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Nancy Skinner, Chair

Agenda

April 12, 2021

9:30 a.m. - State Capitol – Senate Chamber

<u>BILL</u>	<u>AUTHOR</u>	<u>SUBJECT</u>
1. AB 79	Committee on Budget	Budget Act of 2020.
2. AB 84	Committee on Budget	Rehiring and Retention: Displaced Workers
3. AB 213	Committee on Budget	Golden State Stimulus Clean-up.

SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Nancy Skinner, Chair
2021 - 2022 Regular

Bill No:	AB 79	Hearing Date:	April 12, 2021
Author:	Committee on Budget		
Version:	April 8, 2021 As amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Joanne Roy and Renita Polk		

Subject: Budget Act of 2020

Summary: This bill is a Budget Bill Jr. associated with Budget Act of 2020.

Proposed Law: This bill includes various budget bill amendments, including:

- 1) **Wildfire Prevention and Resiliency Early Action Plan.** Includes a total of \$536 million (\$411 million General Fund and \$125 million Greenhouse Gas Reduction Fund (GGRF)) in early action (current year, 2020-21) to address wildfire prevention and resilience issues. This plan includes:
 - a. **Resilient Wildlands.** \$283 million as follows:
 - i. \$155 million to the Department of Forestry and Fire Protection (CalFire) for the Forest Health Program. This program provides grants to undertake projects to improve forest health, including forest fuels reduction, prescribed fire, pest management, reforestation, biomass utilization, and conservation easements.
 - ii. \$10 million to CalFire for the Forest Improvement Program for Small Landowners. This program is designed to assist small timberland owners — those with 20,000 to 50,000 acres — manage their lands for forest health and wildfire resilience.
 - iii. \$8 million to CalFire for the Forest Legacy & Reforestation Nursery. The Forest Legacy Program funds conservation grants and easements with private landowners to protect forest land from conversion to non-forest uses, as well as supports management practices that promote forest health and wildfire reliance through the terms of the easement agreements. The reforestation nursery provides seedlings of native tree species for re-planting post wildfires. This nursery assists small, non-industrial landowners recover their forests.
 - iv. \$10 million to CalFire for the Urban Forestry Program, which provides grants to local governments and nonprofits for projects that include the planting of trees or other vegetation, improve the long-term management of urban forests, or better utilize wood waste.

- v. \$1 million to CalFire for tribal engagement. CalFire proposes to initiate a one-time effort within its Forest Health Program to provide resources for forest health projects on tribal lands.
 - vi. \$30 million for stewardship of state-owned lands — \$15 million each to the Department of Parks and Recreation and the Department of Fish and Wildlife to perform wildfire reduction activities, such as thinning vegetation and implementing controlled burns; and help restore lands recently burned.
 - vii. \$20 million for the Sierra Nevada Conservancy. A portion of this funding will be used for planning efforts consistent with the Watershed Improvement Program. Funds will also be used to support projects with a focus on large landscape level benefits, as well as protection of critical infrastructure and the wildland-urban interface areas.
 - viii. \$1 million for the Tahoe Conservancy for forest management projects.
 - ix. \$48 million to four conservancies (\$12 million each), including the State Coastal Conservancy, Santa Monica Mountains Conservancy, San Diego River Conservancy, and the San Gabriel & Lower Los Angeles Rivers & Mountains, for wildfire prevention and resiliency projects.
- b. **Wildfire Fuel Breaks.** \$198 million as follows:
- i. \$10 million for CalFire Unit fire prevention projects, such as forest thinning, prescribed fire, establishing or maintaining fuel breaks, and removal of fuels near roads or other critical infrastructure.
 - ii. \$123 million to CalFire for the Fire Prevention Grant Program, which aims to reduce wildfire risk to homes and communities, as well as reducing carbon emissions from forest fires.
 - iii. \$15 million to CalFire for prescribed fire and hand crews that work on vegetation management projects, including prescribed fires and forest thinning.
 - iv. \$50 million to the Department of Conservation for the Regional Forest & Fire Capacity Program, which provides block grants to regional and statewide entities to engage with communities, develop project priority plans, prepare projects to be shovel-ready, and implement demonstration projects. These efforts are intended to support regional capacity to develop and implement projects that improve forest health and fire resilience.
- c. **Community Hardening.** \$27 million as follows:
- i. \$25 million to the Governor's Office of Emergency Services and CalFire for home hardening, which includes implementation of a

wildfire mitigation assistance pilot program to increase the adoption of fire resistant retrofits that improve the survival of structures in wildfires through education and a grant program supporting retrofits for low-income homeowners in high-risk areas of the state.

- ii. \$2 million to CalFire for defensible space inspectors in the State Responsibility Area lands to ensure that structures are in compliance with state defensible space requirements.
 - d. **Science-Based Management.** \$3 million to CalFire for ecological monitoring, research, and adaptive management. Some projects are implemented by CalFire while others are contracted with university or other researchers.
 - e. **Forestry Sector Economic Stimulus.** \$25 million as follows:
 - i. \$16 million to IBank for the Climate Catalyst Fund, which is a revolving loan fund established to finance climate-related projects.
 - ii. \$6 million to CalFire and the Workforce Development Board for workforce development. CalFire reports that a small portion of its Forest Health Program currently coordinates with other state and private entities to support the expansion of professional training programs and businesses related to the removal and reuse of woody biomass. This proposal would expand on these efforts and create a new Wood Products and Bioenergy Program.
 - iii. \$3 million to the Governor's Office of Planning and Research to create a Woods Products Market Development Program intended to help develop a sustainable private market for woody biomass. This program has several specific deliverables including: (A) completing a framework to align the state's wood utilization policies and priorities in 2021, (B) developing new long-term wood feedstock pilot projects, (C) partnering with Ibank to develop a focused market strategy, (D) executing an innovation competition, and (E) developing a statewide wood products workforce assessment.
- 2) **Technical Assistance Program for Underserved Farmers.** Includes \$3.35 million General Fund in 2020-21 to the California Department of Food and Agriculture to fund a technical assistance and micro-grant program for small, mid-sized, and underserved farmers in California.
- 3) **Child Welfare Services.** Extends the Department of Social Service's authority to implement COVID-19 supports related to child welfare services, until June 30, 2021. The department's authority to issue these supports ended on December 31, 2020.
- 4) **Emergency Child Care Bridge Program.** Authorizes one-time \$525 stipends to providers in the Emergency Child Care Bridge Program for foster youth. This provider type was not included in the current budget year's childcare stipend payments passed earlier this year.

- 5) **In-Home Supportive Services (IHSS).** Increases General Fund Loan authority for the IHSS program.
- 6) **Foster Care Reentry.** Makes \$270,000 available for costs associated with reentry to foster care for any individual who attained 21 years of age while in extended foster care on or after January 27, 2020, in alignment with recent federal changes.
- 7) **Early Education Statewide Data System.** Moves \$9.2 million in federal funds from local assistance to state operations to align with the Department of Education's use of these funds for a statewide data system for early education.
- 8) **Lunch-at-the-Library Program.** Appropriates \$800,000 to enable the California State Library to provide grants to local libraries to support the Lunch-at-the-Library Program during the summer of 2021.
- 9) Makes various technical change and clarifying changes to items related to the Department of Education.

Fiscal Effect: This bill has a net impact of approximately \$701.4 million all funds. This includes appropriations for the Wildfire Prevention and Resiliency Early Action Plan of \$411 million General Fund and \$125 million GGRF.

Support: None on file.

Opposed: None on file.

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SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Nancy Skinner, Chair
2021 - 2022 Regular

Bill No:	AB 84	Hearing Date:	April 12, 2021
Author:	Committee on Budget		
Version:	April 8, 2021 As amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Anita Lee		

Subject: Rehiring and Retention: Displaced Workers

Summary: This trailer bill makes various statutory changes to implement rehiring rights for hospitality workers who were laid off for reasons related to the COVID-19 pandemic.

Proposed Law:

- 1) This bill defines, for purposes of its requirements, the following terms, among others:
 - a) "Enterprise" means a hotel, private club, event center, airport hospitality operation, airport service provider, or the provision of building service to office, retail, or other commercial buildings.
 - b) "Employer" means a person, including a corporate officer or executive, who owns or operates an enterprise and employs or exercises control over wages, hours or working conditions of an employee.
 - c) "Building service" means janitorial, building maintenance, or security services.
 - d) "Private club" means a private, membership-based business or nonprofit organization that operates a building or complex of buildings containing at least 50 guest rooms or suites, as specified.
 - e) "Airport hospitality operation" means a business that prepares, delivers, inspects and provides any other service in connection with preparation of food or beverage for the aircraft crew or passengers at the airport, or provides food and beverage, retail or other consumer goods or services to the public at the airport.
 - f) "Airport service provider" means a business that performs, under contract with a passenger air carrier, airport facility management or authority, functions on a property of the airport that relates to air transportation of persons, mail, or property, including the loading and unloading of property on an aircraft, assistance to passengers as defined by federal law, security, airport ticketing and check-in functions, ground handling of aircraft, cleaning and sanitization of aircraft, and waste removal.
 - g) "Event center" means a publicly or privately-owned structure of more than 50,000 square feet or 1,000 seats that is used for the purposes of public performances, sporting events, business meetings, or similar events, and includes concert halls,

stadiums, sports arenas, racetracks, coliseums, and convention centers. The term “event center” also includes any contracted, leased, or sublet premises connected to or operated in conjunction with the event center’s purpose, as specified.

- h) “Hotel” means a residential building that is designated or used for lodging and other related services for the public, and containing 50 or more guest rooms, as specified. “Hotel” also includes any contracted, leased, or sublet premises connected to or operated in conjunction with the building’s purpose, or providing services at the building.
- i) “Employee” means an individual who in a particular week performs at least two hours of work for an employer.
- j) “Laid-off employee” means any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation was due to reasons related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, reduction in force or other economic, nondisciplinary reason due to COVID-19 pandemic.

Recall Rights

- 2) Requires an employer, within five days of establishing a position, to offer its laid-off employees in writing and by email and text message, as specified, all job positions that become available after the effective date of this bill for which the laid-off employees are qualified.
- 3) Specifies that a laid off-employee is qualified for a position if the employee held the same or similar position at the enterprise at the time of the employee’s most recent layoff with the employer.
- 4) Requires the employer to offer positions to laid-off employees in an order of preference corresponding to the qualification guidelines above, and if more than one employee is entitled to preference for a position, the employer must offer the position to the laid-off employee with the greatest length of service based on the employee’s date of hire.
- 5) Provides that a laid-off employee who is offered a position at least five business days to accept or decline the offer. The bill also authorizes the employer to make simultaneous, conditional offers of employment to laid-off employees, with a final offer conditioned on application of preference system, as specified.
- 6) Requires an employer to retain specified employee records for at least three years from the date of the written layoff notice for each employee. These records are: the employee’s full legal name, job classification at the time of the layoff, the employees hire date, various contact information, and a copy of the written layoff notice provided to the employee and all records of communications between the employer and the employee regarding offers of employment made to the employee pursuant to this section.

- 7) Requires an employer that declines to recall a laid-off employee citing lack of qualifications, and instead hires someone other than a laid-off employee, to provide the laid-off employee a written notice within 30 days, including the length of service with employer of those hired in lieu of that recall, along with reasons for the decision.
- 8) Specifies that these requirements also apply in any of the following circumstances:
 - a) The ownership of the employer changed after the separation from employment of a laid-off employee but the enterprise is conducting the same or similar operations as before the COVID-19 state of emergency.
 - b) The form of organization of the employer changed after the COVID-19 state of emergency.
 - c) Substantially all of the assets of the employer were acquired by another entity which conducts the same or similar operations using substantially the same assets.
 - d) The employer relocates the operations at which a laid-off employee was employed before the state of emergency to a different location.

Enforcement

- 9) Specifies that no employer shall refuse to employ, terminate, reduce compensation or take any adverse action against a laid-off employee seeking to enforce their rights, participate in proceedings or otherwise asserting their rights under this bill, as specified.
- 10) Specifies that the Division of Labor Standards Enforcement (DLSE) has exclusive jurisdiction to enforce the provisions of this bill.
- 11) Authorizes a laid off employee to file a complaint with the DLSE for violations associated with this bill, and may be award any or all of the following:
 - a) Hiring and reinstatement rights pursuant to this bill,
 - b) Front or back pay for each day a violation continues, to be calculated as specified, and
 - c) Value of benefits the laid-off employee would have received under the employer's benefit plan.
- 12) Specifies that no criminal penalties shall be imposed for violations of this bill.
- 13) Specifies that any employer or agent of the employer who violates the provisions of this bill shall be subject to a civil penalty of \$100 for each employee whose rights are violated, and \$500 in liquidated damages, per employee, for each day the rights of the employee are violated until the violation is cured. Specifies that these funds shall be recovered by the Labor Commissioner, deposited into the Labor and Workforce Development Fund, and paid to the employee as compensatory damages.
- 14) Specifies that the Labor Commissioner enforce the provisions of this bill, including investigating an alleged violation and ordering temporary relief to mitigate the violation pending the completion of full investigation or hearing, through procedures

set by existing law, as specified, including the issuance of a citation against the employer and by filing a civil action. If a citation is issued, the procedures for issuing, contesting and enforcing judgements for citation and civil penalties issued by the Labor Commissioner shall the same as established by existing law, as specified.

- 15) Authorizes the DLSE to promulgate and enforce rules and regulations, and issue determinations and interpretations, consistent with and necessary for the implementation of this bill.
- 16) Clarifies that nothing prohibits a local government agency from enacting ordinances that impose greater standards than, or establish additional enforcement provisions to, those prescribed by this bill.
- 17) Provides that all of these provisions, or any part of, may be waived in a valid collective bargaining agreement, but only if the waiver is explicitly set forth in that agreement in clear and unambiguous terms.
- 18) Specifies that these provisions are severable. If any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect.
- 19) Specifies that the provisions of this bill shall remain in effect until December 31, 2024, and as of that date is repealed.

Fiscal Effect: This bill appropriates \$6 million from the Labor and Workforce Development Fund for staffing resources to implement and enforce the provisions of this bill.

Support: None on file.

Opposed: None on file.

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SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Nancy Skinner, Chair

2021 - 2022 Regular

Bill No:	AB 213	Hearing Date:	April 12, 2021
Author:	Committee on Budget		
Version:	April 8, 2021 As amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Renita Polk		

Subject: Golden State Stimulus Cleanup

Summary: Provides for statutory cleanup necessary to implement the Golden State Grant Program and other changes to help implement COVID-19 supports in safety net programs.

Background: This bill makes statutory changes to implement the Golden State Grant Program

Proposed Law:

- 1) Allows the one-time grant payments made under the Golden State Program to SSI/SSP recipients to be paid as a one-time increase of \$600 to the individual's SSP benefits.
- 2) Exempts the Department of Social Services from requirements to contract with the United States Secretary of Health and Human Services to issue the one-time increase.
- 3) Continues authorization for eligibility interviews for the Cash Assistance Program for Aged, Blind, and Disabled Immigrants (CAPI) to be conducted electronically through the end of the state of emergency declared on March 4, 2020, due to the COVID-19 pandemic.
- 4) Continues authorization for CAPI application and redetermination forms to be submitted by telephone, email, or fax through the end of the state of emergency declared on March 4, 2020, due to the COVID-19 pandemic.
- 5) Authorizes the Department of Social Services to use lists of persons receiving public social services to notify program recipients of their potential eligibility for other benefits and services not administered by the department.
- 6) Suspends the 365-day limitation on payments to emergency caregivers that have applied for resource family approval and an application for the Emergency Assistance Program through June 30, 2021.

Fiscal Effect: This bill appropriates \$1.2 million from the General Fund to the Department of Social Services to implement provisions relating to foster care placements during the COVID-19 emergency.

Support: None on file.

Opposed: None on file.

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