

COMMITTEE LEADERSHIP

Erin Hannigan, District 1
Monica Brown, District 2

STAFF

Matthew A. Davis, CAO



**Legislative
Committee**

Monday, April 24, 2023

1:30 p.m. – 3 p.m.

Solano County Administration Center
675 Texas Street, Conf. Rm 6003 (6th Floor), Fairfield, CA 94533
Call in option on MS Teams: (323) 457-3408, ID 701 680 984#

MEETING AGENDA

(1) – INTRODUCTIONS *(Attendees)*

Supervisor Hannigan and Supervisor Brown

(2) – ADDITIONS / DELETIONS TO THE AGENDA

(3) – PUBLIC COMMENT *(Items not on the agenda)*

(4) – UPDATE FROM SOLANO COUNTY LEGISLATIVE DELEGATION

Representative and/or staff

(5) – FEDERAL LEGISLATIVE UPDATE

Joe Krahn, Tom Joseph and Hasan Sarsour, Paragon Government Relations

- (1) FY 2024 Appropriations update (Community Project Funding Requests)
- (2) Debt Ceiling update
- (3) Farm Bill Reauthorization

(6) – STATE LEGISLATIVE UPDATE

Karen Lange, SYASL Partners, Inc.

- (1) Specialty Mental Health update
- (2) Sponsored legislation update
- (3) Budget developments, May Revision

(7) – STATE ACTION ITEMS

- (1) Receive an update on [AB 50](#), ([Wood – D](#)) an Act to amend the Public Utilities Code, relating to public utilities, and consider making a recommendation. *(Requested by Supervisor Erin Hannigan, presented by Karen Lange, SYASL)*
- (2) Receive an update on [AB 400](#), ([Rubio – D](#)) an Act to repeal a section of the Public Contract Code, relating to public contracts, and consider making a recommendation. *(Requested by Supervisor Erin Hannigan, presented by Karen Lange, SYASL)*

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- (3) Receive an update on [AB 504](#), ([Reyes – D](#)) an Act to add a section to the Government Code, relating to public employment, and consider making a recommendation. *(Requested by Debbie Vaughn, Assistant County Administrator, presented by Karen Lange, SYASL)*
- (4) Receive an update on [AB 540](#), ([Wicks – D](#)) an Act to amend sections of the Government Code, to add a section to the Public Utilities Code, and to amend and add sections to the Revenue and Taxation Code, relating to transportation and making an appropriation therefore, and consider making a recommendation. *(Requested by Supervisor Monica Brown, presented by Karen Lange, SYASL)*
- (5) Receive an update on [AB 595](#), ([Essayli – R](#)) an Act to add and repeal a section of the Food and Agricultural Code, relating to animal shelters, and consider making a recommendation. *(Requested by Supervisor Erin Hannigan, presented by Karen Lange, SYASL)*
- (6) Receive an update on [AB 702](#), ([Jackson – D](#)) an Act to amend a section of the Government Code and repeal and add a section to the Welfare and Institutions Code, relating to local government, and consider making a recommendation. *(Requested by Christopher Hansen, Chief Probation Officer, presented by Donna Robinson, Assistant Director of Probation)*
- (7) Receive an update on [AB 817](#), ([Pacheco – D](#)) an Act to add a section to the Government Code, relating to local government, and consider making a recommendation. *(Requested by Supervisor Monica Brown, presented by Karen Lange, SYASL)*
- (8) Receive an update on [AB 1672](#), ([Haney – D](#)) an Act to amend and add sections to the Government Code and to amend and add sections to the Welfare and Institutions Code, relating to in-home support services, and consider making a recommendation. *(Requested by Teri Ruggiero, Public Authority Administrator, presented by Bela Matyas, M.D., M.P.H., Solano County Health Officer)*
- (9) Receive an update on [SB 706](#), ([Caballero – D](#)) an Act to amend sections of the Public Contract Code, relating to public contracts, and consider making a recommendation. *(Requested by Supervisor Erin Hannigan, presented by Karen Lange, SYASL)*

(8) – FUTURE SCHEDULED MEETINGS

- (1) Monday, June 5, 2023 starting at 1:30 p.m.
- (2) Monday, June 19, 2023 starting at 1:30 p.m.
- (3) Tuesday, September 5, 2023 starting at 1:30 p.m.

(9) ADJOURN

AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 50

Introduced by Assembly Member Wood

**(Coauthors: Assembly Members Aguiar-Curry, Connolly, and
Robert Rivas)**

(Coauthors: Senators Dodd, McGuire, and Wiener)

December 5, 2022

An act to amend Section 451 of, and to add Section 783.4 to, the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 50, as amended, Wood. Public utilities: timely service: timely electrical interconnection.

Existing law authorizes the Public Utilities Commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires a public utility to furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. Existing law requires the commission to enforce rules governing the extension of service by electrical corporations.

This bill would additionally require a public utility to furnish and maintain timely service, instrumentalities, equipment, and facilities. The bill would require the commission, on or before January 1, 2025, to determine the criteria for timely service for electric customers that

meets specified requirements. Until the commission determines that criteria, the bill would require each large electrical corporation, among other things, to ~~make a good faith effort~~ *take all practical measures* to deliver electric service within 90 days of issuing a written commitment to serve for customers seeking a new connection, and within 30 days of issuing a written commitment to serve for customers seeking upgrades to an existing connection. If a large electrical corporation fails to deliver service to a customer by the date communicated on a written commitment to serve, the bill would require the impacted customer to be entitled to a utility bill credit, as specified. *In order to evaluate the timely performance of each large electrical corporation in meeting the interconnection dates in written commitments to serve, the bill would require the commission to annually collect certain information from each large electrical corporation.*

Under the Public Utilities Act, a violation of an order, decision, rule, direction, demand, or requirements of the commission is a crime.

Because the above-described provisions would be a part of the act, a violation of which would be a crime, this bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 451 of the Public Utilities Code is
- 2 amended to read:
- 3 451. (a) All charges demanded or received by any public
- 4 utility, or by any two or more public utilities, for any product or
- 5 commodity furnished or to be furnished or any service rendered
- 6 or to be rendered shall be just and reasonable. Every unjust or
- 7 unreasonable charge demanded or received for a product or
- 8 commodity or service is unlawful.
- 9 (b) Every public utility shall furnish and maintain such adequate,
- 10 efficient, just, reasonable, and timely service, instrumentalities,
- 11 equipment, and facilities, including telephone facilities, as defined

1 in Section 54.1 of the Civil Code, as are necessary to promote the
2 safety, health, comfort, and convenience of its patrons, employees,
3 and the public.

4 (c) All rules made by a public utility affecting or pertaining to
5 its charges or service to the public shall be just and reasonable.

6 SEC. 2. Section 783.4 is added to the Public Utilities Code, to
7 read:

8 783.4. (a) On or before January 1, 2025, the commission shall
9 determine the criteria for timely service for electric customers, as
10 required pursuant Section 451. Timely electric service shall include,
11 but is not limited to, all of the following:

12 (1) The timely start of service for new connections after a ~~written~~
13 ~~commitment to serve has been issued.~~ *customer has submitted a*
14 *request.*

15 (2) The timely fulfillment of requests for increased load from
16 existing connections after a ~~written commitment to serve the load~~
17 ~~increase has been issued.~~ *customer has submitted a request for*
18 *increased load.*

19 (3) Reenergization of customers following a power outage event.

20 (b) Until the commission determines the criteria for timely
21 service of electric customers pursuant to subdivision (a), all of the
22 following shall apply:

23 (1) For customers seeking a new connection, each large electrical
24 corporation shall ~~make a good faith effort~~ *take all practical*
25 *measures* to deliver electric service within 90 days of issuing a
26 written commitment to serve.

27 (2) For customers seeking upgrades to an existing connection,
28 each large electrical corporation shall ~~make a good faith effort~~ *take*
29 *all practical measures* to deliver electric service within 30 days
30 of issuing a written commitment to serve.

31 (3) Each large electrical corporation shall respond to requests
32 for service in writing within 30 days of receipt of the request for
33 service.

34 (4) A written response to a request for service shall state whether
35 the large electrical corporation will deliver service or not.

36 (5) A written response to a request for service shall state the
37 anticipated date ~~of interconnectivity.~~ *on which new or upgraded*
38 *service will be completed, consistent with the timelines established*
39 *pursuant to this subdivision.*

1 (6) (A) If a large electrical corporation fails to deliver service
 2 to a customer by the date communicated on a written commitment
 3 to serve, the impacted customer shall be entitled to a utility bill
 4 credit in the amount of ~~_____ kilowatthours for each month they~~
 5 ~~were delayed.~~ *sufficient to compensate the customer for any*
 6 *financial damages suffered from the delay, unless the electrical*
 7 *corporation can demonstrate that unanticipated events occurring*
 8 *after the date of the written commitment justify the delay.*

9 (B) Any funds used to compensate an impacted customer’s
 10 utility bill credit shall not be ~~borne by~~ *collected from* ratepayers.

11 (7) To facilitate achievement of the goal of timely electric
 12 service, each large electrical corporation shall evaluate and update,
 13 as necessary, their existing distribution planning processes to
 14 ensure that the projected demand for a given planning cycle closely
 15 matches the actual demand for new or additional service.

16 (8) ~~Each~~ *To improve the accuracy of projected demand, each*
 17 *large electrical corporation shall have biannual meetings with the*
 18 *relevant county staff, which is presumed to include chief*
 19 *administrative ~~officers~~ officers, planning directors, public works*
 20 *directors, chief building officials, and economic development*
 21 *officials, to discuss existing capacity, delays in interconnectivity,*
 22 *and distribution planning.*

23 (9) To reduce costs and increase the pace and scale of local
 24 projects intended to meet state, regional, and local housing and
 25 economic development objectives, each large electrical corporation
 26 shall share information with local governments, the commission,
 27 and the Energy Commission about those areas where existing
 28 capacity either exists or could be easily added within the
 29 distribution system to meet those objectives.

30 (c) (1) *In order to evaluate the timely performance of each*
 31 *large electrical corporation in meeting the interconnection dates*
 32 *in written commitments to serve, the commission shall annually*
 33 *collect the following information from each large electrical*
 34 *corporation in the form of a report:*

35 (A) *The number of submitted requests for new customer*
 36 *connections and upgraded service during the prior year.*

37 (B) *The number of completed requests for new customer*
 38 *connections and upgraded service during the prior year.*

1 (C) *The number of pending and uncompleted requests for new*
2 *customer connections and upgraded service at the end of the prior*
3 *year.*

4 (D) *The number of days between requests for new customer*
5 *connections or upgraded service and final service delivery.*

6 (E) *A summary of recorded spending on customer connections*
7 *and service upgrades compared to the amounts authorized for*
8 *these activities for that year in the most recent general rate case.*

9 (F) *Any other information requested by the commission to*
10 *evaluate the status of customer connections.*

11 (2) *This subdivision shall only apply to interconnection of*
12 *customers and does not include generation interconnection.*

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

ASSEMBLY BILL

No. 400

Introduced by Assembly Member Blanca Rubio

February 2, 2023

An act to repeal Section 22169 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 400, as introduced, Blanca Rubio. Local agency design-build projects: authorization.

Existing law authorizes local agencies, as defined, to use the design-build procurement process for specified types of projects, as prescribed. Existing law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025.

This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely. By extending the design-build authorization, the bill would expand the crime of perjury, thereby imposing a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 22169 of the Public Contract Code is
2 repealed.
3 ~~22169. This chapter shall remain in effect only until January~~
4 ~~1, 2025, and as of that date is repealed.~~
5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY MARCH 30, 2023

AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Reyes
(~~Coauthor: Assembly Member Schiavo~~)
(Coauthors: Assembly Members Addis, Connolly, Kalra, Robert Rivas,
and Schiavo)

February 7, 2023

An act to add ~~Sections 3502.2 and 3515.3~~ *Section 3550.1* to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Reyes. State and local public employees: labor relations: disputes.

Existing law, the Meyers-Milias-Brown Act and the Ralph C. Dills Act, regulate the labor relations of employees and employers of local public agencies and the state, respectively. ~~The~~ *Those* acts grant specified employees, including, among others, certain employees of fire departments, of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. The acts grant the Public Employment Relations Board the power to hear specified disputes in relation to these provisions and to make determinations regarding them.

With regard to certain employees of fire departments, existing law provides that those persons do not have the right to strike or recognize a picket line of a labor organization while in the course of the performance of their official duties.

This bill would provide that it is not unlawful or a cause for discipline or other adverse action against a ~~state or local~~ public employee for that *public* employee to refuse to enter property that is the site of a primary labor dispute, perform work for ~~an~~ a *public* employer involved in a primary labor dispute, or go through or work behind a primary picket line. The bill would prohibit ~~an~~ a *public* employer from directing ~~an~~ a *public* employee to take those actions. The bill would authorize a recognized employee organization to inform employees of these rights and encourage them to exercise those rights. The bill would also state that a provision in a public employer policy or collective bargaining agreement that purports to limit or waive the rights set forth in this provision shall be void against public policy. The bill would exempt certain ~~state or local~~ public employees of fire departments from these provisions. The bill would include related legislative findings.

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 3502.2 is added to the Government Code,~~
- 2 ~~to read:~~
- 3 ~~3502.2.—~~
- 4 ~~SECTION 1. Section 3550.1 is added to the Government Code,~~
- 5 ~~to read:~~
- 6 ~~3550.1. (a) The Legislature finds and declares that the right~~
- 7 ~~of a public employee to demonstrate solidarity with other *public*~~
- 8 ~~employees by honoring a picket line, or by refusing to enter upon~~
- 9 ~~the premises or perform work for ~~an~~ a *public* employer engaged~~
- 10 ~~in a primary labor dispute, is a fundamental human right protected~~
- 11 ~~by the Constitution and laws of this state.~~
- 12 ~~(b) Notwithstanding any other law, policy, or collective~~
- 13 ~~bargaining agreement, it shall not be unlawful or a cause for~~
- 14 ~~discipline or other adverse action against a public employee for~~
- 15 ~~that public employee to refuse to do any of the following:~~
- 16 ~~(1) Enter property that is the site of a primary labor dispute.~~

1 (2) Perform work for an *a public* employer involved in a primary
2 labor dispute.

3 (3) Go through or work behind any primary picket line.

4 (c) A public employer shall not direct a public employee to take
5 any of the actions set forth in subdivision (b).

6 (d) A recognized employee organization may inform employees
7 of their rights and encourage employees to exercise their rights
8 under this section.

9 (e) A provision in a public employer policy or collective
10 bargaining agreement that purports to limit or waive the rights set
11 forth in this section shall be void as against public policy.

12 (f) This section shall not apply to any public employee who is
13 subject to Section 1962 of the Labor Code.

14 ~~SEC. 2.—Section 3515.3 is added to the Government Code, to~~
15 ~~read:~~

16 ~~3515.3.—(a) The Legislature finds and declares that the right~~
17 ~~of a state employee to demonstrate solidarity with other employees~~
18 ~~by honoring a picket line, or by refusing to enter upon the premises~~
19 ~~or perform work for an employer engaged in a primary labor~~
20 ~~dispute, is a fundamental human right protected by the Constitution~~
21 ~~and laws of this state.~~

22 ~~(b) Notwithstanding any other law, policy, or collective~~
23 ~~bargaining agreement, it shall not be unlawful or a cause for~~
24 ~~discipline or other adverse action against a state employee for that~~
25 ~~state employee to refuse to do any of the following:~~

26 ~~(1) Enter property that is the site of a primary labor dispute.~~

27 ~~(2) Perform work for an employer involved in a primary labor~~
28 ~~dispute.~~

29 ~~(3) Go through or work behind any primary picket line.~~

30 ~~(c) A state employer shall not direct a state employee to take~~
31 ~~any of the actions set forth in subdivision (b).~~

32 ~~(d) A recognized employee organization may inform employees~~
33 ~~of their rights and encourage employees to exercise their rights~~
34 ~~under this section.~~

35 ~~(e) A provision in a public employer policy or collective~~
36 ~~bargaining agreement that purports to limit or waive the rights set~~
37 ~~forth in this section shall be void as against public policy.~~

38 ~~(f) This section shall not apply to any public employee who is~~
39 ~~subject to Section 1962 of the Labor Code.~~

- 1
- 2 **REVISIONS:**
- 3 **Heading—Line 2.**
- 4

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ASSEMBLY BILL

No. 540

Introduced by Assembly Member Wicks

February 8, 2023

An act to amend Sections 15951, 15952, and 15975 of, and to add Sections 15950.5, 15955.5, and 15987 to, the Government Code, to add Section 99312.8 to the Public Utilities Code, and to amend Section 11052 of, and to add Sections 11052.5 and 11053.5 to, the Revenue and Taxation Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 540, as introduced, Wicks. Social Service Transportation Improvement Act: coordinated transportation services agencies.

(1) The Social Service Transportation Improvement Act requires transportation planning agencies and county transportation commissions to prepare and adopt plans detailing required steps to consolidate social service transportation services, including the designation of consolidated transportation service agencies. The act requires funding for implementation to be provided from specified local transportation funds.

This bill would require the coordination, rather than the consolidation, of social service transportation services under the act and would recharacterize consolidated transportation service agencies in the act as coordinated transportation service agencies. This bill would authorize a coordinated transportation service agency to review and comment on specified plans and projects relevant to its jurisdiction, and would require specified agencies to respond to the comments.

By increasing service requirements for counties, this bill would create a state-mandated local program.

(2) Existing law annually imposes a transportation improvement fee on each vehicle based on its market value. Existing law requires the deposit of these revenues into specified accounts, one of which is the Public Transportation Account. The California Constitution requires that all of these revenues be used solely for specified transportation purposes.

This bill would increase the transportation improvement fee by \$10 per vehicle, and would require the revenues generated to be deposited into the Public Transportation Account. The bill would continuously appropriate this fee revenue for allocation, as specified, to counties for accessible transportation services for seniors and disabled persons.

(3) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

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

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

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 15950.5 is added to the Government
2 Code, to read:

3 15950.5. The Legislature makes the following findings
4 regarding the State of California’s commitment to provide equitable
5 transportation services, including an effective and coherent network
6 of transportation services for older Californians and people with
7 disabilities and the right of that population to receive those services
8 pursuant to this part:

9 (a) Since the enactment of the Social Service Transportation
10 Improvement Act, the number of Californians requiring services
11 under this part has substantially increased without a corresponding
12 increase in services or funding to meet expanding needs.

13 (b) Despite planning efforts by the state in 2003, 2004, 2005,
14 2007, and 2021 to improve these transportation services for this

1 population, there has been no notable progress. The state is stuck
2 in a cycle of study and stagnate. While whole other segments of
3 the transportation system benefit from progress, this underserved
4 population languishes with substandard transportation options.

5 (c) The aging tsunami brought about by changing demographics
6 has long been forecasted to increase the demand for expanded
7 transportation services for seniors and persons with disabilities.
8 This is a well-documented issue. The Master Plan for Aging
9 indicates that by 2030, senior age groups will increase from 70
10 percent up to 274 percent. These age groups have cognitive and
11 physical characteristics that either require public transportation
12 services or result in the loss of ability to drive themselves, or both.

13 (d) Despite the increased demand for services and evolution in
14 the methods for providing those services, services for seniors and
15 persons with disabilities have remained stagnant while other sectors
16 of the transportation system have thrived under improved policies
17 and increased funding. It is clear that the funding mechanism,
18 value statements, and principles contained in this part must be
19 updated.

20 (e) It is the intent of the Legislature that the Department of
21 Transportation and the California Health and Human Services
22 Agency actively monitor the planning for and provision of social
23 service transportation, as defined by the coordinated public transit
24 human services transportation plan, as described in Section 5310
25 of Title 49 of the United States Code, to ensure the orderly and
26 systematic completion of improvements.

27 (f) The Legislature is aware that the public transit industry is
28 consumed with other obligations as a result of climate change
29 legislation, socioeconomic pressures, paradigm shifts in
30 technology, regulatory obligations, and Federal Americans with
31 Disabilities Act of 1990 paratransit requirements, and thus does
32 not have the organizational, operational, or financial capacity to
33 serve this vulnerable population adequately.

34 (g) The Legislature is aware of a well-documented cyclical
35 legacy of the state studying this issue, identifying solutions, and
36 failing to implement those solutions. The amendments to the Social
37 Service Transportation Improvement Act in the act that added this
38 section are intended to address that legacy by improving accessible
39 transportation as quickly as possible and by ensuring that, in the
40 future, seniors and persons with disabilities will no longer be

1 segregated from the benefits of any state transportation funding
2 program.

3 (h) It is the Legislature’s belief that the stagnation found in this
4 service area is multifactorial and is a result of lack of funding,
5 political friction as defined in Report 91 of the Transit Cooperative
6 Research Program, organic and haphazard rather than systemic
7 development and funding of accessible transportation systems,
8 and decisionmaking and authority assigned to inappropriate
9 agencies and levels of government, among other reasons.

10 (i) While the state has made substantial commitments to
11 transportation funding for different modes, these investments have
12 largely excluded services for older persons and those with
13 disabilities, which is incompatible with the growing demand for
14 these services due to demographic and other pressures.

15 (j) The Governor’s 2021 Master Plan for Aging described the
16 growing population of older Californians as a “seismic shift,” with
17 one out of every four qualifying as “older,” and despite this, the
18 Master Plan included no substantive transportation improvements
19 for the target population.

20 (k) Victims of wildfires are often disproportionately seniors and
21 persons with disabilities. These tragic outcomes can be related to
22 limited access to quality transportation. Any planning effort
23 intended to improve emergency response for this population
24 requires a significantly improved baseline for accessible
25 transportation services and for an accessible transportation system.

26 SEC. 2. Section 15951 of the Government Code is amended
27 to read:

28 15951. It is the intent of the Legislature, through the enactment
29 of this part, to improve transportation service required by social
30 service recipients by promoting the ~~consolidation~~ *coordination* of
31 social service transportation services so that the following benefits
32 may accrue:

33 *(a) Consistent development and funding of accessible*
34 *transportation programs throughout the state so that senior*
35 *Californians and Californians with disabilities are no longer*
36 *segregated from transportation benefits that every other segment*
37 *of the population enjoys and, to the extent practicable, have access*
38 *to a systematically developed and funded, seamless,*
39 *person-centered, no-wrong-door transportation system throughout*
40 *the state.*

1 ~~(a)~~
2 **(b)** Combined purchasing of necessary equipment so that some
3 cost savings through larger number of unit purchases can be
4 realized.

5 ~~(b)~~
6 **(c)** Adequate training of vehicle drivers to insure the safe
7 operation of vehicles. Proper driver training should promote lower
8 insurance costs and encourage use of the service.

9 ~~(e)~~
10 **(d)** Centralized dispatching of vehicles so that efficient use of
11 vehicles results.

12 ~~(d)~~
13 **(e)** Centralized maintenance of vehicles so that adequate and
14 routine vehicle maintenance scheduling is possible.

15 ~~(e)~~
16 **(f)** Centralized administration of various social service
17 transportation programs so that elimination of numerous duplicative
18 and costly administrative organizations can occur. Centralized
19 administration of social service transportation services can provide
20 more efficient and cost effective transportation services permitting
21 social service agencies to respond to specific social needs.

22 ~~(f) Identification~~
23 **(g)** *Identification, braiding*, and consolidation of all existing
24 sources of funding for social service transportation services can
25 provide more effective and cost efficient use of scarce resource
26 dollars. Consolidation of categorical program funds can foster
27 eventual elimination of unnecessary and unwarranted program
28 constraints.

29 SEC. 3. Section 15952 of the Government Code is amended
30 to read:

31 15952. (a) Centralized administration of—~~consolidated~~
32 *coordinated* social service transportation services shall ~~utilize, use,~~
33 to the maximum extent possible, existing public and private
34 administrative capabilities and expertise. ~~Utilization~~ *Use* of existing
35 administrative capabilities and expertise shall not require
36 employment of those public and private administrative personnel
37 nor shall it preclude any ~~consolidated~~ *coordinated* agency from
38 developing a necessary administrative organization.

39 (b) Efficient and continual use of all existing sources of funding,
40 ~~utilized~~ *used* prior to the enactment of this part for social service

1 transportation services, shall, to the maximum extent possible, be
2 continued. Social service agencies participating in consolidation
3 or coordination shall continue to maintain funding levels for
4 ~~consolidated~~ *coordinated* services necessary to meet the
5 transportation needs of their social service consumers. Rescinding
6 or eliminating funding for ~~consolidated~~ *coordinated* services by
7 any participating agency shall require cancellation of service to
8 the agency's consumers by the ~~consolidated~~ *coordinated* agency.
9 Cancellation of the service shall not be required if rescission or
10 elimination of funding occurs because of a program change with
11 respect to the source of funding.

12 (c) ~~Consolidation~~—*Coordination* of social service transportation
13 services shall, to the maximum extent possible, ~~utilize~~ *use* existing
14 agency operating and maintenance personnel and expertise.
15 Effective use of employees of participating agencies shall be
16 achieved without mandating that the employees become directly
17 employed by the designated ~~consolidated~~ *coordinated* agency.

18 (d) ~~Consolidation~~—*Coordination* of existing social service
19 transportation services shall more appropriately be achieved if
20 local elected officials are involved in the process. Local elected
21 officials shall, to the maximum extent possible, be involved in the
22 development of the action plans and other local actions necessary
23 for the successful implementation of this part.

24 SEC. 4. Section 15955.5 is added to the Government Code, to
25 read:

26 15955.5. "Accessible transportation" means a broad range of
27 transportation-related services that are typically provided to persons
28 with disabilities or elderly individuals, and includes a spectrum of
29 transportation, transit, and supportive services, including, but not
30 limited to, city- and community-based programs, transportation
31 provided by private nonprofits, mobility management programs,
32 one-call and one-click programs, volunteer-based transportation
33 programs, travel training, and door-to-door and door-through-door
34 services.

35 SEC. 5. Section 15975 of the Government Code is amended
36 to read:

37 15975. (a) The transportation planning agencies and the county
38 transportation commissions shall prepare and adopt an action plan
39 that describes in detail the steps required to accomplish the
40 consolidation of social service transportation services. Funding

1 for the action plan shall be provided from local transportation funds
2 made available under ~~Chapter 4 (commencing with Section 99200)~~
3 ~~of Part 11 of Division 10 of the Public Utilities Code. Section~~
4 ~~99312.8 of the Public Utilities Code.~~ The action plan shall
5 substantiate that one or more of the benefits indicated in Sections
6 15951 and 15952 are feasible for the services in a given geographic
7 area. The action plan shall include, but not be limited to, the
8 following:

9 (1) The designation of ~~consolidated~~ *coordinated* transportation
10 service agencies within the geographic area of jurisdiction of the
11 transportation planning agency or county transportation
12 commission. The action plan may designate more than a single
13 agency or multiple agencies as ~~consolidated~~ *coordinated*
14 transportation service agencies, if improved coordination of all
15 services is demonstrated within the geographic area. In Ventura
16 County, the county transportation commission is the ~~consolidated~~
17 *coordinated* transportation service agency.

18 The action plan may also specify that the consolidation of some
19 services and the coordination of other services is the most feasible
20 approach, at the time the action plan is submitted, which will
21 provide improved efficiency and effectiveness of those services.

22 (2) The identification of the social service recipients to be
23 served, of funds available for use by the consolidated or
24 coordinated services, and of an orderly strategy and schedule
25 detailing the steps required to develop the financial program and
26 management structure necessary to implement consolidated or
27 coordinated services.

28 (3) Measures to coordinate the services provided under
29 paragraph (1) with existing fixed route service provided by public
30 and private transportation providers.

31 (4) Measures for the effective coordination of specialized
32 transportation service from one provider service area to another.

33 (5) Measures to ensure that the objectives of the action plan are
34 consistent with the legislative intent declared in Section 15951.

35 (b) An entity formed by the regional transportation planning
36 authority as a nonprofit public benefit corporation, designated as
37 a ~~consolidated~~ *coordinated* transportation services agency under
38 this section and charged with administering a countywide
39 coordinated paratransit plan adopted pursuant to Section 37.141
40 of ~~Chapter~~ *Title* 49 of the Code of Federal Regulations shall, for

1 the purposes of paragraph (2) of subdivision (e) of Section 14055
2 and Part 1 (commencing with Section 810) and Part 2 (commencing
3 with Section 814) of Division 3.6, be deemed a “public agency”
4 within the meaning of “public entity,” as defined in Section 811.2.

5 SEC. 6. Section 15987 is added to the Government Code, to
6 read:

7 15987. (a) Funding for this part shall be provided from funds
8 made available under Section 99312.8 of the Public Utilities Code.

9 (b) For purposes of this part, “consolidated transportation
10 services agency” means “coordinated transportation services
11 agency” and specific activities referring to “consolidation” shall
12 be deemed to refer to “coordination.”

13 (c) Each county board of supervisors shall, and has the sole
14 authority to, designate a coordinated transportation services agency
15 if one does not already exist in its county. Only the designated
16 coordinated transportation services agency shall be eligible for
17 funding established by Section 99312.8 of the Public Utilities
18 Code.

19 (d) Public transit agencies shall be eligible for funding under
20 this part only when all of the following are met:

21 (1) The county board of supervisors, by not less than a two-thirds
22 vote, adopts biennial findings that the allocation of funds is in the
23 best interest of that county’s senior and disabled population.

24 (2) The recipient transit agency commits to and produces
25 documentation biennially that:

26 (A) Establishes that the funding has and shall be used only for
27 the senior and disabled population.

28 (B) Establishes that a financial and operational maintenance of
29 effort is in place and that funding under Section 99312.8 of the
30 Public Utilities Code is being used solely for expanded or improved
31 services for the target population and not as a backfill for other,
32 redirected funds.

33 (e) A coordinated transportation services agency is authorized
34 to review and comment on all of the following:

35 (1) State and local capital improvement plans and other
36 significant public works.

37 (2) General and specific plans relevant to a coordinated
38 transportation services agency’s jurisdiction.

39 (3) Transition plans for compliance with the Federal Americans
40 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.)

1 relevant to a coordinated transportation services agency's
2 jurisdiction.

3 (4) Transit stop and access plans and programs.

4 (f) Agencies with responsibilities for documents listed in
5 subdivision (e) shall distribute documents to and respond to
6 comments from a coordinated transportation services agency. The
7 Office of Planning and Research, the Department of Health and
8 Human Services, and the Department of Transportation shall adopt
9 and amend regulations to implement this subdivision and to
10 establish reporting and performance requirements that, to the extent
11 practicable, respect the principle of subsidiarity.

12 SEC. 7. Section 99312.8 is added to the Public Utilities Code,
13 to read:

14 99312.8. (a) Notwithstanding Section 13340 of the
15 Government Code, the revenues transferred to the Public
16 Transportation Account for the State Transit Assistance Program
17 that are attributable to the component of the transportation
18 improvement fee imposed pursuant to Section 11052.5 of the
19 Revenue and Taxation Code are continuously appropriated without
20 regard to fiscal years to the Controller, and, upon allocation
21 pursuant to subdivision (b), shall only be expended on accessible
22 transportation services for seniors and disabled persons.

23 (b) The moneys appropriated pursuant to subdivision (a) shall
24 be allocated to each county board of supervisors based on the ratio
25 of the county's population to the total population of the state.

26 SEC. 8. Section 11052 of the Revenue and Taxation Code is
27 amended to read:

28 11052. (a) The annual amount of the transportation
29 improvement fee shall be based on the market value of the vehicle,
30 as determined by the department pursuant to Sections 10753,
31 10753.2, and 10753.5, using the following schedule:

32 (1) Vehicles with a vehicle market value range between zero
33 dollars (\$0) and four thousand nine hundred ninety-nine dollars
34 (\$4,999), a fee of twenty-five dollars (\$25).

35 (2) Vehicles with a vehicle market value range between five
36 thousand dollars (\$5,000) and twenty-four thousand nine hundred
37 ninety-nine dollars (\$24,999), a fee of fifty dollars (\$50).

38 (3) Vehicles with a vehicle market value range between
39 twenty-five thousand dollars (\$25,000) and thirty-four thousand

1 nine hundred ninety-nine dollars (\$34,999), a fee of one hundred
 2 dollars (\$100).

3 (4) Vehicles with a vehicle market value range between
 4 thirty-five thousand dollars (\$35,000) and fifty-nine thousand nine
 5 hundred ninety-nine dollars (\$59,999), a fee of one hundred fifty
 6 dollars (\$150).

7 (5) Vehicles with a vehicle market value range of sixty thousand
 8 dollars (\$60,000) and higher, a fee of one hundred seventy-five
 9 dollars (\$175).

10 (b) On January 1, 2020, and every January 1 thereafter, the
 11 department shall adjust the transportation improvement fee imposed
 12 under subdivision (a) by increasing the fee for each vehicle market
 13 range in an amount equal to the increase in the California
 14 Consumer Price Index for the prior year, except the first adjustment
 15 shall cover the prior two years, as calculated by the Department
 16 of Finance, with amounts equal to or greater than fifty cents (\$.50)
 17 rounded to the highest whole dollar. The incremental change shall
 18 be added to the associated fee rate for that year.

19 (c) (1) Any changes to the transportation improvement fee
 20 imposed in subdivision (a) that are enacted by the Legislature
 21 subsequent to January 1, 2018, shall be deemed to be changes to
 22 the base fee for purposes of the California Consumer Price Index
 23 calculation and adjustment performed pursuant to subdivision (b).

24 (d) *The additional charges described in Section 11052.5 are*
 25 *changes to the base fee for purposes of this section.*

26 SEC. 9. Section 11052.5 is added to the Revenue and Taxation
 27 Code, to read:

28 11052.5. In addition to the amounts described in Section 11052,
 29 the transportation improvement fee shall also include a charge of
 30 ten dollars (\$10) per vehicle, regardless of its market value.

31 SEC. 10. Section 11053.5 is added to the Revenue and Taxation
 32 Code, to read:

33 11053.5. Revenues from the component of the transportation
 34 improvement fee imposed by Section 11052.5 shall be transferred
 35 by the department to the Controller for deposit into the Public
 36 Transportation Account for the State Transit Assistance Program
 37 for allocation and expenditure pursuant to Section 99312.8 of the
 38 Public Utilities Code.

39 SEC. 11. No reimbursement is required by this act pursuant to
 40 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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AMENDED IN ASSEMBLY APRIL 12, 2023

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 595

Introduced by Assembly Member Essayli

(Coauthors: Assembly Members Alanis, Wendy Carrillo, Chen, Dixon, Flora, Friedman, Gallagher, Hoover, Jackson, Lackey, Low, Mathis, Joe Patterson, Waldron, and Wallis)

(Coauthors: Senators Newman, *Ochoa Bogh*, Seyarto, and Wilk)

February 9, 2023

An act to add Section 32004 to, and to add and repeal Section 32005 of, the Food and Agricultural Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 595, as amended, Essayli. Animal shelters: 72-hour public notice: euthanasia: study.

Existing law declares that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Existing law also declares that it is the policy of the state that no treatable animal should be euthanized. ~~Existing law provides that a violation of the Food and Agricultural Code is a misdemeanor, unless a different penalty is expressly provided.~~

This bill, Bowie's Law, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing any animal and include the date that an animal is scheduled to be euthanized, except as provided. ~~By creating new requirements regarding this public notice, the violation of which would be a crime, and by dog, cat, or rabbit, except as provided. The bill would require~~

that notice to indicate that the animal is subject to euthanasia and to include information about the animal and its availability for adoption. The bill would authorize an animal shelter to provide this public notice for less than 72 hours if the animal shelter makes certain determinations. The bill would, for each instance where the animal shelter provides public notice for less than 72 hours, require the animal shelter to document the reason and to keep it on file and available for public inspection, as provided. By imposing new requirements on a public animal control agency or shelter, the bill would constitute a state-mandated local program.

The bill would also require the Department of Food and Agriculture to conduct a study on the overcrowding of California's animal shelters, the ways in which the state might address animal shelter overcrowding, and the feasibility of a statewide database of dogs and cats that provides public notice and information at the statewide level, as specified. The bill would require the department to, on or before January 1, 2026, submit a report on its study findings to the Legislature, as provided. The bill would repeal these study and reporting requirements on January 1, 2027.

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

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

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

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

1 SECTION 1. This act shall be known, and may be cited, as
2 Bowie’s Law.

3 SEC. 2. Section 32004 is added to the Food and Agricultural
4 Code, to read:

5 32004. (a) Except for an animal irremediably suffering from
6 a serious illness or severe injury pursuant to Section 17006,
7 newborn animals that need maternal care and have been impounded
8 without their mothers pursuant to Section 17006, and dogs with a
9 history of vicious or dangerous behavior documented by the agency
10 charged with enforcing state and local animal laws pursuant to
11 subdivision (b) of Section 31108.5, an animal shelter shall provide
12 public notice on its internet website at least 72 hours before
13 euthanizing any ~~animal dog, cat, or rabbit. That notice shall~~
14 ~~indicate that the animal is subject to euthanasia~~ and shall include
15 ~~information that includes, but is not limited to, the date that an~~
16 ~~animal is scheduled to be euthanized.~~ *about the animal and its*
17 *availability for adoption.*

18 (b) (1) *An animal shelter may provide the public notice required*
19 *by subdivision (a) for less than 72 hours if the animal shelter*
20 *determines that doing so is in the best interest of the animal or the*
21 *general animal population at the animal shelter.*

22 (2) *For each instance where an animal shelter provides a public*
23 *notice for less than 72 hours pursuant to paragraph (1), the animal*
24 *shelter shall document the reason and shall keep it on file and*
25 *available for public inspection for at least three years.*

26 (b)

27 (c) As used in this section, “animal shelter” means a public
28 animal control agency or shelter, society for the prevention of
29 cruelty to animals shelter, or humane society shelter.

30 (d) *Section 9 shall not apply to this section.*

31 SEC. 3. Section 32005 is added to the Food and Agricultural
32 Code, to read:

33 32005. (a) The department shall conduct a study on all of the
34 following topics:

35 (1) The overcrowding of California’s animal shelters.

36 (2) The ways in which the state might address animal shelter
37 overcrowding.

1 (3) The feasibility of a statewide database of dogs and cats that
2 provides public notice and information at the statewide level in a
3 manner consistent with Section 32004, including, but not limited
4 to, by pursuing a public-private partnership.

5 (b) On or before January 1, 2026, the department shall submit
6 a report on its study findings pursuant to subdivision (a) to the
7 Legislature in compliance with Section 9795 of the Government
8 Code.

9 (c) As used in this section, “animal shelter” means a public
10 animal control agency or shelter, society for the prevention of
11 cruelty to animals shelter, or humane society shelter.

12 (d) This section shall remain in effect only until January 1, 2027,
13 and as of that date is repealed.

14 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution for certain~~
16 ~~costs that may be incurred by a local agency or school district~~
17 ~~because, in that regard, this act creates a new crime or infraction,~~
18 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
19 ~~or infraction, within the meaning of Section 17556 of the~~
20 ~~Government Code, or changes the definition of a crime within the~~
21 ~~meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

23 ~~However, if the Commission on State Mandates determines that~~
24 ~~this act contains other costs mandated by the state, reimbursement~~
25 ~~to local agencies and school districts for those costs shall be made~~
26 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
27 ~~4 of Title 2 of the Government Code.~~

28 *SEC. 4. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 702

Introduced by Assembly Member Jackson

February 13, 2023

An act to amend Section 30061 of the Government Code, *and to repeal and add Section 749.22 of the Welfare and Institutions Code*, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 702, as amended, Jackson. Local government financing: juvenile justice.

Under existing law, there is established in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to receive all amounts allocated to a county for specified purposes. In any fiscal year for which a county receives moneys to be expended for implementation, existing law requires the county auditor to allocate the moneys in the county's SLESA within 30 days of the deposit of those moneys into the fund. Existing law requires the moneys to be allocated in specified amounts, including, but not limited to, 50% to a county or city and county to implement a comprehensive multiagency juvenile justice plan, as specified. Existing law requires the juvenile justice plan to be developed by the local juvenile justice coordinating council in each county and city and county. Existing law requires the plan to be annually reviewed and updated by the council and submitted to the Board of State and Community Corrections. Existing law requires the multiagency juvenile justice plan to include certain components, including, but not limited to, a local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and

delinquency. Existing law also requires each council to annually report to their board of supervisors and the board information on the effectiveness of the programs and strategies funded under these provisions, and requires the board to annually report this information to the Governor and the Legislature and post it on its internet website.

~~This bill would make nonsubstantive changes to those provisions.~~

This bill would revise and recast required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that are vulnerable to court system involvement due to high rates of poverty and the incarceration of at-risk youth's family members, among other things, and a description of the target population funded under these provisions. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on healing-centered, restorative, trauma-informed, and positive youth development approaches and in collaboration with community-based organizations. The bill would require no less than 95% of the funds allocated under these provisions to be distributed to community-based organizations and other public agencies or departments that are not law enforcement entities, as specified, and prohibits this portion of the funds from being used for law enforcement activities or personnel. The bill would require a council to include additional information in its annual report to the board of supervisors and the board relating to their programs, including data on youth participants and council members.

Existing law requires a juvenile justice coordinating council to consist of certain members, including, but not limited to, the chief probation officer, as chair, and a representative from the district attorney's office, the public defender's office, and the sheriff's department, among others.

This bill would revise and recast those membership provisions, and instead require each juvenile justice coordinating council to, at a minimum, consist of 7 members with at least 50% community representatives with the remainder of the seats allocated to representatives from government agencies, as specified. The bill would require a council to select 2 co-chairs from amongst its members, at least one of whom shall be a community representative. The bill would require a council to meet no less than 3 times per year and announce its meetings at least 10 days in advance of a meeting.

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

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

1 SECTION 1. (a) *The Legislature finds and declares all of the*
2 *following:*
3 (1) *The grant administration under the Juvenile Justice Crime*
4 *Prevention Act (JJCPA), which was created under the*
5 *Schiff-Cárdenas Crime Prevention Act of 2000, has fallen short*
6 *of the original vision to support positive youth development in*
7 *community settings and reduce youth involvement in the court*
8 *system. Funding for JJCPA dates back to the year 2000. JJCPA*
9 *was intended to support community-run prevention and*
10 *intervention programs that would include meaningful planning*
11 *and program assessments. Use of JJCPA funds on law enforcement*
12 *agencies and personnel, including net-widening with excessive*
13 *probation supervision, is contradictory to the act’s original intent*
14 *of investment in collaborative, community-based services.*
15 (2) *Congressman Tony Cárdenas, the original author of JJCPA,*
16 *states, “I developed this grant program in response to California’s*
17 *harmful history of tough-on-crime measures and its*
18 *over-incarceration of young people. Such measures have expanded*
19 *the reach of the justice system, resulting in high social and fiscal*
20 *costs. These costs are felt most acutely by Black, Brown, and*
21 *Indigenous communities. It is of concern that the bulk of JJCPA*
22 *funds are being spent on staffing within county probation*
23 *departments, or other law enforcement agencies, while youth*
24 *arrests and probation referrals have dropped by over 80 percent*
25 *since 2000.”*
26 (3) *The allocation of JJCPA funds is not reflective of the*
27 *drastically changing landscape of California’s youth justice system.*
28 *The JJCPA requires that each county establish a juvenile justice*
29 *coordinating council that consists of representatives from a variety*
30 *of local agencies and community groups to ensure the county’s*
31 *approach is collaborative. The coordinating council is required*
32 *to develop a comprehensive multiagency juvenile justice plan for*
33 *the county. Despite this, a recent audit by the California State*
34 *Auditor found 20 percent of counties lacked a juvenile justice*
35 *coordinating council entirely.*

1 (4) In 2020, the California State Auditor authored a report titled
2 “Juvenile Justice Crime Prevention Act: Weak Oversight Has
3 Hindered Its Meaningful Implementation,” that recommended that
4 “the Legislature should amend state law to describe a process for
5 restricting the spending of JJCPA funding by counties that do not
6 meet the requirements of the JJCPA. As part of that process, the
7 State should prohibit counties that have not established a juvenile
8 justice coordinating council from spending JJCPA funds.”

9 (5) To be aligned with the purpose of the JJCPA, programs and
10 activities funded under the JJCPA should be primarily focused on
11 preventing young people from entering the criminal legal system.
12 Developing a nonpunitive, community-based, healing-centered,
13 trauma-informed approach that is supported by key stakeholders
14 is key to reducing collateral consequences for justice-involved
15 youth and saving taxpayer dollars. Funding can strengthen family,
16 school, peer, and mentoring supports, educational activities, and
17 community-based programs that have demonstrated positive effects
18 in reaching young people and deterring them from crime.

19 (6) The 2021 article entitled “Adverse Childhood Experiences
20 Among Justice-Involved Youth: Data-Driven Recommendations
21 for Action Using the Sequential Intercept Model” found chronic
22 or multiple traumas during childhood bathe a child’s brain in toxic
23 stress “as excessive cortisol disrupts developing brain circuits”
24 and promote an overdeveloped threat response at the expense of
25 the development and activation of the frontal lobe where
26 decisionmaking, control over impulses, consequential and right
27 and wrong thinking happens. An analysis of multiple studies of
28 system-involved youth shows significantly higher adverse childhood
29 experience (ACE) scores, overrepresentation of minority youth,
30 and documented associations between these ACE’s and increased
31 behavioral, legal, mental health, substance abuse, pregnancy,
32 victimization, and educational problems. Arrest, court hearings,
33 detention, and incarceration are inherently stressful, and stressful
34 experiences that are not traumatic per se can exacerbate trauma
35 symptoms. Programs funded under the JJCPA should, therefore,
36 strive to create nurturing environments conducive to healthy youth
37 development.

38 (7) The Coalition for Juvenile Justice’s “Probation Reform: A
39 Tool Kit for State Advisory Groups” (December 2022), citing the
40 National Council for Juvenile and Family Court Judges,

1 “Transforming Juvenile Probation” (2021), shows “no evidence
2 that probation practices that rely on lengthy court conditions and
3 compliance-oriented practices are successful in improving youth
4 behavior. In fact, research shows that traditional,
5 surveillance-oriented probation is particularly ineffective at
6 preventing or deterring delinquent behavior.”

7 (8) “State Strategies to Address the Needs of Justice-Involved
8 Youth Impacted by Collateral Consequences” (February 2023)
9 by the National Association of Governors found that
10 justice-involved youth face a diverse range of collateral
11 consequences that can have both immediate and long-term negative
12 and adverse impacts on their well-being and the well-being of their
13 families.

14 (9) The Justice Policy Institute’s “Sticker Shock 2020: The Cost
15 of Youth Incarceration” (July 2020) provides that extensive
16 research reveals that secure youth incarceration increases the
17 likelihood of recidivism and harms educational attainment, lifetime
18 wages, and future health outcomes for youth. In 2020, California
19 spent an average of \$833 per day per youth in confinement, which
20 is equivalent to spending \$308,259 per year per youth. Prevention
21 and intervention services for youth development are more cost
22 effective to be administered through community-based services
23 rather than through law enforcement agencies and incarceration.

24 (b) Therefore, it is the intent of the Legislature to ensure that
25 JJCPA funds are primarily focused on providing healing-centered,
26 restorative, community-based programs and services that reduce
27 and avoid young people’s engagement with law enforcement
28 agencies and employees by requiring juvenile justice coordinating
29 councils to include strong community representation, including
30 youth and families impacted by the juvenile court system and
31 community-based service providers.

32 **SECTION 1.**

33 **SEC. 2.** Section 30061 of the Government Code is amended
34 to read:

35 30061. (a) There shall be established in each county treasury
36 a Supplemental Law Enforcement Services Account (SLESA), to
37 receive all amounts allocated to a county for purposes of
38 implementing this chapter.

39 (b) In any fiscal year for which a county receives moneys to be
40 expended for the implementation of this chapter, the county auditor

1 shall allocate the moneys in the county’s SLESA within 30 days
2 of the deposit of those moneys into the fund. The moneys shall be
3 allocated as follows:

4 (1) Five and fifteen-hundredths percent to the county sheriff for
5 county jail construction and operation. In the case of the Counties
6 of Madera, Napa, and Santa Clara this allocation shall be made to
7 the county director or chief of corrections.

8 (2) Five and fifteen-hundredths percent to the district attorney
9 for criminal prosecution.

10 (3) Thirty-nine and seven-tenths percent to the county and the
11 cities within the county, and, in the case of the Counties of San
12 Mateo, Kern, Siskiyou, and Contra Costa, also to the Broadmoor
13 Police Protection District, the Bear Valley Community Services
14 District, the Stallion Springs Community Services District, the
15 Lake Shastina Community Services District, and the Kensington
16 Police Protection and Community Services District, in accordance
17 with the relative population of the cities within the county and the
18 unincorporated area of the county, and the Broadmoor Police
19 Protection District in the County of San Mateo, the Bear Valley
20 Community Services District and the Stallion Springs Community
21 Services District in the County of Kern, the Lake Shastina
22 Community Services District in Siskiyou County, and the
23 Kensington Police Protection and Community Services District in
24 the County of Contra Costa, as specified in the most recent January
25 estimate by the Demographic Research Unit of the Department of
26 Finance, and as adjusted to provide, except as provided in
27 subdivision (i), a grant of at least one hundred thousand dollars
28 (\$100,000) to each law enforcement jurisdiction. For a newly
29 incorporated city whose population estimate is not published by
30 the Department of Finance, but that was incorporated prior to July
31 1 of the fiscal year in which an allocation from the SLESA is to
32 be made, the city manager, or an appointee of the legislative body,
33 if a city manager is not available, and the county administrative
34 or executive officer shall prepare a joint notification to the
35 Department of Finance and the county auditor with a population
36 estimate reduction of the unincorporated area of the county equal
37 to the population of the newly incorporated city by July 15, or
38 within 15 days after the Budget Act is enacted, of the fiscal year
39 in which an allocation from the SLESA is to be made. A person
40 residing within the Broadmoor Police Protection District, the Bear

1 Valley Community Services District, the Stallion Springs
2 Community Services District, the Lake Shastina Community
3 Services District, or the Kensington Police Protection and
4 Community Services District shall not also be counted as residing
5 within the unincorporated area of the County of San Mateo, Kern,
6 Siskiyou, or Contra Costa, or within any city located within those
7 counties. Except as provided in subdivision (i), the county auditor
8 shall allocate a grant of at least one hundred thousand dollars
9 (\$100,000) to each law enforcement jurisdiction. Moneys allocated
10 to the county pursuant to this subdivision shall be retained in the
11 county SLESA, and moneys allocated to a city pursuant to this
12 subdivision shall be deposited in a SLESA established in the city
13 treasury.

14 (4) Fifty percent to the county or city and county to implement
15 a comprehensive multiagency ~~juvenile justice plan~~ *juvenile justice*
16 *plan*, as provided in this paragraph. The juvenile justice plan shall
17 be developed by the local juvenile justice coordinating ~~council in~~
18 *council, which* each county and city and county *shall establish*
19 with the membership described in Section 749.22 of the Welfare
20 and Institutions ~~Code. Code, in order to be eligible for funding~~
21 *under this paragraph. If a county fails to establish a juvenile justice*
22 *coordinating council, the Board of State and Community*
23 *Corrections shall have the authority to determine appropriate*
24 *remedial action or withhold the funding provided under this*
25 *paragraph.* The plan shall be reviewed and updated annually by
26 the council. The plan or updated plan ~~may, at the discretion of the~~
27 ~~county or city and county,~~ *shall* be approved by the county board
28 of supervisors. The plan or updated plan shall be submitted to the
29 Board of State and Community Corrections by May 1 of each year
30 in a format specified by the board that consolidates the form of
31 submission of the annual comprehensive ~~juvenile justice~~
32 ~~multiagency plan~~ *multiagency juvenile justice plan* to be developed
33 under this ~~chapter~~ *paragraph* with the form for submission of the
34 annual Youthful Offender Block Grant plan that is required to be
35 developed and submitted pursuant to Section 1961 of the Welfare
36 and Institutions Code.

37 (A) The *comprehensive* multiagency juvenile justice plan shall
38 include, but not be limited to, all of the following components:

39 (i) An assessment of existing law enforcement, probation,
40 education, mental health, health, social services, drug and alcohol,

1 ~~and youth services resources that specifically target at-risk~~
2 ~~juveniles, juvenile offenders, and community-based youth~~
3 ~~development services and resources that specifically center~~
4 ~~at-promise youth, youth involved in the juvenile court system, and~~
5 ~~their families.~~

6 (ii) *An assessment of the community's experiences with law*
7 *enforcement and probation focused on neighborhoods, schools,*
8 *and other areas in the community that are vulnerable to court*
9 *system involvement due to high rates of poverty, a lack of*
10 *educational and employment opportunities, the incarceration of*
11 *at-promise youth's family members, and a high prevalence of*
12 *community violence and crime.*

13 (ii)

14 (iii) *An identification and prioritization of the neighborhoods,*
15 *schools, and other areas in the community that face a significant*
16 *public safety risk from juvenile crime, such as gang activity,*
17 *daylight burglary, late-night robbery, vandalism, truancy, controlled*
18 *substances sales, firearm-related violence, and juvenile substance*
19 *abuse and alcohol use. are vulnerable to court system involvement*
20 *due to high rates of poverty, a lack of educational and employment*
21 *opportunities, the incarceration of at-promise youth's family*
22 *members, and a high prevalence of community violence and crime.*

23 (iii)

24 (iv) *A local juvenile justice action strategy that provides for a*
25 *continuum of responses to juvenile crime and delinquency and*
26 *demonstrates a collaborative and integrated approach for*
27 *implementing a system of swift, certain, and graduated responses*
28 *for at-risk youth and juvenile offenders. care to prevent and*
29 *respond to young people experiencing juvenile court system*
30 *involvement that is modeled on a framework of positive youth*
31 *development and demonstrates a healing-centered,*
32 *community-based, collaborative and integrated approach for*
33 *at-promise youth and youth involved in the juvenile court system.*

34 (iv)

35 (v) *A description of the programs, strategies, or system*
36 *enhancements programs and strategies that are proposed to be*
37 *funded pursuant to this subparagraph. subparagraph, including*
38 *documentation of their effectiveness, specific objectives, and*
39 *outcome measures and input from at-promise youth, youth involved*
40 *in the juvenile court system, and their families.*

1 (vi) *A description of the target population for the program*
2 *strategies that are proposed to be funded pursuant to this*
3 *subparagraph, including a description of the target population's*
4 *race, ethnicity, age, gender identity, and ZIP Code of residence.*

5 ~~(B) Programs, strategies, and system enhancements~~ *Programs*
6 *and strategies proposed to be funded under this chapter paragraph*
7 *shall satisfy all of the following requirements:*

8 (i) *Be based on programs and approaches that have been*
9 *demonstrated to be effective in ~~reducing delinquency and~~*
10 *addressing juvenile crime for any elements of response to juvenile*
11 *crime and delinquency, including prevention, intervention,*
12 *suppression, and incapacitation. ~~creating positive youth~~*
13 *development outcomes, helping young people avoid engagement*
14 *with law enforcement agencies, and reducing community violence*
15 *and crime. These programs and approaches shall be modeled on*
16 *healing-centered, restorative, trauma-informed, and positive youth*
17 *development approaches.*

18 (ii) *Collaborate and integrate services of all the resources set*
19 *forth in clause (i) of subparagraph (A), to the extent ~~appropriate.~~*
20 *appropriate, and prioritize collaboration with community-based*
21 *organizations.*

22 (iii) *Employ information sharing systems to ensure that county*
23 *actions are fully coordinated, and designed to provide data for*
24 *measuring the success of ~~juvenile justice programs and strategies.~~*
25 *programs and strategies funded by this paragraph, while still*
26 *protecting participant confidentiality in prearrest and prebooking*
27 *diversion programs. Personally identifying information shall not*
28 *be shared across agencies without the informed, written consent*
29 *of youth participants, or their parents or legal guardians.*

30 (C) (i) *No less than 95 percent of the funds allocated under this*
31 *paragraph shall be distributed through an accessible and*
32 *transparent solicitation process to the following types of entities:*

33 (I) *Community-based organizations that do not include law*
34 *enforcement employees or staffing.*

35 (II) *Public agencies or departments that are not law enforcement*
36 *agencies or departments.*

37 (ii) *Funds distributed to entities described in clause (i) shall*
38 *not be used for law enforcement activities or personnel.*

39 (D) (i) *The local agency overseeing the request for proposals*
40 *process for funds provided under this paragraph shall engage*

1 *community stakeholders, including, but not limited to, at-promise*
 2 *youth, youth involved in the juvenile court system, and their*
 3 *families, and the juvenile justice coordinating council in the*
 4 *process of selecting which entities described in subparagraph (C)*
 5 *to distribute funds to. The final selection of proposals to be funded*
 6 *shall take into account the county’s juvenile justice plan and equity*
 7 *of funding across the county.*

8 *(ii) The local agency overseeing the request for proposals*
 9 *process for funds provided under this paragraph shall not be a*
 10 *law enforcement-related agency.*

11 ~~(C)~~
 12 *(E) To assess the effectiveness of ~~programs, strategies, and~~*
 13 *~~system enhancements~~ programs and strategies funded pursuant*
 14 *to this paragraph, the juvenile justice coordinating council of each*
 15 *county or city and county shall submit by October 1 of each year*
 16 *a report to the county board of supervisors and to the Board of*
 17 *State and Community Corrections on the ~~programs, strategies, and~~*
 18 *~~system enhancements~~ programs and strategies funded pursuant*
 19 *to this ~~chapter~~ paragraph. The report shall be in a format specified*
 20 *by the board that consolidates the report to be submitted pursuant*
 21 *to this ~~chapter~~ paragraph with the annual report to be submitted*
 22 *to the board for the Youthful Offender Block Grant program, as*
 23 *required by subdivision (c) of Section 1961 of the Welfare and*
 24 *Institutions Code. The report shall include all of the following:*

25 *(i) An updated description of the ~~programs, strategies, and~~*
 26 *~~system enhancements~~ programs and strategies that have been*
 27 *funded pursuant to this ~~chapter~~ paragraph in the immediately*
 28 *preceding fiscal year. Descriptions shall include evidence*
 29 *supporting the program and program staff qualifications and*
 30 *positions.*

31 *(ii) An accounting of expenditures during the immediately*
 32 *preceding fiscal year for each ~~program, strategy, or system~~*
 33 *~~enhancement~~ program or strategy funded pursuant to this ~~chapter~~.*
 34 *paragraph.*

35 *(iii) A description and expenditure report for ~~programs,~~*
 36 *~~strategies, or system enhancements~~ programs and strategies that*
 37 *have been cofunded during the preceding fiscal year using funds*
 38 *provided under this ~~chapter~~ paragraph and Youthful Offender*
 39 *Block Grant funds provided under Chapter 1.5 (commencing with*
 40 *Section 1950) of Division 2.5 of the Welfare and Institutions Code.*

1 (iv) *An updated list of juvenile justice coordinating council*
2 *members, including their assigned seat and profession, if*
3 *applicable, and dates for all council meetings in the immediately*
4 *preceding fiscal year.*

5 (iv)

6 (v) *Countywide juvenile justice trend data available from*
7 *existing statewide juvenile justice data systems or networks, as*
8 *specified by the Board of State and Community Corrections,*
9 *including, but not limited to, arrests, diversions, petitions filed,*
10 *petitions sustained, placements, incarcerations, subsequent*
11 *petitions, and probation violations, disaggregated by race,*
12 *ethnicity, gender identity, age, and ZIP Code of residence, and*
13 *including, in a format to be specified by the board, a summary*
14 *description or analysis, based on available information, of how*
15 *the ~~programs, strategies, or system enhancements~~ programs and*
16 *strategies funded pursuant to this ~~chapter~~ paragraph have or may*
17 *have contributed to, or influenced, the juvenile justice data trends*
18 *identified in the report.*

19 (vi) *Commencing January 1, 2025, data on the total number of*
20 *youth referred to and receiving services funded under this*
21 *paragraph, disaggregated by program, race, ethnicity, age, gender*
22 *identity, ZIP Code of residence, and program outcomes relevant*
23 *to the this paragraph's purpose.*

24 (F)

25 (F) *The board shall, within 45 days of having received the*
26 *county's report, post on its internet website the report and a*
27 *description or summary of the ~~programs, strategies, or system~~*
28 *enhancements programs and strategies that have been supported*
29 *by funds made available to the county under this ~~chapter~~*
30 *paragraph.*

31 (E)

32 (G) *The Board of State and Community Corrections shall*
33 *compile the local reports and, by March 1 of each year following*
34 *their submission, make a report to the Governor and the Legislature*
35 *summarizing the ~~programs, strategies, and system enhancements~~*
36 *programs and strategies and related expenditures made by each*
37 *county and city and county from the appropriation made for the*
38 *purposes of this paragraph. The annual report to the Governor and*
39 *the Legislature shall also summarize the countywide trend data*
40 *and any other pertinent information submitted by counties*

1 indicating how the ~~programs, strategies, or system enhancements~~
2 *programs and strategies* supported by funds appropriated under
3 this chapter have or may have contributed to, or influenced, the
4 trends identified. The board may consolidate the annual report to
5 the Legislature required under this paragraph with the annual report
6 required by subdivision (d) of Section 1961 of the Welfare and
7 Institutions Code for the Youthful Offender Block Grant program.
8 The annual report shall be submitted pursuant to Section 9795,
9 and shall be posted for access by the public on the internet website
10 of the board.

11 (c) Subject to subdivision (d), for each fiscal year in which the
12 county, each city, the Broadmoor Police Protection District, the
13 Bear Valley Community Services District, the Stallion Springs
14 Community Services District, the Lake Shastina Community
15 Services District, and the Kensington Police Protection and
16 Community Services District receive moneys pursuant to paragraph
17 (3) of subdivision (b), the county, each city, and each district
18 specified in this subdivision shall appropriate those moneys in
19 accordance with the following procedures:

20 (1) In the case of the county, the county board of supervisors
21 shall appropriate existing and anticipated moneys exclusively to
22 provide frontline law enforcement services, other than those
23 services specified in paragraphs (1) and (2) of subdivision (b), in
24 the unincorporated areas of the county, in response to written
25 requests submitted to the board by the county sheriff and the district
26 attorney. Any request submitted pursuant to this paragraph shall
27 specify the frontline law enforcement needs of the requesting
28 entity, and those personnel, equipment, and programs that are
29 necessary to meet those needs.

30 (2) In the case of a city, the city council shall appropriate
31 existing and anticipated moneys exclusively to fund frontline
32 municipal police services, in accordance with written requests
33 submitted by the chief of police of that city or the chief
34 administrator of the law enforcement agency that provides police
35 services for that city.

36 (3) In the case of the Broadmoor Police Protection District
37 within the County of San Mateo, the Bear Valley Community
38 Services District or the Stallion Springs Community Services
39 District within the County of Kern, the Lake Shastina Community
40 Services District within the County of Siskiyou, or the Kensington

1 Police Protection and Community Services District within the
2 County of Contra Costa, the legislative body of that special district
3 shall appropriate existing and anticipated moneys exclusively to
4 fund frontline municipal police services, in accordance with written
5 requests submitted by the chief administrator of the law
6 enforcement agency that provides police services for that special
7 district.

8 (d) For each fiscal year in which the county, a city, or the
9 Broadmoor Police Protection District within the County of San
10 Mateo, the Bear Valley Community Services District or the Stallion
11 Springs Community Services District within the County of Kern,
12 the Lake Shastina Community Services District within the County
13 of Siskiyou, or the Kensington Police Protection and Community
14 Services District within the County of Contra Costa receives any
15 moneys pursuant to this chapter, in no event shall the governing
16 body of any of those recipient agencies subsequently alter any
17 previous, valid appropriation by that body, for that same fiscal
18 year, of moneys allocated to the county or city pursuant to
19 paragraph (3) of subdivision (b).

20 (e) For the 2011–12 fiscal year, the Controller shall allocate
21 23.54 percent of the amount deposited in the Local Law
22 Enforcement Services Account in the Local Revenue Fund 2011
23 for the purposes of paragraphs (1), (2), and (3) of subdivision (b),
24 and shall allocate 23.54 percent for purposes of paragraph (4) of
25 subdivision (b).

26 (f) Commencing with the 2012–13 fiscal year, subsequent to
27 the allocation described in subdivision (c) of Section 29552, the
28 Controller shall allocate 23.54363596 percent of the remaining
29 amount deposited in the Enhancing Law Enforcement Activities
30 Subaccount in the Local Revenue Fund 2011 for the purposes of
31 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent
32 to the allocation described in subdivision (c) of Section 29552,
33 shall allocate 23.54363596 percent of the remaining amount for
34 purposes of paragraph (4) of subdivision (b).

35 (g) Commencing with the 2013–14 fiscal year, subsequent to
36 the allocation described in subdivision (d) of Section 29552, the
37 Controller shall allocate 23.54363596 percent of the remaining
38 amount deposited in the Enhancing Law Enforcement Activities
39 Subaccount in the Local Revenue Fund 2011 for the purposes of
40 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent

1 to the allocation described in subdivision (d) of Section 29552,
2 shall allocate 23.54363596 percent of the remaining amount for
3 purposes of paragraph (4) of subdivision (b). The Controller shall
4 allocate funds in monthly installments to local jurisdictions for
5 public safety in accordance with this section as annually calculated
6 by the Director of Finance.

7 (h) Funds received pursuant to subdivision (b) shall be expended
8 or encumbered in accordance with this chapter no later than June
9 30 of the following fiscal year. A local agency that has not met
10 the requirement of this subdivision shall remit unspent SLESA
11 moneys received after April 1, 2009, to the Controller for deposit
12 in the Local Safety and Protection Account, after April 1, 2012,
13 to the Local Law Enforcement Services Account, and after July
14 1, 2012, to the County Enhancing Law Enforcement Activities
15 Subaccount. This subdivision shall become inoperative on July 1,
16 2015.

17 (i) In the 2010–11 fiscal year, if the fourth quarter revenue
18 derived from fees imposed by subdivision (a) of Section 10752.2
19 of the Revenue and Taxation Code that are deposited in the General
20 Fund and transferred to the Local Safety and Protection Account,
21 and continuously appropriated to the Controller for allocation
22 pursuant to this section, are insufficient to provide a minimum
23 grant of one hundred thousand dollars (\$100,000) to each law
24 enforcement jurisdiction, the county auditor shall allocate the
25 revenue proportionately, based on the allocation schedule in
26 paragraph (3) of subdivision (b). The county auditor shall
27 proportionately allocate, based on the allocation schedule in
28 paragraph (3) of subdivision (b), all revenues received after the
29 distribution of the fourth quarter allocation attributable to these
30 fees for which payment was due prior to July 1, 2011, until all
31 minimum allocations are fulfilled, at which point all remaining
32 revenue shall be distributed proportionately among the other
33 jurisdictions.

34 (j) The county auditor shall redirect unspent funds that were
35 remitted after July 1, 2012, by a local agency to the County
36 Enhancing Law Enforcement Activities Subaccount pursuant to
37 subdivision (h), to the local agency that remitted the unspent funds
38 in an amount equal to the amount remitted.

39 *SEC. 3. Section 749.22 of the Welfare and Institutions Code*
40 *is repealed.*

1 ~~749.22. To be eligible for this grant, each county shall be~~
2 ~~required to establish a multiagency juvenile justice coordinating~~
3 ~~council that shall develop and implement a continuum of~~
4 ~~county-based responses to juvenile crime. The coordinating~~
5 ~~councils shall, at a minimum, include the chief probation officer,~~
6 ~~as chair, and one representative each from the district attorney's~~
7 ~~office, the public defender's office, the sheriff's department, the~~
8 ~~board of supervisors, the department of social services, the~~
9 ~~department of mental health, a community-based drug and alcohol~~
10 ~~program, a city police department, the county office of education~~
11 ~~or a school district, and an at-large community representative. In~~
12 ~~order to carry out its duties pursuant to this section, a coordinating~~
13 ~~council shall also include representatives from nonprofit~~
14 ~~community-based organizations providing services to minors. The~~
15 ~~board of supervisors shall be informed of community-based~~
16 ~~organizations participating on a coordinating council. The~~
17 ~~coordinating councils shall develop a comprehensive, multiagency~~
18 ~~plan that identifies the resources and strategies for providing an~~
19 ~~effective continuum of responses for the prevention, intervention,~~
20 ~~supervision, treatment, and incarceration of male and female~~
21 ~~juvenile offenders, including strategies to develop and implement~~
22 ~~locally based or regionally based out-of-home placement options~~
23 ~~for youths who are persons described in Section 602. Counties~~
24 ~~may utilize community punishment plans developed pursuant to~~
25 ~~grants awarded from funds included in the 1995 Budget Act to the~~
26 ~~extent the plans address juvenile crime and the juvenile justice~~
27 ~~system or local action plans previously developed for this program.~~
28 ~~The plan shall include, but not be limited to, the following~~
29 ~~components:~~

30 ~~(a) An assessment of existing law enforcement, probation,~~
31 ~~education, mental health, health, social services, drug and alcohol~~
32 ~~and youth services resources which specifically target at-risk~~
33 ~~juveniles, juvenile offenders, and their families.~~

34 ~~(b) An identification and prioritization of the neighborhoods,~~
35 ~~schools, and other areas in the community that face a significant~~
36 ~~public safety risk from juvenile crime, such as gang activity,~~
37 ~~daylight burglary, late-night robbery, vandalism, truancy, controlled~~
38 ~~substance sales, firearm-related violence, and juvenile alcohol use~~
39 ~~within the council's jurisdiction.~~

1 ~~(e) A local action plan (LAP) for improving and marshaling the~~
 2 ~~resources set forth in subdivision (a) to reduce the incidence of~~
 3 ~~juvenile crime and delinquency in the areas targeted pursuant to~~
 4 ~~subdivision (b) and the greater community. The councils shall~~
 5 ~~prepare their plans to maximize the provision of collaborative and~~
 6 ~~integrated services of all the resources set forth in subdivision (a),~~
 7 ~~and shall provide specified strategies for all elements of response,~~
 8 ~~including prevention, intervention, suppression, and incapacitation,~~
 9 ~~to provide a continuum for addressing the identified male and~~
 10 ~~female juvenile crime problem, and strategies to develop and~~
 11 ~~implement locally based or regionally based out-of-home~~
 12 ~~placement options for youths who are persons described in Section~~
 13 ~~602.~~

14 ~~(d) Develop information and intelligence-sharing systems to~~
 15 ~~ensure that county actions are fully coordinated, and to provide~~
 16 ~~data for measuring the success of the grantee in achieving its goals.~~
 17 ~~The plan shall develop goals related to the outcome measures that~~
 18 ~~shall be used to determine the effectiveness of the program.~~

19 ~~(e) Identify outcome measures which shall include, but not be~~
 20 ~~limited to, the following:~~

- 21 ~~(1) The rate of juvenile arrests.~~
- 22 ~~(2) The rate of successful completion of probation.~~
- 23 ~~(3) The rate of successful completion of restitution and~~
 24 ~~court-ordered community service responsibilities.~~

25 *SEC. 4. Section 749.22 is added to the Welfare and Institutions*
 26 *Code, to read:*

27 *749.22. (a) To be eligible for a grant under this article, each*
 28 *county shall be required to establish a juvenile justice coordinating*
 29 *council that shall develop and implement a continuum of care to*
 30 *prevent and respond to young people experiencing juvenile court*
 31 *system involvement that is modeled on a framework of positive*
 32 *youth development and demonstrates a healing-centered,*
 33 *restorative, community-based, collaborative and integrated*
 34 *approach for at-promise youth and youth involved in the juvenile*
 35 *court system.*

36 *(b) (1) A juvenile justice coordinating council shall, at a*
 37 *minimum, include seven members with at least 50 percent*
 38 *community representatives and the remainder of seats allocated*
 39 *to representatives from government agencies. As used in this*
 40 *section, "community representative" means an individual who*

1 *has not formerly served as a law enforcement agent and who is*
2 *not currently a government employee.*

3 *(2) The juvenile justice coordinating council shall prioritize*
4 *inclusion of an at-promise youth and persons with experience in*
5 *the juvenile court system, or a family member of that youth, on the*
6 *council. The council may include one representative each from*
7 *the public health department, the district attorney's office, the*
8 *county probation department, the public defender's office, the*
9 *board of supervisors, the department of social services, the*
10 *department of mental or behavioral health, a community-based*
11 *drug and alcohol program, a city police department, the county*
12 *office of education or a school district, and the county department*
13 *of children, youth, and families, if one exists. In order to carry out*
14 *its duties pursuant to this section, a council shall also include*
15 *community representatives who are currently or formerly justice*
16 *system-involved and representatives from nonprofit,*
17 *community-based organizations that provide services to youth and*
18 *that do not have an existing contract with a law enforcement*
19 *department or agency.*

20 *(3) A juvenile justice coordinating council shall elect two*
21 *cochairs from among its members, at least one of whom shall be*
22 *a community representative.*

23 *(4) The board of supervisors shall be informed of any*
24 *community-based organizations participating on a juvenile justice*
25 *coordinating council.*

26 *(c) A juvenile justice coordinating council shall meet no less*
27 *than three times per year and announce meetings at least 10 days*
28 *in advance. A council shall make meetings accessible to the public*
29 *through remote participation, such as streaming and remote call-in*
30 *options, and shall choose meeting times that optimize and*
31 *encourage public participation.*

32 *(d) A juvenile justice coordinating council shall develop a*
33 *comprehensive multiagency juvenile justice plan pursuant to*
34 *Section 30061 of the Government Code that identifies the resources*
35 *and strategies for providing an effective continuum of care for*
36 *at-promise youth, youth involved in the juvenile court system, and*
37 *their families.*

O

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

**Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)**

February 13, 2023

An act to amend Section 54950 of the Government Code, relating to local government: *add Section 54953.05 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. ~~Local government: open meetings.~~ *Open meetings: teleconferencing: subsidiary body.*

Existing law, the Ralph M. Brown Act, ~~requires~~ *requires, with specified exceptions*, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. *The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

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

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

~~This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.~~

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

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

1 *SECTION 1. Section 54953.05 is added to the Government*
2 *Code, to read:*

3 54953.05. (a) (1) *The definitions in Section 54953, as that*
4 *section may be amended from time to time, apply for purposes of*
5 *this section.*

6 (2) *For purposes of this section, “subsidiary body” means a*
7 *legislative body that meets all of the following:*

8 (A) *Is described in subdivision (b) of Section 54952.*

9 (B) *Serves exclusively in an advisory capacity.*

10 (C) *Is not authorized to take final action on legislation,*
11 *regulations, contracts, licenses, permits, or any other entitlements.*

12 (b) *A subsidiary body may use teleconferencing without*
13 *complying with paragraph (3) of subdivision (b) of Section 54953,*
14 *if the subsidiary body complies with all of the following:*

15 (1) *The teleconferenced meetings shall be conducted in a manner*
16 *that protects the statutory and constitutional rights of the parties*
17 *or the public appearing before the subsidiary body.*

18 (2) *Each member of the subsidiary body shall participate*
19 *through both audio and visual technology.*

20 (3) *The subsidiary body shall provide at least one of the*
21 *following as a means by which the public may remotely hear and*
22 *visually observe the meeting, and remotely address the subsidiary*
23 *body:*

24 (A) *A two-way audiovisual platform.*

25 (B) *A two-way telephonic service and a live webcasting of the*
26 *meeting.*

27 (4) *The subsidiary body shall give notice of the meeting and*
28 *post agendas as otherwise required by this chapter.*

29 (5) *In each instance in which notice of the time of the*
30 *teleconferenced meeting is otherwise given or the agenda for the*
31 *meeting is otherwise posted, the subsidiary body shall also give*
32 *notice of the means by which members of the public may access*
33 *the meeting and offer public comment.*

34 (6) *The agenda shall identify and include an opportunity for all*
35 *persons to attend and address the subsidiary body directly pursuant*
36 *to Section 54954.3 via a call-in option or via an internet-based*
37 *service option.*

1 (7) *In the event of a disruption that prevents the subsidiary body*
2 *from broadcasting the meeting to members of the public using the*
3 *call-in option or internet-based service option, or in the event of*
4 *a disruption within the subsidiary body's control that prevents*
5 *members of the public from offering public comments using the*
6 *call-in option or internet-based service option, the subsidiary body*
7 *shall take no further action on items appearing on the meeting*
8 *agenda until public access to the meeting via the call-in option or*
9 *internet-based service option is restored. Actions taken on agenda*
10 *items during a disruption that prevents the subsidiary body from*
11 *broadcasting the meeting may be challenged pursuant to Section*
12 *54960.1.*

13 (8) *Notwithstanding Section 54953.3, an individual desiring to*
14 *provide public comment through the use of an internet website, or*
15 *other online platform, not under the control of the subsidiary body,*
16 *that requires registration to log in to a teleconference may be*
17 *required to register as required by the third-party internet website*
18 *or online platform to participate.*

19 (9) *The subsidiary body shall not require public comments to*
20 *be submitted in advance of the meeting and must provide an*
21 *opportunity for the public to address the subsidiary body and offer*
22 *comment in real time.*

23 (A) *A subsidiary body that provides a timed public comment*
24 *period for each agenda item shall not close the public comment*
25 *period for the agenda item, or the opportunity to register, pursuant*
26 *to paragraph (8), to provide public comment until that timed public*
27 *comment period has elapsed.*

28 (B) *A subsidiary body that does not provide a timed public*
29 *comment period, but takes public comment separately on each*
30 *agenda item, shall allow a reasonable amount of time per agenda*
31 *item to allow public members the opportunity to provide public*
32 *comment, including time for members of the public to register*
33 *pursuant to paragraph (8), or otherwise be recognized for the*
34 *purpose of providing public comment.*

35 (C) *A subsidiary body that provides a timed general public*
36 *comment period that does not correspond to a specific agenda*
37 *item shall not close the public comment period or the opportunity*
38 *to register, pursuant to paragraph (8), until the timed general*
39 *public comment period has elapsed.*

1 (c) *In order to use teleconferencing pursuant to this section, the*
2 *legislative body that established the subsidiary body by charter,*
3 *ordinance, resolution, or other formal action shall make the*
4 *following findings by majority vote before the subsidiary body*
5 *uses teleconferencing pursuant to this section for the first time,*
6 *and every 12 months thereafter:*

7 (1) *The legislative body has considered the circumstances of*
8 *the subsidiary body.*

9 (2) *Teleconference meetings of the subsidiary body would*
10 *enhance public access to meetings of the subsidiary body.*

11 (3) *Teleconference meetings of the subsidiary body would*
12 *promote the attraction, retention, and diversity of subsidiary body*
13 *members.*

14 *SEC. 2. The Legislature finds and declares that Section 1 of*
15 *this act, which adds Section 54953.05 to the Government Code,*
16 *imposes a limitation on the public's right of access to the meetings*
17 *of public bodies or the writings of public officials and agencies*
18 *within the meaning of Section 3 of Article I of the California*
19 *Constitution. Pursuant to that constitutional provision, the*
20 *Legislature makes the following findings to demonstrate the interest*
21 *protected by this limitation and the need for protecting that*
22 *interest:*

23 *By removing the requirement for agendas to be placed at the*
24 *location of each public official participating in a public meeting*
25 *remotely, this act protects the personal, private information of*
26 *public officials and their families while preserving the public's*
27 *right to access information concerning the conduct of the people's*
28 *business.*

29 *SEC. 3. The Legislature finds and declares that Section 1 of*
30 *this act, which adds Section 54953.05 to the Government Code,*
31 *further, within the meaning of paragraph (7) of subdivision (b)*
32 *of Section 3 of Article I of the California Constitution, the purposes*
33 *of that constitutional section as it relates to the right of public*
34 *access to the meetings of local public bodies or the writings of*
35 *local public officials and local agencies. Pursuant to paragraph*
36 *(7) of subdivision (b) of Section 3 of Article I of the California*
37 *Constitution, the Legislature makes the following findings:*

38 *This act is necessary to provide opportunities for public*
39 *participation in meetings of specified public agencies and to*
40 *promote the attraction and retention of members of those agencies.*

1 SECTION 1. ~~Section 54950 of the Government Code is~~
2 ~~amended to read:~~

3 ~~54950. (a) In enacting this chapter, the Legislature finds and~~
4 ~~declares that the public commissions, boards, councils, and the~~
5 ~~other public agencies in this state exist to aid in the conduct of the~~
6 ~~people's business. It is the intent of the law that their actions be~~
7 ~~taken openly and that their deliberations be conducted openly.~~

8 ~~(b) The people of this state do not yield their sovereignty to the~~
9 ~~agencies that serve them. The people, in delegating authority, do~~
10 ~~not give their public servants the right to decide what is good for~~
11 ~~the people to know and what is not good for them to know. The~~
12 ~~people insist on remaining informed, so that they may retain control~~
13 ~~over the instruments they have created.~~

ASSEMBLY BILL

No. 1672

Introduced by Assembly Member Haney

**(Principal coauthors: Assembly Members Wendy Carrillo and
Santiago)**

(Principal coauthor: Senator Stern)

**(Coauthors: Assembly Members Bryan, Friedman, Jackson, and
~~Zbur~~ Zbur, Addis, Bains, Bonta, Maienschein, McKinnor,
Quirk-Silva, and Schiavo)**

(Coauthor: Senator Wiener)

February 17, 2023

An act to amend Sections 3552, 3555.5, and 7926.300 of, and to add Title 26 (commencing with Section 110000) to, the Government Code, and to amend Sections 12301.6 and 12301.24 of, and to add Section 12300.8 to, the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1672, as introduced, Haney. In-Home Supportive Services Employer-Employee Relations Act.

(1) Existing law establishes the In-Home Supportive Services (IHSS) program, which is administered by the State Department of Social Services, counties, and other entities, under which qualified aged, blind, or disabled persons are provided with supportive services in order to permit them to remain in their own homes.

Existing law authorizes a county board of supervisors to elect to contract with a nonprofit consortium to provide for the delivery of in-home supportive services or to establish, by ordinance, a public authority to provide for the delivery of those services, in accordance

with certain procedures. Existing law deems a public authority created under these provisions to be the employer of in-home supportive services personnel under the Meyers-Milias-Brown Act, which governs labor relations between local public employers and employees. Existing law also deems a nonprofit consortium contracting with a county to be the employer of in-home supportive services personnel for purposes of collective bargaining over wages, hours, and other terms and conditions of employment. Existing law grants recipients of in-home supportive services the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services for them.

Existing law prohibits the state and specified local public employers from deterring or discouraging public employees from becoming or remaining members of an employee organization. Existing law also requires specified public employers to provide exclusive employee representatives access to new employee orientations. Existing law generally grants the Public Employment Relations Board jurisdiction over violations of these provisions. Existing law defines “public employers” who are subject to these provisions as including, among others, public agencies, cities, counties, and districts.

This bill would expand the definition of “public employer,” for purposes of those provisions, to include an employer who is subject to the In-Home Supportive Services Employer-Employee Relations Act, which the bill would create. The bill would establish a method for resolving disputes regarding wages, benefits, and other terms and conditions of employment between the state and recognized employee organizations representing independent providers. The bill would provide for the right of employees, also known as individual providers under the act, to form, join, and participate in activities of employee organizations for the purposes of representation on all matters within the scope of employee organizations. The bill would define “employee” or “individual provider” for these purposes to mean a person authorized to provide in-home supportive services pursuant to the individual provider mode or waiver personal care services, as prescribed.

For purposes of collective bargaining, the bill would deem the state to be the employer of record of individual providers in each county. The bill would grant the in-home supportive services recipient with the right to hire, fire, and supervise the work of the individual providers providing services to them. Among other things, the bill would specify that individual providers employed by a predecessor agency before the effective date of the act shall retain employee status and not be required

by the state to requalify to receive payment for providing in-home supportive services.

Among other things, for purposes of collective bargaining, the bill would provide that existing bargaining units consisting of individual providers in a single county that are represented by the same recognized employee organization shall be deemed merged into the largest possible multicounty bargaining units represented by that employee organization, upon the effective date of this act. In counties where no recognized employee organization exists as of the effective date of the act, the bill would specify that a bargaining unit consisting of all employees in that county shall be deemed an appropriate unit for collective bargaining. Under the bill, if individual providers in a county bargaining unit are represented by a recognized employee organization on the date of the act, the state would be deemed the successor employer of the predecessor agency for purposes of negotiating a collective bargaining agreement, subject to the obligation to meet and confer in good faith and meet other related legal requirements.

The bill would require all recognized employee organizations, as of the effective date of the act, to negotiate jointly on behalf of all bargaining units they represent to reach a single memorandum of understanding with the employer. The bill would authorize the memorandum of understanding to contain addenda reflecting regional or county-level terms and conditions. The bill would establish procedures for voting and ratification of a memorandum of understanding, and for the employer to assume a predecessor agency's rights and obligations under a memorandum of understanding or agreement between a predecessor agency and a recognized employee organization that is in effect on the date of the bill's enactment.

The bill would prescribe the duties of the state under the act, including requiring the Governor to meet and confer in good faith, and to follow specified procedures regarding collective bargaining. If an agreement is reached by a representative of the Governor and the recognized employee organizations, the bill would require those parties to jointly prepare a written memorandum of understanding and present it to the Legislature for determination by majority vote. The bill would require the Governor, for any side letter, appendix, or other addendum to a memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits not included in the original memorandum or the Budget Act, to provide that to the Joint Legislative Budget Committee, as specified. The bill would also establish mediation

and arbitration procedures that would apply when the parties fail to reach an agreement.

The bill would make certain actions by an employer and other entities involved in administering the IHSS program unlawful, including imposing or threatening to impose reprisals on employees or otherwise interfering with the exercise of their rights. The bill would authorize the Public Employment Relations Board to adopt reasonable rules and regulations pursuant to the act, including the adoption of emergency regulations, as prescribed.

(2) Existing law requires the Controller to provide for the administration of payroll deductions and salary reductions, and authorizes the Controller to establish procedures for that purpose.

The bill would require the Controller to honor a written authorization for payroll deductions executed by an employee before the effective date of the act, and to make deductions for payments of dues to a recognized employee organization pursuant to the act consistent with the above-described payroll deduction procedures.

(3) Existing law, the California Public Records Act, requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. Existing law provides that certain information regarding persons paid by the state to provide in-home supportive services, or other related public services, are not subject to disclosure under the act. Existing law further provides that copies of names, addresses, home telephone numbers, and other identifying information are required to be made available, upon request, to an exclusive bargaining agent and to any employee organization seeking representation rights under specified collective bargaining provisions.

With respect to the above-described personal identifying information, this bill would instead require this information to be made available to the exclusive bargaining agent and any employee organization seeking representation under the In-Home Supportive Services Employer-Employee Relations Act. The bill would require the state, or a county, public authority, or nonprofit consortium organized pursuant to the IHSS program, to promptly make the information available to the requesting entity.

The bill would revise the IHSS program provisions to require the state to assume responsibilities as set forth in the act. The bill would also require a county or city and county to continue to have certain

IHSS program-related functions set forth in county ordinance or contract performed in accordance with specified provisions.

(4) Existing law requires prospective providers of in-home supportive services to complete an in-person provider orientation at the time of enrollment that is developed by the department, in consultation with counties, that includes requirements to be an eligible IHSS provider and other related matters.

This bill additionally would require that in-person provider orientation include any other information required to be communicated to prospective providers by a memorandum of understanding, appendix, or side letter between recognized employee organizations and the state. The bill would make other related changes to these provisions.

By imposing new duties on local government officials, the bill would impose a state-mandated local program.

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern and, therefore, apply to all counties.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 3552 of the Government Code is amended
2 to read:
3 3552. For the purpose of this chapter:
4 (a) “Employee organization” means an employee organization
5 within the meaning of the provisions listed in subdivision (c).
6 (b) “Public employee” means an employee granted rights by
7 the provisions listed in subdivision (c) or an employee of a public
8 transit agency, the labor relations of which are regulated by
9 provisions in the Public Utilities Code.
10 (c) “Public employer” means any employer subject to Chapter
11 10 (commencing with Section 3500), Chapter 10.3 (commencing
12 with Section 3512), Chapter 10.4 (commencing with Section
13 3524.50), Chapter 10.7 (commencing with Section 3540), or
14 Chapter 12 (commencing with Section 3560) of Division 4 of Title
15 1, Chapter 7 (commencing with Section 71600) or Chapter 7.5
16 (commencing with Section 71800) of Title 8 ~~of~~ *of, or Title 26*
17 *(commencing with Section 110000) of*, this code, or Chapter 7
18 (commencing with Section 99560) of Part 11 of Division 10 of
19 the Public Utilities Code, or Section 12302.25 of the Welfare and
20 Institutions Code. This chapter also applies to public transit districts
21 with respect to their public employees who are in bargaining units
22 not subject to the provisions listed in this subdivision.
23 SEC. 2. Section 3555.5 of the Government Code is amended
24 to read:
25 3555.5. (a) This chapter applies to public employers subject
26 to Chapter 10 (commencing with Section 3500), Chapter 10.3
27 (commencing with Section 3512), Chapter 10.4 (commencing with
28 Section 3524.50), Chapter 10.7 (commencing with Section 3540),
29 or Chapter 12 (commencing with Section 3560) of, or Chapter 7
30 (commencing with Section 71600) or Chapter 7.5 (commencing
31 with Section 71800) of Title 8 of, *or Title 26 (commencing with*
32 *Section 110000) of*, this code, or Chapter 7 (commencing with
33 Section 99560) of Part 11 of Division 10 of the Public Utilities
34 Code. This chapter, except for subdivision (c), also applies to
35 public transit districts with respect to their public employees who

1 are in bargaining units not subject to the provisions listed in this
2 subdivision.

3 (b) For purposes of this chapter:

4 (1) “Exclusive representative” means the exclusive
5 representative or recognized employee organization for the
6 bargaining unit.

7 (2) “Interest arbitration” means a process whereby an employer
8 and an exclusive representative submit a dispute concerning the
9 terms of access to new employee orientations for resolution to a
10 third-party arbitrator who is then authorized to approve either
11 party’s proposal in its entirety, to approve a proposal using both
12 the employer’s and exclusive representative’s final proposals, or
13 to modify the proposals by the parties.

14 (3) “New employee orientation” means the onboarding process
15 of a newly hired public employee, whether in person, online, or
16 through other means or mediums, in which employees are advised
17 of their employment status, rights, benefits, duties and
18 responsibilities, or any other employment-related matters.

19 (4) “Newly hired public employee” means any employee,
20 whether permanent, temporary, full time, part time, or seasonal,
21 hired by a public employer, to which this chapter applies and who
22 is still employed as of the date of the new employee orientation.

23 (c) (1) Except as provided in paragraph (2), the Public
24 Employment Relations Board shall have jurisdiction over violations
25 of this chapter. The powers and duties of the board described in
26 Section 3541.3 shall apply, as appropriate, to this chapter.

27 (2) The employee relations commissions established by the
28 County of Los Angeles and the City of Los Angeles shall have
29 jurisdiction over violations of this chapter in the County of Los
30 Angeles and the City of Los Angeles, respectively.

31 SEC. 3. Section 7926.300 of the Government Code is amended
32 to read:

33 7926.300. (a) Notwithstanding any other provision of this
34 division, information regarding persons paid by the state to provide
35 in-home supportive services pursuant to Article 7 (commencing
36 with Section 12300) of Chapter 3 of Part 3 of Division 9 of the
37 Welfare and Institutions Code or personal care services pursuant
38 to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the
39 Welfare and Institutions Code, and information about persons who
40 have completed the form described in subdivision (a) of Section

1 12305.81 of the Welfare and Institutions Code for the provider
2 enrollment process, is not subject to public disclosure pursuant to
3 this division, except as provided in subdivision (b).

4 (b) Copies of names, addresses, home telephone numbers,
5 personal cellular telephone numbers, written or spoken languages,
6 if known, and personal email addresses of persons described in
7 subdivision (a) shall be made available, upon request, to an
8 exclusive bargaining agent and to any ~~labor~~ *employee* organization
9 seeking representation rights pursuant to ~~subdivision (c) of Section~~
10 ~~12301.6, or Section 12302.5, of the Welfare and Institutions Code~~
11 ~~or Chapter 10 (commencing with Section 3500) of Division 4. the~~
12 *In-Home Supportive Services Employer-Employee Relations Act*
13 *(Title 26 (commencing with Section 110000)). The state, or a*
14 *county, public authority, or nonprofit consortium organized*
15 *pursuant to Sections 12301.6 or 12302.25 of the Welfare and*
16 *Institutions Code, shall promptly make the information available*
17 *to the requesting entity. This information shall not be used by the*
18 *receiving entity for any purpose other than the employee*
19 *organizing, representation, and assistance activities of the*~~labor~~
20 *employee organization.*

21 (c) This section applies solely to individuals who provide
22 services under the In-Home Supportive Services Program (Article
23 7 (commencing with Section 12300) of Chapter 3 of Part 3 of
24 Division 9 of the Welfare and Institutions Code), the Personal Care
25 Services Program pursuant to Section 14132.95 of the Welfare
26 and Institutions Code, the In-Home Supportive Services Plus
27 Option Program pursuant to Section 14132.952 of the Welfare and
28 Institutions Code, the Community First Choice Option Program
29 pursuant to Section 14132.956 of the Welfare and Institutions
30 Code, or the Waiver Personal Care Services Program pursuant to
31 Section 14132.97 of the Welfare and Institutions Code.

32 (d) This section does not alter the rights of parties under the
33 Meyers-Milias-Brown Act (Chapter 10 (commencing with Section
34 3500) of Division 4) or any other labor relations law.

35 (e) *“Employee organization” has the same meaning as set forth*
36 *in subdivision (c) of Section 110003.*

37 SEC. 4. Title 26 (commencing with Section 110000) is added
38 to the Government Code, to read:

1 TITLE 26. IN-HOME SUPPORT SERVICES
2 EMPLOYER-EMPLOYEE RELATIONS ACT

3
4 CHAPTER 1. GENERAL PROVISIONS
5

6 110000. This title shall be known and may be cited as the
7 In-Home Supportive Services Employer-Employee Relations Act.

8 110001. It is the purpose of this title to promote full
9 communication between the state and recognized employee
10 organizations representing independent providers by providing a
11 reasonable method of resolving disputes regarding wages, benefits,
12 and other terms and conditions of employment, as described in
13 Section 110022, between the state and recognized employee
14 organizations. It is also the purpose of this title to promote the
15 improvement of personnel management and employer-employee
16 relations within the public authority by providing a uniform basis
17 for recognizing the right of independent providers to join
18 organizations of their own choice and be represented by those
19 organizations for purposes of collective bargaining with the state.
20 This title is intended to strengthen methods of administering
21 employer-employee relations through the establishment of uniform
22 and orderly methods of communication between the recognized
23 employee organizations and the state. Except as expressly provided
24 herein, this title is not intended to require changes in existing
25 bargaining units or memoranda of agreement or understanding.

26 110002. Except as otherwise provided by the Legislature,
27 employees shall have the right to form, join, and participate in the
28 activities of employee organizations of their own choosing for the
29 purpose of representation on all matters within the scope of
30 representations. Employees also shall have the right to refuse to
31 join or participate in the activities of employee organizations.

32 110003. As used in this title:

33 (a) "Board" means the Public Employment Relations Board
34 established pursuant to Section 3541.

35 (b) "Employee" or "individual provider" means any person
36 authorized to provide in-home supportive services pursuant to
37 Article 7 (commencing with Section 12300) of Chapter 3 of Part
38 3 of Division 9 of the Welfare and Institutions Code, and Sections
39 14132.95, 14132.952, and 14132.956 of the Welfare and
40 Institutions Code, pursuant to the individual provider mode, as

1 described in Section 12302.2 of the Welfare and Institutions Code,
 2 or waiver personal care services pursuant to Section 14132.97 of
 3 the Welfare and Institutions Code. As used in this title, “employee”
 4 or “individual provider” does not include any person providing
 5 in-home supportive services pursuant to the county-employed
 6 homemaker mode or the contractor mode, as authorized in Section
 7 12302 of the Welfare and Institutions Code. Individual providers
 8 shall not be deemed to be employees of the state for any other
 9 purposes, except as expressly set forth in this title.

10 (c) “Employee organization” means an organization that includes
 11 employees, as defined in subdivision (b), and that has as one of
 12 its primary purposes representing those employees in their relations
 13 with the public employer.

14 (d) “Employer” means, for the purposes of collective bargaining,
 15 the state, the State Department of Health Care Services, or any
 16 other agency, department, contractor, subcontractor, or any political
 17 subdivision of the state administering the In-Home Supportive
 18 Services Program. The in-home supportive services recipient shall
 19 be the employer of an individual provider with the unconditional
 20 and exclusive right to hire, fire, and supervise the provider.

21 (e) “In-home supportive services” or “In-Home Supportive
 22 Services Program” means services provided pursuant to Article 7
 23 (commencing with Section 12300) of Chapter 3 of Part 3 of
 24 Division 9 of the Welfare and Institutions Code, and Sections
 25 14132.95, 14132.952, and 14132.956 of the Welfare and
 26 Institutions Code, and waiver personal care services pursuant to
 27 Section 14132.97 of the Welfare and Institutions Code.

28 (f) “In-home supportive services recipient” means the individual
 29 who receives the in-home supportive services provided by the
 30 individual provider.

31 (g) “Mediation” means effort by an impartial third party to assist
 32 in reconciling a dispute regarding wages, benefits, and other terms
 33 and conditions of employment, as defined in Section 110022,
 34 between representatives of the employer and the recognized
 35 employee organization or recognized employee organizations
 36 through interpretation, suggestion, and advice.

37 (h) “Predecessor agency” means a county, a local public
 38 authority, or a nonprofit consortium established pursuant to Section
 39 12301.6 or 12302.25 of the Welfare and Institutions Code before
 40 the effective date of this title.

1 (i) “Recognized employee organization” means an employee
2 organization that has been formally acknowledged as follows:

3 (1) Before the effective date of this title, by a predecessor
4 agency, as the exclusive representative of its employees.

5 (2) On or after the effective date of this title, by the employer.
6

7 CHAPTER 2. TRANSITIONAL PROVISIONS
8

9 110004. It is the intent of the Legislature to stabilize the labor
10 and employment relations of individual providers in order to
11 provide continuity of care and services to the maximum extent
12 possible, and consistent with the responsibilities of the employer
13 under the act adding this title.

14 110005. For the purposes of collective bargaining, and as
15 expressly set forth in subdivision (d) of Section 110003, the state
16 is deemed to be the employer of record of individual providers in
17 each county as of the effective date of this title. In-home supportive
18 services recipients shall retain the right to hire, fire, and supervise
19 the work of the individual providers providing services to them.

20 110006. Individual providers employed by any predecessor
21 agency as of the effective date of this title shall retain employee
22 status and shall not be required by the state to requalify to receive
23 payment for providing services pursuant to Article 7 (commencing
24 with Section 12300) of Chapter 3 of Part 3 of Division 9 of the
25 Welfare and Institutions Code. In the same manner as set forth in
26 subdivision (e) of Section 12305.86 of the Welfare and Institutions
27 Code, the employer shall accept a clearance that was obtained or
28 accepted by any predecessor agency pursuant to Article 7
29 (commencing with Section 12300) of Chapter 3 of Part 3 of
30 Division 9 of the Welfare and Institutions Code. Existence of a
31 clearance shall be determined by verification through the case
32 management, information, and payroll system of the predecessor
33 agency that the predecessor agency has deemed the provider to be
34 eligible to receive payment for providing services pursuant to
35 Article 7 (commencing with Section 12300) of Chapter 3 of Part
36 3 of Division 9 of the Welfare and Institutions Code.

37 110007. (a) On the effective date of this title, consistent with
38 the recognition of employee organizations by predecessor agencies,
39 existing bargaining units consisting of individual providers in a
40 single county that are represented by the same recognized employee

1 organization shall be deemed merged into the largest possible
2 multicounty bargaining units represented by that employee
3 organization.

4 (b) In those counties where no recognized employee organization
5 exists as of the effective date of this title, a bargaining unit
6 consisting of all employees in that county shall be deemed an
7 appropriate unit for collective bargaining. If employees thereafter
8 select an employee organization as their exclusive representative,
9 the county bargaining unit shall be deemed merged into any
10 existing multicounty bargaining unit represented by the same
11 recognized employee organization.

12 110008. If, on the effective date of this title, individual
13 providers in a county bargaining unit are represented by a
14 recognized employee organization, the state shall be deemed the
15 successor employer of the predecessor agency for the purposes of
16 negotiating a collective bargaining agreement, and shall be
17 obligated to recognize and to meet and confer in good faith with
18 the recognized employee organization on all matters within the
19 scope of representation, as defined in Section 110022, as to those
20 individual providers. The recognized employee organization shall
21 continue to perform all obligations of a recognized employee
22 organization as to the individual providers in that county.

23 110009. (a) (1) As of the effective date of this title, all
24 recognized employee organizations shall negotiate jointly on behalf
25 of all bargaining units they represent to reach a single memorandum
26 of understanding with the employer. The memorandum of
27 understanding may contain addenda reflecting regional or
28 county-level terms and conditions.

29 (2) Notwithstanding Section 110007, the votes of all eligible
30 individual providers in all bargaining units shall be aggregated for
31 ratification purposes if ratification is required by a recognized
32 employee organization's constitution, bylaws, or other governing
33 documents. Nothing in this section shall require individual provider
34 ratification that is not otherwise required by a recognized employee
35 organization's constitution, bylaws, or other governing documents.
36 Nothing in this section shall require individual provider ratification
37 in any manner that is not otherwise required by a recognized
38 employee organization's constitution, bylaws, or other governing
39 documents.

1 (b) Subject to subdivision (c), the employer and all employee
2 organizations that are recognized by predecessor agencies before
3 the effective date may meet before the effective date of this title
4 to negotiate the terms of the memorandum of understanding, which
5 shall not take effect until the effective date.

6 (c) On the effective date of this title, subject to Section 12306.16
7 of the Welfare and Institutions Code, the employer shall assume
8 the predecessor agencies' rights and obligations under any
9 memorandum of understanding or agreement between a predecessor
10 agency and a recognized employee organization that is in effect
11 on the effective date for the duration thereof. Absent mutual
12 consent to reopen, the terms of any transferred memorandum of
13 understanding or agreement shall continue until the memorandum
14 of understanding or agreement has expired. If a memorandum of
15 understanding or agreement between a recognized employee
16 organization and a predecessor agency has expired and has not
17 been replaced by a successor memorandum of understanding or
18 agreement as of the effective date of this title, the employer shall
19 assume the obligation to meet and confer in good faith with the
20 recognized employee organization.

21 (d) Notwithstanding any other law, except to the extent set forth
22 in this chapter and as limited by Section 110022, the terms and
23 conditions of any memorandum of understanding or agreement
24 between a predecessor agency and a recognized employee
25 organization in effect as of the effective date of this title shall not
26 be reduced, except by mutual agreement between the recognized
27 employee organization and the employer.

28 (e) The Controller shall be obligated to honor a written
29 authorization for payroll deductions executed by an employee prior
30 to the effective date of this title. The implementation of this title
31 shall not be a cause for the Controller to cease administering
32 payroll deductions pursuant to Section 1153 for any employee who
33 has executed a written authorization for payroll deductions.

34 110010. (a) Except as otherwise expressly provided in this
35 title, the enactment of this title shall not be a cause for the employer
36 or any predecessor agency to modify or eliminate any existing
37 memorandum of agreement or understanding, or to modify existing
38 wages, benefits, or other terms and conditions of employment.
39 Except to the extent set forth in this title, the enactment of this title
40 shall not prevent the modification of existing wages, benefits, or

1 terms and conditions of employment through the meet and confer
 2 in good faith process or, in those situations in which the employees
 3 are not represented by a recognized employee organization, through
 4 appropriate procedures.

5 (b) This title does not relieve any predecessor agency of its
 6 obligation to meet and confer in good faith with a recognized
 7 employee organization pursuant to the Meyers-Milias-Brown Act
 8 (Chapter 10 (commencing with Section 3500) of Division 4 of
 9 Title 1) until the effective date of this title. This title does not
 10 require the predecessor agency to meet and confer with a
 11 recognized employee organization after the employer assumes the
 12 predecessor agency’s rights and obligations on the effective date
 13 of this title.

14 110011. If the employer and the recognized employee
 15 organization negotiate changes to locally administered health
 16 benefits for individual providers, the employer shall give 90 days’
 17 notice to the county of the agreed-upon changes.

18

19

CHAPTER 3. LABOR RELATIONS

20

21 110012. The Legislature finds and declares that collective
 22 bargaining for individual providers under this title constitutes a
 23 matter of statewide concern pursuant to Article XI of the California
 24 Constitution. Therefore, this title applies to all counties,
 25 notwithstanding charter provisions to the contrary.

26 110013. Where the language of this title is the same or
 27 substantially the same as that contained in Chapter 10.3
 28 (commencing with Section 3512) of Division 4 of Title 1, it shall
 29 be interpreted and applied by the board in a manner consistent
 30 with and in accordance with judicial interpretations of the same
 31 language.

32 110014. The employer shall grant exclusive recognition to
 33 employee organizations designated or selected pursuant to this
 34 title or rules established by the board for employees of the
 35 employer or an appropriate unit thereof, subject to the right of an
 36 employee to represent oneself.

37 110015. (a) Except as provided in this title, the powers and
 38 duties of the board described in Sections 3541.3 and 3541.5 shall
 39 also apply, as appropriate, to this title. Included among the
 40 appropriate powers of the board are the powers to order elections,

1 to conduct any election the board orders, to order unit modifications
2 consistent with Section 110007, and to adopt rules.

3 (b) The board shall establish reasonable procedures for petitions
4 and holding elections and determining appropriate units consistent
5 with Section 110007. In a representation election, a majority of
6 the votes cast by the employees in the appropriate bargaining unit
7 shall be required.

8 (c) Upon the request of all affected recognized employee
9 organizations, the employer shall recognize a merged bargaining
10 unit consisting of bargaining units that were previously represented
11 by separate recognized employee organizations.

12 110016. Notwithstanding any other law, if a decision by an
13 administrative law judge regarding the recognition, certification,
14 decertification, or unit modification, consistent with Section
15 110007, of an employee organization is appealed, the decision
16 shall be deemed the final order of the board if the board does not
17 issue a ruling that supersedes the decision no later than 180 days
18 after the appeal is filed.

19 110017. (a) Any charging party, respondent, or intervener
20 aggrieved by a final decision or order of the board in an unfair
21 practice case, except a decision of the board not to issue a
22 complaint in such a case, and any party to a final decision or order
23 of the board in a unit determination consistent with Section 110007,
24 or in a representation, recognition, or election matter that is not
25 brought as an unfair practice case, may petition for a writ of
26 extraordinary relief from that decision or order. A board order
27 directing an election shall not be stayed pending judicial review.

28 (b) A petition for a writ of extraordinary relief shall be filed in
29 the district court of appeal having jurisdiction over the county
30 where the events giving rise to the decision or order occurred. The
31 petition shall be filed within 30 days from the date of the issuance
32 of the board's final decision or order, or order denying
33 reconsideration, as applicable. Upon the filing of the petition, the
34 court shall cause notice to be served upon the board and thereafter
35 shall have jurisdiction of the proceeding. The board shall file in
36 the court the record of the proceeding, certified by the board, within
37 10 days after the clerk's notice unless that time is extended by the
38 court for good cause shown. The court shall have jurisdiction to
39 grant any temporary relief or restraining order it deems just and
40 proper, and in like manner to make and enter a decree enforcing,

1 modifying, and enforcing as modified, or setting aside in whole
 2 or in part the decision or order of the board. The findings of the
 3 board with respect to questions of fact, including ultimate facts,
 4 if supported by substantial evidence on the record considered as
 5 a whole, shall be conclusive. Title 1 (commencing with Section
 6 1067) of Part 3 of the Code of Civil Procedure relating to writs
 7 shall, except where specifically superseded by this section, apply
 8 to proceedings pursuant to this section.

9 (c) If the time to petition for extraordinary relief from a board
 10 decision or order has expired, the board may seek enforcement of
 11 any final decision or order in a district court of appeal or superior
 12 court having jurisdiction over the county where the events giving
 13 rise to the decision or order occurred. The board shall respond
 14 within 10 days to any inquiry from a party to the action as to why
 15 the board has not sought court enforcement of the final decision
 16 or order. If the response does not indicate that there has been
 17 compliance with the board’s final decision or order, the board shall
 18 seek enforcement of the final decision or order upon the request
 19 of the party. The board shall file in the court the record of the
 20 proceeding, certified by the board, and appropriate evidence
 21 disclosing the failure to comply with the decision or order. If, after
 22 hearing, the court determines that the order was issued pursuant
 23 to the procedures established by the board and that the person or
 24 entity refuses to comply with the order, the court shall enforce the
 25 order by writ of mandamus or other proper process. The court may
 26 not review the merits of the order.

27 110018. An individual provider shall not be subject to punitive
 28 action or denied promotion, or threatened with any such treatment,
 29 for the exercise of lawful action as an elected, appointed, or
 30 recognized representative of any employee bargaining unit.

31 110019. (a) This title does not affect the right of an employee
 32 to authorize a dues deduction from the employee’s salary or wages
 33 pursuant to Article 6 (commencing with Section 1150) of Chapter
 34 1 of Division 4 of Title 1.

35 (b) The Controller shall make deductions for the payment of
 36 dues to a recognized employee organization consistent with Article
 37 6 (commencing with Section 1150) of Chapter 1 of Division 4 of
 38 Title 1.

39 110020. Recognized employee organizations shall have the
 40 right to represent their members in their employment relations

1 with the employer. Employee organizations may establish
2 reasonable restrictions regarding who may join and may make
3 reasonable provisions for the dismissal of individuals from
4 membership. This section does not prohibit an employee from
5 appearing on their own behalf in their employment relations with
6 the employer.

7 110021. The employer and employee organizations shall not
8 interfere with, intimidate, restrain, coerce, or discriminate against
9 employees because of the exercise of their rights guaranteed by
10 this title.

11 110022. (a) The scope of representation shall include all
12 matters relating to wages, benefits, and other terms and conditions
13 of employment, including programmatic changes that affect terms
14 and conditions of employment of individual providers. However,
15 the scope of representation shall not include consideration of the
16 merits, necessity, or organization of any service or activity provided
17 by law or executive order, or the right to hire, fire and supervise
18 the individual providers which is reserved to the IHSS recipient.

19 (b) All of the following matters are within the scope of
20 representation:

21 (1) Wages and benefits, including, but not limited to, health
22 insurance, retirement, and contributions to health benefit and
23 retirement trust funds.

24 (2) The structure, time, and manner of recognized employee
25 organization access to orientations of new providers.

26 (3) Impacts on individual providers' delivery of services as a
27 result of changes in regulations, rules, policies, or resolutions
28 adopted by the department and applicable to the In-Home
29 Supportive Services programs.

30 (4) The operation of and rules applicable to county-level
31 individual provider registries, including appeals procedures for
32 registry decisions.

33 (5) Rules and regulations applicable to the identification and
34 scheduling of backup individual providers.

35 (6) Payment, payment reporting, and payroll procedures
36 applicable individual providers.

37 (7) Improvement of recruitment and retention of individual
38 providers.

39 (8) Joint labor-management committees.

40 (9) Grievance arbitration.

1 (10) Professional training and development for individual
2 providers.

3 (11) The deduction of membership dues and other voluntary
4 deductions authorized by individual providers and allocation of
5 the costs of implementing that deduction system.

6 (c) This section does not limit the right of the employer to
7 consult and reach agreement with the recognized employee
8 organizations on any matter outside the scope of representation.
9 Any matter outside the scope of representation enumerated in this
10 section shall not be considered a mandatory subject of bargaining.

11 110023. (a) Except in cases of emergency as provided in this
12 section, the Governor, through the Governor’s designee, shall give
13 reasonable written notice to each recognized employee organization
14 affected by any law, rule, practice, or policy directly relating to
15 matters within the scope of representation proposed to be adopted
16 by the employer and shall give each recognized employee
17 organization the opportunity to meet with the employer.

18 (b) In cases of emergency when the Governor, through the
19 Governor’s designee, determines that any law, rule, policy, or
20 procedure must be adopted immediately without prior notice or
21 meeting with a recognized employee organization, the employer
22 shall provide notice and an opportunity to meet at the earliest
23 practical time following the adoption of the law, rule, policy, or
24 procedure.

25 110024. (a) The Governor, through the Governor’s designee,
26 shall meet and confer in good faith regarding wages, hours, and
27 other terms and conditions of employment with representatives of
28 recognized employee organizations, and shall consider fully such
29 presentations as are made by the employee organization on behalf
30 of its members prior to arriving at a determination of policy or
31 course of action.

32 (b) “Meet and confer in good faith” means that the Governor,
33 through the Governor’s designee, and representatives of recognized
34 employee organizations, shall have the mutual obligation personally
35 to meet and confer promptly upon request by either party and
36 continue for a reasonable period of time in order to exchange freely
37 information, opinions, and proposals, and to endeavor to reach
38 agreement on matters within the scope of representation prior to
39 the adoption by the state of its final budget for the ensuing year.

1 The process should include adequate time for the resolution of
2 impasses.

3 110025. (a) Any side letter, appendix, or other addendum to
4 a properly ratified memorandum of understanding that requires
5 the expenditure of two hundred fifty thousand dollars (\$250,000)
6 or more related to salary and benefits and that is not already
7 contained in the original memorandum of understanding or the
8 Budget Act, shall be provided by the Governor to the Joint
9 Legislative Budget Committee. The Joint Legislative Budget
10 Committee shall determine within 30 days after receiving the side
11 letter, appendix, or other addendum if it presents substantial
12 additions that are not reasonably within the parameters of the
13 original memorandum of understanding and thereby requires
14 legislative action to ratify the side letter, appendix, or other
15 addendum.

16 (b) A side letter, appendix, or other addendum to a properly
17 ratified memorandum of understanding that does not require the
18 expenditure of funds shall be expressly identified by the Governor
19 if that side letter, appendix, or other addendum is to be incorporated
20 in a subsequent memorandum of understanding submitted to the
21 Legislature for approval.

22 110026. If an agreement is reached by the representatives of
23 the Governor and the recognized employee organizations, they
24 shall jointly prepare a written memorandum of the understanding,
25 and present it to the Legislature for determination by majority vote.

26 110027. (a) If, after a reasonable period of time, representatives
27 of the employer and the recognized employee organizations fail
28 to reach agreement, the dispute shall be referred to mediation
29 before a mediator mutually agreeable to the parties. If the parties
30 are unable to agree upon the mediator, either party may request
31 the board to appoint a mediator in accordance with rules adopted
32 by the board.

33 (b) The costs of mediation shall be divided one-half to the
34 employer and one-half to the recognized employee organizations.

35 110028. (a) After all mediation procedures have been
36 exhausted, if no agreement has been reached between the parties,
37 disputes or controversies pertaining to wages, hours, benefits, or
38 terms and conditions of employment that remain unresolved shall
39 be submitted to a three-member board of arbitrators at the request
40 of the employer or the recognized employee organizations.

1 (b) The recognized employee organizations and the employer
2 shall each select and appoint one arbitrator to the board of
3 arbitrators. The third member of the arbitration board shall be
4 selected by agreement of the parties, and absent agreement within
5 five days of a request for arbitration, the employer or the
6 recognized employee organizations may then request from the
7 State Mediation and Conciliation Service a list of seven persons
8 qualified and experienced as labor arbitrators. If the recognized
9 employee organizations and the employer cannot agree within
10 three days after receipt of such a list on one of the seven persons
11 to act as the neutral arbitrator, they shall alternately strike names
12 from the list of nominees until one name remains and that person
13 shall then become the neutral arbitrator and chairperson of the
14 arbitration board.

15 (c) Any arbitration proceeding convened pursuant to this article
16 shall be conducted in conformance with, and be subject to Title 9
17 (commencing with Section 1290) of Part 3 of the Code of Civil
18 Procedure. The arbitration board may, in its discretion, hold public
19 hearings, receive evidence from the parties, and cause a transcript
20 of the proceedings to be prepared. In the exercise of its discretion,
21 the arbitration board may meet privately with the parties, mediate,
22 or arbitrate the issues in dispute. The arbitration board may also
23 adopt such other procedures that are designed to encourage an
24 agreement between the parties, expedite the arbitration hearing
25 process, or reduce the cost of the arbitration process.

26 (d) If an agreement is not reached before the conclusion of the
27 arbitration hearings, the arbitration board shall direct each of the
28 parties to submit, within such time limit as the arbitration board
29 may establish, a last offer of settlement on each of the remaining
30 issues in dispute. The arbitration board shall decide each issue by
31 majority vote by selecting whichever last offer of settlement on
32 that issue it finds most nearly conforms to those factors traditionally
33 taken into consideration in the determination of wages, hours,
34 benefits and terms and conditions of public and relevant private
35 employment, including, but not limited to: changes in the average
36 Consumer Price Index for goods and services; the wages, hours,
37 benefits and terms and conditions of employment of employees
38 performing similar services; stipulations of the parties; state and
39 federal laws that are applicable to the employer; the interests and
40 welfare of the public and the financial ability of the employer to

1 meet the costs of the award; the overall compensation presently
2 received by the employees affected, including their direct wages,
3 the costs of any vacations, holidays, or other paid time off,
4 insurance, pension, medical and hospitalization benefits; and the
5 continuity and stability of employment.

6 (e) After reaching a decision, the arbitration board shall mail
7 or otherwise deliver a true copy of its decision to the parties. The
8 decision of the arbitration board shall not be publicly disclosed
9 and shall not be binding until 10 days after it is delivered to the
10 parties. During that 10-day period, the parties may meet privately,
11 attempt to resolve their differences, and by mutual agreement
12 amend or modify the decision of the arbitration board. At the
13 conclusion of the 10-day period, the decision of the arbitration
14 board, as it may be modified or amended by the parties, shall be
15 publicly disclosed, and shall become final and binding upon both
16 of the parties. The Legislature may reject the decision of the
17 arbitration panel by majority vote.

18 (f) The expenses of any arbitration proceeding convened
19 pursuant to this section, including the fee for the services of the
20 chairperson of the arbitration board, the costs of the preparation
21 of the transcript of proceedings, and any other costs related to the
22 conduct of the proceeding as determined by the arbitration board,
23 shall be divided one-half to the employer and one-half to the
24 recognized employee organizations. Any other expenses the parties
25 may incur are to be borne by the party incurring that particular
26 expense.

27 110029. If the Legislature does not approve or fully fund any
28 provision of a memorandum of understanding which requires the
29 expenditure of funds, either party may reopen negotiations on all
30 or part of the memorandum of understanding. This section does
31 not prevent the parties from agreeing and effecting those provisions
32 of the memorandum of understanding that have received legislative
33 approval or those provisions that do not require legislative action.

34 110030. A memorandum of understanding between the
35 Governor and the recognized employee organizations shall be
36 binding on all state departments and agencies, counties, public
37 authorities or nonprofit consortia organized pursuant to Sections
38 12306.1 or 12302.25 of the Welfare and Institutions Code before
39 the effective date of this title, and any other political subdivision
40 of the state that is involved in the administration of the In-Home

1 Supportive Services Program and the relevant contractors and
2 subcontractors of those departments and agencies.

3 110031. The employer shall allow a reasonable number of
4 representatives of recognized employee organizations reasonable
5 time off without loss of compensation or other benefits when
6 formally meeting and conferring with representatives of the
7 employer on matters within the scope of representation.

8 110032. (a) It is unlawful for the employer to do any of the
9 following:

10 (1) Impose or threaten to impose reprisals on employees, to
11 discriminate or threaten to discriminate against employees, or
12 otherwise to interfere with, restrain, or coerce employees because
13 of their exercise of rights guaranteed by this title.

14 (2) Deny to employee organizations the rights guaranteed to
15 them by this title.

16 (3) Refuse or fail to meet and negotiate in good faith with a
17 recognized employee organization. For purposes of this
18 subdivision, knowingly providing a recognized employee
19 organization with inaccurate information regarding the financial
20 resources of the employer, whether or not in response to a request
21 for information, constitutes a refusal or failure to meet and
22 negotiate in good faith.

23 (4) Dominate or interfere with the formation or administration
24 of any employee organization, contribute financial or other support
25 to any employee organization, or in any way encourage employees
26 to join any employee organization in preference to another.

27 (5) Refuse to participate in good faith in any applicable impasse
28 procedure.

29 (6) Deter or discourage individual providers from becoming or
30 remaining members of an employee organization, or from
31 authorizing representation by an employee organization, or from
32 authorizing dues or other voluntary deductions to a provider
33 organization.

34 (7) Refuse or fail to require any county, public authority, or
35 nonprofit consortium organized pursuant to Sections 12306.1 or
36 12302.25 of the Welfare and Institutions Code to comply with the
37 provisions of any memorandum of understanding or addenda,
38 appendices, or side letters thereto between the state and recognized
39 employee organizations.

1 (8) Refuse or fail to require any county, public authority, or
2 nonprofit consortium organized pursuant to Sections 12306.1 or
3 12302.25 of the Welfare and Institutions Code to comply with
4 Section 12301.24 of the Welfare and Institutions Code.

5 (b) It is unlawful for any county, public authority, or nonprofit
6 consortium organized pursuant to Section 12306.1 or 12302.25 of
7 the Welfare and Institutions Code, or any other political subdivision
8 of the state that is involved in the administration of the In-Home
9 Supportive Services Program and the relevant contractors and
10 subcontractors of those departments and agencies, to do any of the
11 following:

12 (1) Impose or threaten to impose reprisals on employees, to
13 discriminate or threaten to discriminate against employees, or
14 otherwise to interfere with, restrain, or coerce employees because
15 of their exercise of rights guaranteed by this title.

16 (2) Deny to employee organizations the rights guaranteed to
17 them by this title.

18 (3) Dominate or interfere with the formation or administration
19 of any employee organization, contribute financial or other support
20 to any employee organization, or in any way encourage employees
21 to join any employee organization in preference to another.

22 (4) Deter or discourage individual providers from becoming or
23 remaining members of an employee organization, or from
24 authorizing representation by an employee organization, or from
25 authorizing dues or other voluntary deductions to a provider
26 organization.

27 (5) Deny to employee organizations the rights guaranteed to
28 them by Section 12301.24 of the Welfare and Institutions Code.

29 110033. (a) The board may adopt reasonable rules and
30 regulations for all of the following:

31 (1) Registering employee organizations.

32 (2) Determining the status of organizations and associations as
33 employee organizations or bona fide associations.

34 (3) Identifying the officers and representatives who officially
35 represent employee organizations and bona fide associations.

36 (4) Any other matters that are necessary to carry out the purposes
37 of this title.

38 (b) The board shall establish procedures whereby recognition
39 of employee organizations formally recognized as majority
40 representatives pursuant to a vote of the employees may be revoked

1 by a majority vote of the employees only after a period of not less
2 than 12 months following the date of recognition.

3 (c) The employer shall not unreasonably withhold recognition
4 of employee organizations.

5 (d) Employees and employee organizations may challenge a
6 rule or regulation of the employer as a violation of this title. This
7 subdivision does not restrict or expand the board’s jurisdiction or
8 authority as set forth in subdivisions (a) to (c), inclusive, of Section
9 3541.3.

10 110034. (a) The board may adopt emergency regulations to
11 implement this title. The initial adoption, amendment, or repeal
12 of the regulations authorized by this section is deemed to address
13 an emergency, for purposes of Sections 11346.1 and 11349.6, and
14 the board is exempt for that purpose from the requirements of
15 subdivision (b) of Section 11346.1. Initial emergency regulations
16 and one readoption of emergency regulations authorized by this
17 section shall be exempt from review by the Office of
18 Administrative Law. The initial emergency regulations and one
19 readoption of emergency regulations authorized by this section
20 shall be submitted to the Office of Administrative Law for filing
21 with the Secretary of State and each shall remain in effect for no
22 more than 180 days, by which time final regulations may be
23 adopted.

24 (b) The adoption, amendment, or repeal of a regulation
25 authorized by this section is hereby exempt from subdivision (d)
26 of Section 11346.1 and Section 11349.6, and the board shall
27 transmit the regulations directly to the Secretary of State for filing.
28 The regulations shall become effective immediately upon filing
29 with the Secretary of State.

30 110035. The provisions of this title are severable. If any
31 provision of this title or its application is held invalid, that
32 invalidity shall not affect other provisions or applications that can
33 be given effect without the invalid provision or application.

34 SEC. 5. Section 12300.8 is added to the Welfare and
35 Institutions Code, to read:

36 12300.8. (a) On the effective date of Title 26 (commencing
37 with Section 110000) of the Government Code, the state shall
38 assume the responsibilities set forth in Title 26 (commencing with
39 Section 110000) of the Government Code.

1 (b) A county or city and county, subject to subdivision (a), shall
2 do any one of the following:

3 (1) Continue to have its public authority perform the functions
4 set forth in the county ordinance existing at the time of the
5 notification pursuant to subdivision (a) and established pursuant
6 to Section 12301.6, excluding subdivision (c) of that section.

7 (2) Continue to have the entity perform the functions in the
8 existing contract at the time of the notification pursuant to
9 subdivision (a) established pursuant to Section 12301.6, excluding
10 subdivision (c) of that section.

11 (3) Assume the functions performed by an entity or public
12 authority pursuant to Section 12301.6, excluding subdivision (c)
13 of that section.

14 (c) If a county or city and county assumes the functions
15 described in paragraph (3) of subdivision (b), it may do any of the
16 following:

17 (1) Contract for the performance of any or all of the functions
18 assumed.

19 (2) Contract with an entity pursuant to Section 12301.6 for the
20 performance of any or all functions assumed.

21 (3) Establish a public authority pursuant to Section 12301.6 for
22 the performance of any functions assumed.

23 SEC. 6. Section 12301.6 of the Welfare and Institutions Code
24 is amended to read:

25 12301.6. (a) Notwithstanding Sections 12302 and 12302.1, a
26 county board of supervisors may, at its option, elect to do either
27 of the following:

28 (1) Contract with a nonprofit consortium to provide for the
29 delivery of in-home supportive services.

30 (2) Establish, by ordinance, a public authority to provide for
31 the delivery of in-home supportive services.

32 (b) (1) To the extent that a county elects to establish a public
33 authority pursuant to paragraph (2) of subdivision (a), the enabling
34 ordinance shall specify the membership of the governing body of
35 the public authority, the qualifications for individual members, the
36 manner of appointment, selection, or removal of members, how
37 long they shall serve, and other matters as the board of supervisors
38 deems necessary for the operation of the public authority.

39 (2) A public authority established pursuant to paragraph (2) of
40 subdivision (a) shall be both of the following:

1 (A) An entity separate from the county, and shall be required
2 to file the statement required by Section 53051 of the Government
3 Code.

4 (B) A corporate public body, exercising public and essential
5 governmental functions and that has all powers necessary or
6 convenient to carry out the delivery of in-home supportive services,
7 including the power to contract for services pursuant to Sections
8 12302 and 12302.1 and that makes or provides for direct payment
9 to a provider chosen by the recipient for the purchase of services
10 pursuant to Sections 12302 and 12302.2. Employees of the public
11 authority shall not be employees of the county for any purpose.

12 (3) (A) As an alternative, the enabling ordinance may designate
13 the board of supervisors as the governing body of the public
14 authority.

15 (B) Any enabling ordinance that designates the board of
16 supervisors as the governing body of the public authority shall
17 also specify that no fewer than 50 percent of the membership of
18 the advisory committee shall be individuals who are current or
19 past users of personal assistance services paid for through public
20 or private funds or recipients of services under this article.

21 (C) If the enabling ordinance designates the board of supervisors
22 as the governing body of the public authority, it shall also require
23 the appointment of an advisory committee of not more than 11
24 individuals who shall be designated in accordance with
25 subparagraph (B).

26 (D) Prior to making designations of committee members
27 pursuant to subparagraph (C), or governing body members in
28 accordance with paragraph (4), the board of supervisors shall solicit
29 recommendations of qualified members of either the governing
30 body of the public authority or of any advisory committee through
31 a fair and open process that includes the provision of reasonable
32 written notice to, and a reasonable response time by, members of
33 the general public and interested persons and organizations.

34 (4) If the enabling ordinance does not designate the board of
35 supervisors as the governing body of the public authority, the
36 enabling ordinance shall require the membership of the governing
37 body to meet the requirements of subparagraph (B) of paragraph
38 (3).

39 (c) (1) Any public authority created pursuant to this section
40 shall be deemed to be the employer of in-home supportive services

1 personnel referred to recipients under paragraph (3) of subdivision
2 (e) within the meaning of Chapter 10 (commencing with Section
3 3500) of Division 4 of Title 1 of the Government Code. Recipients
4 shall retain the right to hire, fire, and supervise the work of any
5 in-home supportive services personnel providing services to them.

6 (2) (A) Any nonprofit consortium contracting with a county
7 pursuant to this section shall be deemed to be the employer of
8 in-home supportive services personnel referred to recipients
9 pursuant to paragraph (3) of subdivision (e) for the purposes of
10 collective bargaining over wages, hours, and other terms and
11 conditions of employment.

12 (B) Recipients shall retain the right to hire, fire, and supervise
13 the work of any in-home supportive services personnel providing
14 services for them.

15 (d) A public authority established pursuant to this section or a
16 nonprofit consortium contracting with a county pursuant to this
17 section, when providing for the delivery of services under this
18 article by contract in accordance with Sections 12302 and 12302.1,
19 by direct payment to a provider chosen by a recipient in accordance
20 with Sections 12302 and 12302.2, or by way of a provider of
21 waiver personal care services provided pursuant to Section
22 14132.97, shall comply with and be subject to, all statutory and
23 regulatory provisions applicable to the respective delivery mode.

24 (e) Any nonprofit consortium contracting with a county pursuant
25 to this section or any public authority established pursuant to this
26 section shall provide for all of the following functions under this
27 article, but shall not be limited to those functions:

28 (1) The provision of assistance to recipients in finding in-home
29 supportive services personnel or waiver personal care services
30 authorized pursuant to Section 14132.97 through the establishment
31 of a registry.

32 (2) (A) (i) The investigation of the qualifications and
33 background of potential personnel. Upon the effective date of the
34 amendments to this section made during the 2009–10 Fourth
35 Extraordinary Session of the Legislature, the investigation with
36 respect to any provider in the registry or prospective registry
37 applicant shall include criminal background checks requested by
38 the nonprofit consortium or public authority and conducted by the
39 Department of Justice pursuant to Section 15660, for those public
40 authorities or nonprofit consortia using the agencies on the effective

1 date of the amendments to this section made during the 2009–10
2 Fourth Extraordinary Session of the Legislature. Criminal
3 background checks shall be performed no later than July 1, 2010,
4 for any provider who is already on the registry on the effective
5 date of amendments to this section made during the 2009–10 Fourth
6 Extraordinary Session of the Legislature, for whom a criminal
7 background check pursuant to this section has not previously been
8 provided, as a condition of the provider’s continued enrollment in
9 the IHSS program or the program authorizing waiver personal care
10 services pursuant to Section 14132.97. Criminal background checks
11 shall be conducted at the provider’s expense.

12 (ii) Upon notice from the Department of Justice notifying the
13 public authority or nonprofit consortium that the prospective
14 registry applicant has been convicted of a criminal offense specified
15 in Section 12305.81, the public authority or nonprofit consortium
16 shall deny the request to be placed on the registry for providing
17 supportive services to any recipient of in-home supportive services
18 or waiver personal care services authorized pursuant to Section
19 14132.97.

20 (iii) Commencing 90 days after the effective date of the act that
21 adds Section 12305.87, and upon notice from the Department of
22 Justice that an applicant who is subject to the provisions of that
23 section has been convicted of, or incarcerated following conviction
24 for, an offense described in subdivision (b) of that section, the
25 public authority or nonprofit consortium shall deny the applicant’s
26 request to become a provider of supportive services to any recipient
27 of in-home supportive services or waiver personal care services,
28 subject to the individual waiver and exception processes described
29 in that section. An applicant who is denied on the basis of Section
30 12305.87 shall be informed by the public authority or nonprofit
31 consortium of the individual waiver and exception processes
32 described in that section.

33 (B) (i) Notwithstanding any other law, the public authority or
34 nonprofit consortium shall provide an individual with a copy of
35 ~~his or her~~ *the individual’s* state-level criminal offender record
36 information search response as provided to the entity by the
37 Department of Justice if the individual has been denied placement
38 on the registry for providing supportive services to any recipient
39 of the In-Home Supportive Services program or waiver personal
40 care services based on this information. The copy of the state-level

1 criminal offender record information search response shall be
2 included with the individual’s notice of denial. Along with the
3 notice of denial, the public authority or public consortium shall
4 also provide information in plain language on how an individual
5 may contest the accuracy and completeness of, and refute any
6 erroneous or inaccurate information in, ~~his or her~~ *their* state-level
7 criminal offender record information search response as provided
8 by the Department of Justice as authorized by Section 11126 of
9 the Penal Code. The state-level criminal offender record
10 information search response shall not be modified or altered from
11 its form or content as provided by the Department of Justice.

12 (ii) The department shall develop a written appeal process for
13 the current and prospective providers who are determined ineligible
14 to receive payment for the provision of services in the In-Home
15 Supportive Services program or waiver personal care services.
16 Notwithstanding any other law, the public authority or nonprofit
17 consortium shall provide the department with a copy of the
18 state-level criminal offender record information search response
19 as provided to the entity by the Department of Justice for any
20 individual who has requested an appeal of a denial of placement
21 on the registry for providing supportive services to any recipient
22 of in-home supportive services or waiver personal care services
23 based on clause (ii) or (iii) of subparagraph (A). The state-level
24 criminal offender record information search response shall not be
25 modified or altered from its form or content as provided by the
26 Department of Justice and shall be provided to the address specified
27 by the department in its written request.

28 (C) This paragraph does not prohibit the Department of Justice
29 from assessing a fee pursuant to Section 11105 or 11123 of the
30 Penal Code to cover the cost of furnishing summary criminal
31 history information.

32 (D) As used in this section, “nonprofit consortium” means a
33 nonprofit public benefit corporation that has all powers necessary
34 to carry out the delivery of in-home supportive services or waiver
35 personal care services under the delegated authority of a
36 government entity.

37 (E) A nonprofit consortium or a public authority authorized to
38 secure a criminal background check clearance pursuant to this
39 section shall accept a clearance for an applicant described in clause
40 (i) of subparagraph (A) who has been deemed eligible by another

1 nonprofit consortium, public authority, or county with criminal
2 background check authority pursuant to either Section 12305.86
3 or this section, to receive payment for providing services pursuant
4 to this article. Existence of a clearance shall be determined by
5 verification through the case management, information, and
6 payrolling system, that another county, nonprofit consortium, or
7 public authority with criminal background check authority pursuant
8 to Section 12305.86 or this section has deemed the current or
9 prospective provider to be eligible to receive payment for providing
10 services pursuant to this article.

11 (3) Establishment of a referral system under which in-home
12 supportive services personnel or waiver personal care services
13 personnel shall be referred to recipients.

14 (4) Providing for training for providers and recipients.

15 (5) (A) Performing any other functions related to the delivery
16 of in-home supportive services or waiver personal care services.

17 (B) (i) Upon request of a recipient of in-home supportive
18 services pursuant to this chapter, or a recipient of personal care
19 services under the Medi-Cal program pursuant to Section 14132.95,
20 a public authority or nonprofit consortium may provide a criminal
21 background check on a nonregistry applicant or provider from the
22 Department of Justice, in accordance with clause (i) of
23 subparagraph (A) of paragraph (2) of subdivision (e). If the person
24 who is the subject of the criminal background check is not hired
25 or is terminated because of the information contained in the
26 criminal background report, the provisions of subparagraph (B)
27 of paragraph (2) of subdivision (e) shall apply.

28 (ii) A recipient of in-home supportive services pursuant to this
29 chapter or a recipient of personal care services under the Medi-Cal
30 program may elect to employ an individual as their service provider
31 notwithstanding the individual's record of previous criminal
32 convictions, unless those convictions include any of the offenses
33 specified in Section 12305.81.

34 (6) Ensuring that the requirements of the personal care option
35 pursuant to Subchapter 19 (commencing with Section 1396) of
36 Chapter 7 of Title 42 of the United States Code are met.

37 (f) (1) Any nonprofit consortium contracting with a county
38 pursuant to this section or any public authority created pursuant
39 to this section shall be deemed not to be the employer of in-home
40 supportive services personnel or waiver personal care services

1 personnel referred to recipients under this section for purposes of
2 liability due to the negligence or intentional torts of the in-home
3 supportive services personnel or waiver personal care services
4 personnel.

5 (2) A nonprofit consortium contracting with a county pursuant
6 to this section or any public authority created pursuant to this
7 section is not liable for the action or omission of any in-home
8 supportive services personnel or waiver personal care services
9 personnel whom the nonprofit consortium or public authority did
10 not list on its registry or otherwise refer to a recipient.

11 (3) Counties and the state shall be immune from any liability
12 resulting from their implementation of this section in the
13 administration of the In-Home Supportive Services program or in
14 the administration of waiver personal care services authorized
15 under Section 14132.97. Any obligation of the public authority or
16 consortium pursuant to this section, whether statutory, contractual,
17 or otherwise, shall be the obligation solely of the public authority
18 or nonprofit consortium, and shall not be the obligation of the
19 county or state.

20 (g) Any nonprofit consortium contracting with a county pursuant
21 to this section shall ensure that it has a governing body that
22 complies with the requirements of subparagraph (B) of paragraph
23 (3) of subdivision (b) or an advisory committee that complies with
24 subparagraphs (B) and (C) of paragraph (3) of subdivision (b).

25 (h) Recipients of services under this section may elect to receive
26 services from in-home supportive services personnel or waiver
27 personal care services personnel who are not referred to them by
28 the public authority or nonprofit consortium. Those personnel shall
29 be referred to the public authority or nonprofit consortium for the
30 purposes of wages, benefits, and other terms and conditions of
31 employment.

32 (i) (1) This section does not affect the state's responsibility
33 with respect to the state payroll system, unemployment insurance,
34 or workers' compensation and other provisions of Section 12302.2
35 for providers of in-home supportive services or for individuals
36 who are employed by a recipient of waiver personal care services
37 authorized under Section 14132.97.

38 (2) (A) The Controller shall make any deductions from the
39 wages of in-home supportive services personnel or waiver personal
40 care services personnel, who are employees of a public authority

1 pursuant to paragraph (1) of subdivision (c), that are agreed to by
2 that public authority in collective bargaining with the designated
3 representative of the in-home supportive services personnel or
4 waiver personal care services personnel pursuant to Chapter 10
5 (commencing with Section 3500) of Division 4 of Title 1 of the
6 Government Code and transfer the deducted funds as directed in
7 that agreement.

8 *(B) This paragraph shall become inoperative on the effective*
9 *date of Title 26 (commencing with Section 110000) of the*
10 *Government Code.*

11 (3) Any county that elects to provide in-home supportive
12 services pursuant to this section shall be responsible for any
13 increased costs to the in-home supportive services case
14 management, information, and payrolling system attributable to
15 that election. The department shall collaborate with any county
16 that elects to provide in-home supportive services pursuant to this
17 section prior to implementing the amount of financial obligation
18 for which the county shall be responsible.

19 (j) To the extent permitted by federal law, personal care option
20 funds, obtained pursuant to Subchapter 19 (commencing with
21 Section 1396) of Chapter 7 of Title 42 of the United States Code,
22 along with matching funds using the state and county sharing ratio
23 established in subdivision (c) of Section 12306, or any other funds
24 that are obtained pursuant to Subchapter 19 (commencing with
25 Section 1396) of Chapter 7 of Title 42 of the United States Code,
26 may be used to establish and operate an entity authorized by this
27 section.

28 (k) Notwithstanding any other law, the county, in exercising its
29 option to establish a public authority, shall not be subject to
30 competitive bidding requirements. However, contracts entered into
31 by either the county, a public authority, or a nonprofit consortium
32 pursuant to this section shall be subject to competitive bidding as
33 otherwise required by law.

34 (l) (1) The department may adopt regulations implementing
35 this section as emergency regulations in accordance with Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code. For the purposes of the
38 Administrative Procedure Act, the adoption of the regulations shall
39 be deemed an emergency and necessary for the immediate
40 preservation of the public peace, health and safety, or general

1 welfare. Notwithstanding Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
3 these emergency regulations shall not be subject to the review and
4 approval of the Office of Administrative Law.

5 (2) Notwithstanding subdivision (h) of Section 11346.1 and
6 Section 11349.6 of the Government Code, the department shall
7 transmit these regulations directly to the Secretary of State for
8 filing. The regulations shall become effective immediately upon
9 filing by the Secretary of State.

10 (3) Except as otherwise provided for by Section 10554, the
11 Office of Administrative Law shall provide for the printing and
12 publication of these regulations in the California Code of
13 Regulations. Emergency regulations adopted pursuant to this
14 subdivision shall remain in effect for no more than 180 days.

15 (m) (1) If a county elects to form a nonprofit consortium or
16 public authority pursuant to subdivision (a) before the State
17 Department of Health Care Services has obtained all necessary
18 federal approvals pursuant to paragraph (3) of subdivision (j) of
19 Section 14132.95, all of the following shall apply:

20 (A) Subdivision (d) shall apply only to those matters that do
21 not require federal approval.

22 (B) The second sentence of subdivision (h) shall not be
23 operative.

24 (C) The nonprofit consortium or public authority shall not
25 provide services other than those specified in paragraphs (1), (2),
26 (3), (4), and (5) of subdivision (e).

27 (2) Paragraph (1) shall become inoperative when the State
28 Department of Health Care Services has obtained all necessary
29 federal approvals pursuant to paragraph (3) of subdivision (j) of
30 Section 14132.95.

31 (n) (1) One year after the effective date of the first approval by
32 the department granted to the first public authority, the Bureau of
33 State Audits shall commission a study to review the performance
34 of that public authority.

35 (2) The study shall be submitted to the Legislature and the
36 Governor not later than two years after the effective date of the
37 approval specified in subdivision (a). The study shall give special
38 attention to the health and welfare of the recipients under the public
39 authority, including the degree to which all required services have
40 been delivered, out-of-home placement rates, prompt response to

1 recipient complaints, and any other issue the director deems
 2 relevant.

3 (3) The report shall make recommendations to the Legislature
 4 and the Governor for any changes to this section that will further
 5 ensure the well-being of recipients and the most efficient delivery
 6 of required services.

7 (o) Commencing July 1, 1997, the department shall provide
 8 annual reports to the appropriate fiscal and policy committees of
 9 the Legislature on the efficacy of the implementation of this
 10 section, and shall include an assessment of the quality of care
 11 provided pursuant to this section.

12 (p) (1) Notwithstanding any other law, and except as provided
 13 in paragraph (2), the department shall, no later than January 1,
 14 2009, implement subparagraphs (A) and (B) through an all-county
 15 letter from the director:

16 (A) Subparagraphs (A) and (B) of paragraph (2) of subdivision
 17 (e).

18 (B) Subparagraph (B) of paragraph (5) of subdivision (e).

19 (2) The department shall, no later than July 1, 2009, adopt
 20 regulations to implement subparagraphs (A) and (B) of paragraph
 21 (1).

22 (q) The amendments made to paragraphs (2) and (5) of
 23 subdivision (e) made by the act that added this subdivision during
 24 the 2007–08 Regular Session of the Legislature shall be
 25 implemented only to the extent that an appropriation is made in
 26 the annual Budget Act or other statute, except for the amendments
 27 that added subparagraph (D) of paragraph (2) of subdivision (e),
 28 which shall go into effect January 1, 2009.

29 (r) (1) *Notwithstanding any other law, a county or city and*
 30 *county, a public authority established pursuant to this section, or*
 31 *a nonprofit consortium contracting with a county pursuant to this*
 32 *section, when providing for the delivery of services under this*
 33 *article by contract in accordance with Sections 12302 and 12302.1,*
 34 *by direct payment to a provider chosen by a recipient in*
 35 *accordance with Sections 12302 and 12302.2, or by way of a*
 36 *provider of waiver personal care services provided pursuant to*
 37 *Section 14132.97, shall comply with, and be subject to, all*
 38 *provisions of any memorandum of understanding or addenda,*
 39 *appendices, or side letters thereto between the state and recognized*
 40 *employee organizations, as defined in Title 26 (commencing with*

1 *Section 110000) of the Government Code. The state shall assume,*
2 *and is liable for, any act by a county or city and county, a public*
3 *authority established pursuant to this section, or a nonprofit*
4 *consortium contracting with a county, that is in violation of a*
5 *memorandum of understanding or addenda, appendices, or side*
6 *letters. Those violations may be adjusted through a grievance*
7 *procedure contained in a memorandum of understanding between*
8 *the state and recognized employee organizations.*

9 (2) *This subdivision shall become operative on the effective date*
10 *of Title 26 (commencing with Section 110000) of the Government*
11 *Code.*

12 SEC. 7. Section 12301.24 of the Welfare and Institutions Code
13 is amended to read:

14 12301.24. (a) All prospective providers shall complete an
15 in-person provider orientation at the time of enrollment, as
16 developed by the department, in consultation with counties, which
17 shall include, but is not limited to, all of the following:

- 18 (1) The requirements to be an eligible IHSS provider.
- 19 (2) A description of the IHSS program.
- 20 (3) The rules, regulations, and provider-related processes and
21 procedures, including timesheets.
- 22 (4) The consequences of committing fraud in the IHSS program.
- 23 (5) The Medi-Cal toll-free telephone fraud hotline and internet
24 website for reporting suspected fraud or abuse in the provision or
25 receipt of supportive services.
- 26 (6) The applicable federal and state requirements regarding
27 minimum wage and overtime pay, including paid travel time and
28 wait time, and the requirements of Section 12300.4.
- 29 (7) *Any other information required to be communicated to*
30 *prospective providers by a memorandum of understanding,*
31 *appendix, or side letter between recognized employee organizations*
32 *and the state.*

33 (b) In order to complete provider enrollment, at the conclusion
34 of the provider orientation, all applicants shall sign a statement
35 specifying that the provider agrees to all of the following:

- 36 (1) The prospective provider will provide to a recipient the
37 authorized services.
- 38 (2) The prospective provider has received a demonstration of,
39 and understands, timesheet requirements, including content,
40 signature, and fingerprinting, when implemented.

1 (3) The prospective provider shall cooperate with state or county
2 staff to provide any information necessary for assessment or
3 evaluation of a case.

4 (4) The prospective provider understands and agrees to program
5 expectations and is aware of the measures that the state or county
6 may take to enforce program integrity.

7 (5) The prospective provider has attended the provider
8 orientation and understands that failure to comply with program
9 rules and requirements may result in the provider being terminated
10 from providing services through the IHSS program.

11 (c) The county shall indefinitely retain this statement in the
12 provider’s file. Refusal of the provider to sign the statement
13 described in subdivision (b) shall result in the provider being
14 ineligible to receive payment for the provision of services and
15 participate as a provider in the IHSS program.

16 (d) All of the following shall apply to the provider orientation
17 described in subdivision (a):

18 (1) (A) The orientation shall be an onsite orientation that all
19 prospective providers shall attend in person.

20 (B) (i) If the state or local public health agency issues an order
21 limiting the size of gatherings, a county may hold a series of
22 smaller in-person orientations that meet the same criteria specified
23 in this section. A county is not required to hold an orientation in
24 which prospective providers attend in person if the state or local
25 health agency issues an order that prevents the in-person orientation
26 from occurring.

27 (ii) If an orientation is not required to be held in person pursuant
28 to clause (i), the county shall hold an orientation that is in person
29 within 30 calendar days of the date that the public health order
30 restrictions are lifted. Counties or IHSS public authorities may
31 provide a written attestation to the recognized employee
32 organization if public health conditions cause staffing or facility
33 challenges that cause delays, and such an attestation will result in
34 a one-time extension of 15 calendar days for the return to in-person
35 orientations.

36 (C) The requirement for the orientation to be held in person and
37 prospective providers to attend the orientation in person shall not
38 apply if parties to a collective bargaining agreement expressly
39 agree to waive that requirement and have a negotiated alternative
40 method for the provision of the orientation.

1 (2) Prospective providers may attend the onsite orientation only
2 after completing the application for the IHSS provider enrollment
3 process described in subdivision (a) of Section 12305.81.

4 (3) Any oral presentation and written materials presented at the
5 orientation shall be translated into all IHSS threshold languages
6 in the county.

7 (4) (A) Representatives of the recognized employee
8 organization in the county shall be permitted to make a presentation
9 of up to 30 minutes at the beginning of the orientation. Prior to
10 implementing the orientation requirements set forth in this
11 subdivision, counties shall provide at least the level of access to,
12 and the ability to make presentations at, provider orientations that
13 they allowed the recognized employee organization in the county
14 as of September 1, 2014. Counties shall not discourage prospective
15 providers from attending, participating, or listening to the
16 orientation presentation of the recognized employee organization.
17 Prospective providers may, by their own accord, choose not to
18 participate in the recognized employee organization presentation.

19 (B) Prior to scheduling a provider orientation, the county shall
20 provide the recognized employee organization in the county with
21 not less than 10 days advance notice of the planned date, time, and
22 location of the orientation. If, within 3 business days of receiving
23 that notice, the recognized employee organization notifies the
24 county of its unavailability for the planned orientation, the county
25 shall make reasonable efforts to schedule the orientation so the
26 recognized employee organization can attend, so long as
27 rescheduling the orientation does not delay provider enrollment
28 by more than 10 business days. The requirement to make
29 reasonable efforts to reschedule may be waived, as necessary, due
30 to a natural disaster or other declared state of emergency, or by
31 mutual agreement between the county and the recognized employee
32 organization.

33 ~~(C) Prior to~~ *Not less than 10 days before* the orientation, the
34 recognized employee organization shall be provided with the
35 information described in subdivision (b) of Section 7926.300 of
36 the Government Code for prospective providers.

37 (e) To the extent that the orientation is modified from an onsite
38 and in-person orientation, as required by paragraph (1) of
39 subdivision (d), the recognized employee organization in the county
40 shall be provided with the same right to make a presentation, the

1 same advance notice of scheduling, and the same information
2 regarding the applicants, providers, or prospective providers who
3 will attend the orientation, as the organization would receive for
4 an onsite orientation.

5 (f) A claim may be brought before the Public Employment
6 Relations Board for an alleged violation of Section 3550 of the
7 Government Code if the county has not complied with the
8 requirements of this section within 30 days of being notified by
9 the recognized employee organization.

10 ~~(g) This section shall become operative on January 1, 2023.~~

11 (g) *As used in this section, the following definitions apply:*

12 (1) *“Individual provider” has the meaning set forth in*
13 *subdivision (b) of Section 110003 of the Government Code.*

14 (2) *“Recognized employee organization” has the meaning set*
15 *forth in subdivision (i) of Section 110003 of the Government Code.*

16 (h) *If the terms of this section are in conflict with the provisions*
17 *of a memorandum of understanding, appendix, or side letter*
18 *between recognized employee organizations and the state, the*
19 *memorandum of understanding, appendix, or side letter shall be*
20 *controlling without further legislative action.*

21 (i) *The changes made by the act adding this subdivision shall*
22 *become operative on the effective date of the act adding Title 26*
23 *(commencing with Section 110000) to the Government Code.*

24 SEC. 8. The Legislature finds and declares that Section 3 of
25 this act, which amends Section 7926.300 of the Government Code,
26 furthers, within the meaning of paragraph (7) of subdivision (b)
27 of Section 3 of Article I of the California Constitution, the purposes
28 of that constitutional section as it relates to the right of public
29 access to the meetings of local public bodies or the writings of
30 local public officials and local agencies. Pursuant to paragraph (7)
31 of subdivision (b) of Section 3 of Article I of the California
32 Constitution, the Legislature makes the following findings:

33 It is in the public interest, and it furthers the purposes of
34 paragraph (7) of subdivision (b) of Section (3) of Article I of the
35 California Constitution, to ensure that certain personal information
36 regarding persons paid by the state to provide in-home supportive
37 and related social services is made available, upon request, to an
38 exclusive bargaining agent and employee organization seeking
39 representation rights for purposes of collective bargaining.

1 SEC. 9. The Legislature finds and declares that Section 4 of
 2 this act, which adds Title 26 (commencing with Section 110000)
 3 to the Government Code, imposes a limitation on the public’s right
 4 of access to the meetings of public bodies or the writings of public
 5 officials and agencies within the meaning of Section 3 of Article
 6 I of the California Constitution. Pursuant to that constitutional
 7 provision, the Legislature makes the following findings to
 8 demonstrate the interest protected by this limitation and the need
 9 for protecting that interest:

10 To allow arbitration proceedings to be conducted under the
 11 In-Home Supportive Services Employer-Employee Relations Act
 12 in conformity with law governing the arbitration process, it is
 13 necessary to allow the arbitration board to meet privately with
 14 parties as necessary to address issues in dispute.

15 SEC. 10. No reimbursement is required by this act pursuant to
 16 Section 6 of Article XIII B of the California Constitution for certain
 17 costs that may be incurred by a local agency or school district
 18 because, in that regard, those costs under this act would result from
 19 a legislative mandate that is within the scope of paragraph (7) of
 20 subdivision (b) of Section 3 of Article I of the California
 21 Constitution.

22 However, if the Commission on State Mandates determines that
 23 this act contains other costs mandated by the state, reimbursement
 24 to local agencies and school districts for those costs shall be made
 25 pursuant to Part 7 (commencing with Section 17500) of Division
 26 4 of Title 2 of the Government Code.

27
 28 _____
 29 **REVISIONS:**
 30 **Heading—Lines 4 and 5.**
 31 _____

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE MARCH 21, 2023

SENATE BILL

No. 706

Introduced by Senator Caballero
(Coauthors: Senators Niello and Rubio)
(Coauthor: Assembly Member Garcia)

February 16, 2023

An act to amend Sections ~~22170 and 22172.5~~ 22170, 22172.5, and 22174 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 706, as amended, Caballero. Public contracts: progressive design-build: local agencies.

Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.

Existing law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services.

Existing law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Existing law requires the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury.

This bill would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related ~~projects~~. *projects and would extend these provisions until January 1, 2030.* The bill would change the required reporting date to no later than December 31, 2028.

By *extending the duration of the progressive design-build authorization for local agencies and* expanding the projects that may use the progressive design-build process and thus expanding the crime of perjury, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 22170 of the Public Contract Code is
2 amended to read:
3 22170. For purposes of this chapter, the following definitions
4 apply:
5 (a) (1) “Best value” means a value determined by evaluation
6 of objective criteria that may include, but are not limited to, price,
7 features, function, life-cycle costs, experience, and past
8 performance.
9 (2) A best value determination may involve the selection of the
10 lowest cost proposal meeting the interests of the local agency and
11 the objectives of the project.
12 (b) “Construction subcontract” means each subcontract awarded
13 by the design-build entity to a subcontractor that will perform work

1 or labor or render service to the design-build entity in or about the
2 construction of the work or improvement, or a subcontractor
3 licensed by the State of California that, under subcontract to the
4 design-build entity, specially fabricates and installs a portion of
5 the work or improvement according to detailed drawings contained
6 in the plans and specifications produced by the design-build team.

7 (c) “Design-build entity” means a corporation, limited liability
8 company, partnership, joint venture, or other legal entity that is
9 able to provide appropriately licensed contracting, architectural,
10 and engineering services as needed pursuant to a design-build
11 contract.

12 (d) “Design-build project” means any project using the
13 progressive design-build construction procurement process
14 described in this chapter.

15 (e) “Design-build team” means the design-build entity itself
16 and the individuals and other entities identified by the design-build
17 entity as members of its team. Members shall include the general
18 contractor and, if utilized in the design of the project, all electrical,
19 mechanical, and plumbing contractors.

20 (f) “Guaranteed maximum price” means the maximum payment
21 amount agreed upon by the local agency and the design-build entity
22 for the design-build entity to finish all remaining design,
23 preconstruction, and construction activities sufficient to complete
24 and close out the project.

25 (g) “Local agency” means a city, county, city and county, or
26 special district.

27 (h) “Progressive design-build” means a project delivery process
28 in which both the design and construction of a project are procured
29 from a single entity that is selected through a qualifications-based
30 selection at the earliest feasible stage of the project.

31 (i) “Qualifications-based selection” means the process by which
32 the local agency solicits for services from the design-build entities
33 and that price is not the sole factor as the basis of award.

34 SEC. 2. Section 22172.5 of the Public Contract Code is
35 amended to read:

36 22172.5. (a) Notwithstanding Section 10231.5 of the
37 Government Code, no later than December 31, 2028, a local agency
38 that uses the progressive design-build process pursuant to this
39 chapter shall ~~submit~~ *submit*, to the appropriate policy and fiscal

1 committees of the ~~Legislature~~ *Legislature*, a report on the use of
2 the progressive design-build process.

3 (b) The report shall include, but is not limited to, the following
4 information:

5 (1) A description of the project or projects awarded using the
6 progressive design-build process.

7 (2) The contract award amounts.

8 (3) The design-build entities awarded the project or projects.

9 (4) A description of any written protests concerning any aspect
10 of the solicitation, bid, or award of the contracts, including the
11 resolution of the protests.

12 (5) A description of the prequalification process.

13 (6) The number of specialty subcontractors listed by construction
14 trade type, on each project, that provided design services, but did
15 not meet the target price for their scope of work, and therefore did
16 not perform construction services on that project.

17 (7) Whether or not any portion of a design prepared by the
18 specialty subcontractor that did not perform the construction work
19 for that design was used by the local agency.

20 (8) The number of specialty subcontractors listed by construction
21 trade type, on each project, that meet the definition of a small
22 business, as specified in paragraph (1) of subdivision (d) of Section
23 14837 of the Government Code.

24 (9) The number of specialty subcontractors listed by construction
25 trade type, on each project, that meet the definition of a
26 microbusiness, as specified in paragraph (2) of subdivision (d) of
27 Section 14837 of the Government Code.

28 (10) If a project awarded under this chapter has been completed,
29 an assessment of the project performance, including, but not limited
30 to, a summary of any delays or cost increases.

31 (c) The report submitted pursuant to subdivision (a) shall be
32 submitted in compliance with Section 9795 of the Government
33 Code.

34 *SEC. 3. Section 22174 of the Public Contract Code is amended*
35 *to read:*

36 22174. This chapter shall remain in effect only until January
37 1, ~~2029~~, 2030, and as of that date is repealed.

38 ~~SEC. 3.~~

39 *SEC. 4.* No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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