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Fiscal Committees Take Steps to Winnow Universe of Active Bills

To you veteran Capitol observers out there, forgive us for the suspense file tutorial ... but it's always helpful to provide a brief reminder on and context for the significance of yesterday's actions in the houses' respective Appropriations Committees.

Any measure with a fiscal impact is referred to the fiscal (AKA Appropriations) committee for an assessment of the bill's cost impact on state and/or local governments. The Appropriations Committees establish a cost threshold. Bills over the threshold are sent to a "suspense file," the contents of which are reviewed and acted upon during a single all-important hearing. Hearings for "house of origin" bills (i.e., the first house – so the Assembly looks at its own members' bills and same on the Senate side) took place this week and, as is customary, the Appropriations Committee chairs read off the results of the behind-closed-door decision making process. During this first year of a two-year session, a measure faces one of three fates:

- Passed off the suspense file – often (but not always) with amendments to reduce the bill's cost impacts – and moved to the floor for consideration by the full house.
- Held in committee but specifically designated a two-year bill, so additional action could take place in the 2022 legislative year.
- Held in committee but dead, so the life of the bill came to an end yesterday. (This particular category can either be very, very good or very, very bad... depending on your perspective.)

Remember, we will do this all over again in August when the Appropriations Committees will take up “second house” bills (i.e., bills that have made it from the Assembly to the Senate and vice versa). We highlight an array of bills of particular interest below. However, the full record of the committees’ actions are available here: [Senate](#) (plus Senate two-year bill [list](#)) | [Assembly](#) (which also details two-year bill designation).

Passed (As is or with amendments; now moves on to a floor vote)

[AB 4](#) (Arambula) – Would expand Medi-Cal to all undocumented adults.

[AB 32](#) (Aguiar-Curry) – Would make permanent telehealth flexibilities enacted during the pandemic.

[AB 268](#) (Irwin) – Would expand circumstances under which a qualifying family member can request court sealing of autopsy records and associated evidence.

[AB 339](#) (Lee) – Would require cities and counties with populations of 250,000 or more to ensure their governing bodies’ meetings include an opportunity for members of the public to attend via a telephonic option or an internet-based service option through December 31, 2023.

[AB 470](#) (Carrillo) – Would eliminate the Medi-Cal asset test.

[AB 602](#) (Grayson) – Would make significant changes to laws governing local development impact fee programs.

[AB 640](#) (Cooley) – Would require the California Department of Social Services (CDSS) to provide guidance on redeterminations for Extended Foster Care.

[AB 650](#) (Muratsuchi) – Would require health care providers, including hospitals and clinics, to paying hazard pay retention bonuses to the health care workforce. The bill was amended coming out of Appropriations Committee to apply to county and University of California hospitals (that were previously exempted).

[AB 808](#) (Stone) – Would create the Children’s Crisis Continuum Care Pilot Program.

[AB 816](#) (Chiu) – Would require local governments to develop actionable homelessness plans and meet benchmark goals to reduce homelessness.

[AB 942](#) (Wood) – Would implement behavioral health components of the CalAIM. The components of AB 875 are being amended into AB 942.

[AB 950](#) (Ward) – Would authorize the California Department of Transportation to sell its excess real property to the city or county if the local government agrees to use the real property for the sole purpose of implementing affordable housing.

[AB 989](#) (Gabriel) – Would create a new state appeals committee within the California Department of Housing and Community Development.

[AB 1130](#) (Wood) – Would create the Office of Health Care Affordability.

[AB 1423](#) (Daly) – Would allow developers to receive grant funding from the California Housing and Community Development Department during the construction period.

[SB 2](#) (Bradford) – Would establish new standards and processes to investigate and determine peace officer fitness and establish associated decertification processes. Amendments taken in the Senate Appropriations Committee, which narrow the scope of the bill, already are in print.

[SB 6](#) (Caballero) – Would create a new process allowing residential development on commercial sites.

[SB 17](#) (Pan) – Would create the Office of Racial Equity.

[SB 56](#) (Durazo) – Would expand Medi-Cal to undocumented adult age 65 and older. The bill was amended coming out of committee to reduce the age to 60.

[SB 213](#) (Cortese) – Would create rebuttable presumptions that infectious disease, COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder or respiratory disease are occupational injuries for a direct patient care worker employed in an acute care hospital, as defined, and are therefore eligible for workers' compensation benefits.

[SB 256](#) (Pan) – Would implement components of the CalAIM, including Population Health Management, Enhanced Care Management and In Lieu of Services, and the authority for incentive payments to Medi-Cal managed care plans.

[SB 261](#) (Cortese) – Would grant independent authority to the county counsel in the Counties of Los Angeles, San Diego, and Santa Clara to bring actions under the Unfair Competition Law.

[SB 316](#) (Eggman) – Would federally qualified health centers and rural health clinics to receive Medi-Cal reimbursement for two visits taking place on the same day at a single location when the patient suffers illness or injury requiring additional diagnosis or treatment after the first visit, or when the patient has a medical visit and another health visit with a mental health or dental provider.

[SB 262](#) (Hertzberg) – Would make various changes to the current bail system, including requiring the Judicial Council to adopt a uniform statewide bail schedule. (Amendments to SB 262 taken in the Senate Appropriations Committee are already in print. The revised version of the measure acknowledges the California Supreme Court's [decision](#) in the *Humphrey* case.)

[SB 278](#) (Leyva) – Would require that, in the event of a California Public Employees' Retirement System (CalPERS) retiree having a pension reduced due to the inclusion of compensation by the relevant public employer that cannot be counted towards a final pension calculation, the public employer must cover the reduced benefit to the retiree.

[SB 371](#) (Caballero) – Would establish the California Health Information Technology (HIT) Advisory Committee and the position of Deputy Secretary for HIT within the California Health and Human Services Agency (CHHS) to provide information and advice to the Secretary on HIT and create an annual report.

[AB 215](#) (Chiu) – Would create a new, mid-cycle regional housing needs progress determination process and mandates cities and counties with "low progress" in meeting those housing targets adopt pro-housing policies.

[SB 555](#) (McGuire) – Would establish a system by which local governments may require short-term rental platforms to collect local transient occupancy taxes (TOT) and may contract with the California Department of Tax and Fee Administration (CDTFA) to collect those charges from the short-term rental platforms and remit them to the local governments.

[SB 586](#) (Bradford) – Would eliminate an additional set of court-related fines and fees and vacate all previously levied debt associated with the relevant fine and fee

authority. The amendments that narrow the scope of the measure are not yet in print.

Held in Committee: Two-Year Bills

[AB 377](#) (Rivas) – Would require the State Water Resources Control Board (State Water Board) and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050.

[AB 1131](#) (Wood) – Would establish a statewide “health information network (HIN),” governed by an independent board, and charges the board with selecting an entity to operate a data warehousing, integration and exchange infrastructure to facilitate the collection and exchange of patient-level health information for purposes of care and treatment, as well as the exchange of data for purposes of public health reporting and broader analyses of health disparities.

[SB 364](#) (Skinner) – Would create the Free School Meals for All Act.

[SB 379](#) (Wiener) – Would prohibit the University of California (UC) from entering into a contract with a health facility contractor or subcontractor in which a UC-employed practitioner or trainee would be limited in their ability to provide patients with medical information or services due to nonclinical policy-based restrictions on care in the health facility.

[SB 642](#) (Kamlager) – Would prohibit health care facilities from conditioning clinical privileges on compliance with policies restrict the ability to perform a medical treatment, except under specified conditions.

Held in Committee (Dead)

[AB 875](#) (Wood) – Would have implemented CalAIM components, including the transition from the PRIME program to the Quality Improvement Program, as PRIME is being phased out of the current 1115 waiver; the Global Payment Program; jail services; and state monitoring of county performance for county eligibility work for Medi-Cal. The contents of AB 875 will be amended into AB 942.

[AB 880](#) (Aguiar-Curry) – Would have established the Affordable Disaster Housing Revolving Development and Acquisition Program to expedite relief funding for the development or preservation of affordable housing in the state’s declared disaster areas.

[AB 1360](#) (Santiago) – Would have required each city, county, or city and county to “make every effort” to ensure that individuals housed pursuant to Project Roomkey do not return to homelessness.

[SB 493](#) (Bradford) – Would have redirected 95 percent of each county’s Juvenile Justice Crime Prevention Act (JJCPA) funding to non-law enforcement public agencies and community-based organizations, among other changes.

Legislative Leaders Agree on a 12-Bill Limit Per Member

In a decision announced earlier this week, Senate President pro Tempore Toni Atkins confirmed that she and Assembly Speaker Anthony Rendon have agreed to impose a 12-bill cap per author, meaning that every legislator may only move a maximum of a dozen bills to the second house. To the extent that any member has more than 12 potential candidates on track to advance to the other house,

they will have to make a decision to narrow the list to remain within the cap. Legislative leadership will monitor bill movements to ensure compliance with this new limit.

California On Track to Re-Open June 15, State Officials Announce

In a call today with reporters, Dr. Mark Ghaly, Secretary of the California Health and Human Services Agency, and Dee Dee Myers, the Governor's senior advisor for economic issues, confirmed that the state will fully reopen on June 15 with no capacity limits for businesses, but guidance for vaccine verification at large events. The state will align mask and travel rules with the recent US Centers for Disease Control and Prevention guidance that fully vaccinated people can go without masks in most situations. See more details on the state's June 15 re-opening plans [here](#).

For outdoor events with more than 10,000 people, the state will recommend that event operators have a system to verify patrons are either vaccinated or have tested negative for COVID-19. Individuals who do not meet those requirements may attend and wear a mask. For indoor events with more than 5,000 people, organizers must prove that attendees have been vaccinated or test negative; people may not simply wear masks to be in compliance. Dr. Ghaly confirmed that the state would not be involved in preparing a so-called "vaccine passport," but the state will provide guidance to ensure that it's done "with a high degree of integrity and responsibility with equity in mind." Additionally, the state will issue guidance on a number of issues beyond the June 15 date, including mask-wearing, verification, travel, and other issues.

Cal/OSHA Delays Vote on New Workplace COVID Rules

This week, the California Division of Occupational Safety and Health (Cal/OSHA) postponed a vote on a proposal that would have allowed workers to return to the workplace without social distancing or mask requirements. The request to delay the vote came on the heels of the announcement that California would wait until June 15 to loosen mask rules in indoor and outdoor settings. The board will next meet on June 3 to vote on a revised proposal. For more, check out this [article](#) from the *Los Angeles Times*.

State Budget Updates

The Assembly and Senate budget subcommittees have been meeting this week to hear May Revision proposals; they are expected to conclude their work – including taking votes on individual budget items – next week. The full Assembly Budget Committee is scheduled to convene on May 27 and June 2, while the full Senate Budget and Fiscal Review Committee will meet on May 28. There are rumors that the Budget Conference Committee may not meet this year.

A few important notes on health and human services budget issues:

Public Health. Assembly Member Wood and Senator Pan joined county health executives, health officers, CSAC, UCC, RCRC, SEIU, and public health advocates at a press conference this week urging the state budget include an ongoing investment of \$200 million annually in public health workforce and infrastructure. The Legislature is prioritizing an ongoing investment in the budget year.

Telehealth. The Administration's trailer bill language for telehealth does not allow telephone services to continue seamlessly at Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) when the public health emergency ends. Although the Administration has offered a path to resuming telephone services once an alternative payment methodology (APM) is developed, it will likely be a couple years before such an APM could be developed and implemented. A policy bill – AB 32 by Assembly Member Aguiar-Curry – provides an alternative to the Administration's telehealth language by offering a bridge to the APM that assures patients can still access telephone services. Stakeholders are urging the Legislature adopt the telehealth language in AB 32.

Lanterman-Petris-Short Conservatorships. The Administration is proposing to stop intake and release Lanterman-Petris-Short conservatorships from state hospitals over three years starting in 2022. Counties have identified a number of issues with the proposal, including the timeline and are asking the Legislature to reject the proposal.

Children and Youth Behavioral Health Initiative. While the Legislature has greeted the unprecedented investment in behavioral health with praise, members have voiced several concerns, including: 1) balancing immediate needs with longer-term investments, 2) logistical and technological difficulties in standing up a state IT platform, 3) the workforce needs and whether the Administration's investments are sufficient, 4) whether schools are clinically appropriate to identify behavioral health issues. Trailer bill language has not yet been released. This is likely one of the issues to be discussed over the summer and not immediately adopted June 15.

Human Services Homelessness Programs. While not detailed in the May Revision documents released last Friday, the Administration is proposing a 25% county share of cost on the county human service agency administered housing and homelessness programs (Home Safe, Housing and Disability Advocacy Program, CalWORKs Housing Support Program, Bringing Families Home Program). Counties are urging the Legislature to reject the share of cost. They will also be proposing statutory flexibilities for these programs. However, the Administration's trailer bill has not yet been released.

In-Home Supportive Services (IHSS). The Administration's IHSS trailer bill language to implement the 10% over 3 year bargaining tool keeps the existing cap on utilizing the 10% over 3 year tool twice. Counties are urging the Legislature to delete the cap.

Families First Preservation Services Act. The May Revision proposes \$122 million in funding over three years to implement FFPSA; however, counties are urging the Legislature to invest \$250 million over three years.

