

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
PERSONNEL/ADMINISTRATION/LEGISLATION
COMMITTEE**

Monday, May 9, 2016
1:30 p.m.

Supervisor Keith Carson, Chair
Supervisor Wilma Chan

Location: *Board of Supervisors Chambers – Room 512 5th floor*
County Administration Building
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. Federal Legislative Update – CJ Lake

The House and Senate are back in session this week after a weeklong recess. The House will begin the week by focusing on the legislation aimed at curbing the opioid-addiction epidemic. The Senate is planning to advance FY17 appropriations bills.

Budget & Appropriations

After the Senate returned from the Spring Recess, Senate Majority Leader Mitch McConnell committed the full Senate to taking up FY17 appropriations bills until the Senate adjourns for the August recess on July 15, 2016. The Senate Appropriations Committee has now approved four bills: Energy & Water, MilCon/VA, Transportation-HUD, and Commerce/Justice/Science. This is the first time in many years that the Senate is actually moving before the House on appropriations bills. The full Senate took up its first FY17 bill, the Energy & Water Development Appropriations bill, and was moving in a bipartisan fashion in order to pass the bill before the Senate adjourned for a weeklong recess on April 28, 2016. However, the appropriations process stalled after Senator Tom Cotton offered an amendment that would threaten a portion of the 2015 Iran nuclear deal. As the Senate returns later today from a weeklong recess, Majority Leader McConnell has filed another procedural vote to advance the Energy and Water spending bill.

The next bills in line for debate are Transportation-HUD and MilCon-VA; however, if the Senate cannot reach a deal on Energy & Water they will be less likely to take up any additional appropriations bills. This could provide an opening for the Senate to take up the recently announced criminal justice reform compromise.

The House is moving at a much slower pace on its FY17 bills since the Republican Conference has been unable to reach an agreement on top line budget numbers for FY17. Because of this disagreement and inability to take up a budget resolution, the House will not take any bills to the floor until at least May 15. At this point, the House Appropriations Committee has approved four bills (Energy & Water, MilCon-VA, Legislative Branch, and Agriculture-FDA).

The full House is expected to take up Defense, Energy & Water, and MilCon-VA appropriations bills prior to Memorial Day.

Opioid Abuse Legislation

House Majority Leader Kevin McCarthy has said the House will designate this week as “Opioid Week,” and Chairman of the Energy and Commerce Committee, Fred Upton, expects the bills that have passed through the various committees to be brought up individually.

Three separate House Committees voted in April to advance over a dozen bills to the House floor aimed at combatting the opioid addiction epidemic. The House Judiciary Committee approved three bills by voice vote, H.R. 5046, The Comprehensive Opioid Abuse Reduction Act, H.R. 5052, The Opioid Program Evaluation Act, and H.R. 5048, The Good Samaritan Assessment Act. The House Energy & Commerce Committee met for a multi-day markup session in April, passing eight bipartisan bills to fight opioid and drug abuse.

The Education & Workforce Committee approved H.R. 4843, the Infant Plan of Safe Care Improvement Act, which will ensure states are meeting current child welfare requirements, including protections for infants born with illegal substance exposure. The package of bills that will advance to the House floor will also include opioid abuse legislation that was passed out of the House Veterans Affairs Committee in February.

In each of the committees, the legislation received broad, bipartisan support, with most bills being approved by voice vote and with little debate. The package of bills addresses various areas of concern surrounding the opioid and drug abuse crisis by including funding for state and local grants, treatment programs, a review of existing laws, and an adjustment to the number of patients that physicians can treat in a year for opioid abuse, among other provisions. While Chairman Fred Upton reported that there has not been significant opposition against any of the bills, there is general agreement among Members that none of these bills are the complete answer to the fixing the opioid abuse problem. Most Democrats and some Republicans are seeking additional funding to address their concerns.

The House is scheduled to debate these bills this week and then may package provisions together as a substitute to the Senate measure, setting up a conference on the legislation. The Senate already passed its own opioid legislation, the Comprehensive Addiction and Recovery Act (S. 524).

Criminal Justice Reform Legislation

The Senate Judiciary Committee passed S. 2123, the Sentencing Reform and Corrections Act on October 22, 2016. However, the legislation was stalled due to conservative opposition led by Senator Tom Cotton, as he warned that the bill would unintentionally release felons with violent criminal records early from prison. With the conservative opposition standing firm on the measure, Senate Majority Leader Mitch McConnell said he would not bring the bill to the floor until he was confident his Conference could support the legislation.

After months of deliberation, a bipartisan group of Senators announced new provisions in April that encouraged new cosponsors to sign onto the comprehensive criminal justice legislation including, Senator Steve Daines, Senator Dan Sullivan, Senator Mark Kirk and Senator Thad Cochran. While the compromise will not satisfy the strongest conservative opponents of the measure like Senator Cotton or Senator Ted Cruz, the agreement has been enough to convince other Republicans to cosponsor the legislation and has won the support from influential groups, including the National District Attorneys Association.

A few of the changes addressed in the compromise include the elimination of a provision from the original legislation that sought to reduce enhanced mandatory minimum sentences for people under the Armed Career Criminals Act, as well as language to clarify that other reduced mandatory minimum sentences will not apply retroactively for anyone who has been convicted of any serious violent felony.

The compromise also includes a provision to enhance mandatory sentences for crimes involving the opioid drug, Fentanyl. One divisive issue that has remained unaddressed in the Senate compromise is the issue of mens rea reform to overhaul laws governing criminal intent. While criminal justice reform efforts in the House include the measure, Senators refrained from including the text to assure Democratic support would remain.

In the press conference in April, the bipartisan group of Senators said the next step would be to persuade Majority Leader McConnell to take up the legislation this year. In the House, Speaker Paul Ryan (R-WI) has supported criminal justice legislation moving, and the White House also has supported the bipartisan effort to overhaul the criminal justice system. The House Judiciary Committee is planning to move legislation later this month.

In addition to the eight bills that have already passed, the Judiciary Committee is planning to mark-up bills related to juvenile justice, civil asset forfeiture, as well as criminal procedures and policing strategies.

Criminal Justice Reform advocates hope the House can pass its bill in June, to provide enough time for the Senate to act and conference with the House on the criminal justice legislation. The timing and likelihood of criminal justice legislation passing depends on Majority Leader McConnell's willingness to bring the bill up for consideration. McConnell has still not said whether the most recent version of the Senate bill, which has 18 Republican co-sponsors and 19 Democratic co-sponsors, has sufficient GOP support to merit a floor vote.

SNAP Hearing

On Thursday, the House Agriculture Committee plans to hold a hearing on the Supplemental Nutrition Assistance Program. The hearing comes as the Agriculture Department's Food and Nutrition Service prepares a rule that would require some stores to offer a wider variety of food groups to remain eligible for the program. That would affect convenience stores, which may have to carry more produce and perishable items.

Purpose:

- Report progress
- Advocacy or Education
- Request PAL Committee Recommendation or Position
- Other: Federal legislative update**

This item was informational only and required no Committee action.

II. State Legislative Update – Brownstein Hyatt Farber Schreck

The policy committees are finished with bills and are focusing on fiscal committees and turning their attention to initiative measures that have qualified for the November ballot and holding informational hearings, as required by statute.

County Sponsored Legislation

AB 1702 (Stone), regarding commercially sexually exploited children, has passed both the Assembly Judiciary and Assembly Human Services Committees and last week passed the Assembly Floor on a 76-0 vote. The bill is now in the Senate awaiting referral to a policy committee.

AB 2471 (Quirk), regarding health care districts, passed the Assembly Local Government Committee, with amendments, on an 8-0 vote last week. The amendments taken in the committee are not yet in print but once they are in print the bill will be on the Assembly Floor for a vote.

Election Funding

As was discussed at the April 18, 2016 PAL meeting, the Secretary of State requested additional funding in the current budget year, for the June 7, 2016 election. The Legislature has approved and the Governor has signed a \$16.173 million supplemental budget allocation for increased costs to counties to administer the June primary election.

Housing

On April 14, 2016, Assemblymembers David Chiu and Tony Thurmond, along with nine of their colleagues sent a letter to Assemblymember Nazarian, the Chair of Assembly Budget Subcommittee #4, outlining their housing proposal. The proposal is asking for approximately \$1.3 billion in the 2016-17 budget. This proposal is expected to be heard in the budget subcommittee later this month.

Budget: Revenues and May Revise Release

Last week the Legislative Analyst's Office released preliminary revenue totals and an analysis of the revenues. Personal income tax revenue, which makes up almost two-thirds of the state's General Fund, came in about \$1 billion below projections for the month. This is a decrease of 2.6% compared to April 2015 collections. The new revenue numbers will be reflected in the Governor's May Revise which is expected to be released on Friday, May 13, 2016.

Tobacco Bills

A package of six tobacco bills that were passed as part of the Health Care Special Session were sent to the Governor on April 21, 2016. On Wednesday, May 4, 2016, the Governor signed five of the six bills, vetoing the bill that would have allowed a county to have a countywide vote on whether to impose a tax on cigarette and tobacco products distributors. The Governor stated in his veto message that he was "reluctant to approve this measure in view of all the taxes being proposed for the 2016 ballot."

Governor Issues Order to Continue Water Savings

This morning, Governor Brown issued an executive order that builds on temporary statewide emergency water restrictions to establish longer-term water conservation measures, including permanent monthly water use reporting, new permanent water use standards in California communities and bans on clearly wasteful practices such as hosing off sidewalks, driveways and other hardscapes. The stated goal of the Executive Order is in line with a top priority in the Governor's California Water Action Plan to "Make Conservation a California Way of Life."

Purpose:

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- Request PAL Committee Recommendation or Position
- Other: State legislative update**

This item was informational only and required no Committee action.

Request for Legislation Position – Action Items

- i. [AB 1742](#) (Stone) CalWORKs: eligibility
Recommendation: Support: Lori Cox, Director, Social Services Agency
- ii. [AB 2031](#) (Bonta) Local government: affordable housing: financing
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- iii. [AB 2589](#) (Gomez) Lactation services and equipment
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- iv. [AB 2642](#) (Eduardo Garcia/Eggman/Cristina Garcia/Gomez/Maienschein) Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative
Recommendation: Support: Lori Cox, Director, Social Services Agency
- v. [AB 2817](#) (Chiu) Taxes: credits: low-income housing: allocation increase
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency and Chris Bazar, Director, Community Development Agency
- vi. [SB 960](#) (Hernandez) Medi-Cal: telehealth: reproductive health care
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- vii. [SB 1300](#) (Hernandez) Medi-Cal: emergency medical transport
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency

viii. **SB 1466 (Mitchell) Early and Periodic Screening, Diagnosis and Treatment Program: trauma screening**

*Recommendation: **Support:** Lori Cox, Director, Social Services Agency*

ix. **Budget Request - Mental Health Services and Psychotropic Medication: Oversight, Coordination and Monitoring**

*Recommendation: **Support:** Lori Cox, Director, Social Services Agency and Rebecca Gebhart, Director, Health Care Services Agency*

Purpose:

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- Other

Recommendation from PAL Committee: Approve. Move to the full Board of Supervisors.

PUBLIC COMMENT

None.

Board of Supervisors' Committees agendas are available via Internet at: www.acgov.org