pollution Control Revolving Fund. Therefore, I am reducing this item by \$31 million and sustaining \$10 million in new funding to support the needs of the state's parks system. These funds will allow, among other purposes a transition window for park operating agreements that are currently being negotiated, but are not yet final. I am also sustaining \$13 million in redirected bond expenditures, which will now be used for projects that can aid the Department to increase park revenues.

Item 3790-001-0617-For support of Department of Parks and Recreation. I delete this item and Provision 1. I am deleting this item to conform to the action I have taken in Item 3790-001-0392.

Item 3940-001-0439-For support of State Water Resources Control Board. I revise this item by deleting Provision 3. I am deleting Provision 3 because the requirement contained in this provision to expend funds on a proposal increases overall cost pressure with this item. This provision requires the State Water Resources Control Board to submit a proposal to increase program efficiencies through reduction of the number of regional water quality control boards by January of 2013. This provision is unnecessary.

Item 4265-001-0001-For support of Department of Public Health. I revise this item by deleting Provision 4. I am deleting Provision 4 because the requirement contained in this provision to expend funds on an annual work plan for the Nursing Home Administrator's Program creates unnecessary cost pressures. Elimination of this report is consistent with my plan to eliminate unnecessary reports and reporting requirements.

Item 4265-111-0001-For local assistance, Department of Public Health. I reduce this item from \$49,332,000 to \$48,832,000 by reducing: (3) 20.20-Infectious Diseases from \$258,897,000 to \$258,397,000. I am reducing this item by \$500,000, which eliminates funding for the Public Health Laboratory Director Training Program. This reduction is necessary to help bring ongoing expenditures in line with existing resources and to build a prudent reserve.

Item 4440-011-0001-For support of

Department of State Hospitals. I revise this item by deleting Provisions 5 and 13. I am deleting Provision 5 because the requirement contained in this provision to expend funds by providing quarterly progress reports on the hiring plan related to federal court monitoring of compliance with the Civil Rights of Institutionalized Persons Act (CRIPA) creates unnecessary cost pressures. This provision would require the Department to continue reporting on a hiring plan when facilities have achieved substantial compliance with CRIPA and are in the process of being released from further court monitoring. Elimination of these reports is consistent with my plan to eliminate unnecessary reports and reporting requirements. I am also deleting Provision 13, which permits up to \$3,600,000 to be used for the Adult Education program, and eliminating 37.6 unfunded positions added separately by the Legislature for this program, because the requirement creates unnecessary cost pressures and restricts the Department's efforts to achieve planned General Fund cost savings. The Budget reflects my Administration's efforts to close a structural gap in the Department's budget. Authorizing this program without providing the necessary resources would undermine these efforts. Item 6110-001-0001-For support of Department of Education. I reduce this item from \$34,505,000 to \$34,420,000 by reducing: (2) 20-Instructional Support from \$140,134,000 to \$139,944,000, (9) Amount payable from the Federal Trust Fund (Item 6110-001-0890) from -\$162,299,000 to -\$162,194,000, and by deleting Provision 19. I am reducing this item by \$85,000 and 1.0 position at the State Department of Education to conform to my veto of local assistance funding for the Early Mental Health Initiative in Item 6110-162-0001. I am deleting Provision 19 to conform to this action. I am also revising these schedules to conform to the actions I have taken in Item 6110-001-0890. Item 6110-162-0001-For support of Department of Education (Proposition 98), Early Mental Health Services. I delete this item. I am eliminating the \$15,000,000 appropriation for the Early Mental Health Initiative. While I appreciate the importance of prevention and early intervention services, I believe that school districts are in the best position to determine whether these services should be funded at the local level. Item 6110-196-0001-For local assistance, Department of Education (Proposition 98). I reduce this item from \$510,975,000 to \$481,003,000 by reducing: (1) 30.10.010-Special Program, Child Development, Preschool Education from \$510,975,000 to \$481,003,000. I am reducing \$29,972,000 from preschool programs, which are administered by Title 5 centers that contract directly with the Department of Education. While I would have preferred to restructure rates and reform the program to achieve savings, this across the board reduction in slots is necessary to help bring ongoing expenditures in line with existing resources. Item 6110-202-0001-For local assistance, Department of Education. I delete this item and Provisions 1, 2, and 3. I am eliminating the \$10,100,000 legislative augmentation which would provide a supplemental child nutrition reimbursement to private schools, private child care centers, and other meal sponsors that are not eligible for Proposition 98 funding. This reduction is necessary to bring ongoing expenditures in line with available General Fund resources. I am also deleting Provisions 1, 2, and 3 to conform to this action. Item 6440-004-0001-For support of University of California. I delete Provisions 1, 2, and 3. I am deleting Provisions 1, 2, and 3 because the requirements contained in these provisions to expend funds on the University of California, Merced campus create unnecessary cost pressures and are unnecessarily restrictive. Eliminating these provisions will give the University greater flexibility to manage the \$750 million permanent reduction in state funding enacted in 2011-12. Item 6440-005-0001-For support of University of California. I delete Provision 1. I am deleting Provision 1 because the requirement contained in this provision to expend funds on the California Institutes for Science and Innovation creates unnecessary cost pressures and is unnecessarily restrictive. Eliminating this provision will give the University greater flexibility to manage the \$750 million permanent reduction in state funding enacted in fiscal year 2011-12. Item 6600-001-0001-For support of Hastings College of the Law. I delete Provision 3. I am deleting Provision 3 because the requirement

contained in this provision to expend funds on retired annuitant health and dental benefits creates unnecessary cost pressures and is unnecessarily restrictive. Item 8885-295-0001- For local assistance, Commission on State Mandates. I reduce this item from \$50,586,000 to \$48,786,000 by reducing: (1) For payment of the following mandate claims for costs incurred in the 2004?05 through 2010?11 fiscal years from \$50,586,000 to \$48,786,000, and by deleting: (1)(n) Crime Statistics Reports for the Department of Justice, Homicide Reports: Ch. 1338, Stats. 1992 Hate Crime Reports: Ch. 1172, Stats.1989; Ch. 933, Stats. 1998; Ch.626,Stats. 2000;Ch.700,Stats. 2004) (02- TC-04, 02-TC-11, and 07-TC-10). (1,800,000) and by deleting Provision 4. The activities related to this mandate should already be standard procedure as they provide information to the federal government that ultimately enables local agency receipt of federal grant funds. Therefore, the existence of the mandate is unnecessary as an incentive to collect and report this information. With the above deletions, revisions, and reductions, I hereby approve Assembly Bill 1464.  
EDMUND G. BROWN JR. 1

**Position** Watch

**Priority :**

**AB 1466**

**(Committee on Budget) Budget Act of 2012: Governor's Scholarship Programs: vote by mail ballots and election result statements.** (Amended: 8/22/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. RLS. on 8/27/2012)

**Location:** 9/1/2012-S. DEAD

Track Status	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Provisions of law that became inoperative on July 1, 2003, and that were repealed on January 1, 2004, established the Governor's Scholarship Programs under the administration of the Scholarshare Investment Board. Existing law expresses the intent of the Legislature to provide explicit authority to the board to continue to administer accounts for, and to make awards to, persons who qualified for awards under the provisions of the Governor's Scholarship Programs as those provisions existed on January 1, 2003, and to provide for the management and disbursement of funds previously set aside for the Governor's Scholarship Programs. Existing law provides that the amount remaining in the Golden State Scholarshare Trust following a specified transfer is available as a reserve for funding claims for awards. This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day or the voter has executed a declaration under penalty of perjury stating that the ballot was voted and mailed prior to 8 p.m. on election day. This bill contains other related provisions and other existing laws.

**Position** Watch

**Priority :**

**AB 1467**

**(Committee on Budget) Health.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 23, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Track Status	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Robert W. Crown California Children's Services Act, the

State Department of Health Care Services and each county administer the California Children's Services Program (CCS program) for treatment services for persons under 21 years of age diagnosed with severe chronic disease or severe physical limitations, as specified. Existing law generally limits eligibility for CCS program services to persons in families with an annual adjusted gross income of \$40,000 or less. Under existing law, the department, or any designated local agency administering the program, is responsible for providing medically necessary occupational and physical therapy, to eligible children, as specified. This bill would require, when a child has an IEP, that all occupational and physical therapy services assessed and determined to be educationally necessary by the IEP team and included in the IEP shall be provided in accordance with the federal IDEA, and not paid for by the CCS program. The bill would require the parents or estate of a child with an IEP to disclose that IEP to the CCS program at the time of application and on revision of the child's IEP. This bill would make conforming changes to procedures applicable to the CCS program's medical therapy unit conference team, when determining a child's eligibility for those therapy services. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1468**

**(Committee on Budget) Health.** (Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 438, Statutes of 2012

**Location:** 9/22/2012-A. CHAPTERED

2/nd Date	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the State Department of Health Care Services is authorized and required to perform various functions relating to the care and treatment of persons with mental disorders. Under existing law, services for these individuals may be provided in psychiatric hospitals or other types of facilities, as well as in community settings. Under existing law, psychiatric health facilities are licensed and regulated by the State Department of Social Services. Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals. This bill would make technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the State Department of Mental Health. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1469**

**(Committee on Budget) Public health: Medi-Cal: skilled nursing facility and managed care plan charges.** (Amended: 8/22/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 8/23/2012)

**Location:** 9/1/2012-S. DEAD

2/nd Date	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would modify the calculation of rates under the above-referenced rate methodology, and would extend the assessment of the charge,



**AB 1471**

**(Committee on Budget) Human services.** (Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 439, Statutes of 2012

**Location:** 9/22/2012-A. CHAPTERED

Author	1471	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Desk	Enrolled	Yes/No	Chaptered
Staff	F. SHERIDAN				Z. JONES				Gov	Enrolled	Yes/No	Chaptered

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law establishes the California In-Home Supportive Services Authority (Statewide Authority) and requires the authority to be the entity authorized to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for any individual provider who is employed by a recipient of supportive services. This bill, would, among other things, clarify that predecessor agencies to the Statewide Authority cannot meet and confer in good faith with a recognized employee organization after the Statewide Authority assumes those agencies' rights and responsibilities. The bill would also require, if the Statewide Authority and the recognized employee organization negotiate changes to locally administered health benefits, the Statewide Authority to give a county and a specified entity 90 days' notice before the changes are implemented. This bill would provide that the scope of representation shall exclude providing assistance to IHSS recipients through the establishment of emergency backup services. This bill would change references from the employer and public agency to the Statewide Authority in these provisions, and would make other technical and clarifying changes to these provisions. This bill contains other related provisions and other existing laws.

**Position** Watch

**Priority :**

**AB 1472**

**(Committee on Budget) Developmental services.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 25, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Author	1472	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Desk	Enrolled	Yes/No	Chaptered
Staff	M. HOUSE				T. HOUSE				Gov	Enrolled	Yes/No	Chaptered

**Summary:** Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families. The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Services Act, and further requires the regional centers to comply with that act and its implementing regulations, as specified. This bill would provide that the use of private health insurance or a health care service plan to pay for early intervention services may not result in the loss of specified benefits for the covered individual or family, may not negatively affect the availability of health coverage for the covered individual or family, and may not be the basis for increasing health insurance or health care service plan premiums for the covered individual or family, as specified. This bill contains other related provisions and other existing laws.

Position Watch

Priority :

**AB 1473**

**(Committee on Budget) Child welfare services: realignment.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 7/2/2012)

**Location:** 9/1/2012-S. DEAD

<b>State Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law governs the adoption of unmarried minors. Under existing law, a licensed adoption agency includes both licensed county and private adoption agencies. Further, existing law authorizes the State Department of Social Services to provide adoption services in counties without a county adoption agency. Existing law further prescribes the procedure for adopting a child through an agency or the State Department of Social Services, as well as for independent adoptions. Under existing law, licensed county adoption agencies perform homefinding and placement functions, investigate, examine, and make reports upon petitions for adoption filed in the superior court, act as placement agencies for placing children for adoption, accept relinquishments for adoption, and perform other tasks. This bill would instead provide that county adoption agencies are no longer licensed by the State Department of Social Services, but are instead authorized to perform the above-described functions. The bill would define county adoption agency as one run by a county or consortium of counties. The bill would provide that the adoption procedures currently governing the State Department of Social Services and licensed adoption agencies would also apply to these county adoption agencies, as defined. This bill contains other related provisions and other existing laws.

Position Watch

Priority :

**AB 1474**

**(Committee on Budget) Public social services: alcohol and drug programs.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 7/2/2012)

**Location:** 9/1/2012-S. DEAD

<b>State Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the State Department of Alcohol and Drug Programs is responsible for administering prevention, treatment, and recovery services for alcohol and drug abuse and problem gambling. Existing law requires the department to issue allocations of state and federal funds available to counties to provide alcohol and other drug programs. Existing law also requires counties that utilize these funds to adopt and submit to the department a county plan and negotiated net amount contract for department review and approval or disapproval, as specified. This bill would, among other things, provide that, effective July 1, 2013, the administrative and programmatic functions that were previously performed by the department are transferred to departments within the California Health and Human Services Agency. It would also provide that the ultimate placement of these functions is contingent upon the Budget Act of 2013 and implementing legislation. This bill contains other related provisions and other existing laws.

Position Watch

Priority :

**AB 1476**

**(Committee on Budget) Education finance.** (Amended: 8/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. ED. on 8/30/2012)

**Location:** 9/1/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes a public credit provider, as defined, to require a participating party, with regard to providing credit enhancement for bonds, notes, certificates of participation, or other evidences of indebtedness of a participating party, to agree to specified conditions, including allowing the Controller to allocate specified school district, county office of education, or charter school apportionments to public credit providers if the public credit provider is required to make principal or interest payments, or both, pursuant to the credit enhancement agreement. Existing law imposes those same conditions on securing financing or refinancing for projects or working capital from the California School Finance Authority, in which case the Controller allocates apportionments to an identified trustee when a participating party will not make a payment to the authority at the time the payment is required. This bill would authorize these payments to a public credit provider or a trustee, as applicable, to be made from specified funds if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is approved by the voters at the November 6, 2012, statewide general election. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1477**

**(Committee on Budget) Budget Act of 2012.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 630, Statutes of 2012

**Location:** 9/27/2012-A. CHAPTERED

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Act of 2012 made appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by revising various items of appropriation and making other changes in the Budget Act of 2012. This bill contains other related provisions.

**Governor's Message:** *I object to the following appropriation contained in Assembly Bill 1477. Item 8860-119-0001- For local assistance, Department of Finance, funding for counties. I reduce this item from \$5,000,000 to \$0 and delete provisions 1 and 2 to conform to this action: I am deleting the \$5,000,000 legislative augmentation and the two provisions that would have provided funding to reimburse local elections officials for the costs of printing replacement elections materials associated with the November 6, 2012 election pursuant to AB 1466 or SB 1017 of the 2011-12 Regular Session. As neither of those bills were passed by the Legislature, the \$5 million augmentation and related provisions are unnecessary. Sincerely, Edmund G. Brown Jr.*

**Position Watch**

**Priority :**

**AB 1478**

**(Blumenfield D) State Parks: finances.** (Chaptered: 9/25/2012 [pdf](#) [html](#))

**Status:** 9/25/2012-Chaptered by Secretary of State - Chapter 530, Statutes of 2012.

**Location:** 9/25/2012-A. CHAPTERED

Author	Staff	Committee	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing law establishes, in the Department of Parks and Recreation, the State Park and Recreation Commission consisting of 9 members appointed by the Governor, subject to confirmation by the Senate. Existing law requires the commission, among other things, to establish general policies for the guidance of the Director of Parks and Recreation in the administration, protection, and development of the state park system. This bill would establish qualification criteria for the members of the commission, including requiring one member to have demonstrated expertise in cultural or historical resources management. The bill would require the Speaker of the Assembly and the Senate Committee on Rules to each appoint one ex officio legislative member. The bill would require the commission to evaluate and assess the department's deferred obligations. The bill would also authorize the commission to, among other things, conduct an annual workshop to review the department's annual operating budget and proposed capital improvement projects. The bill would appropriate \$120,000 annually in the 2012-13 and 2013-14 fiscal years from the State Parks and Recreation Fund to the commission to perform these activities. The bill would appropriate \$20,500,000 from the State Parks and Recreation Fund to the department for expenditure as specified. The bill would prohibit the department from closing or proposing the closure of a state park in the 2012-13 and 2013-14 fiscal years. The bill would also appropriate \$10,000,000 from the Safe Drinking Water, Water Quality and Water Supply, Flood Control, River and Coastal Protection Bond Act of 2006, to be expended as specified, including for purposes of capital outlay and support for capital outlay projects of a state park. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1479**

**(Committee on Budget) Budget Act of 2012.** (Introduced: 1/10/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 8/20/2012)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

**Position Watch**

**Priority :**

**AB 1480**

**(Committee on Budget) Public Safety Realignment.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 7/2/2012)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, require that certain specified felonies be punished by a term of imprisonment

in a county jail for 16 months, or 2 or 3 years and provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from prison or county jail. As part of the realignment of public safety services to local agencies, existing law establishes the Local Revenue Fund 2011 into which specified tax revenues are deposited and are continuously appropriated for the provision of public safety services, as defined. Under existing law, the Local Revenue Fund 2011 contains various accounts and subaccounts from which the revenues are then allocated to corresponding local accounts. This bill would revise the provisions establishing the Local Revenue Fund 2011 by abolishing accounts in the fund as of September 30, 2012, with the exception of the Mental Health Account which this bill would retain, and creating new accounts, subaccounts, and special accounts in the Local Revenue Fund of 2011, as provided. The bill would require that money in the existing accounts be transferred to the newly created successor accounts on September 15, 2012. The bill would direct each county or city and county to create corresponding local accounts in each county or city and county's County Local Revenue Fund 2011, as provided, to receive allocations from the state accounts. The bill would permit any county or city and county to annually reallocate money between subaccounts in the local Support Services Account, and to reallocate funds from the Protective Services Subaccount or the Behavioral Health Subaccount, or both, to the Support Services Reserve Subaccount, which would be created pursuant to this bill, as provided. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1481**

**(Committee on Budget) Public safety.** (Chaptered: 9/17/2012 [pdf](#) [html](#))

**Status:** 9/17/2012-Chaptered by the Secretary of State, Chapter Number 342, Statutes of 2012

**Location:** 9/17/2012-A. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
2012	1st House				2nd House								

**Summary:** Existing law requires each party demanding a jury trial to deposit advance jury fees in the amount of \$150 with the clerk or judge. Existing law requires the court to transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court. This bill would instead require that at least one party demanding a jury on each side of a civil case pay a nonrefundable fee of \$150, unless the fee has been paid by another party on the same side of the case. The bill would make that fee due on or before the date scheduled for the initial case management conference in the action, except in specified circumstances. The bill would make related and conforming changes to those provisions. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1482**

**(Committee on Budget) Correctional facilities.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 7/2/2012)

**Location:** 9/1/2012-S. DEAD

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2012	1st House				2nd House							

**Summary:** Existing law, the Public Safety and Offender Rehabilitation Services Act of 2007,

authorizes certain revenue bond construction of prison facilities. Under phase I of the act, the Department of Corrections and Rehabilitation is authorized to design, construct, or renovate housing units, support buildings, and programming space in order to add up to 12,000 beds at facilities under its jurisdiction. The department is also authorized to acquire land, design, construct, and renovate reentry program facilities to provide housing for up to 6,000 inmates, as specified, and to design and construct new, or renovate existing, buildings and any necessary ancillary improvements, at facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing for up to 6,000 inmates. The provisions of phase I of the act authorize the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the acquisition, design, and construction pursuant to those provisions, and provides that the authorized costs for the acquisition, design, and construction shall not exceed \$1,800,000,000, \$975,000,000, and \$857,100,000, respectively, for the costs of the projects specified above. The provisions of phase I also authorize the board to borrow funds for project costs, including acquisition, design, construction, and construction-related costs, from the Pooled Money Investment Account, as specified. This bill would instead authorize the department to design and construct new, or renovate existing, housing units, support buildings, programming space, and any necessary ancillary improvements in order to add capacity at facilities and to provide medical, dental, and mental health treatment or housing to inmates, and would specify the facilities and projects for which funds may be used. The bill would revise the maximum amount of costs authorized for the design and construction of the projects specified above. The bill would delete the provisions authorizing the department to acquire land, design, construct, and renovate reentry program facilities. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1483**

**(Committee on Budget) Public safety: realignment.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 7/2/2012)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** Existing law, for purposes of the crime of money laundering, defines criminal activity to mean a criminal offense punishable by the laws of the state by death or imprisonment in the state prison. This bill would include in the definition of criminal activity a criminal offense punishable by imprisonment in county jail for more than one year. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1484**

**(Committee on Budget) Community redevelopment.** (Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 26, Statutes of 2012

**Location:** 6/28/2012-A. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** The Community Redevelopment Law authorizes the establishment of

redevelopment agencies in communities to address the effects of blight, and, among other things, provides that an action may be brought to review the validity of specified agency actions, findings, or determinations that occurred after January 1, 2011, within 2 years of the triggering event. This bill would toll the time limit for bringing an action until the Department of Finance issues a finding of completion to the successor agency. This bill contains other related provisions and other existing laws.

**Position** Watch

**Priority** :

**AB 1485**

**(Committee on Budget) Budget Act of 2011: augmentation.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 27, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

State Desc	Desk	Policy	Fincl	Exec	Devs	Policy	Fincl	Exec	Cont	Enroll	Voicd	Chaptered
	The House				The Senate							

**Summary:** The Budget Act of 2011 appropriated specified amounts from the General Fund for the support of state government. This bill would appropriate \$1,096,918,436 from the General Fund in augmentation of a specified appropriation in the Budget Act of 2011, regarding augmentations for contingencies and emergencies, and would require the Controller to allocate this additional amount according to a specified schedule. This bill contains other related provisions.

**Position** Watch

**Priority** :

**AB 1486**

**(Lara D) California Environmental Quality Act: exemption: Los Angeles Regional Interoperable Communications System.** (Chaptered: 9/28/2012 [pdf](#) [html](#))

**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 690, Statutes of 2012

**Location:** 9/28/2012-A. CHAPTERED

State Desc	Desk	Policy	Fincl	Exec	Devs	Policy	Fincl	Exec	Cont	Enroll	Voicd	Chaptered
	The House				The Senate							

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would, until January 1, 2017, exempt from CEQA the design, site acquisition, construction, operation, or maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS), consisting of a long-term evolution broadband mobile data system and a land mobile radio system, if certain criteria are met at the individual project site. Because a lead agency, which may include a local agency, is required to determine whether a project qualifies for this exemption, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position Watch

Priority :

**AB 1487**

**(Committee on Budget) State government: state funds.** (Chaptered: 9/17/2012 [pdf](#) [html](#))

**Status:** 9/17/2012-Chaptered by the Secretary of State, Chapter Number 343, Statutes of 2012

**Location:** 9/17/2012-A. CHAPTERED

Author	Staff	Policy	Legal	Public	Health	Policy	Finance	Public	Other	Unit	Enrolled	Notes	Chaptered

**Summary:** Existing law requires every state agency and court for which an appropriation has been made to submit to the Department of Finance for approval, a complete and detailed budget at such time and in such form as may be prescribed by the department, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year. Existing law requires the Department of Finance to, among other things, develop, issue, and implement consistent and adequate guidelines to be utilized by agencies required to submit budgets to the department. This bill would require the Controller to submit a newly modified annual report to the Governor, to instead be referred to as the budgetary-legal basis annual report. The bill would require the budgetary-legal basis annual report to account for prior year adjustments, fund balances, encumbrances, deferred payroll, revenues, expenditures, and other components on the same basis as that of the applicable Governor's Budget and Budget Act. The bill would require the Controller to confer with the Department of Finance to propose and develop methods to facilitate these changes. The bill would require the annual reports of the Controller to be posted on the Internet Web site of the Controller, and would authorize the Controller to charge a reasonable fee for providing copies of those reports, not to exceed the costs thereof. This bill contains other related provisions and other existing laws.

Position Watch

Priority :

**AB 1488**

**(Committee on Budget) State Department of State Hospitals.** (Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 440, Statutes of 2012

**Location:** 9/22/2012-A. CHAPTERED

Author	Staff	Policy	Legal	Public	Health	Policy	Finance	Public	Other	Unit	Enrolled	Notes	Chaptered

**Summary:** Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals. This bill would make technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the State Department of Mental Health. This bill contains other related provisions.

Position Watch

Priority :

**AB 1489**

**(Committee on Budget) Public health: Medi-Cal: nursing facilities.**

(Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 631, Statutes of 2012

**Location:** 9/27/2012-A. CHAPTERED

2 Year Bill	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Bill Date	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would modify the calculation of rates under the above-referenced rate methodology, and would extend the assessment of the charge, implementation of the rate methodology, and implementation of related provisions until July 31, 2015. By extending the period of time during which transfers are made to the Skilled Nursing Facility Quality and Accountability Special Fund, this bill would make an appropriation. This bill would also modify the amount of moneys to be deposited into the Skilled Nursing Facility Quality and Accountability Special Fund, by, among other things, requiring that specified set-asides under the rate methodology remain in the General Fund instead of transferring to the Skilled Nursing Facility Quality and Accountability Special Fund and increasing the amount of certain set-asides to be transferred to the fund. This bill would instead require that the quality and accountability payments be made beginning with the 2013-14 rate year. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1490**

**(Committee on Budget) Budget Act of 2012.** (Introduced: 1/10/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 8/20/2012)

**Location:** 9/1/2012-S. DEAD

2 Year Bill	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

**Position Watch**

**Priority :**

**AB 1492**

**(Committee on Budget) Forest resource management.** (Chaptered: 9/11/2012 [pdf](#) [html](#))

**Status:** 9/11/2012-Chaptered by the Secretary of State, Chapter Number 289, Statutes of 2012

**Location:** 9/11/2012-A. CHAPTERED

2 Year Bill	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, with certain exceptions, makes any person who negligently or in violation of the law sets a fire, or who fails or refuses to correct a fire hazard prohibited by law, liable for the fire suppression costs and for the costs of providing rescue or emergency medical services, and provides for collection of the charge. Under existing law, public agencies participating in fire suppression, rescue, or emergency medical services may bring a civil action to recover costs incurred by those agencies. This bill would provide that, in a civil action by a public agency to recover damages caused by a fire, pecuniary damages must be quantifiable and not unreasonable in relation to the prefire fair market value of the property, taking into consideration the ecological and environmental value of the property to the public. The bill would limit the pecuniary damages that the public agency may recover to specified ecological and environmental damages and certain restoration and rehabilitation costs,

replacement or acquisition costs, or diminution in value of property as a result of the fire, including lost timber value, and short-term costs related to immediate damages resulting from the fire. Further, the bill would prohibit a public agency from seeking to enhance the claim for environmental damages under other provisions of law permitting civil damages for injuries to trees and timber. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1493**

**(Committee on Budget) State and local government.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. RLS. on 8/27/2012)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Local Agency Investment Fund, authorizes a local government having money in its treasury not required for immediate needs to remit it to the Treasurer for deposit in that fund for the purpose of investment, and prescribes the handling of that money. This bill would establish the Voluntary Investment Program Fund within the State Treasury for the receipt of voluntary deposits from local entities, as specified. The bill would provide that the deposits in the fund may be used only to cover short-term cash needs of the state, as specified. This bill contains other related provisions.

**Position Watch**

**Priority :**

**AB 1494**

**(Committee on Budget) Healthy Families Program: Medi-Cal: program transition: expansion.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 28, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Robert W. Crown California Children's Services Act, the State Department of Health Care Services and each county administer the California Children's Services Program (CCS program) for treatment services for persons under 21 years of age diagnosed with severe chronic disease or severe physical limitations, as specified. Existing law generally limits eligibility for CCS program services to persons in families with an annual adjusted gross income of \$40,000 or less. Under existing law, the department, or any designated local agency administering the program, is responsible for providing medically necessary occupational and physical therapy to eligible children, as specified. Existing law requires that specified assessments and therapy treatment services rendered to a child referred to a local education agency for an assessment or a disabled child or youth with an IEP be exempt from financial eligibility standards and family repayment requirements. This bill would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1495**

**(Committee on Budget) Budget Act of 2012.** (Enrollment: 6/15/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. DESK on 6/25/2012)

**Location:** 9/1/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Bill, enacted as the Budget Act of 2012, would make appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by revising items of appropriation, loans, and transfers of moneys specified in the Budget Act of 2012. This bill contains other related provisions.

**Position Watch**

**Priority :**

**AB 1496**

**(Committee on Budget) Criminal justice realignment.** (Chaptered: 9/28/2012 [pdf](#) [html](#))

**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 717, Statutes of 2012

**Location:** 9/28/2012-A. CHAPTERED

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, commencing with the 2012-13 fiscal year, requires the Controller to allocate 96.015% of the funds allocated to the Juvenile Justice Subaccount from the Local Revenue Fund 2011 to the Youthful Offender Block Grant Special Account, and to allocate 3.085% of the funds in that subaccount to the Juvenile Reentry Grant Special Account, as specified. This bill would instead require the Controller to allocate 94.481% of the funds described above to the Youthful Offender Block Grant Special Account, and to allocate 5.519% to the Juvenile Reentry Grant Special Account. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1497**

**(Committee on Budget) Budget Act of 2012.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 29, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Bill, enacted as the Budget Act of 2012, would make appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by revising items of appropriation and making other changes in the Budget Act of 2012. This bill contains other related provisions.

**Governor's Message:** Governor State of California Governor's Office I object to the following appropriations contained in Assembly Bill 1497. Item 0250-101-0932-For local assistance, Judicial Branch. I revise this item by deleting a portion of Provision 15. I am revising this item by deleting the last sentence of Provision 15, which would permit the Judicial Council to offset General Fund reductions to the trial courts by redirecting additional funds from within the Judicial Branch's budget. I believe this language is unnecessary as the Budget already provides the appropriate level of funding, given available resources, for

each segment of the Judiciary. "15. Notwithstanding any other provision of law, during the 2012-13 fiscal year, the Judicial Council shall allocate \$385,000,000 of reductions in funding contained in Schedule (1) as follows: (a) no more than \$235,000,000 shall be allocated to each trial court based on each court's proportionate share of total statewide trial court reserves, and (b) no more than \$150,000,000 shall be allocated based on each trial court's proportionate share of the 2011-12 fiscal year Trial Court Trust Fund allocation. Upon approval of the Director of Finance and no sooner than 30 days after notification in writing to the committees of each house of the Legislature that consider the State Budget, the Judicial Council may offset either of these reductions through transfers from any other item within the Judicial Branch's budget, with the exception of funding scheduled for the Supreme Court, Courts of Appeal, and Habeas Corpus Resource Center." Item 5180-111-0001-For local assistance, Department of Social Services. I reduce this item from \$4,443,230,000 to \$4,438,530,000 by reducing: (2) 25.15-IHSS from \$6,239,606,000 to \$6,234,906,000. I am reducing this item by \$4,700,000 to eliminate an augmentation to support administration of the In-Home Supportive Services (IHSS) program. This would align funding with the level I included in the May Revision. This reduction is necessary to provide for a prudent General Fund reserve. With this reduction, \$134,223,000 General Fund still remains for IHSS administration. Item 5180-141-0001-For local assistance, Department of Social Services. I reduce this item from \$717,265,000 to \$694,265,000 by reducing: (1) 16.75-County Administration and Automation Projects from \$1,833,498,000 to \$1,779,498,000. (3) Amount payable from the Federal Trust Fund (Item 5180-141-0890) from -\$1,068,900,000 to -\$1,037,900,000. I am reducing this item by \$54,000,000 (\$23,000,000 General Fund) on a one-time basis in the County Administration and Automation Projects program for administration of the CalFresh program. This reduction is necessary to provide for a prudent General Fund reserve. With this reduction, total funding of \$1,464,752,000 still remains budgeted to support CalFresh administrative costs. This level of funding for county administration is greater than what I proposed in the May Revision. Item 5180-141-0890-For local assistance, Department of Social Services. I reduce this item from \$1,068,900,000 to \$1,037,900,000. I am reducing this item by \$31,000,000 to conform to the action I have taken in Item 5180-141-0001. Item 6110-001-0890-For support of Department of Education. I reduce this item from \$162,299,000 to \$162,194,000 and by revising Provision 35. I am reducing this item by \$105,000 federal Migrant Education Funds to eliminate indirect cost funding associated with the Bureau of State Audits audit of the Migrant Education Program. This amount duplicates state operations funding already included in the Department of Education's budget and is unnecessary. With this reduction, \$600,000 remains to fund the audit. I am revising Provision 35 to conform to this action as follows: "35. Of the funds appropriated in this item, up to \$705,000 \$600,000 is provided in one-time federal Title I, Part C, carryover funds for transfer to the State Audit Fund for the purpose of the Bureau of State Audits to conduct an independent audit of state and local implementation of the federally funded Migrant Education Program. The audit report shall be submitted to the appropriate fiscal and policy committees of each house of the Legislature and to the State Department of Education (SDE) no later than March 1, 2013. (a) The audit report shall include all of the following: (1) A detailed audit of expenditures, fiscal practices, and fiscal oversight at the SDE and in a sample of local Migrant Education Program regions to determine whether there is compliance with applicable state and federal laws, regulations, and administrative policies. (2) A detailed audit of the State Parent Advisory Council (SPAC) makeup and activities at the state level and in a sample of local Migrant Education Program regions to determine whether there is compliance with applicable state and federal laws, regulations, and administrative policies, and to assess whether the state appropriately supports and engages migrant parents. (3) A detailed review of how effectively the state organizes and implements migrant education services at both the state and local levels, which includes alignment

between program goals and program activities, outcomes from state-level contracts, effectiveness of data collection structures and internal operations, and the efficacy of the existing regional service delivery structure. (4) Recommendations for how the state may address audit findings related to the topics described in paragraphs (1), (2), and (3). (5) A review of the extent to which any relevant findings raised in recent federal reviews (since 2006) of the state's Migrant Education Program pertaining to these and other topics have been addressed. If these findings have not been adequately addressed, provide recommendations on how the state should address them to ensure the delivery of services in the Migrant Education Program are efficient and effective. (b) The regions selected for the sample shall be sufficient in number to reflect the diversity of local regions and program structures." Item 6110-140-0001-For local assistance, Department of Education (Proposition 98). I reduce this item from \$886,000 to \$0 by reducing: (2) 20.90.001.020-California School Information Services Administration from \$2,184,000 to \$1,298,000. I am reducing this item by \$886,000 to reflect the decrease in workload at the California School Information System (CSIS) associated with the completion of the California Longitudinal Pupil Achievement Data System (CALPADS) project. The Budget acknowledges the continued workload associated with CSIS's support of the CALPADS maintenance phase, and therefore, continues to provide \$7,136,000 to ensure that CSIS is successful in meeting this objective. Item 6110-194-0001-For local assistance, Department of Education. I reduce this item from \$770,603,000 to \$750,603,000 by reducing: (1.5) 30.10.020-Child Care Services from \$1,329,885,000 to \$1,309,885,000, and (d) 30.10.020.007-Special Program, Child Development, Alternative Payment Program from \$194,031,000 to \$174,031,000. I am reducing \$20,000,000 from voucher-based child care programs, except for those serving current and former CalWORKs families. While I would have preferred to restructure rates and reform the program to achieve savings, this across the board reduction in child care slots is necessary to help bring ongoing expenditures in line with existing resources. With this reduction, a total of \$1.3 billion in non-Proposition 98 General Fund and federal funds remain to support child care programs administered by the Department of Education. Item 6110-488-Reappropriation, Department of Education. I revise this item by deleting Provision 8. I am deleting Provision 8 which contains an augmentation of \$8,100,000 for the Advancement Via Individualized Determination program because it creates additional cost pressures within Proposition 98 and school districts are in the best position to determine whether this program should be funded at the local level. Item 6440-001-0001-For support of University of California. I reduce this item from \$2,053,750,000 to \$2,053,749,000 by reducing: (1) Support from \$2,053,750,000 to \$2,053,749,000, and by deleting Provisions 5, 7, 8, 9, 10, 11, 12, 14, 15, and 17. I am deleting Provisions 5, 7, 8, 9, 10, 11, and 12, because the requirements contained in these provisions to expend funds on various programs create unnecessary cost pressures within this item and are unnecessarily restrictive. Specifically, these provisions earmark funding levels for the following programs administered by the University of California (University): the Charles R. Drew Medical Program, the California State Summer School for Mathematics and Science, the Science and Math Teacher Initiative, the Program in Medical Education, nursing programs, Acquired Immune Deficiency Syndrome research, and the California Subject Matter Projects. Eliminating these earmarks will give the University greater flexibility to manage the \$750 million permanent reduction in state funding enacted in fiscal year 2011-12. I am deleting Provision 14 because the requirement contained in this provision to expend funds on retired annuitant health and dental benefits creates unnecessary cost pressures and is unnecessarily restrictive. I am deleting Provision 15 because the requirement contained in this provision that the University achieve an enrollment target of 209,977 resident full-time equivalent students creates unnecessary cost pressures on this item and is unnecessarily restrictive. Finally, I am reducing this item by \$1,000 and deleting Provision 17 which would restrict the University's ability to contract out for services rather than using in-house

personnel, under specified terms. While I encourage the University to review the overall cost effectiveness of its contracting out, this provision would unnecessarily limit the University's ability to effectively manage its operations. Item 6610-001-0001-For support of California State University. I delete Provisions 5, 6, 9, and 10. I am deleting Provisions 5 and 6 because the requirements contained in these provisions to expend funds on various programs creates unnecessary cost pressures and are unnecessarily restrictive. Specifically, these provisions earmark funding levels for the Science and Math Teacher Initiative and nursing programs administered by the California State University (CSU). Eliminating these earmarks will give CSU greater flexibility to manage the \$750 million permanent reduction in state funding enacted in 2011-12. I am deleting Provision 9 because the requirement contained in this provision to expend funds on retired annuitant dental benefits creates unnecessary cost pressures and is unnecessarily restrictive. Finally, I am deleting Provision 10 because the requirement contained in this provision that the CSU achieve an enrollment target of 331,716 resident full-time equivalent students creates unnecessary cost pressures and is unnecessarily restrictive. Item 7980-101-0001-For local assistance, Student Aid Commission. I reduce this item from \$721,452,000 to \$698,852,000 by reducing: (1) 15-Financial Aid Grants Program from \$1,638,628,000 to \$1,616,028,000, and by revising Provisions 1 and 3. I am reducing this item by \$22,600,000 and amending subsections which establish the maximum Cal Grant awards. The amounts of these awards are statutorily required to be in the Budget. Specifically, I am reducing the private institution award from \$9,708 to \$9,223, the independent institution award from \$9,708 to \$9,223, the Cal Grant B access award from \$1,551 to \$1,473, the Cal Grant C tuition and fee award from \$2,592 to \$2,462, and the Cal Grant C book and supply award from \$576 to \$547. Each of these represent a 5-percent reduction. This action is necessary to align ongoing program expenditures with existing resources. This action will not eliminate eligibility for any Cal Grant student. I am revising subsections (a), (b), (c), (d), and (e) of Provision 3 to conform to this action as follows: "(a) New and renewal recipients attending private institutions shall be \$9,708\$9,223. (b) New and renewal recipients attending independent institutions shall be \$9,708\$9,223. (c) All recipients receiving Cal Grant B access awards shall be \$1,551\$1,473. (d) All recipients receiving Cal Grant C tuition and fee awards shall be \$2,592\$2,462. (e) All recipients receiving Cal Grant C book and supply awards shall be \$576\$547." I am further revising subsections to eliminate costs resulting from the Student Aid Commission's authority to issue new warrants for the Assumption Program of Loans for Education and the State Nursing Assumption Program of Loans for Education. The number of awards are statutorily required to be in the Budget. The General Fund savings that will begin in 2013-14 will help align ongoing program expenditures with available resources into the future. I am revising subsection (c) of Provision 1 to conform to this action as follows: "(c) The purchase of loan assumptions under Article 5 (commencing with Section 69612) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code. The Student Aid Commission shall issue 7,200 new warrants." I am revising subsection (f) of Provision 1 to conform to this action as follows: "(f) The purchase of loan assumptions under the State Nursing Assumption Program of Loans for Education (SNAPLE) pursuant to Article 1 (commencing with Section 70100) of Chapter 3 of Part 42 of Division 5 of Title 3 of the Education Code. The Student Aid Commission shall issue 100 new warrants." With the above deletions, revisions, and reductions, I hereby approve Assembly Bill 1497.

EDMUND G. BROWN JR. 1

**Position** Watch

**Priority :**

**AB 1498**

**(Buchanan D) Department of Technology: state contracts: information technology goods and services acquisition.** (Chaptered: 7/17/2012 [pdf](#) [html](#))

**Status:** 7/17/2012-Chaptered by the Secretary of State, Chapter Number 139, Statutes of 2012

**Location:** 7/17/2012-A. CHAPTERED

Year	Desk	Policy	Legal	Fiscal	State	Policy	Fiscal	Floor	Govt. Comp.	Enrolled	Voted	Chaptered
2012												

**Summary:** Existing law provides that there is in state government the California Technology Agency, which duties include establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. The agency is governed by the Secretary of California Technology. This bill would, if GRP 2 becomes effective, require the Director of Technology to report directly to the Governor on issues relating to information technology. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 1499**

**(Committee on Budget) Elections: ballot order for statewide measures.**

(Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 30, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Year	Desk	Policy	Legal	Fiscal	State	Policy	Fiscal	Floor	Govt. Comp.	Enrolled	Voted	Chaptered
2012												

**Summary:** Existing law specifies the order in which statewide ballot measures are required to appear on the ballot. This bill would require that bond measures and constitutional amendments, including those proposed by initiative, appear on the ballot before all other legislative, initiative, and referendum measures. This bill contains other related provisions.

**Position Watch**

**Priority :**

**AB 1502**

**(Committee on Budget) Budget Act of 2012: augmentation.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 31, Statutes of 2012

**Location:** 6/27/2012-A. CHAPTERED

Year	Desk	Policy	Legal	Fiscal	State	Policy	Fiscal	Floor	Govt. Comp.	Enrolled	Voted	Chaptered
2012												

**Summary:** The Budget Act of 2012 appropriates specified amounts from the General Fund for public postsecondary education, including \$51,500,000 to the University of California and \$500,000 to Hastings College of the Law for purposes of addressing a portion of their employer pension contribution costs for the University of California Retirement Plan. This bill would augment the appropriations to the University of California and Hastings College of the Law by \$37,635,000 and \$365,000, respectively, for purposes of the pension contribution costs described above. This bill contains other related provisions.

**Position Watch**

**Priority :**

**AB 1503**

**(Perea D) Safe, Clean, and Reliable Drinking Water Supply Act of 2012: submission to voters.** (Amended: 7/3/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. N.R. & W. on 7/3/2012)

**Location:** 9/1/2012-S. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 6, 2012, statewide general election. This bill would instead provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election. The bill would appropriate \$1,000 to the Secretary of State to implement the requirements of the bill. This bill contains other related provisions.

**Position** Watch

**Priority :**

**AB 1512**

**(Garrick R) Medi-Cal.** (Introduced: 1/12/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 1/12/2012)

**Location:** 5/11/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services under which qualified low-income individuals receive health care benefits. Under existing law, the Director of Health Care Services is required to enter into contracts with managed care plans to provide services under the Medi-Cal program. A Medi-Cal participant is given 30 days following the determination of eligibility to indicate his or her choice of health care options. Under existing law, in counties where the conversion to managed care plan enrollment has occurred, and where the default rate, as defined, is 20% or higher in 2 consecutive months occurring after the conversion, the department is required to conduct a survey of beneficiaries, as specified, and to report the results to the appropriate legislative policy and budget committees. This bill would make technical, nonsubstantive changes to the survey and reporting provisions.

**Position**

**Priority :**

**AB 1525**

**(Allen D) Elder or dependent adult financial abuse: money transmission agents: training materials.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 632, Statutes of 2012

**Location:** 9/27/2012-A. CHAPTERED

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Money Transmission Act, provides for the regulation of money transmission businesses in California by the Department of Financial Institutions. Existing law

provides that corporations or limited liability companies may become licensed for money transmission, and that a licensee may appoint agents, as specified, to conduct money transmission on behalf of the licensee. This bill would require specified money transmission licensees to provide, on or before April 1, 2013, and annually thereafter, each of their agents with training materials on recognizing elder or dependent adult financial abuse, and on the appropriate response to suspected elder or dependent adult financial abuse in a transaction.

**Position** support with Amendments

**Priority :** Letter

**AB 1553**

**(Monning D) Medi-Cal: managed care: exemption from plan enrollment.**

(Amended: 5/25/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HEALTH on 6/14/2012)

**Location:** 7/6/2012-S. DEAD

<b>3 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. One of the methods by which these services are provided is pursuant to contracts with various types of managed care plans. This bill would establish a process that would permit an eligible Medi-Cal beneficiary to receive fee-for-service Medi-Cal, if available, as an alternative to plan enrollment for a prescribed period of time if the beneficiary meets specified criteria. This bill would provide that these provisions shall not apply to a beneficiary who is enrolled in a county organized health system. This bill would require the department to develop a process to track a beneficiary who has been denied a request for exemption from plan enrollment and to notify the plan, if applicable, of the denial, including information identifying the provider.

**Position** Support

**Priority :** Letter

**AB 1554**

**(Jeffries R) Developmental services: regional centers.** (Amended: 3/8/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 3/28/2012)

**Location:** 5/25/2012-A. DEAD

<b>3 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Existing law requires a regional center to include specified information on its Internet Web site for the purpose of promoting transparency and access to public information that includes specified information. This bill would add prescribed information to this requirement.

**Position** Support if Amended

**Priority :** Letter

**AB 1564**

**(Lara D) Child abuse reporting: mandated reporters: tax-exempt organizations.**

(Introduced: 1/30/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. PUB. S. on 2/9/2012)

**Location:** 4/27/2012-A. DEAD

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. Existing law excludes volunteers of public or private organizations whose duties require direct contact with and supervision of children from the list of mandated reporters. Existing law also strongly encourages employers to provide training in child abuse and neglect identification and reporting to their employees who are mandated reporters, and encourages public and private organizations to provide their volunteers whose duties require direct contact with and supervision of children with training in child abuse and neglect identification and reporting. This bill would include volunteers of public or private organizations, including nonprofit organizations, whose duties require direct contact with and supervision of children in the list of individuals who are mandated reporters. The bill would also require employers to provide training in child abuse and neglect identification and reporting to their employees and volunteers who are mandated reporters. This bill contains other related provisions and other existing laws.

**Position**

**Priority :** Letter

**AB 1580**

**(Bonilla D) Health care: eligibility: enrollment.** (Chaptered: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 856, Statutes of 2012

**Location:** 9/30/2012-A. CHAPTERED

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for various programs to provide health care coverage to persons with limited financial resources, including the Medi-Cal program and the Healthy Families Program. Existing law establishes the California Health Benefit Exchange (Exchange), pursuant to the federal Patient Protection and Affordable Care Act (PPACA), and specifies the duties and powers of the board governing the Exchange relative to determining eligibility for enrollment in the Exchange and arranging for coverage under qualified health plans, and facilitating the purchase of qualified health plans through the Exchange. Existing law, the Health Care Reform Eligibility, Enrollment, and Retention Planning Act, operative as provided, requires the State Department of Health Care Services, in consultation with specified entities, to establish standardized single, accessible application forms and related renewal procedures for state health subsidy programs, as defined, in accordance with specified requirements. Existing law provides that the application or case of an individual screened as not eligible for Medi-Cal on the basis of household income but who may be eligible for Medi-Cal on another basis shall be forwarded to the Medi-Cal program for an eligibility determination. This bill would make technical and clarifying changes to these provisions.

**Position**

**Priority :**

**AB 1610**

**(Wagner R) Special access: liability.** (Introduced: 2/7/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 2/23/2012)

**Location:** 5/11/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapered
	1st House				2nd House							

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws.

**Position**

**Priority :**

**AB 1628**

**(Beall D) Child abuse.** (Amended: 5/1/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)

**Location:** 5/25/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapered
	1st House				2nd House							

**Summary:** Existing law generally requires an action for recovery of damages against a person suffered as a result of childhood sexual abuse to be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse, whichever occurs later. Under existing law, certain actions may not be brought against a person or entity on or after the plaintiff's 26th birthday. This bill would instead provide that any of those actions may be commenced until the plaintiff attains the age of 35 or within 3 years of the date the plaintiff discovers or reasonably should have discovered the psychological injury or illness after the age of majority was caused by the sexual abuse, whichever occurs later, and would delete the provisions prohibiting certain actions from being brought on or after the plaintiff's 26th birthday. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1629**

**(Halderman R) Medi-Cal: provisional provider status: medically underserved areas.**  
(Amended: 3/29/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/9/2012)

**Location:** 4/27/2012-A. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law requires applicants and providers, as defined, to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location and requires the application form for enrollment, the provider agreement, and all attachments or changes to be signed under penalty of perjury. Existing law requires the department to grant provisional provider status to applicants and providers, as specified, and requires the department to grant preferred provisional provider status to an applicant or provider who meets specified criteria. This bill would require the department to grant provisional provider status to an applicant or provider who meets specified criteria as a provider practicing in a medically underserved area. This bill would provide, to the extent permitted by federal law, that an applicant or provider granted provisional provider status as a provider serving a medically underserved area whose application is ultimately denied, or whose provisional provider status is terminated, shall not be required to reimburse the department for Medi-Cal funds received during the provisional provider period.

**Position**

**Priority :**

**AB 1639**

**(Hill D) Retirement: public employees.** (Introduced: 2/13/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)

**Location:** 5/25/2012-A. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Public Employees' Retirement System and the State Teachers' Retirement System for the purpose of providing pension benefits to their members. Existing law also establishes the Judges' Retirement System II, which provides pension benefits to elected judges and the Legislators' Retirement System, which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. This bill would specify that, in addition to any other benefit limitations prescribed by law, for the purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2013, to the extent that the benefits payable under the system are subject to the compensation limits prescribed by a specified provision of the Internal Revenue Code, the maximum salary, compensation, or payrate taken into account under the plan for any year shall not exceed the amount permitted to be taken into account under that provision of federal law. The bill would also prohibit a public employer from making contributions to any qualified public retirement

plan based on any portion of compensation that exceeds the amount specified in that federal provision.

**Position**

**Priority :**

**AB 1641**

**(Lowenthal, Bonnie D) Health care coverage: durable medical equipment.**

(Introduced: 2/13/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 2/23/2012)

**Location:** 4/27/2012-A. DEAD

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their group plan contracts or group policies. This bill would require a health care service plan and a health insurer to provide coverage for durable medical equipment, as defined, as part of their plan contracts or health insurance policies. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1649**

**(Smyth R) Public employees' retirement: felony forfeiture.** (Amended: 3/29/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)

**Location:** 5/25/2012-A. DEAD

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that any elected public officer who takes public office, or is reelected to public office, on or after January 1, 2006, who is convicted of any specified felony arising directly out of his or her official duties, forfeits all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified. This bill would require that a public employee, as defined, who is convicted of any violent felony, serious felony, or a sex offense, as defined, for conduct arising out of, or in the performance of, his or her official duties in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, forfeit retirement benefits attributable to service performed on and after the earliest date of the commission of the felony, as specified. The bill would also require any contributions to the public retirement system made by the public employee on or after that date to be returned, without interest, to the public employee upon the occurrence of a distribution event, as defined, unless otherwise ordered by a court or determined by the pension administrator. The bill would also make related, conforming changes.

**Position**

**Priority :**

**AB 1653**

**(Cook R) Public employees: pensions: forfeiture.** (Amended: 4/9/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. RLS. on 4/26/2012)

**Location:** 5/25/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that any elected public officer who takes public office, or is reelected to public office, on or after January 1, 2006, who is convicted of any specified felony arising directly out of his or her official duties, forfeits all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified. This bill would require any person employed at-will for the purposes of providing services to an elected public officer who takes public office, or is reelected to public office, on or after January 1, 2013, who is convicted of any specified felony arising directly out of his or her official duties, to forfeit all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified.

**Position**

**Priority :**

**AB 1654**

**(Cook R) Public employment: disqualification from employment.**

(Chaptered: 7/9/2012 [pdf](#) [html](#))

**Status:** 7/9/2012-Chaptered by the Secretary of State, Chapter Number 54, Statutes of 2012

**Location:** 7/9/2012-A. CHAPTERED

Track	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The California Constitution provides that a person shall be disqualified from holding office if he or she has been convicted of bribery, and directs the Legislature to enact laws to exclude persons convicted of malfeasance in office or other high crimes from office. Under existing statutory law, a person is disqualified from holding any office upon the conviction of specified crimes designated in the Constitution or statute. Existing law enumerates events causing a vacancy in office, including the conviction of a felony or any offense involving a violation of official duties. This bill would disqualify for 5 years a person who employed at will for the purposes of providing services to an elected public officer from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of this state, if he or she is convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her duties as a public employee. That 5-year disqualification period would begin at the later of either the person's final conviction or release from any incarceration.

**Position**

**Priority :**

**AB 1655**

**(Dickinson D) Public employees: rights.** (Amended: 3/20/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/18/2012)

**Location:** 5/25/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential state employees. This bill would enact the Public Employees' Bill of Rights Act that would apply to state employees other than excluded employees. The stated purpose of this act would be to inform public employees of their rights and terms of employment in order to promote harmonious personnel relations between public employees and their employers. This bill would, among other things, provide that state employees shall be entitled to priority over contractors in filling permanent, overtime, and on-call positions. This bill would also prescribe certain rights for employees who are required to maintain a professional license and would authorize the formation of a peer review committee for those licensed professionals, if there are no management or supervisory professional staff employed by the employer, to provide input regarding workplace operations. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1657**

**(Wieckowski D) Traffic offenses: additional penalty: spinal cord injury research.**

(Vetoed: 9/17/2012 [pdf](#) [html](#))

**Status:** 9/17/2012-Vetoed by the Governor

**Location:** 9/17/2012-A. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires that all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court be deposited with the county treasurer, to be distributed monthly, as required by law. Existing law authorizes the University of California to establish a spinal cord injury research fund, independent of the State Treasury, to accept public and private funds for spinal cord injury research programs and grants. This bill would impose an additional penalty of \$1 to be imposed upon every conviction for a violation of state or local traffic laws, except for offenses relating to parking. The bill would require the penalty to be deposited with the county treasurer who would, on a semiannual basis, transfer the moneys to the State Treasury for deposit into the Roman Reed Spinal Cord Injury Penalty Fund, which the bill would establish. Because the bill would require the county treasurer to perform additional duties, this bill would impose a state-mandated local program. The bill would also provide that, prior to the transfer of funds to the State Treasurer, the county treasurer is required to withhold a sufficient amount necessary to reimburse the county and the courts for their actual, reasonable, and necessary costs associated with administering these provisions. If those amounts are withheld, the bill would authorize the county to send an accounting report detailing its costs to the Regents of the University of California. This bill contains other related provisions and other existing laws.

**Governor's Message:** *I am returning Assembly Bill 1657 without my signature. This bill adds a \$1 assessment to the cost of a moving violation ticket to fund the Roman Reed Program for spinal cord injury at the University of California. Spinal cord injury research is certainly worthwhile, but the funding method chosen is not. Loading more and more costs on traffic tickets has been too easy a source of new revenue. Fines should be based on what is reasonable punishment, not on paying for more general fund activities. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**AB 1690**

**(Nestande R) State Budget: key liabilities.** (Amended: 3/29/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 4/9/2012)

**Location:** 9/1/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, various duties and responsibilities are imposed upon the Governor and the Department of Finance in connection with the preparation and submission of the annual State Budget to the Legislature at each regular session thereof, including, among other things, the requirement to include a complete plan of all proposed expenditures and estimated revenues for the ensuing fiscal year. This bill additionally would require the Governor, or the Department of Finance acting on his or her behalf, at the same time as the Governor's Budget is submitted to the Legislature, to submit specified information to the Legislature, including a list of the state's key liabilities relating to debt, infrastructure, retirement, and other liabilities that will affect the state's financial health in the future. This bill contains other related provisions.

**Position**

**Priority :**

**AB 1697**

**(Perea D) Foster youth: placement.** (Amended: 3/29/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/9/2012)

**Location:** 5/25/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services Case Management System to protect children and effectively administer and evaluate the state's child welfare services and foster care programs. Existing law requires the department to provide technical assistance to encourage and facilitate a county placement agency's evaluation of placement needs . This bill would require the State Department of Social Services to designate a separate, consistent data entry field in the Child Welfare Services Case Management System for a county welfare agency to record information regarding the reasons for the placement of a child when the child is placed with a foster family agency or group home. It would also require a county welfare agency to file this information with the system when this placement is made. By increasing the duties of local officials, this bill would impose a state- mandated local program . This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1705**

**(Silva R) Pupil assessment: high school exit examination: eligible pupils with disabilities.** (Chaptered: 8/27/2012 [pdf](#) [html](#))

**Status:** 8/27/2012-Chaptered by Secretary of State - Chapter 192, Statutes of 2012.

**Location:** 8/27/2012-A. CHAPTERED

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires by October 1, 2010, that the State Board of Education, taking into consideration specified findings and recommendations, adopt regulations for alternative means by which eligible pupils with disabilities, as defined, may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination. This bill would instead define an eligible pupil with a disability as a pupil who has, among other things, an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2015, and the school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2015. The bill would instead (1) authorize an eligible pupil with a disability, commencing July 1, 2015, to participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted by the state board, and (2) authorize the state board, by regulation, to extend the July 1, 2015, date by up to one year, as specified. The bill would also make conforming and nonsubstantive changes. This bill contains other existing laws.

**Position**

**Priority :**

**AB 1707**

**(Ammiano D) Child Abuse Central Index.** (Chaptered: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 848, Statutes of 2012

**Location:** 9/30/2012-A. CHAPTERED

Year	DEAD	Active	FACE	FILED	LAST	PSUED	PLAC	STUD	Year	Enroll	Notes	Chaptered	
DEAD	in house							and HALLS					

**Summary:** Existing law designates certain individuals, such as teachers, peace officers, physicians, and clergy members, among others, as mandated reporters and requires them to report suspected child abuse or neglect to certain specified agencies whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law requires agencies receiving reports from mandated reporters to forward a report to the Department of Justice in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated. Existing law requires the Department of Justice to act as a repository of reports of suspected child abuse and severe neglect to be maintained in the Child Abuse Central Index (CACI). This bill would additionally require the removal, 10 years from the date of the incident resulting in the CACI listing, of any person listed in the CACI as of January 1, 2013, who was listed prior to reaching 18 years of age if the person is listed only once in the CACI with no subsequent listings. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1714**

**(Halderman R) In-home supportive services: providers.** (Amended: 3/27/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. HUM. S. on 6/26/2012)

**Location:** 7/6/2012-S. DEAD

Bill Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law prohibits a new applicant or an applicant whose application has been denied on the basis of a conviction and for whom an appeal of that denial is pending from providing supportive services if he or she has been convicted of specified crimes in the previous 10 years. Existing law requires the State Department of Social Services and the State Department of Health Care Services to develop a provider enrollment form that each person seeking to provide supportive services must complete, sign under penalty of perjury, and submit to the county, containing designated statements relating to the provider's criminal history. Existing law authorizes a recipient of services who wishes to employ a provider applicant who has been convicted of a specified offense to submit to the county a prescribed individual waiver, signed by the recipient, or by the recipient's authorized representative. This bill would add the felony offenses of forgery, embezzlement, extortion, and identity theft to the list of criminal convictions that would preclude an applicant from providing supportive services. The bill would require the State Department of Social Services to revise the provider enrollment form to account for these additional criminal exclusions. By changing the definition of the crime of perjury, and by increasing the duties of counties in administering the In-Home Supportive Services program, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1729**

**(Ammiano D) Pupil rights: suspension or expulsion: alternatives and other means of correction.** (Chaptered: 9/21/2012 [pdf](#) [html](#))

**Status:** 9/21/2012-Chaptered by Secretary of State - Chapter 425, Statutes of 2012.

**Location:** 9/21/2012-A. CHAPTERED

Bill Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed a specified act. Existing law also authorizes a superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this provision. This bill would instead authorize a superintendent of the school district or principal of the school to use alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1731**

**(Block D) Newborn screening program: critical congenital heart disease.** (Chaptered: 9/17/2012 [pdf](#) [html](#))

**Status:** 9/15/2012-Chaptered by the Secretary of State, Chapter Number 336, Statutes of 2012

**Location:** 9/15/2012-A. CHAPTERED

Year Desc	Desk	Policy	Fiscal	Fiscal	Desk	Policy	Fiscal	Fiscal	Desk	Enrolled	Voided	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Newborn and Infant Hearing Screening, Tracking, and Intervention program, under which general acute care hospitals with licensed perinatal services, as specified, are required to administer to newborns a hearing screening test for the identification of hearing loss, as prescribed, using protocols developed by the State Department of Health Care Services, or its designee. This bill would, beginning July 1, 2013, require a general acute care hospital that has a licensed perinatal service to offer to parents of a newborn, prior to discharge, a pulse oximetry test for the identification of critical congenital heart disease (CCHD), and would require the department to issue guidance stating that hospitals perform this test in a manner consistent with the federal Centers for Disease Control and Prevention guidelines for CCHD screening. This bill would require these hospitals to develop a CCHD screening program, as prescribed.

**Position**

**Priority :**

**AB 1733**

**(Logue R) Health.** (Chaptered: 9/29/2012 [pdf](#) [html](#))

**Status:** 9/29/2012-Chaptered by the Secretary of State, Chapter Number 782, Statutes of 2012

**Location:** 9/29/2012-A. CHAPTERED

Year Desc	Desk	Policy	Fiscal	Fiscal	Desk	Policy	Fiscal	Fiscal	Desk	Enrolled	Voided	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences. This bill would delete the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof, from the list of what constitutes unprofessional conduct. The bill would make it unprofessional conduct to willfully violate specified provisions governing patient access to health care records. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1803**

**(Mitchell D) Medi-Cal: emergency medical conditions.** (Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 442, Statutes of 2012

**Location:** 9/22/2012-A. CHAPTERED

Year Desc	Desk	Policy	Fiscal	Fiscal	Desk	Policy	Fiscal	Fiscal	Desk	Enrolled	Voided	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for a schedule of benefits under the Medi-Cal program, which includes inpatient hospital services subject to utilization controls. Existing federal law requires a hospital to provide appropriate medical screening or treatment to determine whether an emergency medical condition exists if any individual comes to the emergency department and requires an examination or treatment for a medical condition, as specified. This bill would, for Medi-Cal fee-for-service beneficiaries, add emergency services and care that are necessary for the treatment of an emergency medical condition and medical

care directly related to the emergency medical condition to the schedule of benefits. This bill would provide that specified definitions shall apply for the purposes of this provision and that this provision shall not be construed to change the obligation of Medi-Cal managed care plans to provide emergency services and care.

**Position**

**Priority :**

**AB 1817**

**(Atkins D) Child abuse reporting.** (Chaptered: 9/24/2012 [pdf](#) [html](#))

**Status:** 9/24/2012-Chaptered by the Secretary of State, Chapter Number 521, Statutes of 2012

**Location:** 9/24/2012-A. CHAPTERED

Final Spec	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would make these provisions apply to a commercial computer technician, as provided. The bill would provide that an employer who provides an electronic communications service or a remote computing service to the public would comply with this article by complying with a specified provision of existing federal law. The bill would provide that any commercial computer technician who provides a computer or computer component to an investigating law enforcement agency pursuant to a warrant shall have immunity from civil or criminal liability for providing that computer or computer component, as specified. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 1841**

**(Silva R) In-home supportive services providers: criminal exclusions.**

(Introduced: 2/22/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 4/11/2012)

**Location:** 4/27/2012-A. DEAD

Final Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law prohibits a person from providing supportive services if he or she has been convicted of specified crimes in the previous 10 years, unless the information or accusation against the person has been dismissed, or he or she has obtained a certificate of rehabilitation, as specified. In addition, existing law authorizes a recipient of services who wishes to employ a provider applicant who has been convicted of a specified offense to submit to the county a prescribed individual waiver, signed by the recipient, or by the recipient's authorized representative, and returned to the county welfare department. Existing law also permits a provider applicant who has been convicted of a specified offense to request from the State Department of Social Services a general exception from exclusion as a potential provider. This bill would delete the authority of a

recipient to submit a waiver for the purpose of employing a person who has been convicted of one of the specified crimes as the recipient's IHSS provider.

**Position**

**Priority :**

**AB 1878**

**(Gaines, Beth R) Disability access: liability.** (Amended: 4/24/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 5/8/2012)

**Location:** 5/11/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a microbusiness, as defined, for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. Further, this bill would require the owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations. If the owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to apply for any necessary permits and to remedy the alleged violation. The provisions of the bill would not apply to claims for recovery of special damages for an injury in fact, and the bill would require a court or jury to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury.

**Position**

**Priority :**

**AB 1923**

**(Mendoza D) Special education: staff development.** (Introduced: 2/22/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/22/2012)

**Location:** 5/11/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:** Existing law requires the Superintendent of Public Instruction, to the extent possible using federal and state funds appropriated for this purpose, to provide staff development to child care center staff and family day care providers to improve child care services to individuals with exceptional needs. This bill would make a nonsubstantive change to this provision.

**Position**

**Priority :**

**AB 1994**

**(Huber D) Disability access: causes of action.** (Introduced: 2/23/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. JUD. on 3/8/2012)

**Location:** 4/27/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would require every county to establish a program that requires an alleged aggrieved party under the state access laws to file a complaint with the county planning department in which an alleged violation occurred. The bill would require the county planning department to refer every complaint received under this act to a certified access specialist to determine what measures are necessary to remedy the alleged violation and the estimated timeframe for remedy. The bill would require the adoption of a compliance schedule and require issuance of building permits to the owner, agent, or responsible party of the alleged violation. The bill would require all complaints to be subject to the compliance schedule prior to a cause of action being filed. The bill would authorize the county to charge a fee to the owner, agent, or responsible party of the alleged violation for the costs of the program and the compliance schedule. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

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**AB 1997**

**(Huber D) Guardianships and conservatorships: appointment of counsel.**

(Introduced: 2/23/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 3/8/2012)

**Location:** 5/11/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes a court to appoint private legal counsel for a ward, a proposed ward, a conservatee, or a proposed conservatee in specified guardianship, conservatorship, and other protective proceedings if the court determines the person is not otherwise represented by legal counsel and that the appointment would be helpful to the resolution of the matter or is necessary to protect the person's interests. This bill would additionally provide that, notwithstanding the fact that the ward, proposed ward, conservatee, or proposed conservatee may also be represented by other legal counsel, the court may appoint private legal counsel if the court determines that the ward, proposed ward, conservatee, or proposed conservatee has not competently retained independent counsel for the proceeding. The bill would provide that the court's determination in this matter is not admissible for any other purposes in any other proceeding.

**Position**

**Priority :**

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**AB 2002**

**(Cedillo D) Medi-Cal: managed care plan assignment: safety net provider.**

(Amended: 4/30/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)

**Location:** 5/25/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. One of the methods by which these services are provided is pursuant to contracts with various types of managed care plans. Existing law requires, with certain exceptions, that under certain models of Medi-Cal managed care, a Medi-Cal beneficiary be assigned to, and enrolled in, an appropriate health care plan providing services within the area in which the beneficiary resides if the beneficiary does not make a choice of managed care plans. Existing regulations define the term safety net provider for the purposes of the 2-plan model of Medi-Cal managed care. This bill, for the purposes of assigning an eligible Medi-Cal beneficiary to a managed care plan when the beneficiary fails to select a plan, would provide that the term safety net provider includes specified types of clinics and medical care providers.

**Position**

**Priority :**

**AB 2034**

**(Fuentes D) Medical care: genetically handicapping conditions.** (Vetoed: 9/29/2012 [pdf](#) [html](#))

**Status:** 9/29/2012-Vetoed by the Governor

**Location:** 9/29/2012-A. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Holden-Moscone-Garamendi Genetically Handicapped Persons Program (GHPP), requires the Director of Health Care Services to establish and administer a program for the medical care of persons with specified genetically handicapping conditions and for persons with specified hereditary metabolic disorders. This bill would require the State Department of Health Care Services to prepare a report on the coverage needs of the population served by the GHPP after the implementation of the PPACA. This bill would require the report to address, among other things, preservation of the availability of wrap-around services that would otherwise not be available through the PPACA and the extent to which a person with genetic amyotrophic lateral sclerosis will continue to have unmet medical needs after implementation of the PPACA. This bill would require the department to submit the report to the relevant fiscal and policy committees of the Legislature by January 1, 2015. This bill contains other existing laws.

**Governor's Message:** *I am returning Assembly Bill 2034 without my signature. The future of the Genetically Handicapped Persons Program and the health coverage of people with amyotrophic lateral sclerosis will be taken up as California implements the federal Patient Protection and Affordable Care Act. A separate legislative report is unnecessary. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**AB 2041**

**(Swanson D) Regulations: adoption: disability access.** (Chaptered: 9/28/2012 [pdf](#) [html](#))

**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 723, Statutes of 2012

**Location:** 9/28/2012-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

**Summary:** Existing state and federal law prohibits the exclusion of a qualified individual with a disability, by reason of that disability, from participation in or equal access to the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity. Federal regulations require a public entity to take appropriate steps to ensure that communications with participants and members of the public with disabilities are as effective as communications with others. These regulations also require a public entity to furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. This bill would require an agency that proposes specified types of regulations to include within the notice of proposed action a specified statement regarding the availability of narrative descriptions for persons with visual or other specified disabilities. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 2074**

**(Bradford D) In-Home Supportive Services program: telehealth training program.**

(Introduced: 2/23/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 3/8/2012)

**Location:** 4/27/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law requires the department, in consultation with counties, to develop a standardized curriculum, training materials, and work aids, and operate an ongoing statewide training program, on specified matters related to the provision of in-home supportive services. This bill would require the department to develop a training program, as specified, to train IHSS providers on the utilization of telehealth in home-based care.

**Position**

**Priority :**

**AB 2145**

**(Alejo D) Pupils: expulsion and suspension.** (Amended: 5/25/2012 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

**Location:** 8/17/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

**Summary:** Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires a local educational agency to retain all data necessary to compile reports required by specified federal laws, including, but not limited to, dropout and graduation rates. Existing law requires the Superintendent of Public Instruction to submit to the Governor, the Legislature, and the State Board of Education an annual report on dropouts using the data produced by CALPADS. Existing law requires that certain data listed in the report be presented, if possible, for specified subgroups, including ethnicity and gender. This bill would additionally require that the behavioral data included in the report, including suspension and expulsion data, be presented for those subgroups, if possible. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 2206**

**(Atkins D) Medi-Cal: dual eligibles: pilot projects.** (Vetoed: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Vetoed by the Governor

**Location:** 9/22/2012-A. VETOED

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House			2nd House								

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing federal law provides for the federal Medicare Program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. Existing law, to the extent that federal financial participation is available, and pursuant to a demonstration project or waiver of federal law, requires the department to establish demonstration sites to develop effective health care models to provide services to persons who are dually eligible under both the Medi-Cal and Medicare programs. Under existing law, the department may require persons who are dually eligible to enroll in a Medi-Cal managed care plan that is established or expanded as part of a demonstration project, except as specified. Existing law also requires a person who is eligible for the California Program of All-Inclusive Care for the Elderly (PACE), which provides specified long-term care services to qualified older individuals, to be presented with a PACE plan as an enrollment option, in areas where a PACE plan is available. This bill would authorize persons who are eligible for PACE to disenroll from a managed care health plan and enroll in a PACE plan at any time to receive their Medi-Cal and Medicare benefits. This bill would require managed care health plans to identify, in their assessments of enrollees, and notify certain beneficiaries of their potential eligibility for PACE.

**Governor's Message:** *I am returning AB 2206 without my signature. The Program of All-Inclusive Care for the Elderly (PACE) provides fully integrated care to people age 55 and older who need skilled nursing home type care, but can live in a community setting. California was the pioneer for PACE programs in the nation, having started the first one of its kind in the early 1970's. Last year, I signed AB 574 to expand PACE, so that more providers could use this model and give aging Californians the benefits of fully integrated care. Since that time, my administration has embarked on a large scale effort to coordinate care for people who qualify for both the Medi-Cal and Medicare programs. The Coordinated Care Initiative, enacted through SB 1008 of 2012, will similarly build on the integrated care concept, using managed care plans to break down the silos that currently exist between medical and long-term care. Within this effort, there will be ample opportunity for PACE to continue its mission and thrive as a model of care. I will direct my administration to involve PACE providers as the initiative rolls out. Enacting special provisions for PACE eligibility*

and referral is not necessary at this time. Sincerely, Edmund G. Brown Jr.

**Position**

**Priority :**

**AB 2224**

**(Smyth R) Public employees' retirement.** (Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. RLS. on 4/26/2012)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) for the purpose of providing pension benefits to their employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. The Regents of the University of California have established the University of California Retirement System as a trust for this purpose. This bill, on and after January 1, 2013, would prohibit a public retirement system from allowing the purchase of additional retirement service credit, as described above. The bill would except from this prohibition an official application to purchase this type of service credit received by the retirement system prior to January 1, 2013. The bill would prohibit any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 2282**

**(Berryhill, Bill R) Disability access: standing: injunctive relief.** (Amended: 5/10/2012 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

**Location:** 8/17/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the California Commission on Disability Access to develop recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with disability access laws and regulations to avoid unnecessary litigation. Existing law requires the commission to study specified disability access issues, and to make reports on those issues to the Legislature. This bill would require the commission to analyze and make recommendations to the Legislature regarding whether compliance with state and federal construction-related disability accessibility laws would be improved or potentially deterred by changes to state rules regarding legal standing for actions seeking injunctive relief to correct alleged violations of disability access laws or the manner by which these claims are pleaded.

**Position**

**Priority :**

**AB 2325**

**(Norby R) Special access: liability.** (Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 3/15/2012)

**Location:** 5/11/2012-A. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. This bill contains other related provisions.

**Position**

**Priority :**

**AB 2338**

**(Chesbro D) Developmental services: Employment First Policy.** (Amended: 7/5/2012 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

**Location:** 8/17/2012-S. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining

integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy. This bill contains other existing laws.

**Position Support**

**Priority :** Letter, Hearing Testimony, & Meet with Legislative Staff

**AB 2370**

**(Mansoor R) Mental retardation: change of term to intellectual disabilities.**

(Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2012

**Location:** 9/22/2012-A. CHAPTERED

Desk	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing federal Medicaid provisions require a state to describe its Medicaid program in its state plan, which is required by federal law to provide for, among other things, a public process for determination of rates of payment under the plan for hospital services, nursing facility services, and services of intermediate care facilities for the mentally retarded. This bill, which would be known as the Shriver "R-Word" Act, would revise various statutes to, instead, refer to a person with an intellectual disability. The bill would also state the intent of the Legislature that the bill not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions of the bill. This bill contains other existing laws.

**Position Support**

**Priority :** Letter

**AB 2392**

**(John A. Pérez D) Medi-Cal: CommuniCal.** (Amended: 8/31/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/31/2012)

**Location:** 9/1/2012-A. DEAD

Desk	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law provides for increased administrative funding for translation and interpretation services provided in connection with the enrollment, retention, and use of services under the Medicaid Program. This bill would require the department to establish the Medi-Cal Patient-Centered Communication program (CommuniCal), to be administered by a 3rd-party administrator, to, commencing July 1, 2013, provide and reimburse for medical interpretation services to Medi-Cal beneficiaries who are limited English proficient (LEP). This bill would establish the CommuniCal Program Fund in the State Treasury, which would consist of moneys dedicated to the CommuniCal program, to be used upon appropriation by the Legislature to the department solely to fund the CommuniCal program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 2472**

**(Butler D) Medi-Cal: managed care.** (Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/18/2012)

**Location:** 5/25/2012-A. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the State Department of Health Care Services to pay capitation rates to health plans participating in the Medi-Cal managed care program using actuarial methods and authorizes the department to establish health-plan- and county-specific rates. Existing law requires the department to utilize a county- and model-specific rate methodology to develop Medi-Cal managed care capitation rates for contracts entered into between the department and any entity pursuant to specified provisions that govern certain managed health care models. This bill would require the department to utilize fee-for-service data in setting rates for an entity that has contracted with the department as a primary care case management organization pursuant to specified provisions of law, including provisions that authorize the department to contract with primary care providers that serve persons infected with human immunodeficiency virus (HIV), in the same manner and for the same purposes as it used this data to establish rates for other specified managed care health care models. This bill contains other related provisions.

**Position**

**Priority :**

**AB 2538**

**(John A. Pérez D) In-home supportive services: criminal exclusions.**

(Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. APPR. on 6/28/2012)

**Location:** 9/1/2012-S. DEAD

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would instead require the department to request a copy of the applicant's criminal offender record information search response from the applicable county welfare department or public authority. This bill contains other related provisions and other existing laws.

**Position Watch**

**Priority :**

**AB 2545**

**(Logue R) Medi-Cal: nonemergency medical transportation.** (Amended: 4/18/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/19/2012)

**Location:** 4/27/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for a schedule of health care benefits under the Medi-Cal program, including medical transportation services, subject to utilization controls. This bill would require nonemergency medical transportation services provided to Medi-Cal beneficiaries by managed care organizations directly or under contractual arrangements to be subject to the same personnel, equipment, and inspection requirements as nonemergency medical transportation services provided by fee-for-service enrolled providers, as specified. This bill would provide that a nonemergency medical transportation services provider is not prohibited from establishing higher standards, as specified.

**Position**

**Priority :**

**AB 2585**

**(Nestande R) Vehicles: child passenger restraints.** (Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. TRANS. on 4/16/2012)

**Location:** 4/27/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law prohibits the operator of a limousine for hire or authorized emergency vehicle or the operator of a taxicab, from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 8 years of age or older in the front seat are properly restrained by a safety belt. This bill would instead prohibit the operator of a limousine for hire or authorized emergency vehicle or the operator of a taxicab, from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 6 years of age or over or weighing 60 pounds or more in the front seat are properly restrained by a safety belt. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**AB 2623**

**(Allen D) State hospitals: peace officers.** (Vetoed: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Vetoed by the Governor

**Location:** 9/30/2012-A. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, peace officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services are authorized to carry firearms only as authorized and under terms and conditions specified by their employing agency. This bill would require the State Department of State Hospitals, by June 30, 2013, to adopt a policy regarding arming peace officers of state hospitals under its jurisdiction while performing security functions outside of the secure area of the hospital, and would require the department to implement the policy by January 1, 2014.

**Governor's Message:** *I am returning Assembly Bill 2623 without my signature. This bill*

would require the Department of State Hospitals to adopt and implement a policy to arm state hospital police officers. I am sensitive to the unique challenges of providing security in our state's mental hospitals. This is a matter, however, best left to the discretion of the department director who already has authority to arm its officers. Sincerely, Edmund G. Brown Jr.

**Position** Oppose

**Priority :** Letter

**ACA 22**

**(Smyth R) Public employees' retirement.** (Introduced: 2/22/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. PRINT on 2/22/2012)

**Location:** 9/1/2012-A. DEAD

The Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes various public agency retirement systems, including the Public Employees' Retirement System (PERS), the State Teachers' Retirement System (STRS), the Judges' Retirement System II, and various county retirement systems pursuant to the County Employees Retirement Law of 1937, among others, and these systems provide defined pension benefits to public employees based on age, service credit, and amount of final compensation. The California Constitution permits a city or county to adopt a charter for purposes of its governance that supersedes general laws of the state in regard to specified subjects, including compensation of city or county employees. The California Constitution also establishes the University of California as a public trust with full powers of organization and government, subject only to specified limitations. Charter cities and the University of California may establish pension plans under their respective independent constitutional authority. These pension systems are funded by employee and employer contributions and investment returns. Existing law provides that public employee pension benefits are a form of deferred compensation, the right to which vests in the employee on contractual principles and is protected from impairment by the California Constitution and the United States Constitution. This measure would require each public retirement system, as defined in statute, to provide one or more hybrid pension plans meeting the requirements of this measure to each public employer that provides its employees a defined benefit pension plan administered by the public retirement system. The measure would require that a hybrid pension plan consist of a defined benefit component and a defined contribution or alternative plan design component, as specified. The measure would require, among other things, that a hybrid pension plan be designed with a goal of providing annually during retirement, based on a full career in public service, as defined, replacement income of 75% of a public employee's final compensation. The measure would require the Director of Finance, on or before January 1, 2013, to establish initial criteria and requirements for one or more hybrid pension plans, as specified. The measure would require, on and after July 1, 2013, each public retirement system to administer, and make available to each public employer that provides a defined benefit pension plan, one or more hybrid pension plans, except as specified, for public employees hired in each member classification in the public retirement system. This bill contains other existing laws.

**Position**

**Priority :**

**ACA 25**

**(Mansoor R) State budget.** (Introduced: 2/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/6/2012)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing provisions of the California Constitution generally require a bill containing a General Fund appropriation to be passed by a 2/3 vote of both houses of the Legislature. The Budget Bill and other bills providing for appropriations related to the Budget Bill, as defined, are exempt from this requirement and may be passed by a majority vote, to take effect immediately upon being signed by the Governor or upon a date specified in the legislation. This measure would repeal both those provisions exempting the Budget Bill and other bills providing for appropriations related to the Budget Bill from the 2/3-vote requirement, and the provisions specifying that those bills take effect immediately. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**GRP 2**

**(Governor) Governor's reorganization plan: reorganization of executive branch of state government.** (Chaptered: 7/3/2012 [pdf](#) [html](#))

**Status:** 7/3/2012-Governor Brown's Government Reorganization Plan Becomes Law

**Location:** 7/3/2012-A. CHAPTERED

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

**Position**

**Priority :**

**SB 60**

**(Evans D) Mental health: state hospitals.** (Amended: 5/31/2011 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. 2 YEAR on 8/26/2011)

**Location:** 8/17/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for state mental hospitals for the care, treatment, and education of the mentally disordered, including Napa State Hospital and Metropolitan State Hospital. These hospitals are under the jurisdiction of the State Department of Mental Health. This bill would delete these provisions governing evaluation and treatment, and instead require a risk evaluation, as specified, upon commitment to any state hospital, of a patient who is being committed pursuant to any provision of the Penal Code. This bill contains other existing laws.

**Position**

**Priority :**

**SB 71**

**(Leno D) State agencies: boards, commissions, and reports.** (Chaptered: 9/28/2012 [pdf](#) [html](#))

**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 728, Statutes of 2012

**Location:** 9/28/2012-S. CHAPTERED

Year	Date	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
		1st House			2nd House							

**Summary:** Existing law requires various state agencies to submit certain reports, plans, evaluations, and other similar documents to the Legislature and other state agencies. This bill would eliminate the requirement that certain state agencies submit certain reports to the Legislature and other state agencies relating to a variety of subjects. The bill would also modify various requirements of certain reports by, among other ways, requiring specified reports be placed on the Internet Web site of the reporting agency rather than submitted to the Legislature or other state agencies, requiring certain agencies to collaborate with other agencies in preparing specified reports, consolidating certain reports, deleting the requirement that specified state agencies make specified information available on their Internet Web sites, and transferring reporting duties from one agency to another. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 75**

**(Committee on Budget and Fiscal Review) California Children and Families Act of 1998: use of funds.** (Amended: 3/14/2011 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 3/14/2011)

**Location:** 9/1/2012-A. DEAD

Year	Date	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
		1st House				2nd House							

**Summary:** The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain taxes imposed on the sale and distribution of cigarettes and tobacco products that are deposited into the continuously appropriated California Children and Families Trust Fund. Existing law requires the fund to be used for the implementation of comprehensive early childhood development and smoking prevention programs. Under existing law, prescribed percentages of moneys allocated and appropriated from the trust fund are required to be deposited into various accounts for expenditure by the California Children and Families Commission, also known as First 5 California, and to local children and families trust funds, to be expended for various subjects relating to and furthering the goals and purposes of the act. This bill would establish the Children and Families Health and Human Services Fund. The bill would require specified amounts of state and local children and families commission funds to be deposited in the fund for the 2011-12 fiscal year, as specified. Upon appropriation by the Legislature, moneys deposited in the Children and Families Health and Human Services Fund would be used to provide health and human services, including direct health care services, to children from birth through 5 years of age. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 76**

**(Committee on Budget and Fiscal Review) Mental Health Services Act.**

(Amended: 3/14/2011 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 3/14/2011)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified. The act provides that it may be amended by the Legislature by a 2/3 vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote. This bill would delete the requirement for these annual reviews and would authorize the commission, instead of the department, to provide technical assistance to the county mental health plans. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 85**

**(Committee on Budget and Fiscal Review) Education finance.** (Amended: 6/14/2011

[pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. DESK on 6/23/2011)

**Location:** 9/1/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2011-12 fiscal year by a deficit factor of 19.892%. This bill instead would set the deficit factor for each county superintendent of schools for the 2011-12 fiscal year at 20.041%. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 96**

**(Committee on Budget and Fiscal Review) Budget Act of 2011.** (Amended: 6/28/2011

[pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 6/28/2011)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the Legislature to pass a Budget Bill making appropriations for the support of state government for the ensuing fiscal year. This bill would amend the Budget Act of 2011 to require the Director of Finance to forecast General Fund revenues for the 2011-12 fiscal year by December 15, 2011, and to determine whether that revenue forecast or the Legislative Analyst's November 2011 General Fund revenue forecast is higher. Under this bill, the Director of Finance would be required to make reductions to specified items of appropriation if the higher revenue forecast is less than \$87,452,500,000 and to

make additional reductions to specified items of appropriation if the higher revenue forecast is less than \$86,452,500,000. This bill contains other related provisions.

**Position**

**Priority :**

**SB 97**

**(Committee on Budget and Fiscal Review) Adult day health care.**

(Amended: 7/14/2011 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. CONCURRENCE on 8/13/2012)

**Location:** 9/1/2012-S. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides, to the extent permitted by federal law, that adult day health care (ADHC) be excluded from coverage under the Medi-Cal program on the first day of the first calendar month following 90 days after the effective date of the act that added that provision or on the first day of the first calendar month following 60 days after the date the department secures all necessary federal approvals to implement that provision, whichever is later. This bill would, instead, require that ADHC be excluded from coverage under the Medi-Cal program on November 1, 2011. This bill contains other related provisions.

**Position**

**Priority :**

**SB 99**

**(Committee on Budget and Fiscal Review) Budget Act of 2011.** (Introduced: 1/10/2011

[pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. APPR. on 2/24/2011)

**Location:** 9/1/2012-A. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

**Position**

**Priority :**

**SB 121**

**(Liu D) Pupils: foster children: special education.** (Chaptered: 9/26/2012 [pdf](#) [html](#))

**Status:** 9/26/2012-Chaptered by the Secretary of State, Chapter Number 571, Statutes of 2012

**Location:** 9/26/2012-S. CHAPTERED

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a pupil who is placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless the

pupil is entitled to remain in his or her school of origin, the pupil has an individualized education program requiring placement elsewhere, or the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, determines that it is in the best interests of the pupil to be placed in another educational program. This bill would require that, if the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, makes that determination, he or she shall provide a written statement to that effect to the local educational agency, as specified. The bill would authorize a local educational agency to provide a parent, guardian, or other person holding the right to make educational decisions for the pupil with specified information, including, among other things, that the pupil has the right to attend a regular public school in the least restrictive environment. This bill contains other related provisions and other existing laws.

**Position** Watch

**Priority :**

**SB 345**

**(Wolk D) Office of the State Long-Term Care Ombudsman.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 649, Statutes of 2012

**Location:** 9/27/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2012	1st House				2nd House							

**Summary:** Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities. This bill would, among other things, require the office to submit an annual advocacy report to the Legislature and others in accordance with specified provisions of federal law, would require the office to perform specified duties relating to protecting the health, safety, welfare, and rights of residents in long-term care facilities, and would require the office to maintain an Internet Web presence, as prescribed. This bill would also make conforming changes and technical, nonsubstantive changes to these provisions.

**Position**

**Priority :**

**SB 382**

**(Liu D) Developmental services: regional centers: complaints.** (Amended: 5/31/2011 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. 2 YEAR on 7/8/2011)

**Location:** 7/6/2012-A. DEAD

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2012	1st House				2nd House							

**Summary:** The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. That law authorizes the department to enter into 5-year contracts with regional centers, subject to an annual appropriation of funds by the Legislature. The act requires the contracts to specify that each regional center include annual performance objectives that will meet certain standards and allows the department to

specify additional areas of support that require development or enhancement. The act requires corrective action if a regional center fails to meet the performance standards. This bill would authorize the department to specify additional areas of support requiring development or enhancement, as specified. This bill contains other related provisions and other existing laws.

**Position** Support in Concept

**Priority :**

**SB 411**

**(Price D) Home Care Services Act of 2012.** (Vetoed: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Vetoed by the Governor

**Location:** 9/30/2012-S. VETOED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead				1st House				2nd House				

**Summary:** Existing law provides for the In-Home Supportive Services (IHSS) program, a county-administered program under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. The IHSS program includes various eligibility requirements for individuals who provide services to recipients under the program. Under existing law, a private provider of in-home care services is not subject to the requirements of the IHSS program. This bill would enact the Home Care Services Act of 2012, which would provide, on and after July 1, 2013, for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services, and the certification of home care aides. The bill would exclude specified entities from the definition of a home care organization. The bill would impose various licensure requirements on a home care organization. The bill would also impose a civil penalty on an individual or entity that operates a home care organization without a license, except as specified. The bill would require a home care organization to provide a client with specified information before arranging for the provision of home care services, as defined, to that client, including, but not limited to, the types and hours of available home care services, and the extent to which payment may be expected from specified sources. In addition, this bill would require a home care organization, among other things, to distribute to the client its advance directive policy and provide a written notice to the client of certain rights. The bill would also prohibit a home care organization from hiring an individual as a home care aide unless that individual meets certain requirements, including, but not limited to, demonstrating that he or she has specified language skills and providing proof of certification as a home care aide as specified. This bill contains other related provisions and other existing laws.

**Governor's Message:** *I am returning Senate Bill 411 without my signature. This bill would establish a new regulatory scheme for the private home care industry. I understand the argument for stronger oversight, requiring home care agencies to be licensed and home care aides to be certified. But given the economic stresses and uncertainty, I am not prepared to embark upon the institutional changes and costs that this bill entails. Sincerely, Edmund G. Brown Jr.*

**Position** Support

**Priority :** Letter

**SB 558**

**(Simitian D) Elder and dependent adults: abuse or neglect: damages.**

(Amended: 5/3/2011 [pdf](#) [html](#))

**Status:** 8/20/2012-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 7/13/2011)

**Location:** 8/20/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the award of attorney's fees and costs to, and the recovery of damages by a plaintiff when it is proven by clear and convincing evidence that a defendant is liable for physical abuse or neglect of an elder or dependent adult and the defendant has also been guilty of recklessness, oppression, fraud, or malice in the commission of the abuse. This bill would revise these provisions to change the standard of proof to a preponderance of the evidence. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 677**

**(Hernandez D) Medi-Cal: eligibility.** (Amended: 8/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/29/2012)

**Location:** 9/1/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would, commencing January 1, 2014, implement various provisions of the federal Patient Protection and Affordable Care Act (Affordable Care Act) (Public Law 111-148), as amended, by, among other things, modifying provisions relating to determining eligibility for certain eligibility groups. The bill would, in this regard, extend Medi-Cal eligibility to specified adults and would require that income eligibility be determined based on modified adjusted gross income (MAGI), as prescribed. The bill would prohibit the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of MAGI. The bill would also add, commencing January 1, 2014, benefits, services, and coverage included in the essential health benefits package, as adopted by the state and approved by the United States Secretary of Health and Human Services, to the schedule of Medi-Cal benefits. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 764**

**(Steinberg D) Developmental services: telehealth systems program.**

(Vetoed: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Vetoed by the Governor

**Location:** 9/22/2012-S. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide supports and services to individuals with developmental disabilities. This bill would require each regional center individual program planning team to consider the use of telehealth, as defined, whenever applicable, for the purpose of improving access to

intervention and therapeutic services for consumers and family members and for purposes of facilitating better and cost-effective services, as provided. The bill would require the department to implement appropriate vendorization subcodes for telehealth services and programs. This bill contains other related provisions.

**Governor's Message:** *I am returning Senate Bill 764 without my signature. I appreciate the author's desire to bring more efficiency to regional centers as well as promote the value of telehealth. The goals of this bill, however, can already be accomplished under existing law. Mandating every individual program planning team to consider telehealth appears excessive. Where beneficial and available, I expect they will consider it, without the state telling them to do so. Sincerely, Edmund G. Brown Jr.*

**Position** Support if Amended

**Priority :** Letter & Hearing Testimony

**SB 770**

**(Steinberg D) Health care coverage: mental illness: developmental disorder and autism.** (Amended: 8/31/2011 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. APPR. on 8/31/2011)

**Location:** 8/17/2012-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapered
1st House				2nd House							

**Summary:** Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill would require those health care service plan contracts and health insurance policies to also provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. The bill would provide, however, that no benefits are required to be provided that exceed the essential health benefits required under specified federal law. Because a violation of these provisions with respect to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 951**

**(Hernandez D) Health care coverage: essential health benefits.** (Chapered: 9/30/2012 [pdf](#) [html](#))

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 866, Statutes of 2012

**Location:** 9/30/2012-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapered
1st House				2nd House							Chaptered

**Summary:** Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. PPACA requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers. PPACA defines a qualified health plan as

a plan that, among other requirements, provides an essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. This bill would require an individual or small group health insurance policy issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the health benefits covered by particular benchmark plans. The bill would prohibit treatment limits imposed on these benefits from exceeding the corresponding limits imposed by the benchmark plans and would generally prohibit an insurer from making substitutions of the benefits required to be covered. The bill would specify that these provisions apply regardless of whether the policy is offered inside or outside the Exchange but would provide that they do not apply to grandfathered plans or plans that cover excepted benefits, as specified. The bill would prohibit a health insurer, when issuing, delivering, renewing, offering, selling, or marketing a policy, from indicating or implying that the policy covers essential health benefits unless the policy covers essential health benefits as provided in the bill. The bill would authorize the Department of Insurance to adopt emergency regulations implementing these provisions until March 1, 2016, and enact other related provisions. This bill contains other existing laws.

**Position**

**Priority :**

**SB 957**

**(Leno D) 2012-13 Budget.** (Introduced: 1/10/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. BUDGET & F.R. on 1/10/2012)

**Location:** 9/1/2012-S. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would make appropriations for support of state government for the 2012-13 fiscal year. This bill contains other related provisions.

**Position** Watch

**Priority :**

**SB 1011**

**(Committee on Budget and Fiscal Review) Human Services.** (Amended: 6/13/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/14/2012)

**Location:** 9/1/2012-A. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the parents of a minor child are responsible for supporting the child. Existing law establishes the Department of Child Support Services, which administers all federal and state laws and regulations relating to child support enforcement obligations. The Director of Child Support Services is also responsible for implementing and managing the statewide automated child support system, which includes the State Disbursement Unit. Existing law establishes the Child Support Payment Trust Fund in the State Treasury and authorizes the deposit of child support payments received by the State Disbursement Unit into that fund, including overpayments, for the purpose of processing and providing child support payments. Under existing law, the Department of Child Support Services may enter into a trust agreement with an intermediary to receive or disburse child support collections. A trust

agreement under these provisions may create trust accounts held outside the State Treasury. This bill, for the 2012-13 fiscal year only, would authorize money in those trust accounts to be invested in specified securities or alternatives that offer comparable security, including mutual funds and money market funds. The bill would not authorize an investment or transfer that would interfere with the objective of the Child Support Payment Trust Fund. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1012**

**(Committee on Budget and Fiscal Review) Developmental services.**

(Amended: 6/13/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/14/2012)

**Location:** 9/1/2012-A. DEAD

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families. The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Services Act, and further requires the regional centers to comply with that act and its implementing regulations, as specified. This bill would provide that the use of private health insurance or a health care service plan to pay for early intervention services may not result in the loss of specified benefits for the covered individual or family, may not negatively affect the availability of health coverage for the covered individual or family, and may not be the basis for increasing health insurance or health care service plan premiums for the covered individual or family, as specified. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1013**

**(Committee on Budget and Fiscal Review) Child welfare services: realignment.**

(Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 35, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law governs the adoption of unmarried minors. Under existing law, a licensed adoption agency includes both licensed county and private adoption agencies. Further, existing law authorizes the State Department of Social Services to provide adoption services in counties without a county adoption agency. Existing law further prescribes the procedure for adopting a child through an agency or the State Department of Social Services, as well as for independent adoptions. Under existing law, licensed county adoption agencies perform homefinding and placement functions, investigate, examine, and make reports upon petitions for adoption filed in the superior court, act as placement agencies for placing children for adoption, accept relinquishments for adoption, and perform other tasks. This bill would instead provide that county adoption agencies are no longer licensed by the State Department

of Social Services, but are instead authorized to perform the above-described functions. The bill would define county adoption agency as one run by a county or consortium of counties. The bill would provide that the adoption procedures currently governing the State Department of Social Services and licensed adoption agencies would also apply to these county adoption agencies, as defined. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1014**

**(Committee on Budget and Fiscal Review) Public social services: alcohol and drug programs.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 36, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Goal	Enrolled	Voiced	Chaptered
2012	Desk								Goal	Enrolled	Voiced	Chaptered

**Summary:** Under existing law, the State Department of Alcohol and Drug Programs is responsible for administering prevention, treatment, and recovery services for alcohol and drug abuse and problem gambling. Existing law requires the department to issue allocations of state and federal funds available to counties to provide alcohol and other drug programs. Existing law also requires counties that utilize these funds to adopt and submit to the department a county plan and negotiated net amount contract for department review and approval or disapproval, as specified. This bill would, among other things, provide that, effective July 1, 2013, the administrative and programmatic functions that were previously performed by the department are transferred to departments within the California Health and Human Services Agency. It would also provide that the ultimate placement of these functions is contingent upon the Budget Act of 2013 and implementing legislation. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1016**

**(Committee on Budget and Fiscal Review) Education finance.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 38, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Goal	Enrolled	Voiced	Chaptered
2012	Desk								Goal	Enrolled	Voiced	Chaptered

**Summary:** Existing law authorizes a county superintendent of schools, with the approval of the county board of education, to temporarily transfer moneys to a school district under specified circumstances. The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. This bill, until July 1, 2017, would authorize a county board of education, subject to the concurrence of the county superintendent of schools, to loan moneys from the proceeds of revenue anticipation notes to a charter school for which the county board of education or the county superintendent of schools has a supervisory responsibility or, regardless of whether the charter school is within or outside of the county, with which a county board of education or county superintendent of schools has a contractual relationship. The bill would require the county superintendent of schools, before the county board of education

makes the loan, to take specified actions regarding the advisability of the loan. The bill would provide that any loan of moneys pursuant to these provisions would not constitute a debt or liability of the county superintendent of schools, the county board of education, or the State of California. The bill would prohibit a charter school from receiving more than one of these loans per fiscal year. The bill would require the county board of education, as a condition of making a loan to a charter school, to report to the State Department of Education by September 15 of each year specified information on loans made to charter schools within the prior fiscal year, and would require the department to compile that information into one report to be submitted by December 1 of each year to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office. (2) Existing law requires the Superintendent of Public Instruction to apportion state aid to county superintendents of schools in accordance with prescribed calculations. This bill would revise the calculations by subtracting amounts received separately relating to the Redevelopment Property Tax Trust Fund and a proposed constitutional provision relating to education funding. This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1017**

**(Committee on Budget and Fiscal Review) Vote by mail ballots and election result statements.** (Amended: 8/23/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/23/2012)

**Location:** 9/1/2012-A. DEAD

State Date	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** (1) Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted. This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day or the voter has executed a declaration under penalty of perjury stating that the ballot was voted and mailed prior to 8 p.m. on election day. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1018**

**(Committee on Budget and Fiscal Review) Public resources.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 39, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

State Date	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Office of Education and the Environment in the California Environmental Protection Agency to implement the statewide environmental educational program and, in cooperation with the State Department of Education and the State Board of Education, develop and implement a unified education strategy on the

environment for elementary and secondary schools in the state. This bill would establish the office in the Department of Resources Recycling and Recovery instead and make conforming changes. This bill contains other related provisions and other existing laws.

**Governor's Message:** *I am signing Senate Bill 1018 with the following objection: Section 127. I am reducing the amount for transfer from the Motor Vehicle Fuel Account to the State Parks and Recreation Fund from \$21,000,000 to \$7,000,000. The remaining \$14,000,000 will be transferred to the Off-Highway Vehicle Trust Fund. I am sustaining \$7,000,000 of the one-time transfer and, in conjunction with the other amounts I am sustaining for the Department of Parks and Recreation (Department), these amounts will provide the funding needed to allow the Department to address its most critical operating needs. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**SB 1019**

**(Committee on Budget and Fiscal Review) Health.** (Amended: 8/23/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. CONCURRENCE on 8/29/2012)

**Location:** 9/1/2012-S. DEAD

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the State Department of Health Care Services is authorized and required to perform various functions relating to the care and treatment of persons with mental disorders. Under existing law, services for these individuals may be provided in psychiatric hospitals or other types of facilities, as well as in community settings. Under existing law, psychiatric health facilities are licensed and regulated by the State Department of Social Services. Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals. This bill would make technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the State Department of Mental Health. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1020**

**(Committee on Budget and Fiscal Review) Public Safety Realignment.**

(Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 40, Statutes of 2012

**Location:** 6/28/2012-S. CHAPTERED

Track Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, require that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years and provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from prison or county jail. As part of the realignment of public safety services to local agencies, existing law establishes the Local Revenue Fund 2011 into which specified tax revenues are deposited and are continuously appropriated for the provision of public safety services, as defined. Under existing law, the Local Revenue Fund 2011 contains various accounts and

subaccounts from which the revenues are then allocated to corresponding local accounts. This bill would revise the provisions establishing the Local Revenue Fund 2011 by abolishing accounts in the fund as of September 30, 2012, with the exception of the Mental Health Account which this bill would retain, and creating new accounts, subaccounts, and special accounts in the Local Revenue Fund of 2011, as provided. The bill would require that money in the existing accounts be transferred to the newly created successor accounts on September 15, 2012. The bill would direct each county or city and county to create corresponding local accounts in each county or city and county's County Local Revenue Fund 2011, as provided, to receive allocations from the state accounts. The bill would permit any county or city and county to annually reallocate money between subaccounts in the local Support Services Account, and to reallocate funds from the Protective Services Subaccount or the Behavioral Health Subaccount, or both, to the Support Services Reserve Subaccount, which would be created pursuant to this bill, as provided. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1021**

**(Committee on Budget and Fiscal Review) Public safety.** (Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 41, Statutes of 2012

**Location:** 6/28/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Govt. Org.	Enrolled	Second	Chaptered
2012	1st House				2nd House							

**Summary:** Existing law establishes the Department of Corrections and Rehabilitation, and provides that the department shall be headed by a secretary who is appointed by the Governor, subject to Senate confirmation. Existing law authorizes the Governor to appoint to the department 2 undersecretaries, requires the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. Existing law also authorizes the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety. This bill would reorganize the executive structure of the department in various ways, including, among others, modifying the responsibilities of the undersecretaries, removing the provisions that authorize the Governor to appoint chief deputy secretaries and assistant secretaries, authorizing the Governor to appoint a chief for certain offices to be created by this bill, and creating certain divisions within the department and abolishing others. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1022**

**(Committee on Budget and Fiscal Review) Correctional facilities.** (Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 42, Statutes of 2012

**Location:** 6/28/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Govt. Org.	Enrolled	Second	Chaptered
2012	1st House				2nd House							

**Summary:** Existing law, the Public Safety and Offender Rehabilitation Services Act of 2007, authorizes certain revenue bond construction of prison facilities. Under phase I of the act, the

Department of Corrections and Rehabilitation is authorized to design, construct, or renovate housing units, support buildings, and programming space in order to add up to 12,000 beds at facilities under its jurisdiction. The department is also authorized to acquire land, design, construct, and renovate reentry program facilities to provide housing for up to 6,000 inmates, as specified, and to design and construct new, or renovate existing, buildings and any necessary ancillary improvements, at facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing for up to 6,000 inmates. The provisions of phase I of the act authorize the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the acquisition, design, and construction pursuant to those provisions, and provides that the authorized costs for the acquisition, design, and construction shall not exceed \$1,800,000,000, \$975,000,000, and \$857,100,000, respectively, for the costs of the projects specified above. The provisions of phase I also authorize the board to borrow funds for project costs, including acquisition, design, construction, and construction-related costs, from the Pooled Money Investment Account, as specified. This bill would instead authorize the department to design and construct new, or renovate existing, housing units, support buildings, programming space, and any necessary ancillary improvements in order to add capacity at facilities and to provide medical, dental, and mental health treatment or housing to inmates, and would specify the facilities and projects for which funds may be used. The bill would revise the maximum amount of costs authorized for the design and construction of the projects specified above. The bill would delete the provisions authorizing the department to acquire land, design, construct, and renovate reentry program facilities. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1023**

**(Committee on Budget and Fiscal Review) Public safety: realignment.**

(Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 43, Statutes of 2012

**Location:** 6/28/2012-S. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, for purposes of the crime of money laundering, defines criminal activity to mean a criminal offense punishable by the laws of the state by death or imprisonment in the state prison. This bill would include in the definition of criminal activity a criminal offense punishable by imprisonment in county jail for more than one year. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1024**

**(Committee on Budget and Fiscal Review) Community redevelopment.**

(Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/27/2012)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, and, among other things, provides that an action may be brought to review the validity of specified agency actions, findings, or determinations that occurred after January 1, 2011, within 2 years of the triggering event. This bill would toll the time limit for bringing an action until the Department of Finance issues a finding of completion to the successor agency. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1025**

**(Lowenthal D) State regulations: review.** (Amended: 8/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. RLS. on 8/30/2012)

**Location:** 9/1/2012-S. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes various state entities to promulgate and implement administrative regulations, subject to specified criteria. This bill would require, no later than December 31, 2013, each state entity that promulgates regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with statute or other regulations. The bill would also require these entities to report to the Legislature by that date on regulations deemed to inhibit economic growth in the state.

**Position**

**Priority :**

**SB 1026**

**(Committee on Budget and Fiscal Review) Human services.** (Amended: 8/28/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/28/2012)

**Location:** 9/1/2012-A. DEAD

	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law establishes the California In-Home Supportive Services Authority (Statewide Authority) and requires the authority to be the entity authorized to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for any individual provider who is employed by a recipient of supportive services. This bill, would, among other things, clarify that predecessor agencies to the Statewide Authority cannot meet and confer in good faith with a recognized employee organization after the Statewide Authority assumes those agencies' rights and responsibilities. The bill would also require, if the Statewide Authority and the recognized employee organization negotiate changes to locally administered health benefits, the Statewide Authority to give a county and a specified entity 90 days' notice

before the changes are implemented. This bill would provide that the scope of representation shall exclude providing assistance to IHSS recipients through the establishment of emergency backup services. This bill would change references from the employer and public agency to the Statewide Authority in these provisions, and would make other technical and clarifying changes to these provisions. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1027**

**(Committee on Budget and Fiscal Review) Federal transportation funds: allocation.**  
(Amended: 8/24/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/24/2012)

**Location:** 9/1/2012-A. DEAD

Track Closed	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for allocation of certain federal transportation funds apportioned to the state between state purposes administered by the Department of Transportation and local and regional purposes administered by various regional agencies. This bill would revise these allocations and other related provisions in accordance with recent modifications of federal law through enactment of the Moving Ahead for Progress in the 21st Century (MAP-21) Act. In this regard, the bill would provide a set aside from funds made available to the state under the federal Surface Transportation Program for transportation planning and for certain highway bridges that are not on the National Highway System, and would otherwise specify the amount of funds that the department is required to allocate to regional agencies. The bill would allocate funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area, as specified. The bill would require a set aside for the Safe Routes to School Program from federal highway safety funds apportioned to the state, and would require activities under the program that are not eligible for federal highway safety funds to be funded from other federal funds available to the department. The bill would implement the new federal Transportation Alternatives Program by specifying the purposes for which these funds may be used, eligible entities that may receive these funds, and an allocation formula. The bill would allow the state to opt out of the federal Recreational Trails Program if the Governor so notifies the United States Secretary of Transportation. The bill would enact other related provisions.

**Position**

**Priority :**

**SB 1028**

**(Committee on Budget and Fiscal Review) Education finance.** (Chaptered: 9/26/2012 [pdf](#) [html](#))

**Status:** 9/26/2012-Chaptered by the Secretary of State, Chapter Number 575, Statutes of 2012

**Location:** 9/26/2012-S. CHAPTERED

Track Closed	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law authorizes a public credit provider, as defined, to require a participating party, with regard to providing credit enhancement for bonds, notes, certificates of participation, or other evidences of indebtedness of a participating party, to agree to specified conditions, including allowing the Controller to allocate specified school district,

county office of education, or charter school apportionments to public credit providers if the public credit provider is required to make principal or interest payments, or both, pursuant to the credit enhancement agreement. Existing law imposes those same conditions on securing financing or refinancing for projects or working capital from the California School Finance Authority, in which case the Controller allocates apportionments to an identified trustee when a participating party will not make a payment to the authority at the time the payment is required. Existing law also requires any amount apportioned pursuant to these provisions to be deemed an allocation to the participating party for specified purposes. This bill would instead authorize these payments to a public credit provider or a trustee, as applicable, to be made, without regard to the specified funding source of the apportionment, from specified apportionments. The bill would also require that the amount apportioned for a participating party be deemed an allocation to the participating party and included in the computation of the allocation, limit, entitlement, or apportionment for the participating party. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1029**

**(Committee on Budget and Fiscal Review) Budget Act of 2012.** (Chaptered: 7/18/2012

[pdf](#) [html](#))

**Status:** 7/18/2012-Chaptered by the Secretary of State, Chapter Number 152, Statutes of 2012

**Location:** 7/18/2012-S. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Act of 2012 makes appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by adding items of appropriation relating to a high-speed rail system in the state. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1030**

**(Committee on Budget and Fiscal Review) Redevelopment Property Tax Trust Fund allocations: excess Educational Revenue Augmentation Fund moneys.**

(Vetoed: 9/29/2012 [pdf](#) [html](#))

**Status:** 9/29/2012-Vetoed by the Governor

**Location:** 9/29/2012-S. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the county auditor-controller, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992-93 and 1993-94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. Existing law requires the transfer of

the local property tax revenues not allocated to the county, cities, and special districts as a result of these reductions to the Educational Revenue Augmentation Fund (ERAF) in that county for allocation to school districts, community college districts, and the county office of education, with any remaining excess funds allocated to the county, cities, and special districts. This bill would modify the provision of law relating to the allocation of remaining local property tax revenues in the Redevelopment Property Tax Trust Fund by deleting language requiring that the provision be construed in such a manner so as to not increase any allocations of excess, additional, or remaining ERAF funds that would otherwise have been allocated to cities, counties, cities and counties, or special districts pursuant to existing law. This bill contains other related provisions and other existing laws.

**Governor's Message:** *I am returning Senate Bill 1030 without my signature. This bill would eliminate a provision in Assembly Bill 1484 (Chapter 26, Statutes of 2012) that alters the manner in which "excess" Educational Revenue Augmentation Funds are distributed in counties whose schools are fully funded to their revenue limits using property tax revenues. While I understand that the three counties impacted by the provision in question believe they have been placed in an unfair situation, I also note that these entities are estimated to receive a generous increase in property tax revenues due to redevelopment dissolution. Furthermore, given the current General Fund uncertainties, it would not be prudent to enact legislation when the potential cost is unclear. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**SB 1032**

**(Committee on Budget and Fiscal Review) Public safety.** (Amended: 8/22/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/22/2012)

**Location:** 9/1/2012-A. DEAD

Track Closed	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires each party demanding a jury trial to deposit advance jury fees in the amount of \$150 with the clerk or judge. Existing law requires the court to transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court. This bill would instead require that at least one party demanding a jury on each side of a civil case pay a nonrefundable fee of \$150, unless the fee has been paid by another party on the same side of the case. The bill would make that fee due on or before the date scheduled for the initial case management conference in the action, except in specified circumstances. The bill would make related and conforming changes to those provisions. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1033**

**(Committee on Budget and Fiscal Review) State and local government.**

(Chaptered: 6/28/2012 [pdf](#) [html](#))

**Status:** 6/28/2012-Chaptered by the Secretary of State, Chapter Number 44, Statutes of 2012

**Location:** 6/28/2012-S. CHAPTERED

Track Closed	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Local Agency Investment Fund, authorizes a local government having money in its treasury not required for immediate needs to remit it to the Treasurer for deposit in that fund for the purpose of investment, and prescribes the handling of that money. This bill would establish the Voluntary Investment Program Fund within the State Treasury for the receipt of voluntary deposits from local entities, as specified. The bill would provide that the deposits in the fund may be used only to cover short-term cash needs of the state, as specified. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1034**

**(Committee on Budget and Fiscal Review) Healthy Families Program: Medi-Cal: program transition: expansion.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/25/2012)

**Location:** 9/1/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the Robert W. Crown California Children's Services Act, the State Department of Health Care Services and each county administer the California Children's Services Program (CCS program) for treatment services for persons under 21 years of age diagnosed with severe chronic disease or severe physical limitations, as specified. Existing law generally limits eligibility for CCS program services to persons in families with an annual adjusted gross income of \$40,000 or less. Under existing law, the department, or any designated local agency administering the program, is responsible for providing medically necessary occupational and physical therapy to eligible children, as specified. Existing law requires that specified assessments and therapy treatment services rendered to a child referred to a local education agency for an assessment or a disabled child or youth with an IEP be exempt from financial eligibility standards and family repayment requirements. This bill would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1035**

**(Committee on Budget and Fiscal Review) Budget Act of 2012.** (Amended: 6/13/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/14/2012)

**Location:** 9/1/2012-A. DEAD

1 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Bill, enacted as the Budget Act of 2012, would make appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by revising items of appropriation, loans, and transfers of moneys specified in that act. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1036**

**(Committee on Budget and Fiscal Review) Public social services: in-home supportive services.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 45, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Author	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would establish the California In-Home Supportive Services Authority (Statewide Authority) and would deem the authority a joint powers authority and a public entity separate and apart from the parties that have appointing power to the authority, as specified, or the employers of those individuals so appointed. This bill would require the authority to be the entity authorized to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for any individual provider who is employed by a recipient of supportive services. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1037**

**(Committee on Budget and Fiscal Review) Budget Act of 2012.** (Amended: 6/25/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. THIRD READING on 6/25/2012)

**Location:** 9/1/2012-A. DEAD

Author	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Budget Bill, enacted as the Budget Act of 2012, would make appropriations for the support of state government for the 2012-13 fiscal year. This bill would amend the Budget Act of 2012 by revising items of appropriation and making other changes in the Budget Act of 2012. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1038**

**(Committee on Budget and Fiscal Review) State government.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 46, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Author	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the California State Mediation and Conciliation Service (CSMCS) within the Department of Industrial Relations to investigate and mediate labor

disputes, as specified. Existing law governs public transportation labor disputes. This bill would repeal and recast those provisions and establish the CSMCS within the Public Employment Relations Board (PERB). The bill would vest PERB with all of the powers, duties, purposes, responsibilities and jurisdiction vested in the Department of Industrial Relations and exercised or carried out through CSMCS. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1039**

**(Steinberg D) State government: Business, Consumer Services, and Housing**

**Agency.** (Chaptered: 7/17/2012 [pdf](#) [html](#))

**Status:** 7/17/2012-Chaptered by the Secretary of State, Chapter Number 147, Statutes of 2012

**Location:** 7/17/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	
	1st House				2nd House								

**Summary:** Under existing law, the executive branch of state government includes the State and Consumer Services Agency. Under existing law, the State and Consumer Services Agency is comprised of the Department of General Services, the Department of Consumer Affairs, the Franchise Tax Board, the Public Employees' Retirement System, the State Teachers' Retirement System, the Department of Fair Employment and Housing, the Fair Employment and Housing Commission, the California Science Center, the California Victim Compensation and Government Claims Board, the California African-American Museum, the California Building Standards Commission, the Alfred E. Alquist Seismic Safety Commission, and the Office of Privacy Protection. This bill would eliminate the State and Consumer Services Agency and instead establish in state government the Business, Consumer Services, and Housing Agency, comprised of the Department of Consumer Affairs, the Department of Housing and Community Development, the Department of Fair Employment and Housing, the Department of Business Oversight, the Department of Alcoholic Beverage Control, the Alcoholic Beverage Control Appeals Board, the California Horse Racing Board, and the Alfred E. Alquist Seismic Safety Commission. The bill would make conforming changes necessary to effectuate certain provisions of the Governor's Reorganization Plan No. 2 of 2012. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1040**

**(Evans D) Fire prevention: fees.** (Amended: 8/27/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/27/2012)

**Location:** 9/1/2012-A. DEAD

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas. Existing law requires the board to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area. The board is required to adjust the fire prevention fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed.

Existing law requires the Department of Forestry and Fire Protection to annually transmit to the State Board of Equalization the appropriate names and addresses of persons who are liable for the fire prevention fee and the amount of the fire prevention fee to be assessed by the State Board of Equalization. Existing law establishes the State Responsibility Area Fire Prevention Fund and requires the fire prevention fees collected, except that portion retained by the State Board of Equalization, to be deposited into the fund and to be available, upon appropriation by the Legislature, for specified fire prevention activities, which would benefit the owners of structures in state responsibility areas who are subject to the fire prevention fee, including, but not limited to, covering startup costs, and for the costs of administration, as specified. Existing law requires the State Board of Equalization to retain and expend, upon appropriation by the Legislature, the funds necessary to pay refunds and for its expenses incurred in collection. Existing law permits a person from whom a fire prevention fee is determined to be due to use an appeals process and, if applicable, a refund process. This bill would repeal the above provisions. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1041**

**(Committee on Budget and Fiscal Review) Human services.** (Chaptered: 6/27/2012 [pdf](#) [html](#))

**Status:** 6/27/2012-Chaptered by the Secretary of State, Chapter Number 47, Statutes of 2012

**Location:** 6/27/2012-S. CHAPTERED

Bill	Staff	Policy	Finance	Public	Task	Policy	Finance	Public	Gov	Education	Health	Chaptered
SB 1041												Chaptered

**Summary:** Under existing law, the parents of a minor child are responsible for supporting the child. Existing law establishes the Department of Child Support Services, which administers all federal and state laws and regulations relating to child support enforcement obligations. The Director of Child Support Services is also responsible for implementing and managing the statewide automated child support system, which includes the State Disbursement Unit. Existing law establishes the Child Support Payment Trust Fund in the State Treasury and authorizes the deposit of child support payments received by the State Disbursement Unit into that fund, including overpayments, for the purpose of processing and providing child support payments. Under existing law, the Department of Child Support Services may enter into a trust agreement with an intermediary to receive or disburse child support collections. A trust agreement under these provisions may create trust accounts held outside the State Treasury. This bill, for the 2012-13 fiscal year only, would authorize money in those trust accounts to be invested in specified securities or alternatives that offer comparable security, including mutual funds and money market funds. The bill would not authorize an investment or transfer that would interfere with the objective of the Child Support Payment Trust Fund. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1042**

**(Committee on Budget and Fiscal Review) State Department of State Hospitals.** (Amended: 8/23/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/23/2012)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals. This bill would make technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the State Department of Mental Health. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1043**

**(Committee on Budget and Fiscal Review) Criminal justice realignment.**

(Amended: 8/22/2012 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. BUDGET on 8/22/2012)

**Location:** 9/1/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, commencing with the 2012-13 fiscal year, requires the Controller to allocate 96.015% of the funds allocated to the Juvenile Justice Subaccount from the Local Revenue Fund 2011 to the Youthful Offender Block Grant Special Account, and to allocate 3.085% of the funds in that subaccount to the Juvenile Reentry Grant Special Account, as specified. This bill would instead require the Controller to allocate 94.481% of the funds described above to the Youthful Offender Block Grant Special Account, and to allocate 5.519% to the Juvenile Reentry Grant Special Account. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1050**

**(Alquist D) Autism: telehealth task force. (Vetoed: 9/19/2012 [pdf](#) [html](#))**

**Status:** 9/19/2012-Vetoed by the Governor

**Location:** 9/19/2012-S. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the State Department of Developmental Services to develop evaluation and diagnostic procedures for the diagnosis of autism disorder and other autistic spectrum disorders, as specified. Existing law also requires the Superintendent of Public Instruction to convene, with input from the University of California, the California State University, the department, and other appropriate entities, an advisory committee to develop recommendations identifying the means by which public and nonpublic schools, including charter schools, can better serve pupils with autism spectrum disorders and their parents. This bill would, until January 1, 2019, require the department to establish an autism telehealth task force and identify a lead administrator to be responsible for the activities and work of the task force. The task force would be required to provide the department with recommendations in the area of telehealth services for individuals with autism spectrum disorders, as specified.

**Governor's Message:** *I am returning SB 1050 without my signature. Last year I signed AB 415 (Logue), the Telehealth Advancement Act of 2011, to update our statutes on the use of telehealth. As we work to improve and modernize our health care system, we can expect telehealth to play an increasingly prominent role in rural and urban areas, for many*

diseases and conditions. Such advancements and collaboration are occurring now, and a privately funded, disease-specific task force set forth in statute does not appear to be warranted. Sincerely, Edmund G. Brown Jr.

**Position**

**Priority :**

**SB 1051**

**(Liu D) Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 660, Statutes of 2012

**Location:** 9/27/2012-S. CHAPTERED

Author	Staff	Policy	Legal	Finance	Health	Education	Transportation	Water	Energy	Environment	Other	Chaptered

**Summary:** Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services. This bill would rename a certain position within the Office of Protective Services as the Director of Protective Services, require the director to meet specified qualifications, and require that the director be appointed by and serve at the pleasure of the Secretary of California Health and Human Services, as specified. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1070**

**(Steinberg D) Career Technical Education Pathways Program.** (Chaptered: 9/21/2012 [pdf](#) [html](#))

**Status:** 9/21/2012-Chaptered by the Secretary of State, Chapter Number 433, Statutes of 2012

**Location:** 9/21/2012-S. CHAPTERED

Author	Staff	Policy	Legal	Finance	Health	Education	Transportation	Water	Energy	Environment	Other	Chaptered

**Summary:** Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law requires the Board of Governors of the California Community Colleges, as part of the program, to assist economic and workforce regional development centers and consortia to improve, among other things, career-technical education pathways between high schools and community colleges, as specified. This bill would establish the Career Technical Education Pathways Program until June 30, 2015, which would require the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to assist economic and workforce regional development centers and consortia, community colleges, middle schools, high schools, and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges to accomplish specified objectives. This assistance would be required to be provided in the form of contracts and competitive grants administered jointly by the chancellor and the Superintendent for programs and initiatives that demonstrate a plan for close collaboration among regional institutions and entities to jointly accomplish specified goals. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1072**

**(Strickland R) Newborn screening program.** (Amended: 4/24/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)

**Location:** 5/25/2012-S. DEAD

5/25/12 DEAD	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the State Department of Public Health to establish a program for the development, provision, and evaluation of genetic disease testing. Existing law establishes the continuously appropriated Genetic Disease Testing Fund (GDTF), consisting of fees paid for newborn screening tests. Existing law states the intent of the Legislature that all costs of the genetic disease testing program be fully supported by fees paid for newborn screening tests, which are deposited in the GDTF. Existing law authorizes moneys in the GDTF to be used for the expansion of the Genetic Disease Branch Screening Information System, as specified, to include cystic fibrosis, biotinidase, and severe combined immunodeficiency. Existing law exempts the amendment of contracts for this purpose from provisions of the Public Contract Code that establish standards for contracts and require the Department of General Services to approve these contracts. Existing law also exempts the amendment of contracts for this purpose from standards for personal services contracts and from provisions that give the California Technology Agency authority over the application of information technology for state agencies. This bill would require the department , until January 1, 2018, to expand statewide screening of newborns to include screening for 2 types of lysosomal storage diseases , Hurler syndrome and Krabbe disease , and would exempt the amendment of contracts for this purpose from provisions that establish standards for contracts, require the Department of General Services to approve contracts, and give the California Technology Agency authority over information technology projects, as described above.

**Position**

**Priority :**

**SB 1081**

**(Fuller R) Public health care: Medi-Cal: demonstration projects.**

(Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 453, Statutes of 2012

**Location:** 9/22/2012-S. CHAPTERED

9/22/12	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for the Health Care Coverage Initiative, which is a federal waiver demonstration project established to expand health care coverage to low-income uninsured individuals who are not currently eligible for the Medi-Cal program and other specified public health coverage programs. Existing law requires the department, pursuant to federal approval of a successor demonstration project, to authorize a local Low Income Health Program (LIHP) to provide health care services to eligible low-income individuals under certain circumstances. Under existing law, a county, city and county,

consortium of counties serving a region of more than one county, or a health authority may be eligible to operate an approved LIHP. Existing law establishes the continuously appropriated LIHP Fund, which consists of moneys transferred to the fund from a participating entity to meet the nonfederal share of estimated payments to the LIHP. This bill would provide that a nondesignated public hospital, as defined, or the entity with which it is affiliated, may be eligible to operate an approved LIHP if it is located in a county that does not have a designated public hospital, as defined, the county does not intend to operate a LIHP, and, if the county previously filed an application to operate a LIHP, the county has formally withdrawn its application. By increasing the number of entities that may transfer funds into the LIHP Fund, this bill would make an appropriation. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1123**

**(De León D) Vehicles: disabled persons or disabled veterans: parking placards.**

(Amended: 4/17/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. SENATE on 4/25/2012)

**Location:** 4/27/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law prohibits a person to whom a disabled person placard has been issued from knowingly permitting the use of the placard for parking purposes by one not entitled to the use of the placard. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked. Existing law provides that a violation of these provisions is punishable as either an infraction or a misdemeanor. This bill would additionally suspend the driver's license of the person who violates the above-described provisions for 30 days and would require that the person whose disabled parking placard was the subject of a violation under the above provisions pay a civil penalty of \$100 upon his or her reapplication for a disabled person placard. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1136**

**(Steinberg D) Health: mental health: Mental Health Services Act.**

(Amended: 4/16/2012 [pdf](#) [html](#))

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was A. HEALTH on 6/7/2012)

**Location:** 7/6/2012-A. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the State Department of Mental Health is authorized and required to perform various functions relating to the care and treatment of persons with mental disorders. This bill would require the commission to assist in providing technical assistance, as specified, and would require the commission to work in collaboration with, and in consultation with, various entities in designing a comprehensive joint plan for coordinated evaluation of client outcomes. This bill would require the California Health and Human Services Agency to lead the comprehensive joint plan effort. This bill would transfer various functions of the State Department of Mental Health under the Mental Health Services Act to the

State Department of Health Care Services and the Office of Statewide Health Planning and Development . This bill would make various technical and conforming changes to reflect the transfer of those mental health responsibilities. This bill would require all projects included in the innovative programs portion of the county plan to meet specified requirements. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1141**

**(Walters R) Public employees: postemployment health care benefits.**

(Introduced: 2/21/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. & R. on 4/18/2012)

**Location:** 4/27/2012-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees' Retirement System, establishes provisions governing postemployment health care benefits for members and their families, upon meeting vesting requirements and subject to various limitations. Existing law also establishes various postemployment health care benefits under other benefit systems, including those offered by counties, districts, cities, and the University of California. This bill would prohibit a public employer, for employees first hired on or after January 1, 2013, from entering into a memorandum of understanding or other collective bargaining agreement that provides for defined postemployment health care benefits unless each employee pays at least 50 percent of the actuarially required contributions to fund those health care benefits. The bill would also declare that ensuring the statewide integrity and security of state and local government health care plans is a matter of statewide concern and not a municipal affair, and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill. The bill would also declare that these provisions apply to the University of California to ensure the financial security of the university.

**Position**

**Priority :**

**SB 1163**

**(Walters R) Special access: liability.** (Introduced: 2/22/2012 [pdf](#) [html](#))

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. JUD. on 5/9/2012)

**Location:** 5/11/2012-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the

property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1176**

**(Huff R) Public employees' retirement.** (Introduced: 2/22/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. & R. on 3/1/2012)

**Location:** 4/27/2012-S. DEAD

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) for the purpose of providing pension benefits to their employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. The Regents of the University of California have established the University of California Retirement System as a trust for this purpose. This bill, on and after January 1, 2013, would prohibit a public retirement system from allowing the purchase of additional retirement service credit, as described above. The bill would except from this prohibition an official application to purchase this type of service credit received by the retirement system prior to January 1, 2013. The bill would prohibit any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1186**

**(Steinberg D) Disability access.** (Chaptered: 9/19/2012 [pdf](#) [html](#))

**Status:** 9/19/2012-Chaptered by the Secretary of State, Chapter Number 383, Statutes of 2012

**Location:** 9/19/2012-S. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. A violation of this requirement may subject the attorney to disciplinary action. This bill would, instead, require an attorney to provide a written advisory with each demand letter or complaint, as defined, sent to or served upon a defendant or potential

defendant for any construction-related accessibility claim, as specified. The bill would require the Judicial Council to update the form that may be used by attorneys to comply with this requirement on or before July 1, 2013. The bill would require an allegation of a construction-related accessibility claim in a demand letter or complaint to state facts sufficient to allow a reasonable person to identify the basis for the claim. The bill would require any complaint alleging a construction-related accessibility claim to be verified by the plaintiff, and would make any complaint filed without verification subject to a motion to strike. The bill would prohibit a demand letter from including a request or demand for money or an offer or agreement to accept money. The bill also would prohibit an attorney, or other person acting at the direction of an attorney, from issuing a demand for money to a building owner or tenant, or an agent or employee of a building owner or tenant, on the basis of one or more construction-related accessibility violations, as specified. The bill would require an attorney to include his or her State Bar license number in a demand letter, and to submit copies of the demand letter to the California Commission on Disability Access and, until January 1, 2016, to the State Bar. The bill also would require, until January 1, 2016, an attorney to submit a copy of a complaint to the commission. The bill would provide that a violation of these requirements may subject the attorney to disciplinary action, as specified. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1259**

**(Emmerson R) Developmental disabilities: regional centers.** (Amended: 4/30/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)

**Location:** 5/25/2012-S. DEAD

Desk	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into 5-year contracts with regional centers to render specified services. The act requires an entity receiving payments of \$250,000 or more, but not more than \$500,000, from a regional center to obtain either an independent audit or independent review report of its financial statements for the period. An entity receiving payments of \$500,000 or more is required to obtain an independent audit. Existing law requires a copy of the audit or report to be provided to the vendoring regional center within 30 days of completion of the audit or review. This bill would , until July 1, 2016, authorize exemptions from the above-described independent audit or review requirements of one or 2 years, if specified conditions are met .

**Position**

**Priority :**

**SB 1264**

**(Vargas D) Child abuse reporting: mandated reporters.** (Chaptered: 9/24/2012 [pdf](#) [html](#))

**Status:** 9/24/2012-Chaptered by the Secretary of State, Chapter Number 518, Statutes of 2012

**Location:** 9/24/2012-S. CHAPTERED

Desk	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within

the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both. This bill would include in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1352**

**(Corbett D) Child abuse: investigation and prosecution: child advocacy centers.**

(Vetoed: 7/3/2012 [pdf](#) [html](#))

**Status:** 7/3/2012-Vetoed by Governor

**Location:** 7/3/2012-S. VETOED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Cons.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified. This bill would authorize each county to establish a child advocacy center to coordinate the investigation and prosecution of child abuse. The bill would provide that if a county establishes a child advocacy center, the center shall consist of a representative from the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services and may also include representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse. The bill would authorize each county to develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect and would require any member of the child advocacy center to sign the protocol. The bill would require the protocol to define the multidisciplinary team, and to detail how the team will work together, as provided.

**Governor's Message:** *To the Members of the California State Senate: I am returning Senate Bill 1352 without my signature. This well-intentioned bill would authorize counties to establish child advocacy centers through which local professionals would investigate and prosecute child abuse cases. Currently, 33 counties in the state have established child advocacy centers, indicating that state prescription in this area is unnecessary. More to the point, this bill would lock into statute specific requirements for these centers that may or may not fit with what local county leaders see as the best way to handle these sensitive cases. A "one-size-fits-all" approach goes against the goals of Child Welfare Services Realignment, which was designed to give counties flexibility to tailor programs as they deem appropriate. Sincerely, Edmund G. Brown Jr.*

**Position**

**Priority :**

**SB 1377**

**(Corbett D) Protection and advocacy agencies.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 664, Statutes of 2012

**Location:** 9/27/2012-S. CHAPTERED

2/14/12	Desk	Policy	Fiscal	Fiscal	Desk	Policy	Fiscal	Fiscal	Govt	Enrolled	Vote	Chaptered
Desk	Int House				Ext House				Govt	Enrolled	Vote	Chaptered

**Summary:** Existing law prescribes, in accordance with federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders. Under existing law, a protection and advocacy agency's powers include the authority to investigate any incident of abuse or neglect of persons with developmental disabilities or persons with mental illness if the complaints are reported to the protection and advocacy agency or if probable cause exists to believe that abuse or neglect has occurred. This authority includes the authorization to examine all relevant records and interview any facility or program service recipient, employee, or other person who might have knowledge of the alleged abuse or neglect. Existing law requires the agency to have access to the records of specified people with disabilities, including reports prepared by an agency charged with investigating reports of incidents of abuse, neglect, injury, or death occurring at the program, facility, or service. This bill would provide that the authority to access these records includes access to an unredacted facility evaluation report form, unredacted complaint investigation report form, unredacted citation report, unredacted licensing report, unredacted survey report, unredacted plan of correction, or unredacted statement of deficiency prepared by a department responsible for issuing a license or certificate to a program, facility, or service serving an individual with a disability. This bill contains other related provisions and other existing laws.

**Position Support**

**Priority :** Letter

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**SB 1381**

**(Pavley D) Mental retardation: change of term to intellectual disability.**

(Chaptered: 9/22/2012 [pdf](#) [html](#))

**Status:** 9/22/2012-Chaptered by the Secretary of State, Chapter Number 457, Statutes of 2012

**Location:** 9/22/2012-S. CHAPTERED

2/14/12	Desk	Policy	Fiscal	Fiscal	Desk	Policy	Fiscal	Fiscal	Govt	Enrolled	Vote	Chaptered
Desk	Int House				Ext House				Govt	Enrolled	Vote	Chaptered

**Summary:** Existing law refers to mental retardation or a mentally retarded person in provisions relating to, among other things, educational and social services, commitment to state facilities, and criminal punishment. This bill would revise these provisions to refer instead to intellectual disability or a person with an intellectual disability. This bill would provide that it is the intent of the Legislature that the bill not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions of the bill. This bill would make related and technical changes.

**Position Support**

**Priority :** Letter

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**SB 1392**

**(Pavley D) Developmental services.** (Amended: 6/14/2012 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. APPR. on 8/16/2012)

**Location:** 8/17/2012-A. DEAD

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3 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes several developmental centers within the jurisdiction of the State Department of Developmental Services. This bill would permit the real property within the grounds of a developmental center, as specified, that is determined to no longer meet the needs of the state for directly serving persons with developmental disabilities to be made available for lease and be leased, to generate revenue for deposit into the Californians with Developmental Disabilities Fund, which the bill would create. The bill would require moneys in this fund to be made available, upon appropriation by the Legislature, to the department for purposes of serving persons with developmental disabilities.

**Position**

**Priority :**

**SB 1432**

**(Steinberg D) Child and family welfare.** (Amended: 4/26/2012 [pdf](#) [html](#))

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)

**Location:** 5/25/2012-S. DEAD

3 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the State Department of Social Services to establish the California Child and Family Service Review System, in order to review all county child welfare systems, including child protective services, foster care, adoption, family preservation, family support, and independent living. Existing law requires, by October 1, 2002, the California Health and Human Services Agency to convene a workgroup comprised of specified representatives to establish a workplan by which child and family service reviews are conducted pursuant to these provisions. This bill would provide that representatives of the State Department of Mental Health and the Department of Child Support Services are no longer required to participate in the workgroup. This bill would require, by January 1, 2013, that the workgroup reconvene, and, by April 1, 2013, that the workgroup determine whether additional outcome indicators, additional analysis of existing outcome indicators, or both, are necessary to determine the impact, if any, of the realignment of child welfare programs and services on child safety and well-being and develop those outcome indicators and analyses for inclusion in the workplan, if necessary. The bill would require the workgroup to consider specified outcome indicators. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SB 1503**

**(Steinberg D) In-Home Supportive Services program.** (Amended: 4/9/2012 [pdf](#) [html](#))

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. APPR. on 7/5/2012)

**Location:** 8/17/2012-A. DEAD

3 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and the counties, under which qualified aged, blind, and disabled persons are provided with services to permit them to remain in their own homes and avoid institutionalization. Existing law provides for the

Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Under the Medi-Cal program, similar services are provided to eligible individuals, with these services known as personal care option services. Under existing law, home and facility care services that are subject to Medi-Cal reimbursement include nursing facility care services and home- or community-based care services, as specified. This bill would require the Director of Social Services and the Director of Health Care Services to convene a stakeholder group to design a plan for the integration of long-term services and supports programs, as prescribed.

**Position**

**Priority :**

**SB 1522**

**(Leno D) Developmental centers: reporting requirements.** (Chaptered: 9/27/2012 [pdf](#) [html](#))

**Status:** 9/27/2012-Chaptered by the Secretary of State, Chapter Number 666, Statutes of 2012

**Location:** 9/27/2012-S. CHAPTERED

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services. This bill would instead require a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon by a nonresident of the developmental center, an assault with force likely to produce great bodily injury, an injury to the genitals when the cause of injury is undetermined, or a broken bone when the cause of the break is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill would require the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency. This bill contains other related provisions.

**Position**

**Priority :**

**SB 1551**

**(Vargas D) Child sexual abuse: mandated reporting.** (Amended: 3/29/2012 [pdf](#) [html](#))

**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. PUB. S. on 4/9/2012)

**Location:** 4/27/2012-S. DEAD

Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Child Abuse Neglect and Reporting Act, makes certain persons mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure of a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a

misdemeanor. This bill would require any competent adult, as defined, to report a reasonable suspicion of child sexual abuse and would make failure to report punishable by a range of fines and imprisonment based on the level of the failure. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**Priority :**

**SCA 7**

**(Yee D) Public bodies: meetings.** (Amended: 4/13/2011 [pdf](#) [html](#))

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. APPR. SUSPENSE FILE on 8/17/2011)

**Location:** 9/1/2012-A. DEAD

Item	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
DEAD	1st House				2nd House							

**Summary:** The California Constitution requires meetings of public bodies to be open to public scrutiny. This measure would also include in the California Constitution the requirement that each public body provide public notice of its meetings and disclose any action taken.

**Position**

**Priority :**

**SCR 69**

**(Pavley D) California Autism Awareness Month.** (Chaptered: 5/3/2012 [pdf](#) [html](#))

**Status:** 5/3/2012-Chaptered by Secretary of State - Chapter No. 16, Statutes of 2012

**Location:** 5/3/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2012	1st House				2nd House							Chaptered

**Summary:** This measure would designate April 2012 as California Autism Awareness Month, would affirm the Legislature's commitment to the important issues related to autism spectrum disorders (ASDs), and would emphasize that each and every individual with an ASD is a valued and important member of our society.

**Position**

**Priority :**

**SJR 18**

**(Pavley D) Individuals with disabilities: tax exempt accounts.** (Chaptered: 6/25/2012

[pdf](#) [html](#))

**Status:** 6/25/2012-Chaptered by Secretary of State - Chapter No. 62, Statutes of 2012

**Location:** 6/25/2012-S. CHAPTERED

Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2012	1st House				2nd House							Chaptered

**Summary:** This measure would urge the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011.

**Position**

**Priority :**



## AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Assembly Bill (AB) 2338 (Chesbro/Beall), developmental services: employment first policy

**BILL SUMMARY:** AB 2338 did not pass and died in the legislative process. AB 2338 required the regional center, when developing an individual program plan (IPP) for transition age youth or working age adults, to consider the Employment First Policy while not infringing upon an individual's right to make informed choices about services and supports. The Employment First Policy was identified as: "It is the policy of the state that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities. This policy shall be known as the Employment First Policy." There were many other provisions to AB 2338.

**BACKGROUND:** Last session, Chapter 231, Statutes of 2009 (AB 287) was enacted requiring the Council to create an Employment First Committee (EFC). The EFC was required to submit a report to the Legislature and Governor that identified an employment first policy and included recommendations to enhance and increase integrated employment opportunities for people with developmental disabilities. This report was submitted to the Governor and Legislature in August 2011.

The Employment First Policy, as articulated in that report, is: "It is the policy of the state that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities." In order to clarify that the Employment First Policy is in no way intended to diminish any part of the IPP planning process, the following appears immediately after the policy as the first key principle underpinning the policy:

"The individual program plan (IPP) and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services take into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments."

**ANALYSIS/DISCUSSION:** California does not have an Employment First Policy. The Council's strategic plan objective calls for the State of California to adopt an Employment First Policy.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

The State of California will adopt an Employment First policy which reflects inclusive and gainful employment as the preferred outcome for working age individuals with developmental disabilities.

**PRIOR COUNCIL ACTIVITY:** The Council supported AB 287 (2009) and submitted the first annual Employment First report to the Governor and Legislature in August 2011. The Council subsequently sponsored and supported AB 254, which dies in the legislative process. Accordingly, the Council sponsored and supported AB 2338.

**RECOMMENDATION(S):** Sponsor, support, and work with legislators to introduce a bill during the 2013-2014 legislative session to establish an Employment First Policy.

**ATTACHMENT(S):** AB 2338

**PREPARED:** Christofer Arroyo, October 1, 2012

AMENDED IN SENATE JULY 5, 2012

AMENDED IN ASSEMBLY MAY 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2338**

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**Introduced by Assembly Members Chesbro and Beall**

February 24, 2012

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An act to amend Sections 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2338, as amended, Chesbro. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.

This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program

plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy.

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 4646.5 of the Welfare and Institutions  
2 Code is amended to read:  
3 4646.5. (a) The planning process for the individual program  
4 plan described in Section 4646 shall include all of the following:  
5 (1) Gathering information and conducting assessments to  
6 determine the life goals, capabilities and strengths, preferences,  
7 barriers, and concerns or problems of the person with  
8 developmental disabilities. For children with developmental  
9 disabilities, this process should include a review of the strengths,  
10 preferences, and needs of the child and the family unit as a whole.  
11 Assessments shall be conducted by qualified individuals and  
12 performed in natural environments whenever possible. Information  
13 shall be taken from the consumer, his or her parents and other  
14 family members, his or her friends, advocates, authorized  
15 representative, if applicable, providers of services and supports,  
16 and other agencies. The assessment process shall reflect awareness  
17 of, and sensitivity to, the lifestyle and cultural background of the  
18 consumer and the family.  
19 (2) A statement of goals, based on the needs, preferences, and  
20 life choices of the individual with developmental disabilities, and  
21 a statement of specific, time-limited objectives for implementing  
22 the person's goals and addressing his or her needs. These objectives  
23 shall be stated in terms that allow measurement of progress or

1 monitoring of service delivery. These goals and objectives should  
2 maximize opportunities for the consumer to develop relationships,  
3 be part of community life in the areas of community participation,  
4 housing, work, school, and leisure, increase control over his or her  
5 life, acquire increasingly positive roles in community life, and  
6 develop competencies to help accomplish these goals.

7 (3) When developing individual program plans for children,  
8 regional centers shall be guided by the principles, process, and  
9 services and support parameters set forth in Section 4685.

10 (4) When developing an individual program plan for a transition  
11 age youth or working age adult, the planning team shall consider  
12 the Employment First Policy described in Chapter 14 (commencing  
13 with Section 4868).

14 (5) A schedule of the type and amount of services and supports  
15 to be purchased by the regional center or obtained from generic  
16 agencies or other resources in order to achieve the individual  
17 program plan goals and objectives, and identification of the  
18 provider or providers of service responsible for attaining each  
19 objective, including, but not limited to, vendors, contracted  
20 providers, generic service agencies, and natural supports. The  
21 individual program plan shall specify the approximate scheduled  
22 start date for services and supports and shall contain timelines for  
23 actions necessary to begin services and supports, including generic  
24 services.

25 (6) When agreed to by the consumer, the parents, legally  
26 appointed guardian, or authorized representative of a minor  
27 consumer, or the legally appointed conservator of an adult  
28 consumer or the authorized representative, including those  
29 appointed pursuant to subdivision (d) of Section 4548, subdivision  
30 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review  
31 of the general health status of the adult or child including a medical,  
32 dental, and mental health needs shall be conducted. This review  
33 shall include a discussion of current medications, any observed  
34 side effects, and the date of the last review of the medication.  
35 Service providers shall cooperate with the planning team to provide  
36 any information necessary to complete the health status review. If  
37 any concerns are noted during the review, referrals shall be made  
38 to regional center clinicians or to the consumer's physician, as  
39 appropriate. Documentation of health status and referrals shall be  
40 made in the consumer's record by the service coordinator.

1 (7) (A) The development of a transportation access plan for a  
2 consumer when all of the following conditions are met:

3 (i) The regional center is purchasing private, specialized  
4 transportation services or services from a residential, day, or other  
5 provider, excluding vouchered service providers, to transport the  
6 consumer to and from day or work services.

7 (ii) The planning team has determined that a consumer's  
8 community integration and participation could be safe and  
9 enhanced through the use of public transportation services.

10 (iii) The planning team has determined that generic  
11 transportation services are available and accessible.

12 (B) To maximize independence and community integration and  
13 participation, the transportation access plan shall identify the  
14 services and supports necessary to assist the consumer in accessing  
15 public transportation and shall comply with Section 4648.35. These  
16 services and supports may include, but are not limited to, mobility  
17 training services and the use of transportation aides. Regional  
18 centers are encouraged to coordinate with local public  
19 transportation agencies.

20 (8) A schedule of regular periodic review and reevaluation to  
21 ascertain that planned services have been provided, that objectives  
22 have been fulfilled within the times specified, and that consumers  
23 and families are satisfied with the individual program plan and its  
24 implementation.

25 (b) For all active cases, individual program plans shall be  
26 reviewed and modified by the planning team, through the process  
27 described in Section 4646, as necessary, in response to the person's  
28 achievement or changing needs, and no less often than once every  
29 three years. If the consumer or, where appropriate, the consumer's  
30 parents, legal guardian, authorized representative, or conservator  
31 requests an individual program plan review, the individual program  
32 shall be reviewed within 30 days after the request is submitted.

33 (c) (1) The department, with the participation of representatives  
34 of a statewide consumer organization, the Association of Regional  
35 Center Agencies, an organized labor organization representing  
36 service coordination staff, and the Organization of Area Boards  
37 shall prepare training material and a standard format and  
38 instructions for the preparation of individual program plans, which  
39 embodies an approach centered on the person and family.

1 (2) Each regional center shall use the training materials and  
2 format prepared by the department pursuant to paragraph (1).

3 (3) The department shall biennially review a random sample of  
4 individual program plans at each regional center to ensure that  
5 these plans are being developed and modified in compliance with  
6 Section 4646 and this section.

7 SEC. 2. Section 4868 of the Welfare and Institutions Code is  
8 amended to read:

9 4868. (a) The State Council on Developmental Disabilities  
10 shall form a standing Employment First Committee consisting of  
11 the following members:

12 (1) One designee of each of the members of the state council  
13 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph  
14 (2) of subdivision (b) of Section 4521.

15 (2) A member of the consumer advisory committee of the state  
16 council.

17 (b) In carrying out the requirements of this section, the  
18 committee shall meet and consult, as appropriate, with other state  
19 and local agencies and organizations, including, but not limited  
20 to, the Employment Development Department, the Association of  
21 Regional Center Agencies, one or more supported employment  
22 provider organizations, an organized labor organization  
23 representing service coordination staff, and one or more consumer  
24 family member organizations.

25 (c) The responsibilities of the committee shall include, but need  
26 not be limited to, all of the following:

27 (1) Identifying the respective roles and responsibilities of state  
28 and local agencies in enhancing integrated and gainful employment  
29 opportunities for people with developmental disabilities.

30 (2) Identifying strategies, best practices, and incentives for  
31 increasing integrated employment and gainful employment  
32 opportunities for people with developmental disabilities, including,  
33 but not limited to, ways to improve the transition planning process  
34 for students 14 years of age or older, and to develop partnerships  
35 with, and increase participation by, public and private employers  
36 and job developers.

37 (3) Identifying existing sources of employment data and  
38 recommending goals for, and approaches to measuring progress  
39 in, increasing integrated employment and gainful employment of  
40 people with developmental disabilities.

1 (4) Recommending legislative, regulatory, and policy changes  
2 for increasing the number of individuals with developmental  
3 disabilities in integrated employment, self-employment, and  
4 microenterprises, and who earn wages at or above minimum wage,  
5 including, but not limited to, recommendations for improving  
6 transition planning and services for students with developmental  
7 disabilities who are 14 years of age or older. This shall include,  
8 but shall not be limited to, the development of a policy with the  
9 intended outcome of significantly increasing the number of  
10 individuals with developmental disabilities who engage in  
11 integrated employment, self-employment, and microenterprises,  
12 and in the number of individuals who earn wages at or above  
13 minimum wage. This proposed policy shall be in furtherance of  
14 the intent of this division that services and supports be available  
15 to enable persons with developmental disabilities to approximate  
16 the pattern of everyday living available to people without  
17 disabilities of the same age and that support their integration into  
18 the mainstream life of the community, and that those services and  
19 supports result in more independent, productive, and normal lives  
20 for the persons served. The proposed policy shall not limit service  
21 and support options otherwise available to consumers, or the rights  
22 of consumers, or, where appropriate, parents, legal guardians, or  
23 conservators to make choices in their own lives.

24 (d) For purposes of this chapter, the following definitions shall  
25 apply:

26 (1) "Competitive employment" means work in the competitive  
27 labor market that is performed on a full-time or part-time basis in  
28 an integrated setting and for which an individual is compensated  
29 at or above the minimum wage, but not less than the customary  
30 wage and level of benefits paid by the employer for the same or  
31 similar work performed by individuals who are not disabled.

32 (2) "Integrated employment" means "integrated work" as  
33 defined in subdivision (o) of Section 4851.

34 (3) "Microenterprises" means small businesses owned by  
35 individuals with developmental disabilities who have control and  
36 responsibility for decisionmaking and overseeing of the business,  
37 with accompanying business licenses, taxpayer identification  
38 numbers other than social security numbers, and separate business  
39 bank accounts. Microenterprises may be considered integrated  
40 competitive employment.

1 (4) "Self-employment" means an employment setting in which  
2 an individual works in a chosen occupation, for profit or fee, in  
3 his or her own small business, with control and responsibility for  
4 decisions affecting the conduct of the business.

5 (e) The committee, by July 1, 2011, and annually thereafter,  
6 shall provide a report to the appropriate policy committees of the  
7 Legislature and to the Governor describing its work and  
8 recommendations. The report due by July 1, 2011, shall include  
9 the proposed policy described in paragraph (4) of subdivision (c).

10 SEC. 3. Section 4869 is added to the Welfare and Institutions  
11 Code, to read:

12 4869. (a) (1) In furtherance of the intent of this division to  
13 make services and supports available to enable persons with  
14 developmental disabilities to approximate the pattern of everyday  
15 living available to people without disabilities of the same age, to  
16 support the integration of persons with developmental disabilities  
17 into the mainstream life of the community, and to bring about more  
18 independent, productive, and normal lives for the persons served,  
19 it is the policy of the state that opportunities for integrated,  
20 competitive employment shall be given the highest priority for  
21 working age individuals with development disabilities, regardless  
22 of the severity of their disabilities. This policy shall be known as  
23 the Employment First Policy.

24 (2) Implementation of the policy shall be consistent with, and  
25 shall not infringe upon, the rights established pursuant to this  
26 division, including the right of people with developmental  
27 disabilities to make informed choices with respect to services and  
28 supports through the individual program planning process.

29 (3) Integrated competitive employment is intended to be the  
30 first option considered by planning teams for working age  
31 individuals, but individuals may choose goals other than integrated  
32 competitive employment.

33 (4) This chapter shall not be construed to expand the existing  
34 entitlement to services for persons with developmental disabilities  
35 described in this division.

36 (5) *This chapter shall not alleviate schools of their responsibility*  
37 *to provide transition services to individuals with developmental*  
38 *disabilities.*

39 (b) Regional centers shall ensure that consumers, beginning at  
40 16 years of age, and, where appropriate, their parents, legal

1 guardians, or conservators, are provided with information, in a  
2 language that the consumer and, as appropriate, the consumer's  
3 representative understand, about the Employment First Policy,  
4 about options for integrated competitive employment, and about  
5 services and supports, including postsecondary education, available  
6 to enable the consumer to transition from school to work, and to  
7 achieve the outcomes of obtaining and maintaining integrated  
8 competitive employment.  
9 (c) The department may request information from regional  
10 centers on current and planned activities related to the Employment  
11 First Policy.

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## AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Other Areas of Interest for Sponsoring Legislation

**BACKGROUND:** In the last legislative session the Council sponsored legislation to enact an Employment First Policy in California. This is a goal within the Council's State Plan. In the next session the Council may continue to sponsor or co-sponsor Employment First legislation. However, there may be other areas where the Council may wish to sponsor or co-sponsor legislation. November/December is the best time to explore possibilities for sponsored legislation with legislators, legislative staff, and other stakeholders, as legislation is typically introduced in late January and February of the legislative year.

**ANALYSIS/DISCUSSION:** The Council's main policy goal is to "promote the independence, productivity, inclusion and self-determination of individuals with developmental disabilities". This past session the Council sponsored Employment First Policy. The Council supported bills in areas that included insurance mandate for autism treatment, elder and dependent abuse, self-determination, school discipline, eliminating the "R" word from statute, IHSS, genetic information privacy, and developmental center reporting requirements.

Stakeholder discussions are taking place around another effort to pass self-determination. There are also discussions on the role of k-12 education to prepare young people with disabilities for transition to work or community colleges.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** Goal 14: Public policy in California promotes the independence, productivity, inclusion and self-determination of individuals with developmental disabilities and their families.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** Identify two or three areas in addition to Employment First Policy to explore with other stakeholders, the administration, and the legislature potential sponsored or co-sponsored legislation.

**ATTACHMENT(S):** N/A

**PREPARED:** Mark Polit, October 3, 2012<sub>131</sub>

## AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** State Budget and Potential Impact of November Ballot Initiatives

**SUMMARY:** The LPPC will hear a presentation on the status of the state budget and the possible impact of Propositions on the November ballot, including Propositions 30, 31, and 38. Possible federal budget reductions under sequestration will also be discussed.

**BACKGROUND:** The SCDD has taken positions on state budget items and informed people with developmental disabilities, their families and others on the potential impact of state budget items. The Council as a government entity is not permitted to take positions on ballot initiatives, but may inform the community of their content and potential impact on people with developmental disabilities.

**ANALYSIS/DISCUSSION:** After a decade of budget reductions to a range of services supporting people with developmental disabilities, passage of Proposition 30 would increase state revenues by about \$6B annually in ways that would reduce the structural budget deficit and help avoid deeper cuts to services. If Proposition 30 fails in November, there will be an immediate \$50M “trigger” reduction to the Department of Developmental Services, \$100M annualized, and the potential for even greater cuts from a mid-year “special session” of the legislature to offset parts of the \$5.3B trigger cuts to K-12 public education, community colleges, state university and University of California systems.

Proposition 31 would reform state budgeting and the relationship of local and state government in complicated ways. Included in the mix, Proposition 31 would give the Governor the ability to unilaterally make budget reductions if the Legislature does not respond within 45 days to a “fiscal emergency” (declared by the Governor).

Proposition 38 would raise \$10B annually by raising income tax rates on nearly all taxpayers, with higher income earners receiving the larger percentage increases. ALL the revenues would go to K-12 public education, pre-school, childcare, and payment of state debt service. Special education services could benefit from significantly increased school funding. However, none of these revenues could be used for other purposes, such as non-educational services and supports for people with developmental disabilities or for closing the structural state budget deficit. Also, these revenues would not be part of the state “General Fund,” and therefore, could not be counted towards the Proposition 98 guarantee. Therefore, long-term budget deficits would remain,

sever budget shortfalls would continue, placing non-educational services for people with developmental disabilities at continued risk.

Propositions 30 and 38 are structured so that if both receive more than 50% of the vote, the one with the most votes passes. Therefore, if Proposition 38 receives more votes than Proposition 30, Proposition 30 would fail, triggering all the “trigger cuts” enumerated in the Budget Act of 2012 (including \$5.3B to education and \$50M to developmental services). Furthermore, Proposition 38 revenues do not become available until next budget year, so would not be available to offset these trigger cuts to education for the current budget year.

The federal Budget Control Act of 2011 was enacted to raise the national debt limit and contain the growth of the nation’s debt. To create an incentive for Congress and the President to enact \$1.2 Trillion in deficit reduction, the Act established automatic across the board reductions to most government services of about 8,2% that would be triggered in January 2013, if Congress failed to act on the \$1.2T in deficit reduction.. Since the so-called “Super Committee” (the Joint Select Committee on Deficit Reduction) failed to recommend a bipartisan deficit reduction package, the automatic cuts will take place on January 1, unless Congress acts to avert those cuts. The potential impact of “sequestration” on people with developmental disabilities is detailed in a fact sheet developed by AB 10, attached. For example, the AIDD programs including the UCEDDs, the SCDDs, and the P&A system would receive an 8.2% reduction under sequestration.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** N/A

**ATTACHMENT(S):** California Budget Project analyses of Propositions 30, 31, and 38. SCDD Information sheet on Propositions 30 and 38. Sequestration Fact Sheet from AB 10.

**PREPARED:** Mark Polit, October 2, 2012

## Impact of Sequestration on People with Disabilities

### Summary:

8.2% reduction in the following programs with direct impact on people with disabilities:

Category	Reduction
• Primary and Secondary education	4.1 billion
• Special Education	1.036 billion
• Medical research into disabilities	2.3 billion
• Housing for persons with disabilities	14 million
• Health and Human Services, under which the Administration on Intellectual and Developmental Disabilities and Department of Rehabilitation function, is subject to the 8.2% sequestration. This would impact the UCEDDs, State Councils on Developmental Disabilities, and Protection and Advocacy (Disability Rights California in our state) as well as work program funding under Dept. of Rehabilitation.	

Medicare reduction limited to no more than 2% of operating costs and only through reductions in payments to providers. FEMA is another area of concern with an impact of 1.83 billion to state and local programs.

### Exemptions (not subject to sequestration)

- Social Security
- Medicaid (presumably the waiver programs that partially fund DDS/Regional Centers would not be impacted)
- Supplemental security income
- Children's health insurance program
- Food stamp program

**Sources:**

1. OMB Report on Sequestration

Education and special ed	pg. 61
Health and Human Services	beginning pg.72
Medicaid and Medicare	pp. 76 – 77
FEMA	pg. 94
Housing	pg. 99
Social Security	pg. 196

[http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/stareport.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/stareport.pdf)

2. The “OMB Report Pursuant to the Sequestration Transparency Act of 2012” paints a grim picture for the disabled in America. Unless something is done before sequestration begins in January, 2013, special education funding to the states will be slashed by more than a billion dollars and multiple other programs benefitting the disabled would similarly be slashed by millions of dollars. Sequestration went into effect when law makers failed to reach a budget agreement last year. At that point, the 8.2% slash to nearly all federal programs automatically kicked into gear and will apply to the 2013 budget unless something is done. All told the bill is expected to initiate 1.2 trillion dollars in cuts for the 2013 budget. The long anticipated report on sequestration’s financial effects paints a grim picture not only for America’s disabled but also for the country as a whole. Multiple financial experts have cried out against the potentially disastrous effects that sequestration could have on the American economy, warning that the indiscriminate cuts would likely serve to plunge the country back into recession. The report briefly touches on the enormous spending cuts that education faces if nothing is done to stave off the law’s effect.

*Education grants to States and local school districts supporting smaller classes, afterschool programs, and children with disabilities would suffer.*

Further, medical research delving into developmental disabilities would similarly suffer a major slash as the National Institute of Health would suffer a 2.3 billion dollar cut.

<http://www.ocspecialcounselor.com/tag/effect-of-sequestration-on-disabled/>

3. According to Congressional Budget Office (CBO) estimates, the automatic enforcement process specified in the Budget Control Act of 2011 would produce spending reductions every year ranging from 7.8% (in 2013) to 5.5% (in 2021) on programs such as IDEA. While the CBO estimates 7.8%, others estimate the cuts could be over 9% in 2013.

<http://www.asha.org/uploadedfiles/issue-brief-protect-children-disabilities.pdf>

4.

### **White House Report: Children with Disabilities will Suffer Under Automatic Spending Cuts; Over \$4 Billion Cut from Education Programs**



*Sequestration* -- the 8.2% automatic, across-the-board-cut to most federally funded programs -- is the newest buzz word in policy circles. Last Friday, the White House budget office released a [report](#) detailing the impact *sequestration* would have on federal programs.

To cut to the chase, education programs would be cut by \$4.1 Billion. Estimates have stated that nearly \$1 Billion would be cut from special education programs for infants, toddlers, preschoolers, and school aged students, in addition to special education research and IDEA's support programs (i.e. parent training and information centers, grants to support preparation and professional development).

The [report](#) states that students with disabilities would suffer as a result of sequestration. CEC couldn't agree more.

Earlier this year, CEC reported on a [survey](#) it conducted with its division, the Council for Special Education Administrators which confirmed what so many of us know or suspected: special educators are losing jobs, services for children with disabilities are strained, and access to professional development is dwindling.

<http://www.policysinsider.org/2012/09/white-house-report-children-with-disabilities-will-suffer-under-automatic-spending-cuts-over-4-billi.html>

5. The Nuts And Bolts Of The Sequester

Q: What programs would be spared? A: Social Security, Medicaid, supplemental security income, refundable tax credits, the children's health insurance program, the food stamp program and veterans' benefits. The White House said last week that President Barack Obama would exempt military personnel from the cuts. Q: What about Medicare? A: The government-run health care program for seniors would face a 2 percent cut in Medicare payments to providers and insurance plans. That works out to a reduction of \$11 billion next year (Cassata, 8/8).

<http://www.kaiserhealthnews.org/daily-reports/2012/august08/sequestration-and-health-spending-news.aspx>

## California State Council on Developmental Disabilities

### Proposition 30

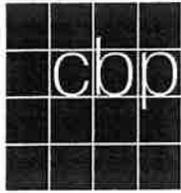
#### Major Impacts for People with Developmental Disabilities

**SUMMARY:** Proposition 30 would increase, for seven years, the state income tax rates for taxpayers earning over \$250,000 per year (\$500,000/year filing jointly). This measure would also increase the state sales tax rate by ¼% for four years. Over the next year and a half, these temporary tax increases would add \$8.5 Billion to the State General Fund, effectively increasing the Proposition 98 (Public Education) guarantee by \$2.9 Billion over that time, ensuring that education funding would increase by at least this amount. The remaining \$5.6 Billion would be available to prevent severe cuts to state programs, including services that support people with developmental disabilities, such as IHSS, regional center services, and Medi-Cal. The use of these funds would be determined through the normal state budget process.

**IMPACT OF TAX INCREASES:** The combination of temporary sales and income taxes will increase state revenues by about \$6 Billion per year. The top 1% of earners (income over \$533,000 and averaging about \$2,000,000 per year) would contribute 78.8% of those revenues. These high income taxpayers would pay on average 1.1% more of their income in taxes. All other income groups would pay between 0.1 to 0.2% of their income in increase sales or income taxes. For example, the middle 20% of earners would pay on average \$55/per year in increased sales tax. (Source: California Budget Project, www.cbp.org)

**TRIGGER CUTS:** The Budget Act of 2012 assumes passage of Proposition 30 to help fund state services for the 2012/2013 budget year. This allowed the Legislature and the Governor to avoid deeper cuts for this budget year. The Budget Act included “trigger cuts” as a contingency if Proposition 30 does not pass this November. These cuts include a \$5.4 Billion cut to K-12 education and community colleges, \$250 Million to the University of California, and \$250 Million to the California State University system. If Proposition 30 fails, developmental services would receive a cut of \$50 Million over the last six months of this fiscal year, or a cut of \$100 Million annualized.

**IMPACT ON PEOPLE WITH DEVELOPMENTAL DISABILITIES:** Failure of Proposition 30 would immediately lead to an annualized cut of \$100 Million to the developmental services system. Additionally, the revenue shortfall of \$8.5 Billion over the next 18 months could lead to service reductions to people with developmental disabilities far beyond the \$100M trigger, and further service reductions over the next years. Failure of Proposition 30 would trigger massive cuts to K-12 education and community colleges, resulting in shorter school years, larger class sizes, greater pressure on special education services, and possibly less opportunity for people with developmental disabilities to attend community colleges. If Proposition 30 passes, the additional revenues would help ease the pressure on public education, including special education, after years of budget reductions. These temporary tax revenues would help alleviate the chronic budget deficit, reducing the need for or avoiding more painful cuts to programs affecting people with developmental disabilities.



## WHAT WOULD PROPOSITION 30 MEAN FOR CALIFORNIA?

**P**roposition 30, which will appear on the November 6, 2012 statewide ballot, would increase personal income tax rates on very-high-income Californians for seven years and raise the state’s sales tax rate by one-quarter cent for four years. The Legislative Analyst’s Office (LAO) estimates that the measure would raise an average of approximately \$6 billion annually between 2012-13 and 2016-17, and smaller amounts in 2011-12, 2017-18, and 2018-19 as the taxes are phased in and out.<sup>1</sup> Revenues generated by the tax increases would provide additional funding for public schools and help avoid deeper state spending reductions. The measure would also put key provisions of the recent “realignment” of public safety, health, and human services programs in the state Constitution, ensuring that counties receive ongoing funding to support realigned programs.<sup>2</sup> Proposition 30 was placed on the ballot by Governor Jerry Brown via the initiative process, and supporters include the California Federation of Teachers and California Teachers Association. The California Budget Project has endorsed Proposition 30. This *Budget Brief* provides an overview of the measure and the policy issues it raises.

### What Would Proposition 30 Do?

Proposition 30, the “Schools and Local Public Safety Protection Act of 2012,” would add three new personal income tax rates for very-high-income Californians and would raise the state sales tax rate by one-quarter cent, on a temporary basis.<sup>3</sup> Currently, the state’s top marginal personal income tax rate – the rate at which the highest increment of income is taxed – is 9.3 percent and applies to taxable income above \$48,208 for single tax filers and above \$96,057 for taxpayers filing jointly.<sup>4</sup> Specifically, Proposition 30 would create:

- A 10.3 percent tax bracket for single filers’ taxable income between \$250,001 and \$300,000 and joint filers’ taxable income between \$500,001 and \$600,000;
- An 11.3 percent tax bracket for single filers’ taxable income between \$300,001 and \$500,000 and joint filers’ taxable income between \$600,001 and \$1 million; and

- A 12.3 percent tax bracket for single filers’ taxable income above \$500,000 and joint filers’ taxable income above \$1 million (Table 1).<sup>5</sup>

These new tax rates would be in effect for seven years, from tax year 2012 through tax year 2018.<sup>6</sup>

Proposition 30 would increase the state sales tax rate by one-quarter cent for four years, from January 1, 2013 through December 31, 2016. California’s statewide base sales tax rate is 7.25 percent, and the tax increase would raise it to 7.50 percent.<sup>7</sup> Local governments currently may impose – with voter approval – additional rates to support local programs and services. Combined state and local sales tax rates are as high as 9.75 percent in some cities, but the average state and local sales tax rate is just above 8 percent.<sup>8</sup>

Proposition 30 is an initiative constitutional amendment, meaning that it would alter the state’s Constitution. The measure would secure the recent “realignment” of program and funding

Table 1: Proposition 30 Tax Rates

Taxable Income*		Additional Marginal Tax Rate Proposed by Proposition 30	Total Marginal Tax Rate Including Additional Rate Proposed by Proposition 30
Single Tax Filers	Joint Tax Filers		
\$250,001 to \$300,000	\$500,001 to \$600,000	1.0%	10.3%
\$300,001 to \$500,000	\$600,001 to \$1 Million	2.0%	11.3%
More Than \$500,000	More Than \$1 Million	3.0%	12.3%

\* Reflects income brackets in 2011. These brackets would be adjusted annually for inflation.

Note: Total marginal tax rates exclude the 1 percent rate on incomes above \$1 million that was approved by voters through Proposition 63 of 2004.

Source: Legislative Analyst's Office

responsibility for public safety, health, social services, and related programs by placing the state-to-county revenue shift and key legal protections in the Constitution. Proposition 30's tax increases could not be extended, nor any of its other provisions changed, without voter approval.

## How Would Proposition 30 Revenues Be Used?

Revenues raised by Proposition 30's tax increases would be deposited into a newly created "Education Protection Account" (EPA) within the state's General Fund. The Department of Finance estimates that the new revenues would total approximately \$8.5 billion in 2011-12 and 2012-13 combined. With the overall boost in General Fund revenues, the minimum funding level for schools and community colleges constitutionally required by Proposition 98 would increase by approximately \$2.9 billion.<sup>9</sup> Proposition 30 revenues would be used to fulfill the Proposition 98 requirement, thus freeing up an estimated \$5.6 billion General Fund to help close the budget gap.<sup>10</sup>

Proposition 30 specifies how EPA funds would be allocated. The greater share of EPA funds, 89 percent, would go directly to K-12 school districts, county offices of education, and charter schools, and the remaining 11 percent directly to community college districts. No school district would receive less than \$200 in EPA funds per student, and no community college district would receive less than \$100 in EPA funds per student.<sup>11</sup> School districts, county offices of education, charter schools, and community college districts would decide how the funds could be used, but they would be required to hold public meetings when making spending decisions.<sup>12</sup> In addition, they would be required to publish annual reports online explaining how the money was spent.

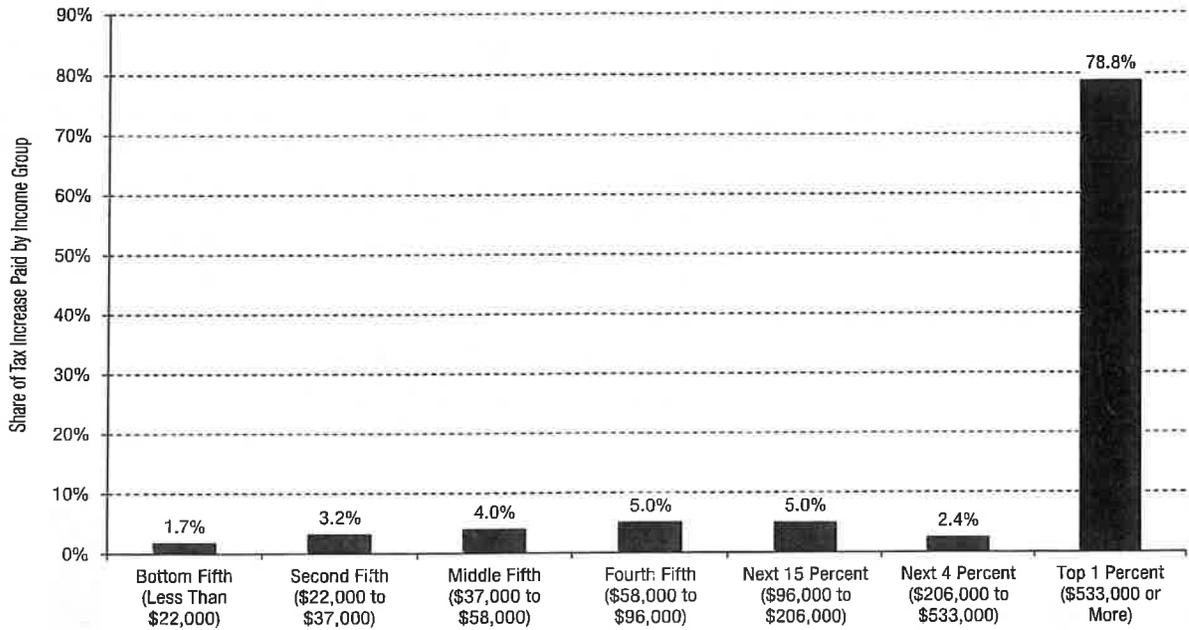
## Who Would Proposition 30's Tax Increases Affect?

The wealthiest 1 percent of Californians – those with annual incomes of \$533,000 or more – would contribute more than

three-quarters (78.8 percent) of the revenues raised by Proposition 30's tax increases, while the top 5 percent of Californians – those with annual incomes of at least \$206,000 – would contribute 81.2 percent of the revenues raised (Figure 1). The disproportionate contribution by the wealthiest taxpayers reflects the fact that the personal income tax increase would affect only those in the top 5 percent of the income distribution. The quarter-cent sales tax rate increase would affect all consumers, but it would generate a much smaller share of the total revenues raised by the measure.

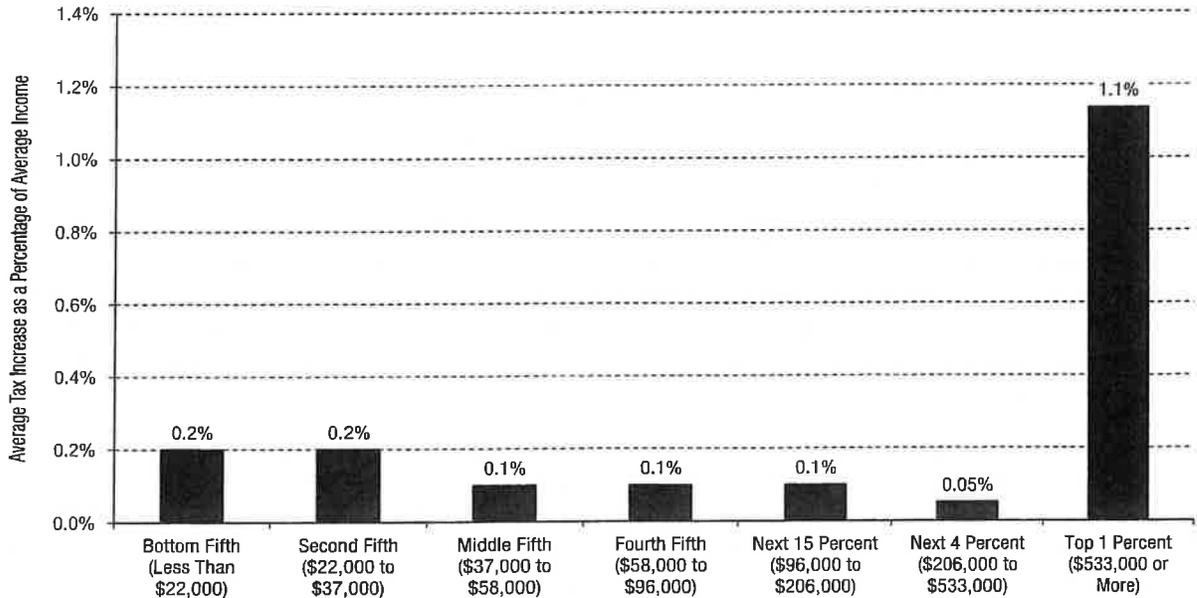
Overall, the tax increases imposed by Proposition 30 would be progressive. That is, the highest-income Californians would pay a larger share of their incomes in taxes. The average Californian in the top 1 percent of the income distribution would see a tax increase equal to 1.1 percent of his or her income, while Californians in each of the bottom four fifths of the income distribution, who would be affected only by the additional quarter-cent sales tax rate, would see an increase of between 0.1 percent and 0.2 percent of their incomes, on average (Figure 2).<sup>13</sup> The lowest-income taxpayers – those in the bottom two fifths – would pay a slightly larger share of their incomes (0.2 percent) than those in the middle or second highest fifth of the income distribution (0.1 percent). This reflects the fact that lower-income households spend a larger share of their incomes on taxable goods than do higher-income households and, as a result, would be disproportionately affected by the increased sales tax. Nevertheless, the average household in the bottom fifth of the income distribution would see a total tax increase of just \$24, and the average household in the middle fifth would see an increase of just \$55 (Figure 3). In contrast, the average household in the top 1 percent would pay an additional \$21,883 in taxes.<sup>14</sup> Consequently, Proposition 30 would take a modest step toward reducing the significant income gap between low- and middle-income Californians and the wealthy (see box, "Most Income Gains During the Past Generation Went to the Wealthiest Californians").

**Figure 1: The Wealthiest 1 Percent Would Pay More Than Three-Quarters of Proposition 30's Tax Increases**



Note: Income is for 2011. Percentages do not sum to 100 due to rounding.  
Source: Institute on Taxation and Economic Policy

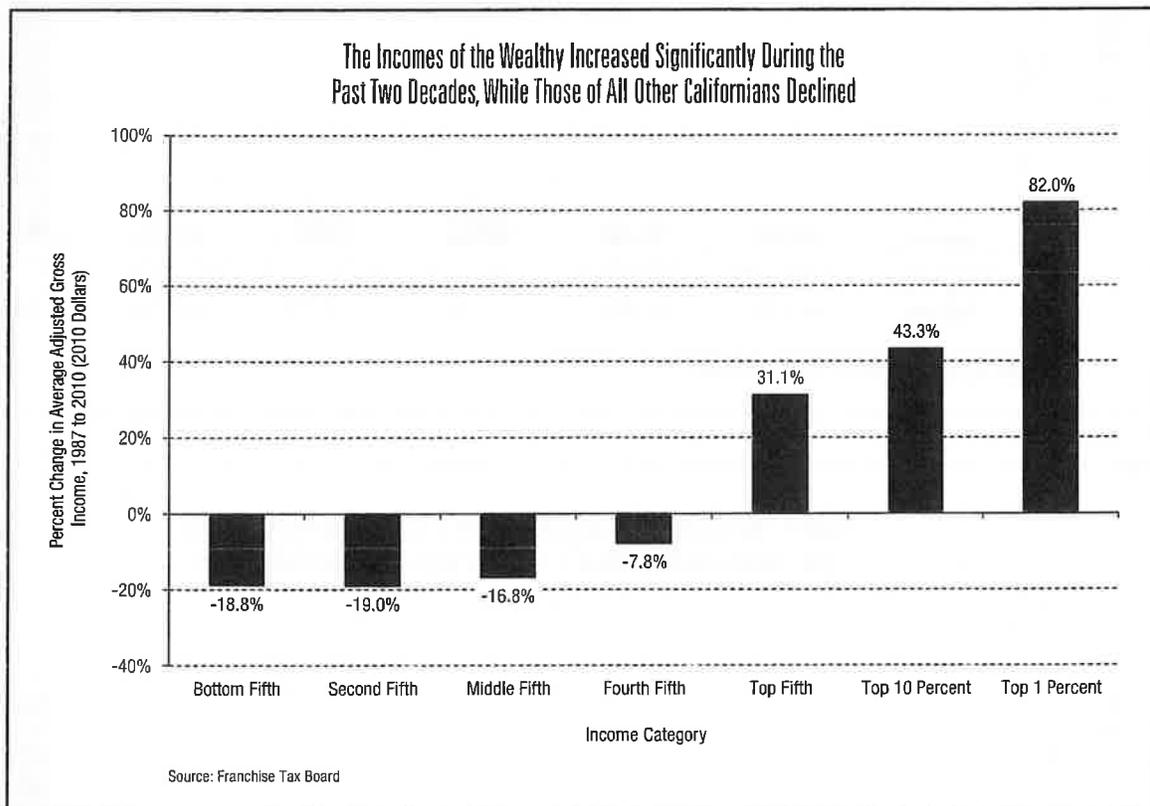
**Figure 2: The Wealthiest 1 Percent Would Pay a Significantly Larger Share of Their Incomes in Proposition 30's Tax Increases Than Other Californians**



Note: Includes offset for federal deductibility of state taxes. Income is for 2011.  
Source: Institute on Taxation and Economic Policy

## Most Income Gains During the Past Generation Went to the Wealthiest Californians

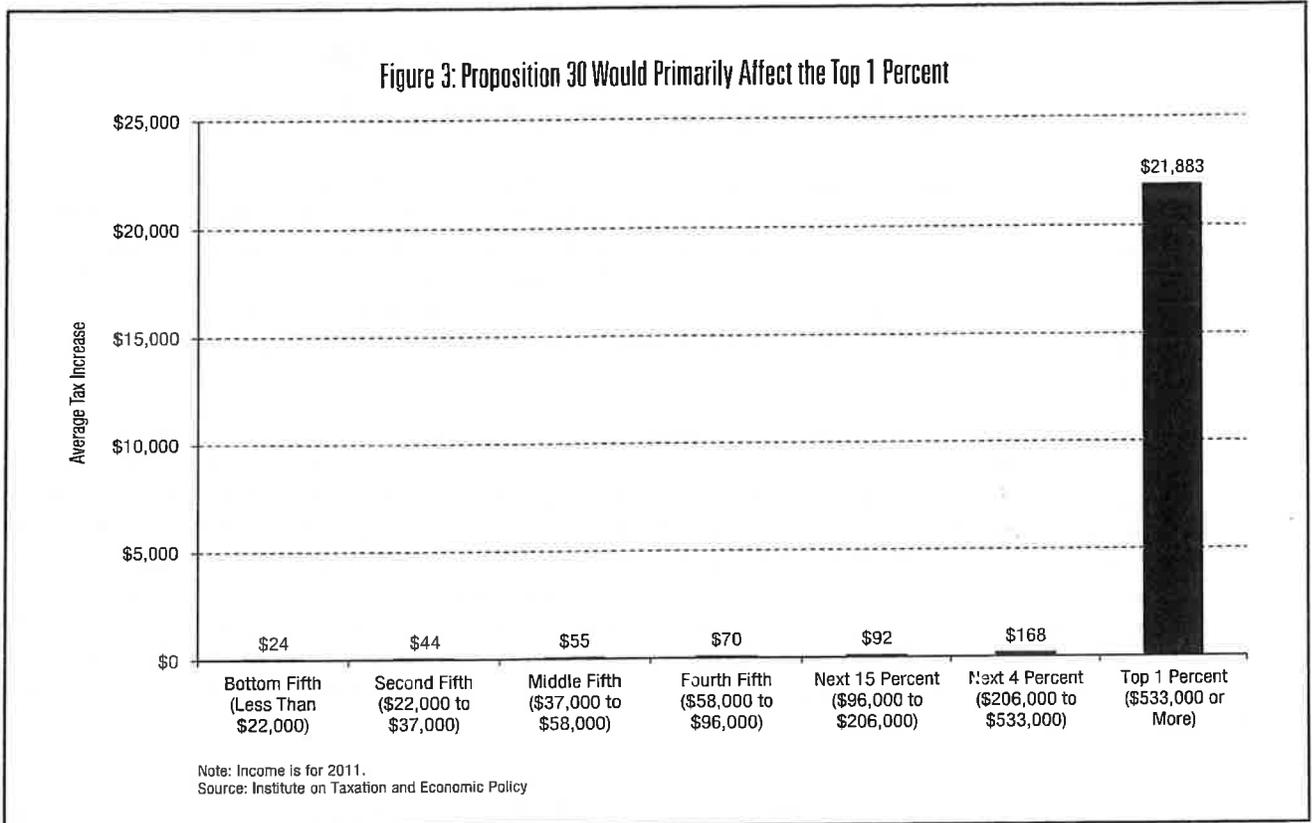
The wealthiest Californians made significant income gains during the past generation, while low- and middle-income families lost ground.<sup>15</sup> Between 1987 and 2010, the average inflation-adjusted income of the top 1 percent of California taxpayers increased by 82.0 percent, rising from approximately \$785,000 to more than \$1.4 million.<sup>16</sup> In other words, the top 1 percent earned approximately \$644,000 more, on average, in 2010, than similar taxpayers earned a generation ago, after adjusting for inflation. In contrast, the average income of Californians in each of the bottom four fifths of the distribution lost purchasing power during the past generation. For example, the average inflation-adjusted income of taxpayers in the middle fifth dropped by 16.8 percent between 1987 and 2010, falling from approximately \$42,000 to \$35,000. This decline means that middle-income Californians earned approximately \$7,000 less, on average, in 2010 than similar Californians earned a generation ago, after adjusting for inflation. In fact, middle-income Californians had lower average earnings in 2010 than at any point since at least 1987.<sup>17</sup>



As the incomes of the wealthiest Californians skyrocketed in recent decades, the gap between the incomes of wealthy and middle-income Californians widened substantially. In 2010, Californians in the top 1 percent earned, on average, 41 times what Californians in the middle fifth earned. That gap is about twice as large as it was a generation ago and means that in 2010, the average Californian in the top 1 percent could earn in approximately six workdays what the average middle-income Californian could earn in one year.

The incomes of the wealthy stand in stark contrast to those of the millions of Californians living in poverty. More than 6 million Californians had incomes below the poverty line in 2010, the most recent year for which data are available. For a family of four with two children, that means living on roughly \$22,000 or less per year. In contrast, California's 41,000 millionaire taxpayers – just 0.3 percent of the state's taxpayers – had a combined income of nearly \$144 billion in 2010. To put that sum in context, the state's millionaires had seven times the income needed to lift every single Californian out of poverty.<sup>18</sup>

Figure 3: Proposition 30 Would Primarily Affect the Top 1 Percent



## Proposition 30 Revenues Would Help Stabilize the State Budget

California has faced a structural deficit – a gap between the revenues raised by the state’s tax system and the cost of providing the current level of services – for more than a decade.<sup>19</sup> Lawmakers bridged recent years’ budget gaps through “solutions” that were temporary or did not materialize, and through deep spending cuts to virtually all areas of the budget. For example, the state reduced Proposition 98 spending for K-12 education by \$7.4 billion between 2007-08 and 2011-12 – a drop of \$1,271 per student.<sup>20</sup> In response, many school districts reduced their days of instruction, eliminated programs, and downsized the number of teachers they employ. Lawmakers also made deep cuts to higher education and, as a result, the tuition and fees charged by the University of California and California State University increased dramatically in recent years, shifting much of the cost of a college education to students and their families (see box, “Revenues Supporting Education and Other Core Public Systems Have Eroded Since the Beginning of the Great Recession”).

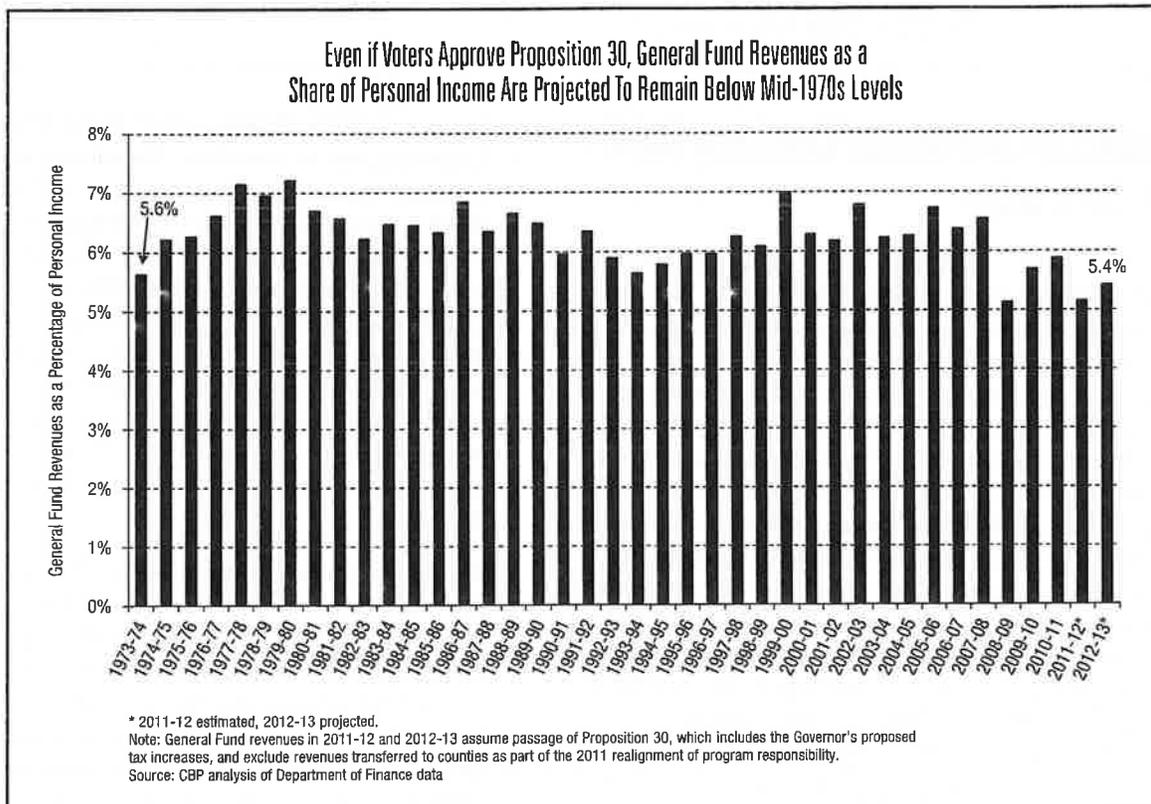
Revenues raised by Proposition 30 are part of California’s 2012-13 spending plan to close a \$15.7 billion budget gap and address the state’s structural deficit. Providing additional revenues would shield core public systems such as education and public safety from further cuts. Economists affirm that a balanced approach to closing the budget gap – one that combines carefully targeted spending reductions with additional revenues – is a prudent strategy when economic growth is slow (see box, “Spending Cuts or Tax Increases: Which Are Preferable When the Economy Is Weak?”). Proposition 30 revenues would help California pay down debt from previous years’ budget shortfalls, helping stabilize the state’s economic footing and lowering debt obligations for future years.

The 2012-13 budget assumes passage of Proposition 30 and counts on approximately \$5.6 billion in revenues from the measure’s tax increases to help fill the budget gap.<sup>21</sup> Proposition 30 revenues would comprise only about one-third of the dollars helping to fill the budget gap. The new revenues are accompanied by approximately \$8.1 billion in spending reductions and \$2.5 billion in other “solutions.” The spending reductions to help balance the budget include deep cuts to health and human services programs as well as to student aid and child care.

## Revenues Supporting Education and Other Core Public Systems Have Eroded Since the Beginning of the Great Recession

California's budget challenges largely resulted from a steep drop in revenues brought about by the Great Recession, as more than a million people lost their jobs, saw their incomes decline, and cut back their spending. Recent shortfalls also reflect years of tax cuts, including large, permanent corporate tax breaks enacted during the depths of the downturn.<sup>22</sup> Last fall, the LAO projected that 2012-13 "baseline" revenues – the amount anticipated in the absence of a tax increase – would be nearly \$47 billion below the 2012-13 level that had been forecast in 2007, just before the national recession began.<sup>23</sup> That amount is approximately equal to current spending for health and human services, corrections, higher education, natural resources, and environmental protection combined.

Due to repeated spending cuts and the prolonged economic downturn, state General Fund revenues – the dollars that support California's public schools, colleges and universities, and health and human services programs – are lower today as a share of the economy than in all but two of the past 40 years. Even if voters approve Proposition 30, General Fund revenues will still be lower as a share of the economy in 2012-13 than they were in the mid-1970s.<sup>24</sup> This is particularly significant in light of the fact that California's population continues to grow and age, placing greater demands on core public systems and supports that provide the foundation for our quality of life and a strong economy. During the past decade alone, California gained an average of around 300,000 new residents each year – equivalent to adding a new city the size of Riverside annually.<sup>25</sup> Californians age 65 or older make up the fastest-growing segment of the population, heightening the need for health care and related services.<sup>26</sup> Additional General Fund revenues would create a foundation on which to rebuild going forward and help all Californians share in the state's future prosperity.



## Spending Cuts or Tax Increases: Which Are Preferable When the Economy Is Weak?

Many experts argue that a balanced approach to closing the budget gap – one that combines carefully targeted spending reductions with additional revenues – is preferable to a “cuts-only” approach.<sup>27</sup> Nationally renowned economists, including Nobel Prize-winning economist Joseph Stiglitz and Peter Orszag, the former director of the Congressional Budget Office, argue that cutting spending during an economic downturn could do more harm to states’ economies than raising taxes on high-income earners.<sup>28</sup> At the beginning of the Great Recession, for example, Stiglitz wrote that during a downturn, “economic theory and evidence give a clear and unambiguous answer: It is economically preferable to raise taxes on those with high incomes than to cut state expenditures.”<sup>29</sup> Although the national recession technically ended in 2009, California’s job market remains unusually weak three years into the recovery, as evidenced by a recession-like double-digit jobless rate.<sup>30</sup> Given this fact, the case against a cuts-only approach to closing the state’s budget shortfall is just as strong today as it was during the depths of the downturn.

According to leading economists, when the economy is weak, increasing taxes on high-income earners is preferable to cutting state spending because:

- **Spending cuts fall hardest on low- and middle-income families and pull dollars out of local communities, which costs jobs and weakens the recovery.**<sup>31</sup> Budget cuts directly translate into fewer jobs and lower wages for low- and middle-income Californians whose employment is supported by state dollars, such as public school teachers, child care workers, and in-home care workers.<sup>32</sup> Since these individuals and their families tend to spend most of their incomes – and spend them locally – budget cuts have a ripple effect throughout the economy. Families whose incomes decline due to state budget cuts tend to spend less on basic necessities, such as groceries. In essence, each dollar less that the state spends generally reduces consumption by the same amount, according to Stiglitz and Orszag.<sup>33</sup> In response to weak sales, local businesses, in turn, may lay off workers or reduce employees’ pay, resulting in even more families cutting back their spending.
- **Tax increases targeted to high-income earners have far less of an impact on local communities.** High-income earners typically spend only a fraction of their incomes and save the rest.<sup>34</sup> Consequently, increasing taxes on high-income earners is unlikely to reduce their spending on a dollar-for-dollar basis, at least in the short-run. In addition, raising high-income individuals’ taxes is unlikely to impact small businesses, since only a fraction of small-business owners have very high incomes. Just 3.3 percent of US taxpayers with small-business employer income had incomes above \$1 million in 2007, while more than three-quarters (75.8 percent) had incomes below \$200,000.<sup>35</sup>

The bottom line: State budget cuts result in fewer dollars circulating in local economies and, as a result, are likely to further restrain recovery from a recession. Tax increases on high-income earners are far less likely to have the same result.

## The Personal Income Tax Is an Essential Source of Revenues for California

Revenues from California’s personal income tax posted the strongest growth among all sources of state revenues during the past four decades, making the personal income tax an essential source of support for the public systems that contribute to the state’s prosperity. Between 1970-71 and 2010-11, personal income tax revenues increased by an average of 9.6 percent per year – a substantially higher growth rate than that of the other two major state taxes, the corporate income tax (7.6 percent per year) and the sales and use tax (5.9 percent per year).<sup>36</sup> The high rate of growth in personal income tax revenues largely reflects

the significant gains posted by the highest-income earners in recent decades, as well as the fact that California’s personal income tax treats wage earners and investors equally, imposing the same tax rate on income regardless of how it is gained. If policymakers had responded to calls in recent years to reduce the state’s reliance on the personal income tax, the growth of state revenues would have been suppressed, making it even harder for California to support a growing and aging population. A sensible state tax policy ensures that revenues keep pace with economic growth and with the cost of providing public services, while also taking into account taxpayers’ ability to pay.<sup>37</sup> By this measure, California’s personal income tax is a key strength of the state’s tax system.

# What Happens if Voters Don't Approve Proposition 30?

## Immediate Midyear Cuts Would Target Education

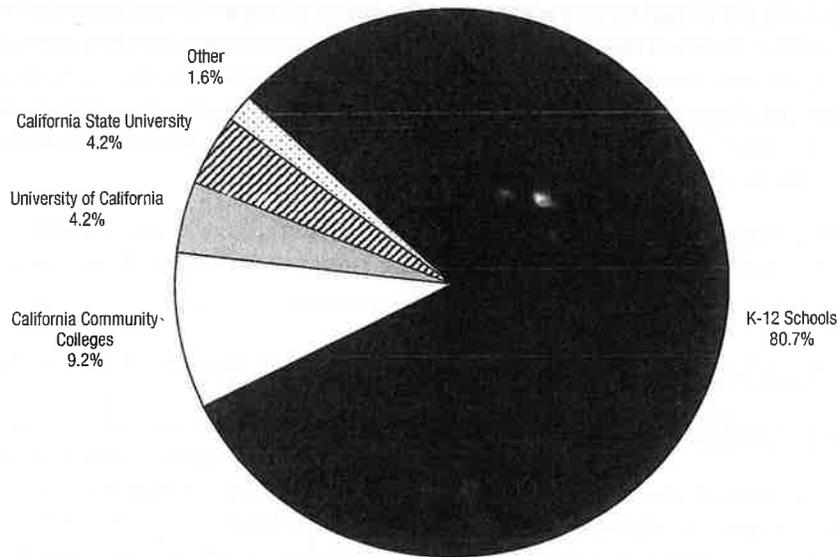
The state's 2012-13 budget relies on revenues from the passage of Proposition 30. If voters reject this measure, approximately \$6 billion in midyear "trigger" cuts would automatically take effect on January 1, 2013. About 80 percent of these reductions – \$4.8 billion – would target public schools, while most of the remaining cuts would target community colleges and universities.<sup>38</sup> Specifically, the following cuts are slated to occur (Figure 4):

- \$4.8 billion from public schools, with schools authorized to reduce the academic year from the current minimum of 175 days of instruction to 160 days of instruction in each of 2012-13 and 2013-14;
- \$550.0 million from the California Community Colleges (CCC), with the CCC chancellor authorized to reduce college enrollment proportionately;
- \$250.0 million from the California State University;

- \$250.0 million from the University of California;
- \$50.0 million from the Department of Developmental Services;
- \$20.0 million in reduced funding for a new grant program for city police departments;
- \$10.0 million from the Department of Forestry and Fire Protection;
- \$6.6 million from flood control programs;
- \$5.0 million in reduced grants to local law enforcement for water safety patrols;
- \$3.5 million in reduced funding for Department of Fish and Game wardens and non-warden programs;
- \$1.5 million in reduced funding for state park rangers and lifeguards at state beaches; and
- \$1.0 million from the Department of Justice's law enforcement programs.

In addition to the \$6 billion in cuts triggered this year, General Fund revenues in future years would be billions of dollars lower than if Proposition 30 were approved, meaning deeper cuts would likely be needed in those years to bring the budget into balance.

Figure 4: K-12 Schools Would Bear the Brunt of the Trigger Cuts if Proposition 30 Fails



Total 2012-13 Trigger Cuts = \$6 Billion

Note: Percentages do not sum to 100 due to rounding.  
Source: Department of Finance

## The State Would Face Increased Proposition 98 Payments

Proposition 30 is the only measure on the November ballot that would authorize a key provision of the 2011-12 budget agreement. This provision allowed the Legislature to exclude revenues set aside for realignment from calculations used to determine the Proposition 98 minimum funding guarantee in 2011-12 and future years, provided that voters approved the exclusion in a subsequent election.<sup>39</sup> If voters do not approve Proposition 30, the state's 2011-12 minimum funding obligation to schools and community colleges would increase retroactively due to the recalculation of the minimum guarantee, while overall state General Fund revenues for that year would not increase. As a result, the Legislature would likely have to reduce spending on key priorities outside the Proposition 98 guarantee – in addition to making trigger cuts – to bring the budget into balance.<sup>40</sup>

## What Would Happen to the Budget When the Tax Increases Expire?

Proposition 30's tax increases would be temporary and could not be extended without voter approval. The sales tax increase would expire at the end of 2016, and the much larger personal income tax increase would expire at the end of the 2018 tax year. Consequently, General Fund revenues would decline modestly in 2016-17 and more steeply in 2018-19 relative to where they would have been if the tax increases continued. If state General Fund revenues grow more slowly than the economy in a given year, the minimum spending level required by the state's constitutional Proposition 98 guarantee could also fall, but the state would be required to make additional payments to schools and community colleges in future years.<sup>41</sup> Proposition 98 allows for a short-term dip in education spending when General Fund revenues do not keep pace with growth in the economy, but requires the state to make payments in subsequent years to increase the minimum funding level for schools and community colleges to where it would have been absent the decline.<sup>42</sup> To the extent the state is required to make these payments to restore education funding, less money would be available for other state programs and services.

Because the 2012-13 budget assigns a dedicated source of funding to support programs realigned to the counties – a portion of existing sales tax and Vehicle License Fee revenues – the phase-out of Proposition 30's tax increases would not affect realignment funding.<sup>43</sup>

## What Would Happen if Voters Approve Proposition 30 and Proposition 38?

Another measure on the November 2012 ballot, Proposition 38, includes temporary tax increases and thus could be viewed as conflicting with the provisions of Proposition 30. The state Constitution specifies that if provisions of two measures on the ballot conflict and both are approved by voters, then the measure that receives more “yes” votes prevails. If voters approve both measures and Proposition 30 receives more “yes” votes, only Proposition 30's provisions would take effect. On the other hand, if voters approve both measures and Proposition 38 receives more “yes” votes, then Proposition 38's personal income tax provisions would take effect rather than Proposition 30's. In the latter instance there could be legal challenges regarding the other provisions of Proposition 30, and the courts would decide whether these provisions would take effect. For more information about Proposition 38, see the California Budget Project's publication, *What Would Proposition 38 Mean for California?*<sup>44</sup>

## What Do Proponents Argue?

Proponents of Proposition 30, including Governor Brown, the California Federation of Teachers, and the California Teachers Association, argue that the measure “will protect school and safety funding” and “is a critical step in stopping the budget shortfalls that plague California.”<sup>45</sup> They state that “Prop. 30's taxes are temporary, balanced, and necessary to protect schools and safety.”<sup>46</sup>

## What Do Opponents Argue?

Opponents of Proposition 30, including the Howard Jarvis Taxpayers Association, Sacramento Taxpayers Association, Small Business Action Committee, and National Federation of Independent Business/California, argue that the measure allows Sacramento policymakers to “raise taxes instead of streamlining thousands of state funded programs, massive bureaucracy and waste.”<sup>47</sup> They contend that the measure would hurt small businesses and cost the state jobs.

## Conclusion

Proposition 30 would increase the personal income tax rates of very-high-income Californians for seven years and boost the state's sales tax rate by one-quarter cent for four years. The

measure would generate an average of approximately \$6 billion annually between 2012-13 and 2016-17, and smaller amounts in 2011-12, 2017-18, and 2018-19.<sup>49</sup> Proposition 30 revenues would augment funding for public schools and help avoid deeper state spending reductions. The measure would also provide constitutional protections for the realignment of certain programs from the state to the counties and would ensure that counties have ongoing, dedicated funding to support realigned programs.

Proposition 30 presents voters with the opportunity to begin reversing a decade of disinvestment in California. The measure

would help the state stabilize its budget, pay down debt, and begin to reinvest in education and other critical public services. About one-third of the "solutions" needed to close the budget gap in 2012-13 would be provided by the measure, preventing deeper cuts to K-12 schools and higher education. Proposition 30 raises the vast majority of its revenues from the wealthiest Californians, who have experienced substantial gains over the past two decades. In contrast, low- and middle-income Californians – who bore the brunt of the Great Recession's effects on the economy – would see very small tax increases.

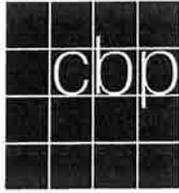
Hope Richardson prepared this Budget Brief with assistance from Samar Lichtenstein, Alissa Anderson, and Jonathan Kaplan. The California Budget Project (CBP) has endorsed Proposition 30. The CBP was founded in 1994 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The CBP engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the CBP is provided by foundation grants, subscriptions, and individual contributions. Please visit the CBP's website at [www.cbp.org](http://www.cbp.org).

## ENDNOTES

- <sup>1</sup> Legislative Analyst's Office, "Proposition 30. Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 12, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012. The measure's personal income tax provisions would take effect in tax year 2012, and a portion of the revenues would be attributed to fiscal year 2011-12.
- <sup>2</sup> In 2011-12, policymakers transferred – or "realigned" – responsibility for certain programs from the state to the counties and dedicated a portion of existing sales tax and Vehicle License Fee (VLF) revenues to fund the shift. Proposition 30 would add the revenue shift to the state Constitution, thereby guaranteeing that counties have ongoing, dedicated funding to support the realigned programs. In addition, the measure would provide counties and the state with protections against certain unanticipated costs and would ensure that the revenues shifted to counties would not be used in calculating the Proposition 98 school funding guarantee. For more information about realignment, see California Budget Project, *Finishing the Job: Moving Realignment Toward Completion in 2012* (June 2012).
- <sup>3</sup> The sales and use tax is actually two separate taxes: a tax on the sale of tangible goods in California – the "sales tax" – and a tax on goods purchased outside of the state for use in California – the "use tax." Because sales and use taxes are complementary, they are typically referred to as the sales tax. This *Budget Brief* will use the term "sales tax" to refer to both taxes.
- <sup>4</sup> "Single tax filers" include married individuals and registered domestic partners (RDPs) who file taxes separately. "Taxpayers filing jointly" include married and RDP couples who file jointly, and qualified widows or widowers with a dependent child. An additional 1 percent rate applies to taxable income earned above \$1 million. The revenues from that 1 percent rate are dedicated to mental health services and would not be affected by Proposition 30.
- <sup>5</sup> For head-of-household filers, the 10.3 percent rate would apply to income between \$340,001 and \$408,000; the 11.3 percent rate would apply to income between \$408,001 and \$680,000; and the 12.3 percent rate would apply to income above \$680,000. In addition, all taxable income above \$1 million would remain subject to the 1 percent mental health services tax, so the top marginal tax rate for income above \$1 million would be 13.3 percent.
- <sup>6</sup> According to the Legislative Analyst's Office, "Because the rate increase would apply as of January 1, 2012, affected taxpayers likely would have to make larger payments in the coming months to account for the full-year effect of the rate increase." Legislative Analyst's Office, "Proposition 30. Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 14, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.
- <sup>7</sup> California State Board of Equalization, "Detailed Description of the Sales and Use Tax Rate." California State Board of Equalization website, accessed July 31, 2012 at <http://www.boe.ca.gov/news/sp111500att.htm>.
- <sup>8</sup> California State Board of Equalization, "California City and County Sales and Use Tax Rates, Publication No. 71," downloaded from <http://www.boe.ca.gov/> on August 2, 2012. Legislative Analyst's Office, "Proposition 30. Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 13, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.
- <sup>9</sup> The state is constitutionally required to provide a minimum level of funding for K-12 education and community colleges guaranteed by Proposition 98, an initiative passed by voters in 1988. Proposition 30 would increase General Fund revenues, and an increase in General Fund revenues tends to boost the Proposition 98 minimum guarantee. For an overview of Proposition 98, see California Budget Project, *School Finance in California and the Proposition 98 Guarantee* (April 2006).
- <sup>10</sup> Department of Finance, *California State Budget, 2012-13* (June 28, 2012), p. 4. The Legislative Analyst's Office (LAO) estimates that the measure would raise a combined total of \$7.7 billion in General Fund revenues in 2011-12 and 2012-13. The LAO does not provide an estimate of the amount by which the Proposition 98 minimum guarantee would increase. Legislative Analyst's Office, *Hearing Concerning Propositions 30, 31, 38, and 39: Presented to Senate Governance and Finance Committee, Hon. Lois Walk, Chair* (August 8, 2012), p. 15.
- <sup>11</sup> Community college district minimums are per full-time equivalent student. K-12 district minimums are based on average daily attendance.

- <sup>12</sup> These funds could be used for any educational purpose and could not pay for administrative costs.
- <sup>13</sup> Institute for Taxation and Economic Policy.
- <sup>14</sup> Institute for Taxation and Economic Policy. Average tax increase estimates are based on incomes reported in 2011.
- <sup>15</sup> For a more in-depth description of income trends during the past generation, see California Budget Project, *A Generation of Widening Inequality* (November 2011).
- <sup>16</sup> Franchise Tax Board. "Income" refers to adjusted gross income, which is income reported for California tax purposes.
- <sup>17</sup> 1987 is the earliest year for which these data are available.
- <sup>18</sup> Franchise Tax Board and US Census Bureau. According to the US Census Bureau's American Community Survey, in 2010 it would have taken \$20.5 billion to bring the incomes of all Californians living in poverty up to the federal poverty line.
- <sup>19</sup> Legislative Analyst's Office, *The 2012-13 Budget: Overview of the May Revision* (May 18, 2012).
- <sup>20</sup> California Budget Project analysis of Legislative Analyst's Office data. The Proposition 98 spending totals used in this calculation exclude child care and the state preschool program.
- <sup>21</sup> This figure excludes the amount that would go toward fulfilling the Proposition 98 minimum guarantee.
- <sup>22</sup> Tax cuts approved since 1993 will cost the state more than \$13 billion in 2012-13, according to state data. The corporate tax breaks enacted in 2008 and 2009 alone will permanently cost the state an estimated \$1.5 billion or more per year.
- <sup>23</sup> Legislative Analyst's Office, *The 2012-13 Budget: California's Fiscal Outlook* (November 2011) and Legislative Analyst's Office, *California's Fiscal Outlook: LAO Projections 2007-08 Through 2012-13* (November 2007).
- <sup>24</sup> Department of Finance. In 2011-12 and 2012-13, the Department of Finance's estimate of General Fund revenues assumes passage of Proposition 30 and excludes revenues transferred to counties as part of the 2011 realignment of program responsibility. In 2012-13, General Fund revenues are projected to equal 5.4 percent of California's personal income, compared to 5.6 percent in 1973-74. The state's General Fund revenues as a share of the economy in 2012-13 would remain close to the 1973-74 level even if the portion of revenues shifted to counties for realignment had remained in the General Fund.
- <sup>25</sup> Department of Finance.
- <sup>26</sup> Department of Finance. The number of Californians age 65 or older is projected to increase by approximately 75 percent between 2000 and 2020, while the total population is projected to increase by approximately 29 percent.
- <sup>27</sup> See California Budget Project, *Budget Cuts or Tax Increases: Which Are Preferable During an Economic Downturn?* (updated November 2008).
- <sup>28</sup> Peter Orszag and Joseph Stiglitz, *Budget Cuts vs. Tax Increases at the State Level: Is One More Counter-Productive Than the Other During a Recession?* (Center on Budget and Policy Priorities: Revised November 6, 2011). In fact, in late 2008, more than 100 economists signed a letter to New York Governor David A. Paterson arguing that it is economically preferable to raise taxes on high-income earners rather than cut state expenditures during recessions. See Fiscal Policy Institute, *Economists to Governor: Raise High-End Income Taxes To Help Close Budget Gaps* (December 13, 2008).
- <sup>29</sup> Joseph E. Stiglitz, letter to New York Governor David A. Paterson, New York Senate Majority Leader Joseph L. Bruno, and New York State Assembly Speaker Sheldon Silver (March 27, 2008).
- <sup>30</sup> Employment Development Department data show that California's unemployment rate has been above 10 percent for 42 consecutive months. Prior to the Great Recession, the state's jobless rate had not been in the double digits since 1983.
- <sup>31</sup> More than seven out of every 10 dollars the state spends goes toward "local assistance," which includes support for K-12 schools and community colleges, financial aid for low-income college students, and cash assistance and services for low-income seniors and people with disabilities.
- <sup>32</sup> In fact, "local government" job losses, which include jobs lost at K-12 public schools and community colleges, have offset more than one out of every 10 private sector jobs gained since California's job market began to recover in early 2010. In other words, for every 10 private sector jobs the state has gained, California has lost one local government job. Budget cuts also result in lower cash payments for families and individuals who participate in income support programs, as well as less business for private employers as state agencies and local governments reduce or cancel contracts with vendors.
- <sup>33</sup> Peter Orszag and Joseph Stiglitz, *Budget Cuts vs. Tax Increases at the State Level: Is One More Counter-Productive Than the Other During a Recession?* (Center on Budget and Policy Priorities: Revised November 6, 2011).
- <sup>34</sup> Fiscal Policy Institute, *Economists to Governor: Raise High-End Income Taxes To Help Close Budget Gaps* (December 13, 2008).
- <sup>35</sup> See Sarah Ayres, *Small-Business Owners Are Not Millionaires and Millionaires Are Not Small-Business Owners* (Center for American Progress: October 20, 2011). Moreover, even if tax increases affect the small share of small-business owners with high incomes, those taxpayers are unlikely to respond to the increased taxes by reducing their hiring or investing less. See Chye-Ching Huang, *Recent Studies Find Raising Taxes on High-Income Households Would Not Harm the Economy: Policy Should Be Included in Balanced Deficit-Reduction Effort* (Center on Budget and Policy Priorities: April 24, 2012), p. 2.
- <sup>36</sup> Sales and use tax is per 1 percent rate.
- <sup>37</sup> Ronald Snell, *New Realities in State Finance* (National Conference of State Legislatures: 2004).
- <sup>38</sup> Approximately \$3 billion of the reductions to education are cuts to schools' general purpose funding, and \$2.3 billion of the reductions would be achieved by eliminating repayment of prior-year deferrals to schools and community colleges.
- <sup>39</sup> The 2011-12 budget agreement transferred a portion of existing sales tax revenues – historically counted as state General Fund revenues – to counties to pay for the realignment of certain program responsibilities from the state to counties. The budget agreement excluded these sales tax dollars from calculations used to determine the Proposition 98 minimum funding guarantee. However, the budget agreement only allowed this exclusion contingent upon voter approval of a ballot measure by November 17, 2012 that would authorize the exclusion and provide funding for schools and community colleges in an equivalent amount.
- <sup>40</sup> If voters reject Proposition 30, the 2011-12 Proposition 98 guarantee would be increased retroactively, and the state would be required to make "settle-up" payments in each of five years from 2012-13 through 2016-17. In addition, an increase in the 2011-12 Proposition 98 guarantee would boost state General Fund obligations to schools and community colleges in 2012-13 and future years. Without new revenues to support these increased obligations, the Legislature would likely have to reduce spending on other core public systems such as higher education and health and human services.
- <sup>41</sup> These payments would be necessary in order to meet the "maintenance factor" requirement of Proposition 98, as modified by Proposition 111 of 1990.

- <sup>42</sup> In most years, the Proposition 98 minimum guarantee is determined by changes in per capita personal income and K-12 attendance. However, the state can reduce Proposition 98 funding below this level when per capita General Fund revenues grow more slowly than per capita personal income. If this occurs, the overall dollar amount needed to return Proposition 98 funding to the level that it would have been absent the reduction is called the "maintenance factor." The state is required to restore funding in years when the percentage growth in per capita General Fund revenues exceeds the percentage growth in state per capita personal income. "Maintenance factor" payments then become part of the base used to calculate subsequent years' funding guarantees.
- <sup>43</sup> The passage of Proposition 30 would codify this dedicated funding source for realignment in the state Constitution.
- <sup>44</sup> California Budget Project, *What Would Proposition 38 Mean for California?* (September 2012).
- <sup>45</sup> "Argument in Favor of Proposition 30," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 18, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.
- <sup>46</sup> "Argument in Favor of Proposition 30," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 18, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.
- <sup>47</sup> "Rebuttal to Argument in Favor of Proposition 30," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 18, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.
- <sup>48</sup> Legislative Analyst's Office, "Proposition 30. Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 12, downloaded from <http://www.voterguide.sos.ca.gov/> on August 29, 2012.



## WHAT WOULD PROPOSITION 31 MEAN FOR CALIFORNIA?

**P**roposition 31, which will appear on the November 6, 2012 statewide ballot, would allow local governments to preempt state policies with locally developed alternatives as part of new plans intended to alter how public services are delivered. In addition, the measure would make significant changes, some of them far-reaching, to state and local budgeting practices. Proposition 31 also would require a state spending cap proposal that was approved by the Legislature in 2010 to appear on the November 2014 statewide ballot. Proposition 31 is sponsored by the California Forward Action Fund and the Think Long Committee for California, with major funding from the Nicholas Berggruen Institute Trust and the Californians for Government Accountability Committee. This *Budget Brief* provides an overview of the measure and the policy issues it raises. The California Budget Project neither supports nor opposes Proposition 31.

### What Would Proposition 31 Do?

Proposition 31, the “Government Performance and Accountability Act,” would amend both the state Constitution and state law to make a number of changes affecting state and local governments. Proposition 31 would allow local governments to preempt state laws and regulations with locally developed alternatives as part of new plans intended to change how public services are delivered. The measure would permanently shift a portion of state sales tax revenues to local governments to help support implementation of the plans. Proposition 31 also would make a number of changes to state and local budgeting practices. These changes include giving the Governor unilateral authority to reduce state spending during a fiscal emergency and establishing new pay-as-you-go – “paygo” – rules that would restrict the Legislature’s ability to increase spending or cut taxes.<sup>1</sup> In addition, Proposition 31 would require a state spending cap proposal, which the Legislature approved as a constitutional amendment in 2010 but has not yet gone before the voters, to appear on the November 2014 statewide ballot.

### Proposition 31 Would Allow Local Governments To Preempt State Laws and Regulations Through New Plans

Proposition 31 would allow a group of local governments within a county to create a “Community Strategic Action Plan” (CSAP) with the goal of delivering services “more effectively and efficiently.”<sup>2</sup> Local agencies that form a CSAP would be allowed to “integrate state or local funds that are allocated to them” in order to provide certain services “in a manner that will advance the goals” of the plan. Moreover, as part of the CSAP process, local jurisdictions – including the county, cities, and school districts – could find that a state law or regulation governing a state-funded program “is an obstacle to better outcomes” and “impedes progress” toward the goals of the CSAP. In these cases, local governments could develop local procedures for state-funded programs that are “functionally equivalent” to the objectives of state policy they would replace and – subject to state review – implement these procedures as part of the local plan.<sup>3</sup> In other words, local governments participating in a CSAP would be able to preempt

state policies with their own locally designed alternatives.<sup>4</sup> A local procedure would be considered functionally equivalent to a state law or regulation “if it *substantially complies* with the policy and purpose of the statute or regulation.”<sup>5</sup>

Proposition 31 would require local governments to submit their proposed alternative rules to the Legislature or, in the case of regulations, to the relevant state agency for review. A local procedure that replaces a state *law* would take effect automatically unless lawmakers in both houses of the Legislature reject the change by majority vote within 60 days.<sup>6</sup> Similarly, a local procedure that replaces a state *regulation* would go into effect automatically unless a state agency rejects the change within 60 days. Local procedures that go into effect would expire after four years, at which point they could be renewed through the same process.

Proposition 31 would require each CSAP to be evaluated periodically. For example, the Legislature would have to assess whether CSAPs “have improved the delivery and effectiveness of services” and decide whether state policies that local agencies have identified as “obstacles to improving results” should be amended or repealed.<sup>7</sup> In addition, counties would be required to evaluate CSAPs at least once every four years, and the Legislative Analyst’s Office (LAO) would have to conduct a one-time review to assess the “fiscal impact” of the local plans and the extent to which they “have improved the efficiency and effectiveness of service delivery or reduced the demand for state-funded services.”

### **Proposition 31 Would Permanently Shift State Sales Tax Dollars to Local Governments To Help Fund Their Plans**

In addition to any state dollars that local governments already receive to provide state-funded services, local agencies that create CSAPs would receive a new and permanent source of state funding to help implement their local plans. Beginning in 2013-14, 0.035 percent of the state’s share of the sales and use tax rate would be deposited into a new Performance and Accountability Trust Fund to support “the implementation of integrated service delivery” through the CSAPs.<sup>8</sup> According to the LAO, “the shift would increase revenues of the participating local governments in counties with plans by a total of about \$200 million annually in the near term. The state government would lose a corresponding amount, which would no longer be available to fund state programs.”<sup>9</sup>

### **Proposition 31 Would Give the Governor Unilateral Authority To Cut State Spending During a Fiscal Emergency**

The state Constitution allows the Governor to declare a fiscal emergency and call the Legislature into special session if he or she estimates that spending will be substantially higher, or revenues substantially lower, than projected in the state budget. In response, the Legislature must send the Governor one or more bills to address the budget problem within 45 days. If lawmakers miss the deadline, they cannot act on other bills or adjourn until they send the required legislation to the Governor.<sup>10</sup> The Governor, however, currently has “very limited” power to cut state spending during a fiscal emergency “even if the Legislature does not act during that 45-day period,” according to the LAO.<sup>11</sup>

Proposition 31 would significantly expand the Governor’s authority by allowing him or her to unilaterally cut state spending to address a fiscal emergency if the Legislature fails to meet the 45-day deadline. Specifically, the Governor could issue an executive order to “reduce or eliminate any existing General Fund appropriation” not required by the state Constitution or by federal law. The size of the reduction could not exceed the amount needed to balance the state budget. Proposition 31 would allow the Legislature to override all or part of the Governor’s executive order by a two-thirds vote of both the Assembly and the Senate.<sup>12</sup>

### **Proposition 31 Would Establish New “Paygo” Rules for Certain State Spending Increases and Tax Cuts**

The Legislature generally may pass bills that increase or reduce state spending by a majority vote of both the Assembly and the Senate.<sup>13</sup> Lawmakers also may pass bills reducing a state tax by a majority vote, but increasing a state tax requires a two-thirds vote of each house. While lawmakers analyze the fiscal effects of bills prior to passage – and must show that the annual budget bill is balanced – they are not required to “identify how each new law would be financed,” according to the LAO.<sup>14</sup> Proposition 31 would restrict the Legislature’s ability to increase spending or cut taxes by establishing new pay-as-you-go – “paygo” – rules for legislation, including the budget bill and “trailer bills” that implement the budget.<sup>15</sup> This paygo requirement would apply to:

- **Spending increases of more than \$25 million.** A bill that creates or expands a state program or agency and results in a “net increase in state costs” of more than \$25 million in any fiscal year would be “void” unless the

Legislature provides “offsetting state program reductions or additional revenue, or a combination thereof,” in the same bill or another bill.<sup>16</sup> Proposition 31 would exempt certain expenditures from the paygo rules. These include principal and interest payments on state general obligation (GO) bonds; restoration of program funding that was cut to help balance the state budget in any year after 2008-09; increases for “existing statutory responsibilities,” such as cost-of-living and “workload” adjustments; increases associated with state employee collective bargaining agreements; one-time expenditures; and state funding increases required by federal law or a law in effect at the time of the measure’s passage.

- **Tax cuts of more than \$25 million.** A bill that “reduces a state tax or other source of state revenue” and results in a “net decrease in state revenue” of more than \$25 million in any fiscal year would be “void” unless the Legislature provides offsetting spending reductions or revenue increases, or a combination of the two, in the same bill or another bill.<sup>17</sup>

### Proposition 31 Would Establish a Two-Year or “Biennial” State Budget Cycle

The state Constitution requires the Governor to propose a balanced budget for the upcoming fiscal year on or before January 10 of each year.<sup>18</sup> Proposition 31 would require the Governor to propose, in odd-numbered years, a “biennial” budget for the subsequent two fiscal years. Beginning in January 2015, for example, the Governor’s proposed budget would include recommended spending and estimated revenues for both 2015-16 and 2016-17.<sup>19</sup> Proposition 31 would allow the Governor to submit a supplemental budget to the Legislature on or before January 10 of each even-numbered year. The supplemental budget would “amend or augment the enacted biennial budget” and would move through the Legislature in the same manner as the biennial budget.

### Proposition 31 Would Require State and Local Budgets To Meet New Reporting Requirements

Proposition 31 would impose a number of new budget reporting requirements on state and local governments. The measure includes proposals to:

- **Require the Legislature to include the Governor’s spending and revenue estimates in the budget bill “immediately prior” to passage of the budget.** The state Constitution requires the Legislature to send a balanced budget to the Governor.<sup>20</sup> The Legislature determines which

spending and revenue estimates to use in the budget bill and is not required to include or rely on estimates prepared by the Governor’s Department of Finance (DOF). Proposition 31 would require the Legislature to “incorporate” into the budget bill the DOF’s spending and revenue estimates for the biennial budget period. These estimates would have to be incorporated “immediately prior” to the Legislature’s passage of the budget bill.

- **Require the Governor to identify one-time resources that are included in the proposed biennial budget.** The state Constitution requires the Governor to provide an estimate of state revenues for the upcoming fiscal year in his or her proposed budget.<sup>21</sup> Proposition 31 would require the Governor’s proposed biennial budget to identify “total state resources” available to meet recommended state spending and to specify how much of those resources are projected to be one-time in nature.
- **Require state and local budgets to include new goals and outcome measures.** Proposition 31 would require the Governor’s proposed biennial budget to include information aimed at improving “performance and accountability.” For example, the Governor would have to state how the proposed budget would help to achieve “a prosperous economy, quality environment, and community equity, by working to achieve at least the following goals: increasing employment; improving education; decreasing poverty; decreasing crime; and improving health.” The proposed budget also would have to include “outcome measures for each major expenditure of state government,” describe how these measures relate to the overall goals specified by Proposition 31, and report on the state’s progress in achieving these goals.<sup>22</sup> Local governments’ adopted budgets would have to meet the same requirements. In addition, the measure would require local governments to develop their budgets in an “open and transparent” manner that “encourages the participation of all aspects of the community.”

### Proposition 31 Would Make Additional Changes to the State Legislative and Budget Processes

Proposition 31 would make a number of additional changes to the state legislative and budget processes. The measure includes proposals to:

- **Require that budget-related “trailer bills” be introduced in the Legislature along with the budget bill on or before January 10.** The state Constitution requires that a budget bill containing the Governor’s proposed expenditures be

introduced immediately in both houses of the Legislature.<sup>23</sup> However, budget-related “trailer bills,” which make statutory changes needed to implement the budget, do not have to be introduced by this deadline. Proposition 31 would require the Governor to submit to the Legislature – along with the budget bill – “any legislation required to implement appropriations” in the proposed biennial budget or a supplemental budget.

- **Require a joint legislative committee to take action on the budget bill and trailer bills on or before June 1.** The Legislature may – but is not required to – create a two-house conference committee to reconcile the Assembly and Senate versions of the budget bill and related trailer bills. Proposition 31 would require the Assembly and Senate to refer their respective versions of the budget bill to a conference committee on or before May 1.<sup>24</sup> The committee, in turn, would be required to review the budget bill and budget-related trailer bills and report its recommendations to each house no later than June 1.
- **Require the Legislature to pass trailer bills by June 15.** The state Constitution requires the Legislature to pass the budget bill by midnight each June 15 or face a penalty.<sup>25</sup> Specifically, lawmakers permanently forfeit their pay and their reimbursement for travel and living expenses for each day after June 15 that a budget is not passed and sent to the Governor.<sup>26</sup> The Legislature, however, currently does not have to pass budget-related *trailer bills* on or before June 15. Proposition 31 would require the Legislature to pass trailer bills by midnight on June 15, although the measure does not impose a penalty on lawmakers for failing to meet this deadline.
- **Require bills to be in print and publicly available for at least three days prior to passage.** The state Constitution prohibits the Legislature from passing a bill “until the bill with amendments has been printed and distributed to the members.”<sup>27</sup> Proposition 31 would prohibit the Legislature from passing any bill “until the bill with amendments has been in print and distributed to the members and available to the public for at least 3 days.” The only exception would be bills passed during a special session “to address a state of emergency declared by the Governor arising out of a natural disaster or a terrorist attack.”
- **Require the Legislature to pass most bills on or before June 29 during the second year of each two-year session.** The state Constitution generally requires lawmakers to pass bills on or before August 31 during an even-numbered year – that is, the second year of each two-year legislative session.<sup>28</sup> Proposition 31 would move this deadline up to June 29 for most bills.<sup>29</sup>

- **Require the Legislature to regularly review state programs.** The Legislature periodically exercises its discretion to review state agencies and programs. Proposition 31 would require the Legislature to “conduct program oversight and review” after July 4 of the second year of each two-year legislative session. Specifically, lawmakers would have to establish a “review schedule” for all state programs, whether managed by the state or by a local agency on behalf of the state, with each program to be reviewed at least once every five years. “The review process shall result in recommendations in the form of proposed legislation that improves or terminates programs,” according to the measure.

## Proposition 31 Would Require a Spending Cap Proposal To Appear on the November 2014 Ballot

In 2010, the Legislature approved a constitutional amendment, ACA 4 (Gatto, Chapter 174 of 2010), that would make significant changes to state budgeting practices. These changes would both severely limit increases in state spending and grant broad power to the Governor with no provision for legislative oversight. ACA 4 was originally scheduled to appear on the 2012 statewide presidential primary election ballot.<sup>30</sup> The Legislature subsequently moved the measure to the November 2014 statewide general election ballot in order to delay its impact until the economy could “more fully recover” from the recession.<sup>31</sup> Proposition 31 would require ACA 4 to appear on the November 2014 statewide ballot, thereby preventing lawmakers from moving it again, regardless of the state’s fiscal condition in 2014.

## What Policy Issues Are Raised by Proposition 31?

Proposition 31 could affect how local governments deliver public services and would make a number of changes, some of them far-reaching, to state and local budgeting practices. The measure raises several significant policy issues.

## The New Authority That Proposition 31 Would Provide to Local Governments Raises a Number of Concerns

Proposition 31 would give local governments in each of California’s 58 counties new authority to create Community Strategic Action Plans with the aim of changing how public services are delivered. Local governments that establish a CSAP would be allowed to preempt state laws and regulations with locally adopted alternatives unless the Legislature (in the case of laws) or a state agency (in the case of regulations) takes action to reject the proposed changes within 60 days. This proposal

raises a number of concerns. In particular, the measure's CSAP provisions:

- **Could undermine key public protections and statewide standards.** Local governments that participate in CSAPs could alter environmental regulations, public-health policies, collective bargaining laws, eligibility standards for health and human services programs, or other longstanding state policies by asserting that a locally developed rule is “functionally equivalent” to the state law or regulation that it would replace. Consequently, Proposition 31 could result in widely varying local approaches across a range of policy areas in which uniform statewide standards may be more appropriate.
- **Could result in major policy changes that might not be approved through the state’s standard review processes.** Currently, changes to state law and regulations are subject to longstanding review processes that include checks and balances as well as opportunities for public review and comment. Proposition 31 would significantly alter these review processes with respect to:
  - *Local procedures intended to preempt a state law.* Currently, bills to create or revise state laws must be approved by both the Assembly and the Senate and signed by the Governor in order to take effect.<sup>32</sup> Bills that pass one house of the Legislature, but not the other, cannot be enacted into law. Moreover, even if both houses approve a bill, the Governor could veto the legislation and send it back to lawmakers.<sup>33</sup> Proposition 31 would significantly alter this process of checks and balances with respect to local procedures intended to preempt a state law. First, the measure would provide no role for the Governor in this new process. Second, Proposition 31 would require *both* houses of the Legislature to *reject* – rather than to approve – a local rule in order to prevent that rule from being implemented. A local procedure would take effect by default, for example, if the Legislature deadlocked, with one house rejecting the change and the other house taking no action during the 60-day review period. Moreover, because Proposition 31 does not prohibit local governments from submitting alternative rules during legislative recesses, some “functionally equivalent” procedures could go into effect simply because state lawmakers have recessed and are not scheduled to reconvene for several months.<sup>34</sup>
  - *Local procedures intended to preempt a state regulation.* Currently, state regulations are adopted or revised

by state agencies through a uniform and transparent process that includes numerous opportunities for public review and comment.<sup>35</sup> Agencies must take some action in order for a regulatory change to be implemented. If an agency takes no action, then no change will occur. In contrast, Proposition 31 would allow a local procedure intended to preempt a state regulation to take effect if an agency – in effect, the Governor – takes *no action* on the proposed change. Moreover, the measure does not require state agencies to review local rules as part of an open and transparent process that allows for public comment. Finally, while Proposition 31 would require an agency to justify its actions if it *rejects* a local rule, an agency would not have to provide an explanation if it allows a local rule to take effect.

- **Could allow local governments to use state funds in a manner that is not intended by state law.** Proposition 31 would allow local governments that participate in CSAPs to “integrate state or local funds that are allocated to them” in order to provide certain services “in a manner that will advance the goals” of the plan. The meaning, intent, and potential impact of this new authority are unclear. This provision, for example, could be interpreted to allow local agencies to use state funds in a manner that is not intended by state law so long as the dollars are used to “advance the goals” of the CSAP.
- **Would likely lead to litigation.** Proposition 31 declares that locally adopted procedures must “substantially comply” with the objectives of the state laws and regulations that they would replace. This phrase, however, is broadly worded and could lead to frequent litigation over whether a CSAP’s alternative rules are, in fact, “functionally equivalent” to state laws or regulations.

### Allowing the Governor To Unilaterally Cut State Spending During a Fiscal Emergency Would Shift Power Over the State Budget to the Executive Branch

Proposition 31 would allow the Governor to unilaterally cut state spending if the Legislature does not pass a bill that addresses a fiscal emergency declared by the Governor. This provision would shift power over the state budget from the Legislature to the executive branch. For example, the Governor could issue an *estimate* in November that state revenues for the current fiscal year will be \$1 billion lower than assumed in the state budget passed five months earlier.<sup>36</sup> As currently allowed by the state Constitution, the Governor could then declare a fiscal emergency and call the Legislature into special session. Under Proposition

31, if the Assembly and Senate deadlocked and failed to pass a bill to close the \$1 billion gap within 45 days, the Governor could – under this scenario – issue an executive order cutting General Fund spending by \$1 billion in order to bring estimated expenditures in line with estimated revenues.<sup>37</sup>

The Governor's new midyear budget-cutting authority would be considerable: He or she could reduce or eliminate any state funding not required by the state Constitution or federal law, including funding for environmental protection, preschool and child care, Cal Grant college financial aid, the California State University, and the University of California, as well as some funding for schools and health and human services. Proposition 31 would require the Legislature to muster a difficult-to-achieve two-thirds vote in each house in order to override the Governor's order, meaning the midyear reductions imposed by the Governor would very likely take effect.

### Requiring Lawmakers To Include DOF Estimates in the Budget Bill Could Further Increase the Governor's Authority Over the State Budget

Proposition 31 would require the Legislature to include the Governor's spending and revenue estimates – as prepared by the Department of Finance – in the budget bill “immediately prior” to passage of the budget. The intent and meaning of this new mandate is unclear. Depending on how it is interpreted, this requirement could shift additional power over state budget decisions from the Legislature to the executive branch. Specifically, this provision raises questions about whether the Legislature would have to use the Governor's spending and revenue forecast in showing that the budget bill is balanced. Currently, lawmakers may choose among estimates prepared by the DOF, the LAO, or the Legislature's own budget staff in meeting the constitutional requirement for a balanced budget.<sup>38</sup> However, by mandating that lawmakers “incorporate” the DOF's numbers into the budget bill, Proposition 31 could require the Legislature to use estimates that are at odds with those prepared by its own fiscal experts. This lack of clarity could lead to litigation over whether the Legislature has met its constitutional responsibility to pass a balanced budget.

### The Paygo Provisions of Proposition 31 Raise a Number of Concerns

Proposition 31 generally would require bills that create or expand a program or agency and increase state costs by more than \$25 million per year to provide offsetting spending reductions or revenue increases, or a combination of the two. Bills that reduce

a state tax or another source of state revenue and result in a revenue loss of more than \$25 million per year also would have to identify offsetting spending cuts and/or revenue increases. Paygo rules, if properly designed, can be an important component of public budgeting practices.<sup>39</sup> On the whole, however, Proposition 31's paygo provisions raise a number of concerns. In particular, the measure's paygo rules:

- **Would likely result in the cost of new or expanded programs being paid for with cuts to existing services, rather than tax increases.** Spending cuts and tax increases do not operate on a level playing field in California. The Legislature can reduce spending with a simple majority vote, but must achieve a two-thirds vote to raise any state tax, even if this involves closing costly and ineffective tax loopholes. Therefore, under Proposition 31, if lawmakers wanted to establish a new program with an annual cost exceeding \$25 million, they would be unlikely to fund it with new revenues, given the great difficulty of meeting the supermajority vote threshold. Instead, the Legislature likely would have to offset the cost of the new program by reducing or eliminating funding for existing services. Alternatively, lawmakers could forego funding a new priority. Had Proposition 31 been in effect in 1997, for example, the Legislature might not have established the Healthy Families Program, which ultimately expanded affordable health coverage to hundreds of thousands of California children, with the federal government paying roughly two-thirds of the cost.<sup>40</sup>
- **Would apply even if the state is projected to have a large, ongoing structural surplus.** Proposition 31 would require spending cuts or tax increases to support new program costs even if state fiscal experts project the state will have a structural budget surplus – and therefore the revenues needed to fund new priorities – for a number of years.
- **Would not apply to ballot initiatives.** Proposition 31 would not require initiatives placed before the voters to adhere to paygo rules. Initiatives could propose significant new program expenditures or tax cuts without asking voters to fund these new costs with offsetting spending reductions and/or revenue increases. Spending and tax cut proposals that could not win legislative approval would be increasingly likely to shift to the ballot, leading to more ballot-box budgeting.
- **Would not apply to debt service on state GO bonds.** Debt service is a long-term obligation of the state that cannot be reduced during tough budget years. It is also one of the

fastest-growing areas of the budget. Principal and interest payments on GO bonds have tripled as a share of General Fund revenues over the past two decades. Nonetheless, Proposition 31 would exempt debt service from its paygo requirements. This exemption could bias budget and policy decisions toward investment in infrastructure, through long-term bond debt, at the expense of investment in human capital, such as higher education and job training, which would be subject to the measure's paygo requirements.

- **Would likely lead to litigation, including challenges to the budget bill.** Proposition 31 specifies that bills that violate its paygo rules would be "void." However, the measure lacks a mechanism for certifying that its paygo requirements have been met. This omission could invite legal challenges from interest groups seeking to nullify bills – including the budget bill – that purportedly fail to fulfill the paygo requirements, thereby shifting key decisions to the courts.

## Proposition 31 Would Run Counter to Its Own Paygo Rules

Proposition 31 would go against the spirit and intent of its paygo rules in two primary ways. First, the measure would permanently transfer a portion of state sales tax revenues – approximately \$200 million per year at the outset – to local agencies to help fund the new CSAPs. As a result, these revenues would no longer be available to fund state services. Proposition 31, however, does not explicitly pay for this state revenue loss with offsetting program cuts or revenue increases as otherwise required by the measure's paygo mandate.<sup>41</sup> Second, Proposition 31's new budgeting and oversight procedures are estimated to cost the state "from millions to tens of millions of dollars annually, moderating over time," according to the LAO.<sup>42</sup> Local governments would face similar costs.<sup>43</sup> These estimates imply that state and local governments' increased costs could exceed \$25 million per year – the threshold amount that would trigger paygo requirements under Proposition 31. However, the measure does not propose offsetting spending cuts or revenue increases in order to fund these new state and local responsibilities.

## The Most Far-Reaching Changes in Proposition 31 Would Go Into the State Constitution, Making Them Difficult To Alter

Proposition 31's most sweeping changes – including the paygo rules, the Governor's new unilateral budget-cutting powers, and local governments' new authority to preempt state policies –

would be placed in the state Constitution. Consequently, future policymakers would have to go back to the voters if these changes prove to be ill-advised or unworkable.<sup>44</sup> National budget experts, for example, caution states against putting paygo rules in their constitutions. While properly designed paygo rules "can help a state maintain an appropriate level of fiscal discipline under current conditions, ... it is impossible to predict what circumstances will be like 25 or more years from now," according to the Center on Budget and Policy Priorities. "Once fiscal policy is embedded in a constitution, it becomes difficult or impossible to change, even if it no longer [is] useful or appropriate – or even if it is harmful."<sup>45</sup>

## What Do Proponents Argue?

Proponents of Proposition 31, including retired California Supreme Court Justice Cruz Reynoso and former California Superintendent of Public Instruction Delaine Eastin, argue that "Budgets are often based on the influence of special interests rather than the outcomes Californians want to achieve. Proposition 31 forces state politicians to finally live within their means, and it gives voters and taxpayers critical information to hold politicians accountable."<sup>46</sup>

## What Do Opponents Argue?

Opponents of Proposition 31, including the California League of Conservation Voters and the California Federation of Teachers, argue that the measure "adds layer upon layer of restrictions and poorly defined requirements, leaving key decisions up to unelected bureaucrats, decisions such as whether tax cuts are allowed or programs can be changed – decisions that will be challenged in court year after year."<sup>47</sup>

## Conclusion

Proposition 31 would make sweeping changes affecting state and local governments. These changes include allowing local governments to preempt state laws and regulations with locally developed alternatives, giving the Governor unilateral authority to reduce state spending after a budget has been enacted, and establishing paygo rules that would restrict the Legislature's ability to boost spending or cut taxes. Proposition 31 raises a number of policy issues. For example, allowing local governments to substitute locally designed rules for state laws and regulations could both undermine statewide standards and result in significant policy changes that would not otherwise receive

approval through the state's ordinary – and longstanding – review processes. The measure's paygo provisions also raise concerns. While properly designed paygo rules can be an important component of public budgeting practices, spending cuts and tax increases do not operate on a level playing field in California. Tax increases require a two-thirds vote of the Legislature, whereas spending cuts can be adopted by majority vote. Consequently,

Proposition 31's paygo rules likely would result in the cost of new or expanded programs being paid for with cuts to existing services, rather than tax increases. Moreover, the measure's most far-reaching changes would be placed in the state Constitution, making them difficult to alter in the future if they prove to be ill-advised or unworkable.

Scott Graves prepared this Budget Brief. The California Budget Project (CBP) neither supports nor opposes Proposition 31. This Budget Brief is designed to help voters reach an informed decision based on the merits of the issues. The CBP was founded in 1994 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The CBP engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the CBP is provided by foundation grants, subscriptions, and individual contributions. Please visit the CBP's website at [www.cbp.org](http://www.cbp.org).

## ENDNOTES

- <sup>1</sup> Proposition 31 does not use the terms "pay-as-you-go" or "paygo" to describe its proposal to restrict the Legislature's ability to increase spending or reduce taxes. Nonetheless, the proposal reflects a version of paygo, in which certain spending increases or tax cuts must be offset with spending reductions and/or additional revenues. Therefore, this *Budget Brief* uses the term paygo to describe this component of Proposition 31. For an overview of the paygo concept, see Iris J. Lav, *PAYGO: Improving State Budget Discipline While Retaining Flexibility* (Center on Budget and Policy Priorities: September 22, 2011).
- <sup>2</sup> The CSAP would have to be approved by the governing bodies representing "the county, local government entities providing municipal services pursuant to the [CSAP] to at least a majority of the population in the county, and one or more school districts serving at least a majority of the public school pupils in the county."
- <sup>3</sup> Proposition 31 also would allow local governments to develop functionally equivalent procedures if "they need additional statutory authority to implement" the CSAP.
- <sup>4</sup> In addition to this new authority to preempt state policies, local governments that form a CSAP would be allowed to reapportion among themselves the local property taxes that they receive so long as the transfer is approved by a two-thirds vote of each local agency's governing board.
- <sup>5</sup> Emphasis added.
- <sup>6</sup> Proposition 31 requires a state agency – or a department – that rejects a local procedure to "include a statement setting forth the reasons for doing so."
- <sup>7</sup> This evaluation would occur as part of a new "program oversight and review" process that Proposition 31 would require the Legislature to implement. This new process is described later in this report.
- <sup>8</sup> These funds would be distributed to local agencies participating in CSAPs beginning in 2014-15. The sales and use tax is actually two separate taxes: a tax on the sale of tangible goods in California (the "sales tax") and a tax on goods purchased outside of the state for use in California (the "use tax"). Because sales and use taxes are complementary, they are typically referred to as the sales tax, and this *Budget Brief* will use the term "sales tax" to refer to both taxes.
- <sup>9</sup> Legislative Analyst's Office, "Proposition 31: State Budget. State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 21, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- <sup>10</sup> California Constitution, Article IV, Section 10(f).
- <sup>11</sup> Legislative Analyst's Office, "Proposition 31: State Budget. State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 23, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- <sup>12</sup> Lawmakers would have 20 days to override the executive order if the Legislature is in session, or 30 days if the Legislature is not in session.
- <sup>13</sup> The Legislature may pass – by a majority vote – the budget bill, budget "trailer bills" that contain an appropriation, and appropriations for public schools. Other bills that provide for appropriations from the state's General Fund require a two-thirds vote.
- <sup>14</sup> Legislative Analyst's Office, "Proposition 31: State Budget. State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 22, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012. Article IV, Section 12(g) of the California Constitution requires the Legislature to show that General Fund appropriations for the upcoming fiscal year – including General Fund dollars deposited in the state's reserve account – do not exceed estimated General Fund revenues.
- <sup>15</sup> Proposition 31 also would apply the paygo rules described in this section to the Governor's proposed budget.
- <sup>16</sup> This requirement also would apply to bills that create state-mandated local programs. The \$25 million threshold would be adjusted annually for inflation using the California Consumer Price Index. Proposition 31 defines "additional revenue" as including "revenue to the state that results from specific changes made by federal or state law and that the state agency responsible for collecting the revenue has quantified and determined to be a sustained increase."
- <sup>17</sup> The \$25 million threshold would be adjusted annually for inflation using the California Consumer Price Index.
- <sup>18</sup> California Constitution, Article IV, Section 12(a).
- <sup>19</sup> The measure would prohibit appropriations for the second year of the two-year budget cycle from being spent during the first year.
- <sup>20</sup> California Constitution, Article IV, Section 12(g).

- 21 California Constitution, Article IV, Section 12(a).
- 22 Proposition 31 would require the Governor – after consulting with “state employees and other interested parties” – to submit a plan to the Legislature by June 30, 2013, regarding implementation of these new provisions.
- 23 California Constitution, Article IV, Section 12(c)(2).
- 24 Proposition 31 states that the budget bill must be referred to “a joint committee of the Legislature, which may include a conference committee.”
- 25 California Constitution, Article IV, Sections 12(c)(3) and 12(h).
- 26 California Constitution, Article IV, Section 12(h).
- 27 California Constitution, Article IV, Section 8(b).
- 28 California Constitution, Article IV, Section 10(c). Some bills may be passed after August 31 during even-numbered years, including bills calling elections, bills that take effect immediately, and bills passed after being vetoed by the Governor.
- 29 Proposition 31 would allow the Legislature to pass two types of bills after June 29: bills that take effect immediately and bills passed after being vetoed by the Governor.
- 30 AB 1619 (Committee on Budget, Chapter 732 of 2010).
- 31 Senate Appropriations Committee analysis of SB 202 (September 9, 2011). SB 202 (Hancock, Chapter 558 of 2011) moved ACA 4 to the November 2014 statewide ballot.
- 32 California Constitution, Article IV, Sections 8(b) and 10(a).
- 33 California Constitution, Article VI, Section 10(a). Lawmakers may override the Governor’s veto by a two-thirds vote of each house.
- 34 For example, during the first year of each two-year session – the odd-numbered year – both the Assembly and Senate “meet from January until mid-September and then recess until January of the even-numbered year.” California State Assembly, Office of the Chief Clerk, *Legislative Procedure* (Revised January 2011), p. 2. It is unclear whether or how lawmakers could be called back to Sacramento to consider locally adopted procedures if those procedures are submitted after lawmakers have recessed.
- 35 According to the Office of Administrative Law, “every department, division, office, officer, bureau, board or commission in the executive branch of the California state government must follow the rulemaking procedures in the Administrative Procedures Act,” which is “designed to provide the public with a meaningful opportunity to participate in the adoption of regulations or rules that have the force of law.” Office of Administrative Law, *The Regular Rulemaking Process* (2007), downloaded from [http://www.oal.ca.gov/Regular\\_Rulemaking\\_Process.htm](http://www.oal.ca.gov/Regular_Rulemaking_Process.htm) on September 19, 2012.
- 36 California’s fiscal year runs from July 1 through the following June 30.
- 37 The Legislature could deadlock, for example, if Democrats controlled the Assembly and Republicans controlled the Senate and the two houses proposed different solutions to the budget problem identified by the Governor.
- 38 California Constitution, Article IV, Section 12(g).
- 39 For a discussion of the paygo concept, see Iris J. Lav, *PAYGO: Improving State Budget Discipline While Retaining Flexibility* (Center on Budget and Policy Priorities: September 22, 2011).
- 40 The state budget provided \$35.4 million for Healthy Families in 1998-99, the first year of implementation. Within two years, the program’s General Fund appropriation rose to \$154.2 million. Department of Finance, *1998-99 Final Budget Summary*, p. 334 and Department of Finance, *2000-01 Final Budget Summary*, pp. 459-460.
- 41 Proposition 31 asserts that the state sales tax revenues shifted to local governments represent “in part ongoing savings that accrue to the state that are attributable to the 2011 realignment” as well as savings purportedly attributable to the changes that Proposition 31 would implement. It is not clear, however, that any of the savings associated with the 2011 realignment – which shifted responsibility and funding for certain services from the state to the counties – are still available to be “claimed” by Proposition 31 and used to offset the sales tax shift. Moreover, it is not clear that Proposition 31 would produce ongoing savings that would help to offset the cost of implementing the measure’s provisions. The fiscal effects of Proposition 31 “generally would depend on future decisions by public officials and, therefore, are difficult to predict,” according to the LAO. See Legislative Analyst’s Office, “Proposition 31: State Budget, State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst,” in Secretary of State’s Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 25, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- 42 Legislative Analyst’s Office, “Proposition 31: State Budget, State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst,” in Secretary of State’s Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, pp. 24-25, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- 43 Legislative Analyst’s Office, “Proposition 31: State Budget, State and Local Government. Initiative Constitutional Amendment and Statute. Analysis by the Legislative Analyst,” in Secretary of State’s Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 25, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- 44 Under Article XVIII of the California Constitution, constitutional amendments can be placed before the voters either through a voter-sponsored ballot initiative or by the Legislature with a two-thirds vote of each house. The provisions of Proposition 31 that would amend state law, rather than the state Constitution, also would be difficult to change. These provisions could be amended “solely to further the purposes” of the measure by a bill passed by a two-thirds vote of each house of the Legislature and signed by the Governor.
- 45 Iris J. Lav, *PAYGO: Improving State Budget Discipline While Retaining Flexibility* (Center on Budget and Policy Priorities: September 22, 2011), p. 11.
- 46 “Argument in Favor of Proposition 31,” in Secretary of State’s Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 26, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.
- 47 “Argument Against Proposition 31,” in Secretary of State’s Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 27, downloaded from <http://vig.cdn.sos.ca.gov/2012/general/pdf/complete-vig-v2.pdf> on September 5, 2012.

## California State Council on Developmental Disabilities

### Proposition 38

#### Major Impacts for People with Developmental Disabilities

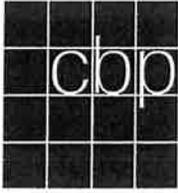
**SUMMARY:** Proposition 38 would increase state income tax rates for all taxpayers, with higher income earners having a higher percentage increase. Starting next budget year, Proposition 38 would raise an additional \$10 Billion, ALL of which would be dedicated to K-12 public education, child care, pre-school, and reduction of state debt service. These revenues could not be used to offset California's Proposition 98 guarantee, and none of these revenues could be used for non-educational services or supports for people with developmental disabilities such as IHSS, regional center services, and Medi-Cal.

**IMPACT OF TAX INCREASES:** The top 1% of earners (income over \$533,000) would see their tax burden increase about 1.2%, similar to Proposition 30's increase. The \$4B in revenue in excess of Proposition 30 is largely borne by middle and upper income taxpayers, though for middle income, the increase is modest, for example, middle income taxpayers would pay an average of \$94/ year more in taxes, compared to Proposition 30's \$55/year. Individuals earning \$96,000 to \$206,000/ year would on average pay \$757/year more in taxes, compared to Proposition 30's \$92/year. (Source: California Budget Project, [www.cbp.org](http://www.cbp.org)).

**RELATIONSHIP OF PROPOSITIONS 30 AND 38:** Both propositions were written that if both receive more than 50% of the vote, the one with the most votes wins. Thus if Proposition 38 receives the most votes, Proposition 30 fails and vice versa.

**TRIGGER CUTS:** The Budget Act included "trigger cuts" as a contingency if Proposition 30 does not pass this November. If Proposition 38 receives more votes than Proposition 30, then Prop. 30 fails and the trigger cuts would automatically be made, including the trigger cuts to education and developmental services. Developmental services would receive a cut of \$50 Million over the last six months of this fiscal year, or a cut of \$100 Million annualized.

**IMPACT ON PEOPLE WITH DEVELOPMENTAL DISABILITIES:** Passage of Proposition 38 and the failure of Proposition 30 would immediately lead to an annualized cut of \$100 Million to the developmental services system. Additionally, the revenue shortfall of \$8.5 Billion over the next 18 months could lead to service reductions to people with developmental disabilities far beyond the \$100M trigger, and further service reductions over the next several years.



## WHAT WOULD PROPOSITION 38 MEAN FOR CALIFORNIA?

**P**roposition 38, which will appear on the November 6, 2012 statewide ballot, would temporarily increase personal income tax rates for nearly all California taxpayers and allocate the new revenues to K-12 education, early childhood education, and repayment of state general obligation (GO) bond debt. Proposition 38 would raise an estimated \$10 billion in 2013-14 – the first full fiscal year of implementation – and could potentially raise larger amounts in subsequent years.<sup>1</sup> The sponsor of Proposition 38 is Advancement Project Co-Director Molly Munger, and supporters include the California State PTA. This *Budget Brief* provides an overview of this measure and the policy issues it raises. The California Budget Project neither supports nor opposes Proposition 38.

### What Would Proposition 38 Do?

Proposition 38, the “Our Children, Our Future: Local Schools and Early Education Investment and Bond Debt Reduction Act,” would increase personal income tax rates for nearly all California taxpayers effective January 1, 2013 through December 31, 2024.<sup>2</sup> The new tax rates would be progressive; that is, a higher rate would apply to the incomes of higher-income individuals. These rates would range from a low of 0.4 percent on joint filers’ taxable income between \$14,633 and \$34,692 to a high of \$100,298 plus 2.2 percent of joint filers’ taxable income above \$5 million (Table 1).<sup>3</sup> Proposition 38 would allocate the revenues raised from the new tax rates to K-12 education and to child care and preschool programs, as well as to payment of debt service owed on state GO bonds.<sup>4</sup> The allocation of Proposition 38 revenues would be automatic and would not require the Legislature’s approval. A five-member Fiscal Oversight Board would oversee the expenditure of Proposition 38 funds and ensure that annual auditing and reporting requirements are met.<sup>5</sup> Proposition 38 could not be amended by the Legislature; any changes would require voter approval.

Proposition 38 specifies that the revenues raised by the measure would not be considered General Fund revenues and, as such,

would not be used to calculate the minimum level of funding for K-12 education and community colleges that is constitutionally guaranteed by Proposition 98, a measure passed by California voters in 1988.<sup>6</sup> Proposition 38 also specifies that the dollars it would provide to schools would be in addition to the state’s minimum annual Proposition 98 funding obligation and could not be used to “supplant or replace” local, state, or federal support for K-12 education or child care and preschool programs.<sup>7</sup>

### How Would Proposition 38 Revenues Be Used?

Revenues raised by Proposition 38 would be deposited into a newly created California Education Trust Fund (CETF). Until the end of 2016-17, 30 percent of CETF dollars would be used to pay debt service on school facilities bonds, including K-12 and higher education bonds, as well as to make payments on children’s hospital and other GO bonds issued by the state. Priority would be given to paying school facilities debt service.<sup>8</sup> In addition, beginning in 2015-16, any “excess” revenues raised by Proposition 38 also would be used to pay bond debt service.<sup>9</sup> Eighty-five percent of Proposition 38 revenues remaining after debt service payments would support K-12 education, and 15 percent would support child care and preschool programs.<sup>10</sup>

Table 1: Proposition 38 Tax Rates

Taxable Income*		Additional Marginal Tax Rate Proposed by Proposition 38	Total Marginal Tax Rate Including Additional Rate Proposed by Proposition 38
Single Tax Filers	Joint Tax Filers		
Less Than \$7,317	Less Than \$14,633	0.0%	1.0%
\$7,317 to \$17,346	\$14,633 to \$34,692	0.4%	2.4%
\$17,347 to \$27,377	\$34,693 to \$54,754	0.7%	4.7%
\$27,378 to \$38,004	\$54,755 to \$76,008	1.1%	7.1%
\$38,005 to \$48,029	\$76,009 to \$96,058	1.4%	9.4%
\$48,030 to \$100,000	\$96,059 to \$200,000	1.6%	10.9%
\$100,001 to \$250,000	\$200,001 to \$500,000	1.8%	11.1%
\$250,001 to \$500,000	\$500,001 to \$1,000,000	1.9%	11.2%
\$500,001 to \$1,000,000	\$1,000,001 to \$2,000,000	2.0%	11.3%
\$1,000,001 to \$2,500,000	\$2,000,001 to \$5,000,000	2.1%	11.4%
More Than \$2,500,000	More Than \$5,000,000	2.2%	11.5%

\* Reflects income brackets in 2011. These brackets would be adjusted annually for inflation.

Note: Total marginal tax rates exclude the 1 percent rate on incomes above \$1 million that was approved by voters through Proposition 63 of 2004.

Source: Legislative Analyst's Office

## How Would Proposition 38 Revenues Provided to K-12 Education Be Distributed?

Proposition 38 revenues allocated to K-12 education could be used "to improve students' academic performance, graduation rates, and vocational, career, college and life readiness," and would be distributed on a per student basis through three types of grants:

- **Educational program grants.** Seventy percent of the revenues allocated to K-12 education would be distributed as educational program grants. Proposition 38 specifies that schools would receive these grants based on their share of statewide enrollment in each of three grade spans. However, students in higher grades would receive larger grants.<sup>11</sup>
- **Low-income student grants.** Eighteen percent of the revenues allocated to K-12 education would be distributed as low-income student grants. Proposition 38 specifies that schools would receive a grant for every enrolled student who is eligible for free and reduced price meals.<sup>12</sup>
- **Training, technology, and teaching materials grants (3T grants).** Twelve percent of the revenues allocated to K-12 education would be distributed as 3T grants. Proposition 38 specifies that schools would receive 3T grants based on each school's share of statewide student enrollment. 3T grants could be used only for "up-to-date teaching materials and technology" and to improve school staff skills.<sup>13</sup>

## Proposition 38 Would Restrict How K-12 Education Grants Could Be Spent

Proposition 38 requires that most of the revenues allocated to K-12 education be spent within one school year, and the measure limits how those revenues may be used.<sup>14</sup> Specifically:

- Each per student grant must be provided to the *school* where the student is enrolled.
- Schools could not spend Proposition 38 dollars on district administrative costs.
- Proposition 38 aims to prevent the use of the measure's revenues to increase staff salaries or benefits.<sup>15</sup>

## Proposition 38 Would Create Reporting Requirements for Schools

Proposition 38 would create a new reporting requirement that applies to *all* school dollars, not just dollars raised by the measure. Proposition 38 would require school districts to publish a detailed budget for each school site that compares year-to-year revenues and expenditures, the source of each school's dollars, the amount each school spends overall per student and in several expenditure categories, and a detailed accounting of each school's personnel costs. Moreover, Proposition 38 includes requirements for reporting as well as for public input that apply only to revenues raised by the measure. Proposition 38 would require the board of each school district to seek input from the school community about how to spend Proposition 38 revenues.

When a school board decides how it would use Proposition 38 dollars, it would be required to explain how those dollars would improve educational outcomes and how the board would determine whether those outcomes have been achieved. Within 60 days after the close of the school year, each school district would be required to report how Proposition 38 dollars were spent at each school and the extent to which the school improved educational outcomes.

### **Proposition 38 Would Set a Minimum Annual Spending Target for Every School**

Proposition 38 specifies that, beginning in 2013-14, school districts must “make every reasonable effort to maintain” per student spending levels at each of their schools – from funds other than those provided by the measure – that are at least equal to each school’s 2012-13 spending level.<sup>16</sup> This “maintenance of effort” (MOE) target would be adjusted annually for changes in the cost of living.

### **How Would Proposition 38 Revenues Provided to Child Care and Preschool Programs Be Used?**

Proposition 38 revenues allocated to early care and education would be used to:

- **“Strengthen and expand” child care and preschool programs.** At least 77 percent of the revenues allocated to child care and preschool programs would be used to increase the number of children served by those programs, increase payments to child care and preschool providers, and develop and implement a California Early Head Start Program. Three-quarters of these dollars would be provided to preschool programs for children between ages 3 and 5. One-quarter of these dollars would go to programs that serve children from birth to age 3, primarily to implement a California Early Head Start Program with content, quality, and eligibility standards similar to those used by the federal Early Head Start Program, which provides child development services for low-income families with infants and toddlers.<sup>17</sup>
- **Restore cuts, increase inspections, and develop databases.** Up to 23 percent of the revenues allocated to child care and preschool programs would be used to restore recent funding cuts, increase the frequency of licensing inspections of child care and preschool providers, and develop databases for evaluating the quality of child care and preschool programs and tracking the educational progress

of participating children. Proposition 38 specifies that a large majority of these dollars would be used to restore funding for child care and preschool programs to 2008-09 levels.<sup>18</sup> Proposition 38 specifies that these revenues would also be used to develop, implement, and maintain a new Early Learning Quality Rating and Improvement System to improve the quality of child care and preschool programs.

### **Proposition 38 Would Impose Requirements on Funding Provided for Child Care and Preschool**

Proposition 38 limits how the dollars it would provide to child care and preschool programs could be spent. Specifically, Proposition 38 would:

- **Limit the share of revenues that could be used to increase payments to child care and preschool providers.** No more than 11.5 percent of the “strengthen and expand” funds could be used to increase payments to child care and preschool providers.<sup>19</sup> Proposition 38 also states that these increases would generally go only to providers who meet or exceed quality standards. Moreover, Proposition 38 revenues that are used to restore cuts made to provider payments in recent years would go to *license-exempt* child care providers, rather than to *licensed* child care or preschool providers. This is because the Legislature in recent years has significantly reduced payments for license-exempt providers, but has frozen – rather than cut – payments for licensed providers. License-exempt providers are typically friends or relatives who provide child care.
- **Require that dollars be used to increase the number of preschool spaces.** At least two-thirds of the “strengthen and expand” funds would have to be spent to increase the number of preschool spaces (“slots”) available for children from low-income families. Proposition 38 specifies that these dollars would be allocated to the lowest-income neighborhoods first. Moreover, the highest priority for preschool slots would go to “highly at-risk children,” which Proposition 38 defines as children from low-income families who are in foster care or who are abused, neglected, or exploited.
- **Require that the majority of newly created child care and preschool spaces statewide be for full-day, full-year care.** At least 65 percent of the newly created preschool slots, and at least three-quarters of the newly created slots in the California Early Head Start Program, must provide full-day, full-year care.

## Proposition 38 Aims To Impose a Minimum State Spending Requirement for Child Care and Preschool

Proposition 38 specifies that it would create an MOE requirement for state child care and preschool funding. Proposition 38 sets a base spending level for child care and preschool equal to the share of state General Fund revenues allocated to these programs in 2012-13. Beginning in 2013-14, the share of General Fund revenues dedicated to child care and preschool programs could not be reduced below the 2012-13 baseline level “as a result of funds allocated pursuant to” Proposition 38.<sup>20</sup>

## Proposition 38 Would Create a New Quality Rating and Database System for Child Care and Preschool Programs

Proposition 38 would require the development and implementation of a new Early Learning Quality Rating and Improvement System (QRIS) by January 1, 2014. The new system would be intended to improve the quality of child care and preschool programs. Specifically, the QRIS would include:

- A voluntary quality rating scale for child care and preschool programs;
- A skills-development program to help providers increase their quality ratings;
- A method of increasing payments to child care and preschool providers above 2011-12 levels for providers that improve their QRIS ratings; and
- Prompt publication of QRIS ratings so parents and caregivers receive accurate information about the quality and type of program in which their children are enrolled.

Proposition 38 also would require that every California child who participates in a child care or preschool program receive a “unique identifier” that would be recorded as part of a statewide database. The statewide database must be a part of the California Longitudinal Pupil Achievement Data System (CALPADS) and record several pieces of information, including:

- An assessment of the child’s primary home language and level of fluency;
- The child care and/or preschool services the child received each year and the setting in which those services were delivered;
- The agency that delivered the child care and/or preschool services; and
- Any quality ratings received by the child care and/or preschool provider.

## Who Would Proposition 38’s Tax Increases Affect?

Proposition 38 would temporarily increase personal income tax rates on nearly all California taxpayers. However, higher-income Californians would pay a larger share of their incomes in tax increases than those at the low end and middle of the income distribution. The wealthiest 1 percent of Californians – those with incomes of \$533,000 or more – would see a tax increase equal to 1.2 percent of their incomes, on average (Figure 1). This increase amounts to an additional \$23,224 in annual taxes (Figure 2).<sup>21</sup> Californians in the second highest fifth of the distribution – those with incomes between \$58,000 and \$96,000 – would see a tax increase equal to 0.3 percent of their incomes, on average, amounting to an additional \$250 in annual taxes. Californians with incomes in the bottom three-fifths of the distribution would see even smaller average tax increases.

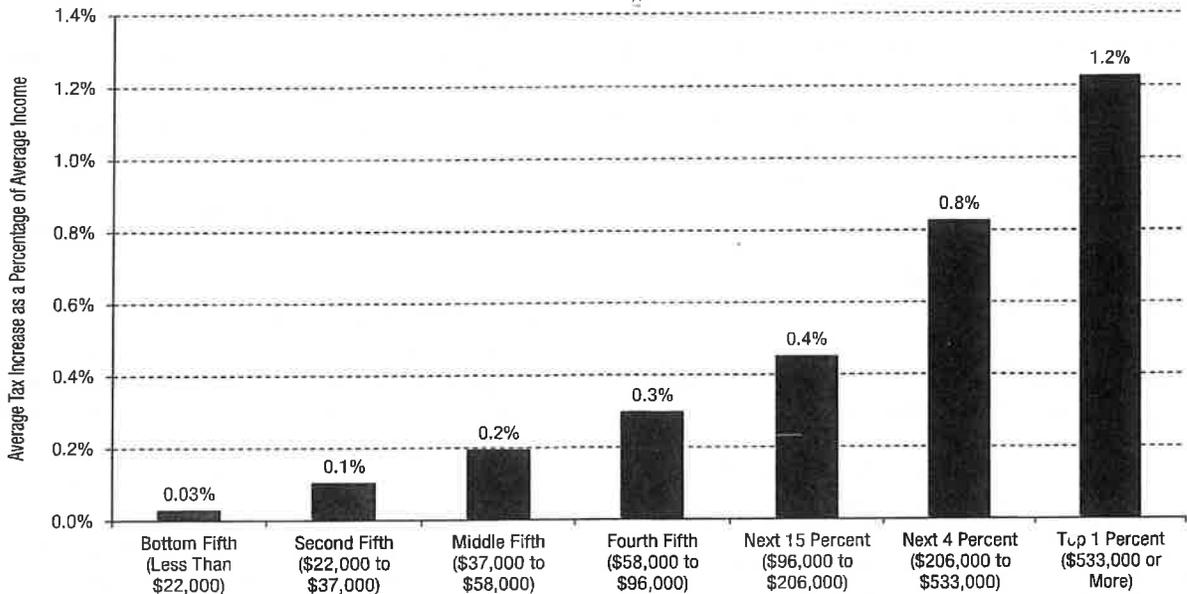
Not all California taxpayers would owe additional taxes under Proposition 38, due to the various tax credits that families can use to reduce their tax bills. The vast majority of higher-income Californians would pay more of their incomes in taxes under Proposition 38, whereas smaller shares of low- and middle-income taxpayers would pay more. For example, nearly all (98.0 percent) Californians in the wealthiest 1 percent would pay more in taxes as would more than three-quarters (76.1 percent) of taxpayers in the second highest fifth of the income distribution. In contrast, just over half (54.3 percent) of Californians in the middle fifth would pay higher taxes under Proposition 38, as would roughly one out seven (14.7 percent) of the lowest-income Californians – those with incomes under \$22,000 per year.

High-income Californians would provide the vast majority of revenues raised by Proposition 38. The wealthiest 1 percent of Californians would contribute 44.1 percent of the measure’s revenues, while the top fifth would be the source of 85.6 percent of the new revenues.<sup>22</sup>

## What Would Proposition 38 Mean for the State Budget?

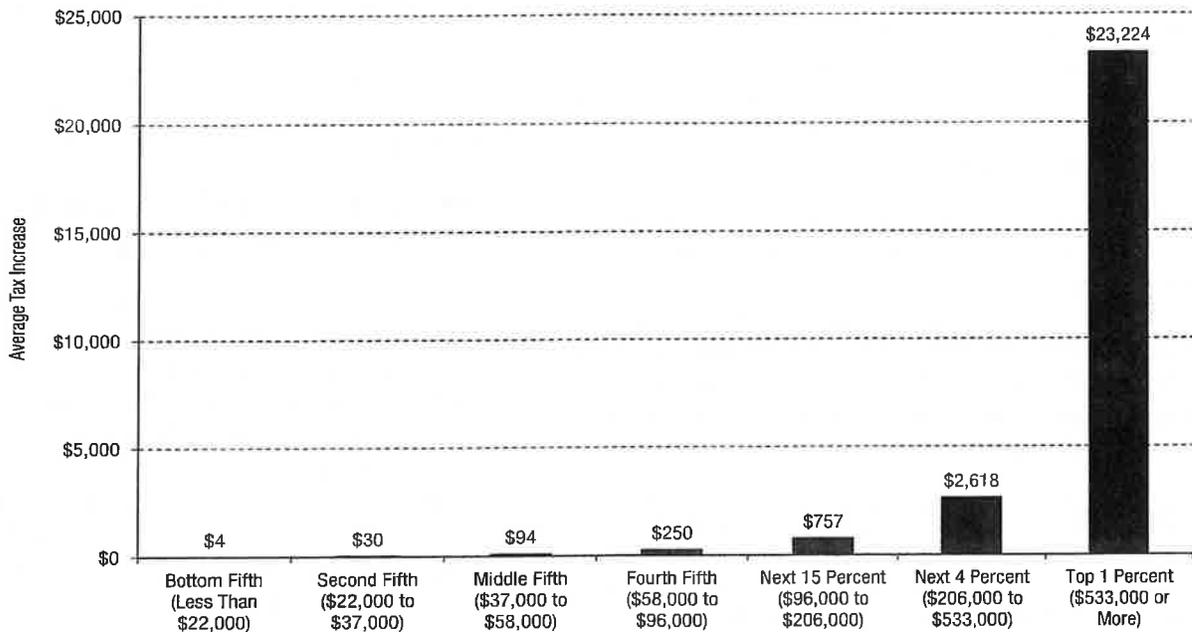
California has faced a structural deficit for more than a decade. Lawmakers bridged recent years’ budget gaps largely through “solutions” that were temporary or did not materialize, as well as through deep spending cuts to virtually all areas of the budget. These cuts left California’s public systems ill-equipped to respond to exceptionally high unemployment and stagnating incomes

**Figure 1: Higher-Income Californians Would Pay a Larger Share of Their Incomes in Proposition 38's Tax Increases Than Low- and Middle-Income Taxpayers**



Note: Includes offset for federal deductibility of state taxes. Income is for 2011.  
Source: Institute on Taxation and Economic Policy

**Figure 2: Proposition 38 Would Primarily Affect Higher-Income Californians**



Note: Income is for 2011.  
Source: Institute on Taxation and Economic Policy

resulting from the Great Recession and its aftermath, and also threaten to limit the state's future prosperity.

According to the Legislative Analyst's Office (LAO), Proposition 38 would provide around \$3 billion per year to pay debt service owed on state GO bonds through 2016-17, which would produce an equivalent amount of savings for the state's General Fund.<sup>23</sup> Beginning in 2017-18, the share of Proposition 38 revenues that could be used to pay debt service would drop sharply, and the measure would potentially provide only a few hundred million dollars per year in state General Fund savings.<sup>24</sup> However, overall General Fund savings from Proposition 38 could be lower than estimated because the measure does not address a provision in the 2011-12 budget agreement that could result in increased Proposition 98 payments.<sup>25</sup>

### **Higher Education and Other Key Priorities Would Not Receive Proposition 38 Dollars**

State budget shortfalls are projected to continue for several years absent additional General Fund revenues. Ongoing shortfalls would likely create pressure to reduce spending, and key public priorities, including the state's colleges and universities, could be targeted for additional cuts. State spending for California's colleges and universities has already been reduced substantially in response to recent state budget shortfalls. Policymakers cut state General Fund spending for both the University of California (UC) and California State University (CSU) by 30 percent or more between 2007-08 and 2011-12. During the same period, spending for the California Community Colleges dropped by more than 20 percent. As state support declined, public colleges and universities increased student fees dramatically, shifting a greater share of the costs of higher education to students and their families. To the extent that these fee increases reduce the number of Californians who get a college education, cuts to higher education could compromise the state's future competitiveness.

Since Proposition 38 would provide support only for specific purposes – primarily K-12 education, child care, and preschool – lawmakers could not use the measure's revenues to restore cuts to other key priorities. Moreover, without significant new General Fund revenues, policymakers may have to make even deeper cuts to bring the state's budget into balance in future years, and the state's colleges and universities, among other key priorities, could be targeted for further reductions.

### **How Would Proposition 38 Affect Schools?**

Proposition 38 would raise significant new revenues and boost spending for schools. The measure also would make school

budgets more transparent and could make school funding more predictable. Proposition 38 revenues could help schools hire more teachers and additional support staff such as counselors, librarians, and school nurses. These additional dollars would provide much needed relief for school districts that were hard hit by recent cuts to state education spending. However, while Proposition 38 would raise new revenue for K-12 education, total school spending may not increase as much as estimates suggest because the Legislature could reduce state General Fund support for schools.

### **Proposition 38 May Not Prevent Reductions in State Support for Education**

While Proposition 38 in its initial years would raise an estimated \$6 billion annually for K-12 education, according to the LAO, total school funding may not actually increase by that much.<sup>26</sup> Proposition 38 includes provisions designed to prohibit the use of the measure's revenues to "supplant or replace" state support for K-12 education. However, the measure may not necessarily prevent the Legislature from reducing other state spending for schools, particularly at a time when ongoing budget shortfalls increase the pressure to make cuts.<sup>27</sup> In tough budget years, the Legislature could reduce General Fund spending for K-12 education to preserve funding for other core priorities. For example, the Legislature could suspend Proposition 98 or could shift spending for certain programs historically funded outside of the Proposition 98 guarantee within the guarantee, a strategy used in recent years to create General Fund savings that resulted in lower spending for schools.<sup>28</sup> Under this scenario, Proposition 38 revenues could, in effect, partially replace state funding for schools. This type of action could be challenged in court as a violation of Proposition 38's provision specifying that CETF dollars cannot be used to replace other sources of funding for schools.<sup>29</sup> However, it is unclear how a court would rule in such a case.<sup>30</sup>

### **Proposition 38's Reporting Requirements Would Make School Site Budgets More Transparent**

Proposition 38 would change budget reporting requirements for *all* school district dollars, not just those provided by the measure. Currently, spending and revenue information is publicly available only at the school district level, not at the individual school level. Proposition 38's requirement that school districts report budget information by school site would make school spending and revenue information more transparent, which could help state policymakers, advocates, researchers, parents, and other education stakeholders make more informed decisions about allocating education resources.

## Proposition 38 Would Provide Funds to Schools Based on Student Enrollment

Since Proposition 38's K-12 education grants would be distributed based on student *enrollment* from prior years – not on an estimate of *average daily attendance* (ADA) – the measure could make school funding more predictable.<sup>31</sup> Currently, the majority of state funding provided to school districts is based on ADA – the average number of days students attend school per year – rather than on enrollment, which equals the number of students that attend school on a specific day in October. ADA usually is lower than enrollment because some students move, fail to attend school regularly, or drop out of school altogether. Basing a large share of school funding on ADA rather than on enrollment presents challenges for school districts, which make staffing decisions early in the school year based, in part, on estimates of what their student attendance will be. If their actual ADA falls short of what was estimated, then school districts may not receive enough funding to support the number of staff hired at the beginning of the year. Since Proposition 38 would provide funding based on prior years' enrollment, not on ADA estimates, districts would know how much funding they could expect from the measure at the beginning of the school year, which could make their staffing decisions easier.

## How Would Proposition 38 Affect Child Care and Preschool Funding?

Proposition 38 would raise approximately \$1 billion annually for child care and preschool programs in its initial years, according to the LAO.<sup>32</sup> These funds would be used to increase the capacity and quality of child care and preschool programs, in part by allocating a share of the measure's revenues to improve evaluation of these programs.

## Proposition 38 Would Not Raise Enough Revenue To Restore Recent Cuts to Child Care and Preschool Funding

Proposition 38 claims that it would allocate up to \$300 million of the revenues it raises per year, adjusted for inflation, to restore cuts in state funding for child care and preschool programs made between 2009-10 and 2012-13. However, the measure would likely provide less than that amount. For example, if Proposition 38 raises \$10.7 billion in 2014-15, as the LAO projects, only about \$200 million of these revenues would be available to restore cuts to child care and preschool programs in that year.<sup>33</sup> This amount would be insufficient since the state has reduced spending for

child care and preschool programs by more than three times that amount since 2008-09.<sup>34</sup>

## Proposition 38 May Create a New State Spending Obligation for Child Care and Preschool Programs

Proposition 38 aims to impose a minimum spending level for child care and preschool. Beginning in 2013-14, state spending to support child care and preschool – from funds other than those provided by Proposition 38 – could not fall below the share of state General Fund revenues allocated to these programs in 2012-13. This MOE requirement could create a new state spending obligation for child care and preschool programs depending on how the Legislature interprets Proposition 38's provisions.

If the Legislature views Proposition 38 as imposing a binding minimum state spending level for child care and preschool programs, then the measure would likely increase pressure to make cuts to programs and services that lack similar protections. This would be particularly true in years when the cost of certain services supported by the state's General Fund increases at a rate greater than the rate of growth in General Fund revenues. For example, health care spending for seniors and people with disabilities in the Medi-Cal Program could rise somewhat faster than General Fund revenues in the coming years as a result of the aging of the state's population as well as continued medical advances that lengthen life, but also add to costs. Proposition 38 would reduce the Legislature's options to accommodate such an increase because it would eliminate lawmakers' ability to annually adjust General Fund spending for early care and education to reflect current needs. As a result, to maintain General Fund spending within available resources, the Legislature could face a choice between reducing state health care spending for low-income Californians and cutting the budget elsewhere in order to meet Proposition 38's MOE requirement for child care and preschool funding.

However, an alternative interpretation of Proposition 38 could allow the Legislature to reduce child care and preschool funding below the presumed minimum spending level if the reductions are unrelated to the new Proposition 38 revenues.<sup>35</sup> If the Legislature takes this alternative view, it could reduce state support for child care and preschool programs for numerous reasons, such as closing a budget gap or funding other state priorities. Reductions to state support for child care and preschool for reasons such as these could be subject to legal challenges, in which case the courts would likely determine how the measure's MOE requirement should be interpreted.

## Should Voters Set Budget Priorities at the Ballot Box?

Proposition 38 would increase personal income tax rates and dedicate the revenues raised to specified uses. Critics of so-called “ballot box budgeting” argue that the initiative process limits voters to an up-or-down choice in isolation from other potential uses of funds. They further argue that earmarking the proceeds from a certain revenue source limits the ability of legislators to modify spending in response to economic, budget, and demographic changes. Finally, to the extent that voters approve new revenues for specific purposes through a ballot measure, such as Proposition 38, lawmakers or voters may feel less inclined to subsequently approve additional revenues regardless of the purpose. However, proponents of initiative-based spending argue that the two-thirds vote requirement for legislative approval of tax increases makes it difficult, if not impossible, to raise revenues to support important program expansions. Given this difficulty, they maintain, it is appropriate to offer voters the ability to raise taxes to fund programs supported by a majority of the voters.

## What Would Happen if Voters Approve Proposition 38 and Proposition 30?

Another measure on the November 2012 ballot, Proposition 30, includes temporary tax increases and thus could be viewed as conflicting with the provisions of Proposition 38. The state Constitution specifies that if provisions of two measures on the ballot conflict and both are approved by voters, then the measure that receives more “yes” votes prevails. If voters approve both Proposition 38 and Proposition 30, and Proposition 38 receives more “yes” votes, then only Proposition 38’s personal income tax rate increases would go into effect. In this instance there likely would be legal challenges regarding the extent to which other provisions of the two measures conflict, and the courts would decide whether these provisions actually take effect. For more information about Proposition 30, see the California Budget Project’s publication, *What Would Proposition 30 Mean for California?*<sup>36</sup>

## What Do Proponents Argue?

Proponents of Proposition 38, which is supported by the California State PTA, argue that the measure “provides guaranteed funding

to restore a well-rounded education and improve educational outcomes.”<sup>37</sup> Proponents claim that policymakers have cut education spending by \$20 billion since 2008 and that Proposition 38 would provide billions of dollars to local schools “to reduce class sizes or restore classes in art, music, math, science, vocational and technical education and college preparation.”<sup>38</sup> Proponents state that Proposition 38 provides funding “to restore budget cuts to early childhood education, improve quality, and expand access to preschool.”<sup>39</sup> Proponents also claim that the measure’s revenues cannot be diverted or borrowed by the Legislature or spent to increase staff salaries, that spending decisions will be made locally after public input, and that school districts must publicly report how the measure’s revenues are spent.

## What Do Opponents Argue?

Opponents of Proposition 38, including the California Chamber of Commerce, argue that the measure is flawed, costly, and misleading. Opponents argue that Proposition 38 does not require “any of the funds to be used specifically for deficit reduction” and that the measure “is a massive income tax hike for middle class taxpayers[,] ... creates a costly new bureaucracy by forcing schools to go through complex red tape just to receive basic funding[, and] ... does virtually nothing to improve student performance.”<sup>40</sup>

## Conclusion

Proposition 38 would temporarily increase personal income tax rates on nearly all California taxpayers and allocate the new revenues to K-12 education and child care and preschool programs, as well as payment of debt service owed on state GO bonds in certain years. Proposition 38 revenues would be used to increase the capacity and quality of child care and preschool programs and provide per pupil grants to be distributed to local schools. While Proposition 38 would raise significant new revenue for K-12 education, the measure may not increase total school spending by as much as some estimate because the Legislature could reduce other state education spending. Moreover, a key policy issue raised by Proposition 38 is whether it is desirable to ask voters to dedicate hard-to-raise new revenues to a specific set of programs in isolation from other potential uses of funds, especially when state budget shortfalls would likely create pressure to reduce spending on other priorities.

Jonathan Kaplan prepared this Budget Brief with assistance from Scott Graves and Alissa Anderson. The California Budget Project (CBP) neither supports nor opposes Proposition 38. This Budget Brief is designed to help voters reach an informed decision based on the merits of the issues. The CBP was founded in 1994 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The CBP engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the CBP is provided by foundation grants, subscriptions, and individual contributions. Please visit the CBP's website at [www.cbp.org](http://www.cbp.org).

## ENDNOTES

- <sup>1</sup> Legislative Analyst's Office, "Proposition 38. Tax to Fund Education and Early Childhood Programs. Initiative Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 60, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- <sup>2</sup> Proposition 38 would not increase personal income tax rates for single tax filers with taxable income of \$7,316 or less or for joint tax filers with taxable income of \$14,632 or less. "Single tax filers" include married individuals and registered domestic partners (RDPs) who file taxes separately. "Joint tax filers" include married and RDP couples who file jointly, and qualified widows or widowers with a dependent child.
- <sup>3</sup> Reflects income brackets in 2011. These brackets would be adjusted annually for inflation.
- <sup>4</sup> Unless otherwise noted, this analysis uses the term "K-12 education" to refer to school districts, county offices of education, independent charter schools, the California Schools for the Deaf, and the California School for the Blind. In addition, this analysis uses the term "child care and preschool programs" to refer to any state-funded preschool, child care, or other early care and education program. Proposition 38 would transfer specified amounts of revenue raised by the measure to offset the cost of debt service payments made from the state's General Fund. Debt service includes principal and interest payments owed on state GO bonds.
- <sup>5</sup> The board would consist of the state Controller, the state Auditor, the state Treasurer, the state Attorney General, and the director of the Department of Finance.
- <sup>6</sup> Proposition 38 would require that its revenues be deposited into a special fund rather than the state's General Fund. For an explanation of the Proposition 98 guarantee, see California Budget Project, *School Finance in California and the Proposition 98 Guarantee* (April 2006).
- <sup>7</sup> Specifically, Proposition 38 states that the revenues it would raise could not be used "to supplant or replace the per capita state, local or federal funding levels that were in place" as of November 1, 2012, adjusted for "changes in the cost of living and, with respect to federal funds, for any overall decline in federal funding availability." In addition, Proposition 38 states that the "amounts appropriated from funds other than the California Education Trust Fund (CETF) for support of the K-12 education system and early care and education programs, whether constitutionally mandated or otherwise, shall not be reduced as a result of funds allocated pursuant to this act."
- <sup>8</sup> Proposition 38 would require that the revenues allocated to debt service payments fully reimburse the General Fund for the cost of current-year debt service payments on all outstanding school and higher education bonds before any of these revenues could be used for current-year debt service payments on children's hospital or other GO bonds.
- <sup>9</sup> In a given year, if Proposition 38 revenues increase at a rate exceeding the average growth rate of California per capita personal income during the previous five years, then those "excess" revenues would be dedicated to bond debt service payments. For example, if Proposition 38 revenues increased by 6 percent over the prior year, and California per capita personal income had increased by an average of 5 percent during the previous five years, then the revenues resulting from the difference in these growth rates would be deemed "excess." "Excess" revenues would be calculated using a different formula in 2017-18 -- the first year in which 30 percent of Proposition 38 revenues would no longer be required to be allocated to debt service payments.
- <sup>10</sup> Proposition 38 specifies that no more than three-tenths of 1 percent of CETF dollars collected during any three-year period could be used to pay for administrative costs incurred by the Fiscal Oversight Board, the state Controller, or the state Superintendent of Public Instruction.
- <sup>11</sup> The amount of the grant for each student in grades 9 through 12 would be 40 percent greater than the amount of the grant for each student in kindergarten through third grade (K-3), and the amount of the grant for each student in grades 4 through 8 would be 20 percent greater than the amount of the K-3 grant.
- <sup>12</sup> The amount of the low-income student grant would equal the total revenues available for the low-income student grants divided by the number of students eligible for free and reduced price meals statewide.
- <sup>13</sup> The amount of the 3T grant would equal the total revenues available for the 3T grants divided by the number of enrolled students statewide. A portion of educational program grants and low-income student grants could also be used for the same purposes as the 3T grants.
- <sup>14</sup> Proposition 38 specifies that up to 10 percent of the dollars provided to K-12 education could be used in the following school year.
- <sup>15</sup> Proposition 38 generally would prohibit the use of CETF dollars for salary and benefit increases beyond levels that were in effect on November 1, 2012, with the exception of increases for positions partially or totally funded by CETF dollars if those increases are equivalent to those "being received by other like employees in the school on a proportional basis to their partial or full-time status."
- <sup>16</sup> If a school district does not maintain per student spending at a particular school as required by the measure, it must explain why it was unable to do so in the school site budget for that school as well as at a public meeting.
- <sup>17</sup> Proposition 38 defines children between ages 3 and 5 as those who are age 3 or 4 as of September 1 of the school year in which they are enrolled in a preschool program and are not eligible to attend kindergarten. Proposition 38 appears to allow revenues raised by the measure to be used for 3-year-olds in both child care and preschool settings.
- <sup>18</sup> Proposition 38 specifies that \$300 million of up to \$355 million from the measure's revenues, adjusted annually for inflation, would be used to "restore funding to fiscal year 2008-2009 levels." However, the amount available for restoration would depend on the amount of revenues raised by the measure's tax increase. The measure specifies that these dollars would be used to restore funding equally for all types of reductions made to child care and preschool programs, including restoration of the number of provider contracts and reimbursement rates.
- <sup>19</sup> No more than 8 percent of the "strengthen and expand" funds could be used to increase payments to preschool providers, and no more than 3.5 percent of the "strengthen and expand" funds could be used to increase payments to child care providers.
- <sup>20</sup> To meet Proposition 38's MOE, the state would be obligated to increase spending on child care and preschool programs, using funds other than those provided by the measure, at least in proportion to the amount by which state General Fund revenues exceed the 2012-13 level.
- <sup>21</sup> The average tax increase is based on incomes reported in 2011.

- 22 Institute on Taxation and Economic Policy.
- 23 Legislative Analyst's Office, "Proposition 38. Tax to Fund Education and Early Childhood Programs. Initiative Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 65, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 24 Beginning in 2017-18, only "excess" revenues raised by Proposition 38's new tax rates would be used to pay debt service owed on state GO bonds. The LAO estimates that state General Fund savings due to debt service payments from these "excess" revenues would vary from year to year, "but could be several hundred million dollars annually." Legislative Analyst's Office, "Proposition 38. Tax to Fund Education and Early Childhood Programs. Initiative Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 65, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 25 The 2011-12 budget agreement transferred revenues from an existing 1.0625 state sales tax rate to counties to pay for the "realignment" of certain state program responsibilities to local governments. The budget agreement excluded these sales tax dollars from calculations used to determine the minimum funding level for K-12 education and community colleges required by the Proposition 98 guarantee. However, the budget agreement only allowed this exclusion contingent upon voter approval of a ballot measure, by November 17, 2012, that authorizes the exclusion and provides funding for schools and community colleges in an amount equivalent to that which would have been provided absent the exclusion. Proposition 38 would not satisfy these requirements. Therefore, if no other ballot measure satisfies these requirements, the 2011-12 Proposition 98 funding level would be increased retroactively. The Legislature would be required to make "settle up" payments to schools and community colleges in each of five years from 2012-13 through 2016-17 to provide the Proposition 98 funding that schools and community colleges did not receive in 2011-12, which would increase state General Fund costs. An increase in the 2011-12 Proposition 98 guarantee would also raise state General Fund obligations for schools and community colleges by an additional amount in 2012-13 and future years. Proposition 38 specifies that none of the revenues raised by the measure could be used to meet these increased obligations.
- 26 Legislative Analyst's Office, "Proposition 38. Tax to Fund Education and Early Childhood Programs. Initiative Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 62, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 27 Proposition 38 specifies that non-CETF funding for K-12 education "shall not be reduced as a result of funds allocated pursuant to this Act." This language could be interpreted to mean that non-CETF funds could be reduced for other reasons, such as to close a budget shortfall.
- 28 If the Legislature suspends Proposition 98, it must increase funding over time until funding returns to where it would have been absent suspension. The overall dollar amount needed to return funding to this level is called the "maintenance factor." For an explanation of the Proposition 98 guarantee, see California Budget Project, *School Finance in California and the Proposition 98 Guarantee* (April 2006).
- 29 As noted above, Proposition 38 states that the revenues it would raise could not be used to "supplant or replace" per capita funding levels that were in place as of November 1, 2012.
- 30 Proposition 38 is a statutory measure that does not change either the Legislature's constitutional power over state spending or the Proposition 98 constitutional school funding guarantee. As a result, whether the measure is sufficient to override the Legislature's constitutional authority or the state's constitutional school funding guarantee are questions that likely would have to be resolved by the courts.
- 31 Proposition 38 specifies that for the purposes of determining the amount of K-12 education grants a school would receive, a school's enrollment for the 2013-14 school year would equal its 2012-13 October enrollment adjusted for the average percentage change in October enrollment over the past three school years. After 2013-14, enrollment would equal the average monthly enrollment for the prior school year or, if those data are not available, the October enrollment for the prior school year adjusted for the average percentage change in October enrollment over the past three school years.
- 32 Legislative Analyst's Office, "Proposition 38. Tax to Fund Education and Early Childhood Programs. Initiative Statute. Analysis by the Legislative Analyst," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 64, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 33 Proposition 38 would allocate 10 percent of the revenues raised by the measure to child care and preschool programs in 2014-15 and specifies that up to 23 percent of that amount would be used for "restoration and system improvement." The measure also specifies that up to \$355 million, adjusted annually for inflation, would be allocated each year to "restoration and system improvement." Of the dollars allocated to "restoration and system improvement," Proposition 38 specifies that \$300 million would be allocated to restore cuts to child care and preschool programs, adjusted annually for inflation. However, based on LAO estimates that Proposition 38 would raise \$10.663 billion in revenues in 2014-15, only \$245.3 million would be available for "restoration and system improvement" that year, which would fall short of the amount the measure implies it would allocate for these purposes. Proposition 38 specifies that if revenues are not sufficient to cover the measure's requirements, then the amount dedicated to restore cuts would be reduced by the same proportion that revenues fall short of the \$355 million specified for "restoration and system improvement." As a result, if the measure raises \$245.3 million for "restoration and system improvement" in 2014-15, then roughly \$207.3 million would be available to restore cuts to child care and preschool programs.
- 34 Estimated state cuts to child care and preschool funding are based on CBP analysis of Department of Finance, California Department of Education, and Department of Social Services data and include reductions to state preschool as well as to CalWORKs and non-CalWORKs child care.
- 35 Proposition 38 specifies that funding for child care and preschool programs could not be reduced below the presumed minimum spending level "as a result of funds allocated pursuant to" the measure.
- 36 California Budget Project, *What Would Proposition 30 Mean for California?* (September 2012).
- 37 "Argument in Favor of Proposition 38," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 66, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 38 "Argument in Favor of Proposition 38," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 66, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 39 "Argument in Favor of Proposition 38," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, p. 66, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.
- 40 "Argument Against Proposition 38," and "Rebuttal to Argument in Favor of Proposition 38," in Secretary of State's Office, *California General Election Tuesday, November 6, 2012: Official Voter Information Guide*, pp. 66-67, downloaded from <http://www.voterguide.sos.ca.gov/> on August 20, 2012.

## STATE COUNCIL AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Regional Center Conflict of Interest (COI) Standards and Procedures.

### **SUMMARY:**

Department of Developmental Services has proposed emergency regulations regarding regional center conflict of interest (COI) standards and procedures. The regulations significantly change the involvement of the Council and local area boards by requiring both the Council and appropriate local area board to approve a waiver of conflict of interest for regional center board members, but also for regional center executive directors.

### **BACKGROUND/ISSUES/ANALYSIS:**

The Department of Developmental Services has proposed emergency regulations regarding regional center conflict of interest (COI) standards and procedures. The regulations clarify that all business entities (contractors) of the regional center will be subject to the COI regulations; in addition, the regulations increase transparency into COI matters since more classes of individuals are included in the COI procedures. Specifically, I have identified the following areas for increased notice or discussion:

- 54505(b) – adds language that increases the class of COI filers to include those that “secure good or services” for operations of the Regional Center (RC). Additionally, it is clarified that self-advocates and their families will not be in the COI class if they receive vouchers for services.
- 54505(c) – updates the definition of “consumer” to individuals who have been determined eligible for regional center services.
- 54505(d) – defines “decision or policy-making authority.” The definition broadens the categories of policy-making authority to include “making, advising or recommending a decision.” In addition, sub-section 5 also includes specific language about voting to hire or contract any business entity.
- 54505(d) also specifically excludes “ministerial, secretarial or clerical” actions from COI process.

- 54520(a) defines COI for RC executive director, board members and family members thereof. This section clearly outlines that none of these classes of individuals may have any decision or policy making authority for a business entity, entity or provider of services. This section increases the COI classes and increases disclosure of the instances of COI.
- 54520(b) specifically excludes state or local government workers and contractors from the COI process even if the department they are employed by provides services to self-advocate served by the RC with the exception of DDS employees, if their position has no relation to providing those services. The recommendation is that this section be removed entirely. The basis for this recommendation is that there need not be a specific class of employees removed from the COI process; if the individuals hold no decision or policymaking role that is relevant to COI procedures, it will be disclosed and identified as such; however, by excluding a group from the COI process, there is a possibility of COI situations go unidentified.
- 54521(a) 1-2 define the COI for advisory board members
- 54522 (a) outlines that neither the Executive Director (ED) of the RC nor the board members shall not make, or participate, or influence any decision involving a matter of financial interest when s/he knows that s/he or a family member has a financial benefit.
- 54522(b) defines financial interest.
- 54523(a) states the intent and purpose of the section which is to make certain that RC board members and EDs are guided solely by the interests of the RC and self-advocates and not by their personal financial interest when participating in making contracts in their official capacity.
- 54523(b) provides that RC EDs and board members shall not be financially interested with any contract in which they participate making in their official capacity. A suggestion would be to strike out "in their official capacity." The basis for my suggestion would be that

COI procedures apply to individuals in their official capacity and it is extraneous to include here.

- 54523(c) offers the process for disclosure, recording and recusal of the ED or board members when a financial interest is disclosed. A suggestion would be to include a process where this disclosure would also be made to DDS. The basis for my suggestion is to ensure that any COI is reported to the state agency fiscally responsible.
- 54524(a) – (d) is a “catch-all” provision that states even if the specific COI situation is not specifically identified in the regulations, if there is any personal or financial decision being made that conflicts with the individual’s duty to act in the best interest of the RC or the self-advocates served, the ED or board member is disqualified from taking part in any of the process of the decision or transaction.
- 54525 – Provides that no ED or board member of the RC shall continue to serve in their position without a COI Plan.
- 54526(a) – defines positions/classes of individuals (employees and contractors) that are subject to COI.
- 54526(b) – provides that an employee or contractor of a state and local government entity that serves self-advocates and their families, may be exempt from the COI process if their position is not related to providing services for self-advocates. The recommendation is that this section be removed entirely. The basis for this recommendation is that there need not be a specific class of employees removed from the COI process; if the individuals hold no decision or policymaking role that is relevant to COI procedures, it will be disclosed and identified as such; however, by excluding a group from the COI process, there is a possibility of COI situations go unidentified.
- 54527 – Prohibits RC employees, contractors, agents and consultants from participating, influencing or making any decision in which they may have a financial interest.

- 54528 – Defines financial interest and provides that no employee, contractor, agent or consultant may make a contract which is financially beneficial to themselves or family member.
- 54529 – Is a “catch-all” provision for RC employees, contractors, agents and consultants of the RC. In sum, this section reiterates that all RC employees, contractors, agents and consultants shall be guided solely by interests of the RC and self-advocates served.
- 54530 – Distinguishes between actual and potential COI.
- 54531 – Sets forth the requirements for COI Reporting Statements for employees, contractors, agents and consultants of the RC (filed August 1 of each year and within 30 days of appointment if new employee or board member.) The ED of the RC reviews all Statements and within 10 working days of submittal, s/he shall determine if the Statement includes an actual or potential COI.
- 54532 – sets forth the requirements for COI Reporting Statements for RC board members and RC ED (filed August 1 of each year and within 30 days of appointment if new board member or RC ED.) The COI statements shall be sent to DDS and shall be reviewed by DDS and the RC board to determine whether an actual or potential COI exists. A possible suggestion would be that the Statements be sent to DDS and DDS solely determines whether there is a COI. The basis for my suggestion is that it may be difficult for the RC board to evaluate whether or not another board member has a COI when DDS may be more impartial in the determination.
- 54533 (a) – (c) – states that when a present or potential COI is identified in any of the Statements, the conflict must be eliminated or managed by a COI Plan. The Statement and Plan must be submitted within 30 days of the identification of the COI. Statement and Plan for RC employees, contractor, agent or consultant shall be submitted to DDS.
- 54533(d) – provides that when a present or potential COI is identified in any of the Statements for RC ED and/or RC board members, the

Statement and Plan must be submitted to DDS, local area board, and the State Council on Developmental Disabilities.

- 54533(d) – for transparency reasons, the RC must post COI Statements that contain an actual or potential COI on their website until the COI has been eliminated.
- 54533(g) – outlines what the COI Plan must contain.
- 54534(a) – (b) – outlines the review process for the COI Plan for RC ED and RC board members. The procedure is no later than 90 calendar days after the area board and SCDD receive the Statement and Plan, the area board and the SCDD shall provide their approval/disapproval to DDS. If either the AB or SCDD fail to respond, DDS may unilaterally disapprove the Plan; however, DDS cannot approve the Plan without the AB or SCDD approval.
- 54534(c) – provides that DDS is responsible for making the final decision as to what conditions, restrictions, obligations, or actions shall be imposed or taken to eliminate, mitigate or manage the COI. The recommendation is to eliminate the requirement that the AB and the SCDD approve/disapprove the COI Plan. The basis for this recommendation is that both the AB and the SCDD may incur potential liability when making a determination to approve/disapprove the RC ED Plan. It is my understanding, based on the regulations, that the RC ED would have been appointed and the employment relationship established; therefore, addressing a COI situation with the potential of ultimate resignation by the RC ED, may create an unintentional employment law consequence on the AB and SCDD. In addition, the AB and SCDD have approval/disapproval authority, but do not have any authority on recommending actions that would mitigate the COI since DDS is the final authority.
- 54534(f) – provides that DDS shall issue a final decision regarding the COI Plan within 30 calendar days of receiving the decision from the AB and SCDD.

- 54534(h) – requires that if the Plan is denied by DDS, the AB or the SCDD, the RC ED and/or RC board member(s) shall have 30 days to eliminate the COI or resign their position.

54535 – If the COI is not addressed by the RC ED and/or board member(s), this section provides for sanctions against the RC.

In statute, the review of conflict of interest waivers is included as follows:

4626 (l) The department and the regional center governing board shall review the conflict-of-interest statement of the regional center executive director and each regional center board member to ensure that no conflicts of interest exist. If a present or potential conflict of interest is identified for a regional center director or a board member that cannot be eliminated, the regional center governing board shall, within 30 days of receipt of the statement, submit to the department ~~and the state council~~ a copy of the conflict-of-interest statement and a plan that proposes mitigation measures, including timeframes and actions the regional center governing board or the individual, or both, will take to mitigate the conflict of interest.

~~4628. If, for good reason, a contracting agency is unable to meet all the criteria for a governing board established in this chapter, the director may waive such criteria for a period of time, not to exceed one year, with the approval of the area board in the area and with the approval of the state council.~~

Staff recommendation is that the stricken language be removed from the statute; however, a legislative vehicle must be identified in order to process this removal.

#### **COUNCIL STRATEGIC PLAN OBJECTIVE: 14a):**

The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

#### **PRIOR COUNCIL ACTIVITY:**

The Council has frequently been active in the areas of legislative advocacy and rule-making,

**STAFF RECOMMENDATION:**

After review, the Committee should provide comments and recommendations to the Council for submittal to DDS.

The Committee should consider language that would remove both statutory and regulatory language that requires the local area board and the Council from approving the conflict of interest waivers.

**PREPARED:** Karim Alipourfard    October 4, 2012

## AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Review of State Legislative Process

**SUMMARY:** The LPPC will hear a presentation on the process by which bills are introduced, reviewed, amended, and made into laws. Additionally, a glossary will be reviewed.

**BACKGROUND:** N/A

**ANALYSIS/DISCUSSION:** N/A

**COUNCIL STRATEGIC PLAN OBJECTIVE:** The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** N/A

**ATTACHMENT(S):** A legislative glossary, key to the legislative progress bar, and the life cycle of a bill are attached.

**PREPARED:** Christofer Arroyo, October 1, 2012



# KEY FOR READING THE LEGISLATIVE PROGRESS BAR

## 2 YR/Dead

Location: 01/31/2010-A DEAD

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Each legislative cycle is two years long. If a bill is neither passed nor dead, then it is a two year bill that can be acted upon in the second year of the cycle. As you can see above, this bill is dead.

## 1<sup>st</sup> Desk

Location: 02/18/2010-A PRINT

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill has been released and a determination is being made as to which policy committee(s) the bill should be sent for review.

## 1<sup>st</sup> Policy

Location: 03/04/2010-A HUM. S.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill is currently in review by the appropriate policy committee(s). At this point, fiscal considerations are not heavily weighed, but the policy considerations are. In this example, the Assembly (A) Human Services Committee is reviewing this bill. As you can see, abbreviations are used for the committees.

## 1<sup>st</sup> Fiscal

Location: 03/23/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill is under review by a fiscal committee such as Appropriations. At this point, policy considerations are not heavily weighed, but the fiscal considerations are.

## 1<sup>st</sup> Floor

Location: 03/24/2010-A CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill is or will be under consideration by the entire membership of the house that introduced it – the Assembly (A) or the Senate (S).

## 2<sup>nd</sup> Desk

Location: 03/24/2010-A CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill has now moved to the non-originating house. Like the 1<sup>st</sup> Desk, the other house is deciding which policy committee(s) to send the bill. In this example, we know this bill was originally introduced in the Senate and is currently in the Assembly.

## 2<sup>nd</sup> Policy

Location: 03/08/2010-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the same as 1<sup>st</sup> Policy, except it is now being reviewed with a policy committee in the non-originating house.

## 2<sup>nd</sup> Fiscal

Location: 03/23/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the same as 1<sup>st</sup> Fiscal, except it is now being reviewed with a fiscal committee in the non-originating house.

## 2<sup>nd</sup> Floor

Location: 03/04/2010-A THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the same as the 1<sup>st</sup> Floor, except it is now under consideration by the entire membership of the non-originating house.

## Conference/Concurrence

Location: 03/23/2010-A CONCURRENCE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill is now being considered by representatives from both houses. Typically, a bill will change significantly from when it was approved by the originating house to when it was approved by the non-originating house. Inconsistencies and disagreements in the bill are worked out at this point in time.

## Enrolled

**Location:** 03/23/2010-S ENROLLED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means that the bill has been prepared and delivered to the Governor for consideration.

## Vetoed

**Location:** 03/09/2010-A VETOED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the Governor has vetoed the bill.

## Chaptered

**Location:** 02/26/2010-A CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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This means the bill has now become a statute and has been incorporated in a California code (for example, the Welfare and Institutions Code).

# A GLOSSARY OF LEGISLATIVE TERMS

Primary Source: <http://www.leginfo.ca.gov/glossary.html>

## **Across The Desk**

The official act of introducing a bill or resolution. The measure is given to the Chief Clerk or his or her representative at the Assembly Desk in the Assembly Chambers or to the Secretary of the Senate or his or her representative in the Senate Chambers. It then receives a number and becomes a public document available from the bill room.

## **Act**

A bill passed by the Legislature and approved by the Governor.

## **Action**

Deposition of any question before the Legislature.

## **Adjournment**

Termination of a meeting; occurring at the close of each legislative day upon the completion of business, with the hour and day of the next meeting being set prior to adjournment.

## **Adjournment Sine Die**

Final adjournment of the Legislature; regular sessions of the Legislature are adjourned sine die at midnight on November 30 of each even-numbered year.

## **Adoption**

Approval or acceptance; usually applied to amendments or resolutions.

## **Advise And Consent**

Confirmation by the Senate of certain appointees of the Governor.

## **Amendment**

Formal proposal to change the language of a bill after it has been introduced. Amendments must be submitted to Legislative Counsel for drafting.

Author's Amendments - Amendments proposed by the bill's author anytime after bill introduction. In committee they are amendments placed in the bill prior to the committee hearing that are subject to the committee chair's approval.

Hostile Amendments - Amendments proposed by another member and opposed by the author in a committee hearing or during Assembly or Senate Floor consideration.

## **Analysis Of The Budget Bill**

The Legislative Analyst's comprehensive examination of the Governor's budget available to legislators and the public about six weeks after the budget is submitted to the Legislature.

**Apportionment**

Division of the State into districts from which representatives are elected.

**Appropriation**

The amount of money made available for expenditure by a specific entity from a specific source such as the General Fund, Environmental License Plate Fund, etc., and for a specific purpose.

**Appropriations Limit**

Established by Prop. 4 passed by voters in 1979, this is the maximum amount of tax proceeds that State or local government may appropriate in a fiscal year. The limit is adjusted annually but based on 1986-87 appropriations.

**Approved By The Governor**

Signature of the Governor on a bill passed by the Legislature.

**Archives**

Location and contents of public records kept by the Secretary of State, including copies of all measures considered at each session, journals, committee reports, and documents of historic value.

**Assembly**

The house of the California legislature consisting of 80 members, elected from districts apportioned on the basis of population.

**Assistant Chief Clerk**

Performs the duties of the Chief Clerk in his or her absence.

**BCP**

(Budget Change Proposal) A document prepared by a State agency and submitted to an agency and submitted to an agency secretary (if necessary) and the Department of Finance to propose and document budget changes to maintain the existing level of service or to change the level of service; and is used in preparing the Governor's Budget.

**Bicameral**

Legislature consisting of two houses.

**Bill**

A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, commonly refers to Joint and Concurrent Resolutions and Constitutional Amendments.

**Bill Analysis**

A document that must be prepared by committee and/or floor analysis staff prior to hearing the bill in that committee. It explains how a bill would change current law and sometimes mentions support and opposition from major interest groups.

**Blue Pencil**

(Line Item Veto) The Constitution grants the Governor "line item veto" authority to reduce or eliminate any item of appropriation from any bill including the budget bill. Thirty years ago the Governor used an editor's blue pencil for the task.

**Bond Bill (General Obligation Bonds)**

A bill authorizing the sale of State general obligation bonds to finance specified projects or activities, which must be subsequently approved by the voters.

**Budget**

Suggested allocation of State moneys presented annually by the Governor, for consideration by the Legislature; compiled by the Department of Finance, in conjunction with State department heads.

**Budget Act**

The Budget bill; after it has been signed into law by the Governor.

**Budget Bill**

The spending proposal for the next fiscal year, beginning July 1, and ending June 30, by the Department of Finance and submitted to the Legislature by the Governor.

**Budget Change Proposal**

(See BCP)

**Budget Year**

The next, rather than the current fiscal year, beginning July 1 and ending June 30.

**Cola**

Cost-of-living adjustment.

**Cal-Span**

The cable television channel which televises Assembly and Senate proceedings.

**Call Of The House**

On motion from the Floor, the presiding officer directs the Sergeant-at-Arms to lock the chambers and bring in the absent members (by arrest, if necessary) to vote on a measure under consideration. No action is taken on an item under call until the call is lifted, at which time it must be immediately voted on.

**Call The Absentees**

Order by the presiding officer directing the reading clerk to call the names of members who have not responded to roll call.

**Capital Outlay**

Funds to be spent acquiring or constructing fixed assets.

**Capital Press Corps**

Those members of the press who are responsible for covering events in the Capitol. Their offices are located at 925 L Street.

**Casting Vote**

The deciding vote the Lieutenant Governor may cast in the case of a tie vote in the Senate.

**Caucus**

- (1) A closed meeting of legislators of one's own party;
- (2) any group of legislators who coalesce formally because of their interest in specific issues.

**Chair**

A metaphorical designation of the current presiding officer.

**Chamber**

The Assembly or Senate chamber where Floor Sessions are held.

**Chapter**

After a bill has been signed by the Governor, the Secretary of State assigns the bill a "Chapter Number" such as "Chapter 123, Statutes of 1992," which is subsequently used to refer to the measure rather than the bill number.

**Chapter Out**

When two or more bills, during one year of the session, amend the same section of law and more than one bill becomes law, amendments made by the bill enacted last (and therefore given a later or higher chapter number) becomes law and prevail over the amendments made by the bill or bills previously enacted.

**Check-In-Session**

Weekdays when legislators do not meet in formal legislative sessions, they are required to "check in" with the Chief Clerk or Secretary of the Senate. Mondays, Thursdays (and Fridays during busy periods) are formal Floor Session days. Check-in days are typically Tuesdays and Wednesdays.

**Chief Clerk**

Elected by Assembly members at the beginning of every two-year session to be principal parliamentarian and record keeper of the Assembly. Responsible for all Assembly daily and weekly publications.

**Co-Author**

Any member of either house, with the agreement of the author of a bill, may add his or her name on that member's bill as a coauthor, usually indicating support for the proposal.

**Codes**

Bound volumes of law organized by subject matter. The code to be changed by a bill is referred to in the title of the bill.

**Committee Of The Whole**

The Assembly or Senate meeting as a committee for the purpose of receiving information.

**Companion Bill**

An identical bill introduced in the other house. This procedure is far more common in Congress than in the California Legislature.

**Concurrence**

One house approving a bill as amended in the opposite house. If the author is unwilling to move the bill as amended by the other house, the author requests "nonconcurrence" in the bill and asks for the formation of a conference committee.

**Concurrent Resolution**

A measure introduced in one house which, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the business of the Legislature.

**Conferees**

Officially designated members of a conference committee.

**Conference Committee**

Usually composed of three legislators (generally two from the majority party; one from the minority party) from each house who meet in public session to forge one version of similar Senate and Assembly bills. The final conference committee version must be approved by both Assembly and Senate. Assembly conferees are chosen by the Speaker; Senate conferees are chosen by the Senate Rules Committee.

**Confirm**

The process of approving gubernatorial appointments to executive departments and many boards and commissions.

**Consent Calendar**

File containing bills which have received no dissenting votes and which have received unanimous agreement to pass.

**Constituent**

A person who resides within the district of a legislator.

**Constitutional Amendment**

A resolution changing the language of the State Constitution. It may be presented in bill form, by the Legislature or by initiative, which requires the populace to vote.

**Consultant**

A committee professional staff person.

**Contingent Fund**

The fund from which monies are appropriated by the respective houses for operational expenses.

**Convene**

To assemble a meeting. The Legislature generally convenes twice a week.

**Current Fiscal Year**

The current fiscal year that began on July 1 and ends next June 30.

**Daily File**

Publication produced by the Assembly and Senate respectively for each day those houses are in session. The publication provides information about bills to be considered at upcoming committee hearing and bills eligible for consideration during the next scheduled Floor session. Pursuant to Joint Rule 62(a), any bill to be heard in committee must be noticed in the Daily File for four days, including weekend days. The Daily File also contains useful information about committee assignments and the legislative calendar.

**Daily History**

Produced by the Assembly and Senate respectively the day after each house has met. The History lists specific actions taken on legislation. Any measure acted upon in that house the previous day is listed in numerical order.

**Daily Journal**

Produced by the Assembly and Senate respectively the day after a Floor Session. Contains roll call votes on bills heard in policy committees and bills considered on the floor and other official action taken by the body. Any official messages from the Governor are also included. A Member may seek approval to publish a letter in the Journal on a specific legislative matter.

**Dead Bills**

No action may be taken on a dead bill, including a gut and amend. The topic of a dead bill can be introduced in a new bill.

**Desk**

The long desk in front of the presiding officer's rostrum where much of the clerical work of the body is conducted. Also, a generic term for the staff and offices of the Secretary of the Senate and the Chief Clerk of the Assembly.

**Desk Is Clear**

Statement by the presiding officer that there is no further business before the house.

**Digest**

Prepared by the Legislative Counsel, it summarizes the effect of the proposed bill on current law. It appears on the first page of every printed measure.

**District**

The area of the State represented by a legislator. Each district is determined by population and is known by a number. There are 40 Senate districts and 80 Assembly districts.

**District Bill**

Legislation introduced specifically on behalf of a legislator's district, generally affecting only that district.

**Do Pass**

Affirmative recommendation made by a committee which moves a bill to the floor or to the next committee.

**Do Pass As Amended**

Passage recommended by committee providing the language of the bill is changed as specified.

**Double Join**

Amendments to a bill which include provisions so that the amended bill does not "chapter out" the provisions of another bill.

**Double Refer**

Legislation recommended for referral to two policy committees rather than one for hearing. The first committee is not bound by the recommended second referral. Both committees must approve the measure to keep it moving in the process. Typically used for sensitive issue areas that transcend the jurisdiction of one policy committee. Bill referrals are made by the Assembly and Senate Rules Committees for their respective houses.

**Dropped**

Author has decided not to pursue the passage of the bill.

**Enacting Clause**

The phrase at the beginning of each bill which says "The people of the State of California do enact as follows."

**Engrossment**

The process of comparing the printed bill to ensure it looks like the original and to verify that amendments have been correctly inserted.

**Engrossed Bill**

Whenever a bill is amended, the printed form of the bill is proofread to make sure all amendments are inserted properly. After being proofread, the bill is "correctly engrossed" and is therefore in proper form.

**Enrolled Bill**

Whenever a bill passes both houses of the Legislature, it is ordered enrolled. In enrollment, the bill is again proofread for accuracy and then delivered to the Governor. The "enrolled bill" contains the complete text of the bill with the dates of passage certified by the Secretary of the Senate and the Chief Clerk of the Assembly.

**Enrollment**

When bills are filed with the Governor and resolutions are filed with the Secretary of State once they have been accepted by both houses.

**Ex Officio**

(literally: out of or because of one's office) The act of holding one office by reason of holding another. For example, the Lieutenant Governor is, ex officio, a member of the University of California Board of Regents.

**Executive Session**

A committee meeting restricted to only committee members and specifically invited guests.

**Expunge**

A motion by which action is deleted from the Journal; i.e., "Expunge the record."

**Extraordinary Session**

A special legislative session called by the Governor to address only those issues specified in the proclamation. Measures introduced in these sessions are numbered chronologically with a lower case "x" after the number (i.e., AB 28x).

**File**

The agenda for the business of the house. It is printed daily.

**File Number**

The number assigned to a measure in the Assembly or Senate Daily File. The file number changes each day as bills move on or off the Daily File. These include measures on second and third reading; in conference; unfinished business (a bill amended in the other house and awaiting concurrence in amended form); and, in the Senate, Governor's appointments. Legislation is taken up on the Assembly or Senate Floor in chronological order according to file number. Items considered on the floor are frequently referred to by file number.

**Final History**

The publication printed at the end of every session showing the final disposition of all measures.

**Finance Letter**

Revisions to the budget bill and the Governor's budget for the current year proposed by the Department of Finance and addressed to appropriate committee chairs in the Assembly and Senate.

**First Reading**

Each bill introduced must be read three times before final passage. The first reading of a bill occurs when the measure is introduced.

**Fiscal Bill**

Generally, a measure that contains an appropriation of funds or requires a State agency to spend money for any purpose. The Legislative Counsel determines which bills are fiscal bills. The designation appears at the end of the Legislative Counsel's Digest found on the first page of each bill. Fiscal bills must be heard by the Assembly and Senate Appropriations Committees in addition to the policy committees in each house

**Fiscal Committee**

The Appropriations Committee in the Assembly and the Appropriations Committee in the Senate to which all fiscal bills are referred if they are approved by policy committees. If the fiscal committee approves a bill, it then moves to the floor.

**Fiscal Deadline**

The date on the legislative calendar by which all bills with fiscal implications must have been taken up in a policy committee and referred to a fiscal committee. Any fiscal bill missing the deadline is considered "dead" unless it receives a rule waiver allowing further consideration.

**Fiscal Year**

The twelve month period on which the budget is planned. The State fiscal year begins July 1 and ends June 30 of the following year. The federal fiscal year begins October 1 and ends September 30 of the following year.

**Floor**

- (1) The Assembly or Senate Chambers.
- (2) The term used to describe the location of a bill or the type of session. Matters may be referred as "on the floor."

**Floor Manager**

The legislator responsible for taking up a measure on the floor. This is always the bill's author in the first house and a member of the other house designated by the author when the bill is considered by the other house. The name of the floor manager in the other house appears in

parenthesis after the author's name in the second or third reading section of the Daily File.

### **Floor Pass**

No visitor may observe the Assembly or Senate from the rear of the chambers without a pass. Assembly passes are issued by the Speaker's office; Senate passes are issued by the President pro Tempore's office. Passes are not required for the viewing area in the gallery above the chambers.

### **Foreign Amendments**

The Legislative Counsel's term for amendments not drafted in his or her office.

### **4-Day File Notice**

Officially known as Joint Rule 62(a), the requirement that all bills for the first committee of reference be noticed in the Daily File for four days prior to committee hearings where they will be considered. The second or subsequent committees of reference only require a notice of two days.

### **Germaneness**

Referring to whether an amendment is relevant to the subject matter already being considered in a bill. The Legislative Counsel opines germaneness, but the matter is subject to final determination by the full Assembly or Senate.

### **Governor's Budget**

The spending plan submitted by the Governor in January.

### **Grandfathering**

Specific situations that are allowed to continue while a law would make changes henceforth.

### **Handbook**

The 3" x 5-3/4" hardbound edition of California Legislature published for each two-year legislative session. Contains indexed versions of the Assembly, Senate, and Joint Rules; biographies of members; and other useful information. Published by the Assembly Chief Clerk and Secretary of the Senate for their respective houses.

### **Hearing**

A committee meeting convened for the purpose of gathering information on a specific subject or considering specific legislative measures.

### **Held In Committee**

A bill fails to get sufficient votes to pass out of committee.

**Hijack**

Amendments which delete the contents of a bill and insert entirely new provisions. Can be accomplished with or without the author's permission.

**Hopper**

Refers to a bill presented for formal introductions and first reading.

**Host**

The communal file cabinet of the mainframe computer allowing access by all legislative employees in Sacramento and district offices. The Host is maintained by the Legislative Data Center which is a part of Legislative Counsel. It contains information such as bill analyses, bill status, bill text, votes, and other useful information for bill tracking and research.

**House**

Refers to either the Senate or the Assembly in California.

**Inactive File**

The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dead or dormant. An author may move a bill to the inactive file and subsequently move it off the inactive file at a later date. During the final weeks of the legislative session, measures may be moved there by the leadership as a method of encouraging authors to take up their bills promptly.

**Initiative**

A method of legislating that requires a vote of the people instead of a vote of the Legislature for a measure to become law. To qualify for a statewide ballot, statutory initiatives must receive signatures equal to 5 percent, and constitutional amendment initiatives must receive signatures equal to 8 percent, of the voters for all candidates for Governor at the last gubernatorial election.

**Interim**

The period of time between the end of the legislative year and the beginning of the next legislative year. The legislative year ends on August 31 in even-numbered years and in mid-September in odd-numbered years.

**Interim Study**

The assignment of the subject matter of a bill to the appropriate committee for study during the period the Legislature is not in session.

**Joint Committee**

A committee composed of equal numbers of Assembly members and Senators.

**Joint Resolution**

A resolution expressing an opinion about an issue pertaining to the federal government; forwarded to congress for its information. Requires the approval of both Assembly and Senate but does not require signature of the Governor to take effect.

**Joint Session**

The Assembly and Senate meeting together, usually in the Assembly chambers. The purpose is to receive special information such as the Governor's State of the State address.

**Journal**

The official chronological record of the proceedings in each house. The journal is the minutes of the meeting. It is a publication printed daily. At the end of session, the journals are certified, indexed and bound.

**Law**

The rules which govern our daily lives.

**Lay On The Table**

Temporary postponement of a matter before the house, which may later be brought up for consideration by a motion to "take from the table."

**Legislative Advocate**

An individual engaged to present to legislators, the views of a group or organization. They are required by law to register with the Secretary of State. More commonly known as lobbyists.

**Legislative Analyst**

Provides thorough, nonpartisan analysis of the budget submitted by the Governor; also analyzes fiscal impact of other legislation.

**Legislative Counsel**

The Legislative Counsel (who is elected jointly by both houses) and his or her legal staff is responsible for, among other things, drafting all bills and amendments, preparing a digest (summary) of each bill, providing legal opinions, and generally representing the Legislature in legal proceedings.

**Legislative Counsel's Digest**

The digest is a brief summary of the changes the proposed bill would make to current law. The digest is found on the front of each printed bill.

**Lieutenant Governor**

The President of the Senate; designated by the State Constitution allowing him or her to preside over the Senate and cast a vote only in the event of a tie. If the Governor cannot assume his or her duties or is absent from the state, the Lieutenant Governor assumes the office of the Executive Office for the remainder of the term or during the absence.

**Line Item Veto**

(See Blue Pencil).

**Lobbyist**

An individual who seeks to influence the outcome of legislation or administrative decisions. The law requires formal registration as a lobbyist if an individual's lobbying activity exceeds 25 contacts with decision makers in a two-month period.

**Lobbyist Book**

The Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers published every legislative session by the Secretary of State; available to the public for \$12.00 from the Legislative Bill Room at the State Capitol or the Secretary of State's office. Photos and addresses of lobbyists are included with a list of the clients they represent. Employers of lobbyists are also listed alphabetically.

**Lower House**

The Assembly.

**Majority Floor Leader**

The "number two" issues and political strategist for the Assembly's majority party, second in command to the Assembly Speaker. Elected by the Assembly majority party members.

**Majority Leader**

The "number two" issues and political strategist for the Senate's majority party, second in command to the Senate President pro Tempore. Elected by the members of the Senate's majority party.

**Majority Vote**

A vote of more than half of the legislative body considering a measure. The full Assembly requires a majority vote of 41 and the full Senate requires 21, based on their memberships of 80 and 40 respectively.

**Majority Whip**

One of the members of the majority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

**Mason's Manual**

The definitive reference manual for parliamentary procedure unless specifically covered by the Legislature's own written rules.

**May Revision**

Occurring in early May, the updated estimate of revenues and expenditures that replaces the estimates contained in the Governor's budget submitted in January.

**Measure**

Any bill, resolution, or constitutional amendment that is acted upon by the Legislature.

**Minority Floor Leader**

The Senate's highest ranking minority party post; chief policy and political strategist for the Senate's minority party.

**Minority Whip**

One of the members of the minority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

**Minutes**

An accurate record of the proceedings (See Journal).

**Motion**

A formal request for action made by a legislator during a committee hearing or Floor Session.

**Nonfiscal Bill**

A measure having no financial impact on the state and, therefore, not required to be heard in an Assembly or Senate fiscal committee as it moves through the legislative process. Nonfiscal bills are subject to somewhat different legislative calendar deadlines than fiscal bills.

**Officers**

Those members of the Legislature who are elected by the membership of their respective houses at the beginning of each session. Assembly officers include: Speaker, Speaker pro Tempore, Chief Clerk, Sergeant-at-Arms. Senate officers include: President pro Tempore, Secretary of the Senate, Sergeant-at-Arms.

**On Call**

A roll call vote in a committee or an Assembly or Senate Floor Session that has occurred but has not yet been concluded and , therefore, formally announced. Members may continue to vote or change their votes as long as a measure remains "on call." Calls are usually placed at the request of a bill's author in an effort to gain votes. Calls can be lifted by request anytime during the committee hearing or Floor Session, but cannot be carried over into the next legislative day.

**On File**

A bill on the second or third reading file of the Assembly or Senate Daily File.

**On The Floor**

The Assembly or Senate Chambers where legislation is considered by the full Assembly or Senate.

**Out Of Order**

A parliamentary ruling by the presiding officer of a committee or the house that an action is not properly before the body or relevant to its discussion and, therefore, cannot be discussed at that moment.

**Override**

An effort to reverse a Governor's veto by a vote of two-thirds of the members of each house. This requires 27 votes in the Senate and 54 votes in the Assembly.

**Parliamentary Inquiry**

A question posed by a legislator during a committee hearing or Floor Session. A member must be recognized for this purpose and the question answered by the committee chair or presiding chair.

**Pass on File**

Bills are taken up during a Floor Session according to their member in the Assembly or Senate Daily File. An author may choose to "pass on file" thus temporarily giving up his or her chance to take up a measure on the floor.

**Passage**

Favorable action on a measure before either house.

**Per Diem**

(literally: per day) Daily living expense money rendered legislators and personnel.

**Petition**

A formal request submitted to the Legislature by an individual, or group of individuals.

**Point of Order**

A motion calling attention to a breach of order or of the rules.

**Point Of Personal Privilege**

Statement by a member that his or her character or purposes have been impugned and his or her repudiation of the alleged charges.

**Postpone**

Motion to delay action on matters before the house.

**President**

By the State Constitution, the Lieutenant Governor is also President of the Senate.

**President of the Senate**

The State Constitution designates the Lieutenant Governor as President of the Senate, allowing him to preside over the Senate and cast a vote only in the event of a tie. The Lieutenant Governor's role is largely ceremonial because he has not cast a tie breaking vote since 1975 and, in practice, does not preside over the Senate.

**President Pro Tempore Of The Senate**

(literally: for the time) Highest ranking leader and most powerful member of the Senate; also chairs the Senate Rules Committee. Elected by all Senators at the beginning of each two-year session.

**Presiding**

The act of managing the proceedings during Floor Session. In the Assembly, the Presiding Officer can be the Speaker, Speaker pro Tempore or any other Assembly Member appointed by the Speaker. In the Senate, the presiding officer can be the President, President pro Tempore, or any other Senator appointed by the President pro Tempore.

**Presiding Officer**

The member who presides over a legislative Floor Session. In the Assembly, the presiding officer is usually the Speaker pro Tempore (not to be confused with the Speaker). In the Senate, it is a senior Senator designated by the Senate President pro Tempore.

**Press Conference**

A presentation of information to a group of reporters. Press conferences are frequently held in Room 1190 of the Capitol, the Governor's press room, available to members on a reservation basis (445-4571).

**Previous Question**

If a member seeks to cut off all further debate on a measure(s), he or she can call the previous question and force the body to vote immediately on the issue.

**Principal Coauthor**

A legislator singled out to share credit along with the author of a bill or resolution.

**Privilege of the Floor**

Permission given, by the presiding officer, to view the proceedings from the Floor of the Chamber, rather than from the gallery. Members make this request on behalf of relatives, constituents, and guests.

**Put Over**

Action delayed on a legislative measure until a future date without jeopardy to the measure.

**Quorum**

A simple majority of the members of the full committee or the full Assembly or Senate; the minimum number of legislators needed to begin conducting official business. Once a quorum is established, the absence of a quorum is grounds for immediate adjournment of a committee hearing or Floor Session.

**Quorum Call**

Transmitting the message that members are needed to establish a quorum so proceedings can begin.

**Reading**

Presentation of a bill before the house by reading the title thereof. A bill is either in first, second, or third reading until it is passed by both houses.

**Reapportionment**

Redistricting the State for election purposes.

**Recess**

(1) An official pause of any length in a committee hearing or Floor Session that halts the proceedings for a period of time but does not have the finality of adjournment.

(2) A break of more than four days in the regular session schedule such as the "Easter recess", etc.

**Reconsideration**

A motion giving the opportunity to take another vote on the item in question. The motion for reconsideration must be accepted by a majority of the members present and voting.

**Referendum**

The method by which a measure adopted by the Legislature may be submitted to the electorate for a vote.

**Rescind**

Revocation of previous actions.

**Resolution**

An opinion expressed by one or both houses which does not have the force of law. Concurrent and joint resolutions are voted on by both houses but do not require the Governor's signature.

**Roll Call**

A vote of a committee or the full Assembly or Senate. Committee roll calls are conducted by the committee secretary who calls each member's name in alphabetical order with the Chair's name last. Assembly roll calls are conducted electronically with each member pushing a button from his or her assigned seat. Senate roll calls are conducted by the Reading Clerk who reads each Senator's name in alphabetical order.

**Rule Waiver**

Specific exemption to the Assembly, Senate, or Joint Rules; formal permission must be sought and received.

**Rules**

Those ideas which govern the operation of either or both houses. There are Standing Rules of the Assembly, Standing Rules of the Senate, and Joint Rules.

**Second Reading**

Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported from committee.

**Second Reading File**

The portion of the Daily File that lists measures that have been reported out of committee and are ready for consideration on the floor. Measures stay on the second reading file for one day before moving to the third reading portion of the File.

**Secretary Of The Senate**

Principal parliamentarian and record keeper for the Senate, elected by Senators at the beginning of each two-year session. The Senate Secretary and his staff are responsible for publishing the Senate daily and weekly publications.

**Section**

A portion of the California Codes. The text of these sections are set forth in bills and proposed to be amended, repealed, or aDDed.

**Senate**

The upper house of the California legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

**Sergeant-At-Arms**

Staff responsible for maintaining order and providing security for legislators. The Chief Sergeant-at-Arms in each house is elected by the members of that house at the beginning of every legislative session.

**Session**

The period during which the Legislature meets.

**Short Committee**

Lacking sufficient members of the committee; less than a quorum.

**Sine Die**

Final adjournment. It means adjournment without delay.

**Skeleton Bill**

A measure introduced with little or no substance. It will be amended at a later date to include substantive text.

**Speaker**

The presiding officer of the Assembly elected by the membership of the Assembly at the beginning of the two-year session. This is the highest ranking member of the Assembly.

**Speaker Pro Tempore**

Takes the chair at the request of the Speaker. The pro Tempore is also elected by the membership of the Assembly.

**Special Order Of Business**

Occasionally a bill is of such importance that advance notice is given about when it will be considered in the full Assembly or Senate. Notice is given during a Floor Session by requesting unanimous consent to set the bill as a special order of business on a specific date and time. This assures adequate time for debate and allows all members the opportunity to be present.

**Sponsor**

The legislator, private individual, or group who developed a piece of legislation and advocates its passage.

**Spot Bill**

A bill that amends a code section in such an innocuous way as to be totally nonsubstantive. The bill has been introduced to assure that a germane vehicle will be available at a later date after the deadline has passed to introduce bills. At that future date, the bill can be amended with more substance included.

**State Auditor**

Staff Director of Joint Audit Committee. The Auditor General audits the financial condition of State agencies.

**State Mandate**

Chapter 1406, Statutes of 1972, first established the requirement for the State to reimburse units of local government for all costs mandated on them by the State resulting from either legislative acts or administrative regulations which impose a new program or demand an increased level of service in an existing program. Proposition 4 of 1979 (Gann Initiative) incorporated this requirement into Section 6 of Article XIII B of the State Constitution.

**Statutes**

Compilation of all enacted bills, chaptered by the Secretary of State in the order in which they become law.

**Stop the Clock**

The term used to describe the process of continuing business after a time deadline has passed.

**Subcommittee**

A subgroup of a full committee, composed of committee members from both parties.

## **Summary Digest**

Brief summaries of each piece of legislation passed in the two- year session; prepared by Legislative Counsel. Measures are listed in the order they were signed into law.

## **Suspend the Constitution**

A motion to waive requirements that the Constitution imposes but permits to be waived. A motion to suspend requires an extraordinary vote.

## **Suspended/In Suspense**

When a bill is suspended or in suspense, this means the leadership will decide if the bill should be changed or amended. It lays dormant until it moves forward in the process. Typically, this only happens to bills while they are with a fiscal committee.

## **Table**

To set aside. Typically used to dispense with, or set aside, amendments to a bill rather than vote "aye" or "no" on them. A motion to table is non-debatable and once made, must be voted upon.

## **Tax Levy**

Any bill that imposes, repeals, or materially alters a State tax. The Legislative Counsel determines whether a bill is a tax levy and so indicates in the title and body of the bill.

## **Third House**

Lobbyists.

## **Third Reading**

Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

## **Third Reading Analysis**

A summary of a measure ready for floor consideration. Contains most recent amendments and information regarding how members voted on the measure when it was heard in committees. Senate floor analyses also list support or opposition information on interest groups and government agencies.

## **Third Reading File**

That portion of the Daily File that lists the bills that are ready to be taken up for final passage.

## **Title**

That portion of a measure which identifies the subject matter of a measure and precedes the contents of the measure.

**Tombstone**

Specifying in a bill that the act it creates will be named for a state legislator; i.e., "The (last name of individual) Act."

**Two-Thirds Vote**

In the Assembly, 54; in the Senate 27; irrespective of any vacancies.

**Unanimous Consent**

The consent of all those members present, without objection.

**Unfinished Business**

That portion of the Daily File that contains measures awaiting Senate or Assembly concurrence in amendments taken in the other house. Also contains measures vetoed by the Governor for a 60-day period after the veto. The house where the vetoed bill originated has 60 days to attempt to override.

**Unicameral**

A legislature consisting of one house.

**Upper House**

The Senate.

**Urgency Measure**

A bill affecting the public peace, health, or safety and requiring a 2/3's vote for passage. An urgency bill becomes effective immediately upon enactment.

**Urgency Clause**

Language in a bill which states the bill will take effect immediately upon enactment. A vote on the urgency must precede a vote on the bill. A 2/3 vote is required for passage.

**Veto**

The act of the Governor disapproving a measure. The Governor's veto may be overridden by 2/3's vote. The Governor can also exercise an Item veto, whereby the amount of appropriation is reduced or eliminated, while the rest of the bill approved. An Item veto may be overriDDen by 2/3's vote in each house.

**Voice Vote**

A vote that requires only an oral "aye" or "no" with no official count taken. The presiding officer determines whether the "ayes" or "noes" carry.

