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**Monday, March 5, 2018
State Capitol Room 112
Upon Adjournment of Session**

Agenda

BILL

AUTHOR

SUBJECT

A.B. 110

Committee on Budget.

General Government.

SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Holly Mitchell, Chair
2017 - 2018 Regular

Bill No: AB 110 **Hearing Date:** March 5, 2018
Author: Committee on Budget
Version: March 1, 2018 Amended
Urgency: Yes **Fiscal:** Yes
Consultant: Theresa Pena , James Hacker, Julie Salley

Subject: In-home supportive services provider wages: emergency caregiver payments for foster care: civil immigration detainees: recording fees

Summary: Provides for statutory changes necessary to enact provisions of the Budget Act of 2017.

Proposed Law: AB 110 makes the following changes to implement the 2017-18 budget.

- 1) **Immigration Detention.** Clarifies that California law enforcement agencies cannot contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, for purposes of civil immigration custody only.
- 2) **Foster Care Payments.** With the enactment of the Continuum of Care Reform, the new Resource Family Approval (RFA) process has been taking longer than the expected 90 days. Consequently, some caregivers have gone without payment for well over 90 days. To remedy this situation, the language below will allow for payments to be made to families who have a pending RFA application. Specifically, this language:
 - a. Requires payments to ARC cases on a prospective basis prior to resource family approval if the child has been placed with the caregiver.
 - b. Requires Emergency Assistance (EA) Temporary Assistance for Needy Families (TANF) payments to nonrelative extended family members on a prospective basis prior to resource family approval if the child has been placed with the caregiver. The state will cover the counties' nonfederal share of these payments for up to 60 days.
 - c. Provides that if a county can demonstrate good cause or submits a plan to eliminate its RFA backlog by September 1, 2018, the state will continue to cover the county's share of EA TANF costs up to an additional 60 days, through the end of June 2018.
 - d. Provides that if a county does not demonstrate good cause or does not submit a plan to reduce the backlog, the county will be responsible for the nonfederal share of EA TANF costs after the initial 60 days, through the end of June 2018.

- e. States that the Department of Social Services (DSS) is authorized to implement this section via All County Letter (ACL) and is required to finalize and publish the ACL no later than 21 days following the enactment of the act that adds the section.
- 3) **IHSS MOE and Collective Bargaining.** With the discontinuance of the Coordinated Care Initiative, SB 90 (Senate Committee on Budget and Fiscal Review), Chapter 25, Statutes of 2017, established a new In-Home Supportive Services (IHSS) Maintenance of Effort (MOE) and collective bargaining structure. SB 90 authorized counties to negotiate an IHSS provider wage supplement. The amendments below provide further guidance to counties as they begin the negotiation process for increasing wages or benefits for IHSS providers.
- a. Requires that any increase in IHSS provider wages or benefits that are locally negotiated, mediated, or imposed, or adopted by ordinance shall not take effect until the increase is determined by the DSS to be in compliance with state law.
 - b. Specifies that any IHSS provider wage supplement negotiated by a county shall be in addition to the highest wage rate paid since June 30, 2017, and a county's MOE shall include a one-time adjustment by the amount of the increased costs resulting from the supplement.
 - c. Clarifies that an IHSS provider wage supplement can be subsequently applied to the county individual provider wage when the state minimum wage increase is equal to or exceeds the county wage paid without including the wage supplement and the increase to the county wage paid takes effect at the same time as the state minimum wage increase.
 - d. Allows counties that submitted a wage change request to DSS prior to January 1, 2018 to be excluded from the above new requirements. Instead, in these counties the IHSS provider wage supplement negotiated by a county can be in addition to the highest wage paid any time prior to January 1, 2018, and the wage supplement can be applied to the county individual provider wage when the state minimum wage is equal to or exceeds the county wage paid with the inclusion of the wage supplement.
 - e. Appropriates \$1 million dollars in reimbursements to DSS in fiscal year 2017-18 for costs associated with allowing counties that submitted a rate change request to DSS prior to January 1, 2018 to be excluded from the above new requirements.
- 4) **Real Estate Transaction Document Fees.** SB 2 (Atkins), Chapter 364, Statutes of 2017, established the Building Homes and Jobs Trust Fund (the Trust Fund) within the State Treasury, and imposed, beginning January 1, 2018, a \$75 fee on every real estate instrument, paper, or notice, that is required or permitted by law per each single transaction per parcel of real property. It excluded real estate instruments, papers, or notices recorded in connection with a transfer subject to a documentary

transfer tax or with a transfer of real property that is a residential dwelling to an owner-occupier.

- a) This bill extends this exemption to any real estate instrument, paper, or notice executed or recorded by the federal government, the state, or local government pursuant to the Uniform Federal Lien Registration Act. It applies this exemption retroactively to any relevant document filed on or after January 1, 2018.

Fiscal Effect: This bill appropriates \$1 million dollars in reimbursements to DSS in fiscal year 2017-18.

Support: None on file.

Opposed: None on file.

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