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August 29, 2006

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: David E. Janssen  
Chief Administrative Officer

**SACRAMENTO UPDATE**

**SPECIAL SESSION ON PRISONS**

Since the last Sacramento Update on August 25, 2006, the Legislature has introduced ten new bills, five in the Assembly and five in the Senate and amended two of the bills which we previously reported. While the official records may indicate that bills have not been referred to a committee at this time, this situation may change quickly as the session nears its end.

**New Bills**

**AB X2 14 (Lieber) Sentencing Commission.** This bill would establish the California Sentencing Commission (Commission) for the purposes of developing sentencing guidelines. The Commission would be comprised of: four ex-officio members; five members appointed by the Governor; three members appointed by the Speaker of the Assembly; and three members appointed by the President Pro Tem of the Senate. The Chief Justice of the Supreme Court would serve as the permanent chair. The Commission would develop the guidelines using current minimum terms as the basis for setting new minimums; devise a system of granting and rescinding sentencing credits based upon the inmate's compliance or non-compliance with individual treatment plans; and monitor the prison system's current and future capacity. AB X2 14 specifically directs the Commission to take prison capacity into account when developing its sentencing guidelines. The Commission would be directed to submit a report on the

guidelines to the Legislature by January 1, 2008. These guidelines would take effect on May 1, 2008. The Commission would issue subsequent reports recommending sentencing modifications to the Legislature every two years beginning January 1, 2010. These recommendations would take effect on May 1<sup>st</sup> of the year following the report, unless the Legislature provides otherwise. This bill has not been referred to a committee for hearing.

**AB X2 15 (Nakanishi) Sex Offender Housing Facilities.** This bill would express the intent of the Legislature to notify the community when there is a proposed or existing housing facility located within one mile of a residential area. This would include: parole re-entry facilities; residential mental health care facilities; or any other facility housing persons who are on parole or probation after being convicted for a sex offense. It is not clear whether the notification provisions would apply only to facilities designed to house sex offenders or would also apply to landlords that rent to this group. This bill has not been referred to a committee for hearing.

**AB X2 16 (Lieber)/SB X2 9 (Speier) Community Correctional Facility Beds for Female Inmates.** These bills would authorize the Department of Corrections and Rehabilitation (CDCR) to contract for up to 4,500 non-violent female offenders into Community Correctional Facilities (Facilities) with up to 200 beds. CDCR would be required to report to the Legislature by May 14, 2007 on the total number of facilities proposed; their geographic location and a description of why a location was or was not selected; the number of beds at each facility with a description of any special needs beds at that location, such as substance abuse or mental health beds; description of the provider of the Facility; and the availability of complementary services for the residents including, but not limited to education, health care, vocation, substance abuse, and trauma treatment. CDCR would be required to provide a final report to the Legislature on the effectiveness of the Facilities program and should include information on the recidivism of the participants and the per capita cost. These bills are similar to AB X2 1, however, it does not specify a two-year timetable for the transfer of the female inmates to the Facilities. These bills have not been referred to a policy committee for hearing.

**AB X2 17 (Committee on Correctional Policy and Fiscal Issues)/SB X2 10 (Machado) Prison Capacity Expansion and Correctional Training.** These bills would require capital outlay projects to be first approved by the Public Works Board (PWB) and the Legislature prior to the issuance of bonds and the start of construction. The Administration's proposal was to bypass the PWB approval process which was a concern raised by the Senate. AB X2 17 and SB X2 10 would authorize CDCR to use design build contracts but would require certain declarations about its ability to manage such a process as the department has no experience in this area. Legislative oversight for these projects would be transferred to the Joint Legislative Budget Committee in anticipation of the sunset of the Committee on Correctional Policy and Fiscal Issues at the end of the Special Session. On or before April 1, 2007, CDCR would be required to report to the Legislature on: its analysis of current prison bed capacity and population by

classification and special housing needs; a projection of the bed deficiencies and surpluses; a review of the sites for new bed capacity including the reactivation of closed sites, construction on existing institutional grounds and construction in other areas; a review of prison housing alternatives, including facilities for geriatric housing, substance abuse treatment, mental health treatment, education and employment training, sex offender treatment, and pre-release treatment; and a review of alternatives that could reduce the number of inmates over the next ten years, including non-residential custody and treatment, compassionate release, medical release, and enhanced community supervision.

These bills would authorize the planning and construction of community re-entry facilities of up to 500 beds for inmates with less than one year remaining on their sentence. This could include persons returning to custody following a parole violation. It is legislative intent that these facilities be located in urban areas, presumably close to the inmate's ultimate point of release. Facilities are to be located only upon request by the appropriate city or county with jurisdiction over the location. CDCR is to develop a collaborative partnership with local government, local law enforcement and community service providers to provide services for the residents of the Facilities.

AB X2 17 and SB X2 10 would authorize the construction of a correctional officer training academy in Southern California to augment the Richard A McGee Academy in Galt. These bills are similar to AB X2 5 and SB X2 2, which authorize the operation of a Southern California Training Academy, however, AB X2 17 and SB X2 10 do not specify the location of the new academy at the former Fred C. Nelles Youth Corrections Facility in Whittier.

These bills would authorize the conversion of the now vacant Northern California Women's Facility in Stockton to a reception center for male inmates. The proposed conversion of this former women's facility is similar to AB X2 2 and SB X2 3 that would convert it to a male facility, however, after concerns raised by local government representatives of a conversion to a long term detention facility, the Legislature is now proposing a short term reception center on that site.

AB X2 17 and SB X2 10 would also authorize the conversion of 800 female beds at the California Rehabilitation Center to male beds and would authorize the working plans for the development of 10,900 additional beds to be located at existing institutions. These bills have not been referred to a policy committee for hearing.

**AB X2 18 (Committee on Correctional Policy and Fiscal Issues)/ SB X2 12 (Machado) Out-of-State Transfer of Prisoners.** These bills would specifically authorize CDCR to transfer prisoners to out-of-state detention facilities operated by other states or their political subdivisions. The transfers would require the consent of the inmate. These bills are similar to AB X2 10, AB X2 12, and SB X2 5, which address a transfer of California prisoners to out-of-state facilities, however, they

would not make the transfers on an involuntary basis and would not authorize the State to contract with private operators. These bills have not been referred to a policy committee for hearings.

**SB X2 8 (Bowen) Technology Advisory Committee.** This bill would create an information technology advisory committee to assist CDCR in the operations of the department. The committee would include representation from the department, State government, local government and the public. It would be required to meet no less than twice a year. CDCR would be required to provide staffing and support for the committee. This bill has not been referred to a committee for hearing.

**SB X2 11 (Machado) Adult Offender Re-Entry Accountability Act of 2006.** This bill would create an adult offender re-entry challenge grant program designed to reduce the recidivism rate of State parolees. Applicant counties would develop their proposals through local adult offender coordinating councils. These councils would require representation from public safety, treatment, education, housing and the community. Proposals would be required to include, but not be limited to an assessment of parolee characteristics, currently available resources, and current practices for supervising parolees; an assessment of resources in law enforcement, probation, parole, education, mental health, health, social services, substance abuse, and housing resources that could be used to assist parolees. In addition, the councils would assess the availability of tools to coordinate services between the county, State and parolee and provide a local action plan for improving the existing resources for parolees and development of a coordinating, monitoring, and surveillance system that also provides data on parolee's success. Counties would also need to identify which resources that might be available to persons released from county jails, and to identify the goals and outcome measurements under the program. Grants would be allocated for three years on a competitive basis. CDCR would set minimum standards for the grant and would consider a number of factors which would include but not be limited to: the number of parolees in the county; the capacity to design and implement a multi-agency plan to improve outcomes for parolees; and a history of maximizing the use of Federal, State, local and private funding sources. Grants of up to \$100,000 would be allocated to establish local coordinating councils and developing a local action plan. SB X2 11 would appropriate \$25 million for county grants. This bill has not been referred to a policy committee for hearings.

### **Amended Bills**

**AB X2 5 (Bermudez).** This bill, which authorized the expansion of the correctional officer training academy, was amended on August 24, 2006 to restore the Commission on Correctional Peace Officer Standards and Training (CPOST) for the purposes of establishing State level training standards. This would transfer the responsibility from the Correctional Standards Authority created during the reorganization of the Youth and Adult Correctional Agency. Under the bill, the six member CPOST executive board

would be comprised of three members representing management, and the remaining three members appointed from the correctional officer ranks, two from rank-and-file positions and one from the supervisory ranks. The provisions related to the training academy were deleted in this version of the bill. This bill has not been referred to a policy committee for hearing.

**SB X2 2 (Runner).** This bill, originally removed the former Fred C. Nelles Youth Corrections Facility from the surplus property list and authorized the conversion to a prison or a correctional officer training facility. The August 28, 2006 amendment now only removes the property from the State surplus property list. SB X2 2 was referred to the Senate Budget and Fiscal Review Committee for hearing.

## **STATUS OF LEGISLATION OF COUNTY INTEREST**

### **County Advocacy Bills**

**County-supported AB 379 (Frommer),** which would make it an infraction for a person to smoke in a motor vehicle, whether the vehicle is in motion or not, when a child young enough to require a child safety seat is in the vehicle, passed the Senate on August 28, 2006 by a vote of 23 to 14, and now proceeds to the Assembly for concurrence in Senate amendments.

**County-opposed AB 1873 (Torrico),** which would expand the scope of age for a safe surrender from 72 hours to up to 30 days, and would allow a county board of supervisors to designate fire stations as an official safe surrender site as long the fire stations have consulted with county child welfare agencies, passed the Assembly on August 24, 2006 by a vote of 70 to 9, and it now proceeds to the Governor. Assembly Members Tim Leslie and Bob Huff spoke in opposition to the bill, and said that moving the timeframe to 30 days is too long, and that if a parent has second thoughts about parenting the child, the baby can be put up for adoption.

**County-supported AB 2384 (Leno),** which would create the "Healthy Food Purchase" pilot program that would offer financial support and technical assistance to grocers located in low-income neighborhoods to encourage them to sell fresh fruits and vegetables, and offer incentives to food stamp recipients to purchase these goods, passed the Senate Floor by a vote of 25 to 13 and now proceeds to the Assembly Floor for concurrence in Senate amendments.

**County-supported AB 2560 (Ridley-Thomas),** which would create a Public School Health Center Support Program administered by the California Department of Health Services in cooperation with the State Department of Education to encourage the establishment, retention, or expansion of school public health centers in California, passed the Assembly on August 28, 2006 by a vote of 48 to 28, and now proceeds to the Governor.

**County-support and amend AB 2838 (Pavley)**, which would establish the Coastal Environmental Motor Vehicle Program and authorize a fee of up to \$6 upon the registration or renewal of every motor vehicle registered in one of the twenty counties for environmental mitigation projects, passed the Assembly on August 28, 2006 by a vote of 42 to 34, and now proceeds to the Governor.

**County-supported AB 2889 (Frommer)**, which would require health care services plans and health insurers to permit a person who has been covered for at least 18 months under an individual plan contract to transfer at least once a year, without medical underwriting, to any other individual plan contract with equal or lesser benefits offered by the same health care service plan or insurer, passed the Senate on August 28, 2006 by a vote of 37 to 1, and now proceeds to the Assembly for concurrence in Senate amendments.

**County-supported SB 840 (Kuehl)**, which would establish the California Health Insurance System and make all California residents eligible for specified health care benefits on a single-payer basis, passed the Assembly on August 28, 2006 by a vote of 43 to 30, and now proceeds to the Senate for concurrence in Assembly amendments.

**County-supported SB 1596 (Runner)**, which would establish the Nurse-Family Partnership Program and require the California Department of Health Services to make grants available to counties to provide voluntary visiting nurse services to first-time pregnant, low-income mothers, their children and their families, passed the Assembly on August 28, 2006 by a vote of 60 to 0, and now proceeds to the Senate for concurrence in Assembly amendments.

**County-supported SB 1719 (Perata)**, which would make permanent the statutory provisions that allow the apportionment of motor vehicle fuel sales tax revenues to the State Transportation Improvement Program and local transportation programs beginning in Fiscal Year 2008-09, and allow the Traffic Congestion Relief Fund to sunset, was amended on August 24, 2006 to address the final payment of wages for employees in the live theatrical and concert entertainment industries, and to change the author of the bill to Senator Cedillo. **Therefore, our Sacramento advocates will drop support for the bill and take no position.**

**County-supported SB 1773 (Alarcon)**, which augments the Emergency Medical Services Fund by allowing counties to collect an additional \$2 penalty assessment on every \$10 penalty for all criminal offenses and moving violations, and requires that 15 percent of the funds be used to fund all pediatric trauma centers throughout a county electing to adopt the additional penalty assessment, passed the Assembly on August 28, 2006 by a vote of 42 to 32, and now proceeds to the Senate for concurrence in Assembly amendments.

### **County Interest Bills**

**AB 2399 (Garcia)**, as amended on August 15, 2006, which would have ratified the pending tribal gaming compact between the Governor and the Agua Caliente Tribe, failed concurrence with Senate amendments. The author is seeking reconsideration.

**SB 697 (Kuehl)**, as amended on August 17, 2006, would authorize providers of licensed family child care and license-exempt child care to select a provider organization to negotiate the terms of child care services with the California Department of Social Services, the California Department of Education, and other entities that administer subsidized child care programs including counties, cities, Alternative Payment Program (APP) agencies, county offices of education, and community based organizations.

California's subsidized child care programs assist low-income working families, CalWORKs families participating in welfare-to-work activities, and who have left the CalWORKs program, and families whose children are found at risk of abuse or neglect. Families who receive subsidized child care may select from three types of providers: 1) licensed child care centers; 2) licensed family child care homes; or 3) license-exempt providers which are typically relatives or friends.

Under current law, child care providers are reimbursed at a maximum rate or ceiling up to the 85<sup>th</sup> percentile of the market rates charged by providers in a region who offer the same type of care for children in specific age groups: birth to 24 months, 2 to 5 years of age; and school age. Effective October 1, 2006, each county will have one reimbursement rate based on the type of child care, the age of the child, and payment for full-time or part-time care charged at a monthly, weekly, daily, or hourly rate.

SB 697 would authorize licensed family child care providers to organize effective January 1, 2007. License-exempt providers would be eligible to organize effective January 1, 2009. The bill would require the State Superintendent of Public Instruction and the California Department of Social Services, with the assistance of counties and the APP agencies to collect information on child care providers and to make that information available to the provider organization. The provider organization would be required to petition the State to serve as the negotiating agent of all family child care providers. The designation of the provider organization would be determined by an election administered by the Public Employment Relations Board.

Under SB 697, licensed family child care providers would be deemed to be self-employed and would not be considered State employees. Any agreement for wages or benefits reached through negotiation would be subject to an appropriation by

the State Legislature. The bill would prohibit the provider organization from calling or directing a strike.

The provisions in SB 697 were previously contained in a comprehensive child care reform bill, SB 1600 (Kuehl), which was placed on the Senate Appropriations Suspense File on May 22, 2006, due to increased General Fund costs.

Proponents of SB 697 contend that California families have inadequate access to affordable, quality family child care because low wages and lack of benefits results in a high turnover among child care providers. According to its supporters, SB 697 would improve the quality of child care in California giving family child care providers "the voice they need to have a say in the issues that affect their jobs and the working families they serve."

Opponents of SB 697 note that thousands of children who are eligible for subsidized child care are on waiting lists and cannot obtain services because child care funding is limited. They argue that increasing wages and benefits for child care providers will further limit access to child care services. The California Alternative Payment Program Association (CAPP) is concerned that SB 697 would require APP agencies to negotiate with the provider organization representing the child care providers. CAPP believes that APP agencies should not be included in the negotiations process because the agencies do not set rates. In testimony before the Assembly Labor and Employment Committee on August 23, 2006, opponents of SB 697 noted that the committee should consider other pressures on available child care funding including the new TANF work participation rates which require the State to substantially increase the number of CalWORKs parents engaged in work activities by October 1, 2006, and thus increase the need for child care. The California Teachers Association opposes SB 697 on the grounds that it "puts pressure on Proposition 98 General Fund revenues and establishes family child care as a State priority at the expense of child development centers, preschool and other K-12 programs."

SB 697 is sponsored by the American Federation of State, County and Municipal Employees, and the Services Employees International Union. The bill is supported by Solutions for Child Care Network.

SB 697 is opposed by the California Alternative Payment Program Association, the California Child Care Development Administrators Association, the Child Care Alliance of California, the Child Development Policy Institute, the California Chamber of Commerce, the Child Care Alliance of Los Angeles County and the California Teachers Association.

SB 697 was heard in the Assembly Labor and Employment Committee, and the bill passed the committee on August 23, 2006 by a vote of 6 to 2, and was referred to the Assembly Appropriations Committee. The bill passed the Assembly Appropriations

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Committee on August 28, 2006 by a vote of 12 to 5. The bill was amended on the Assembly Floor on August 29, 2006. Although the amendments are not on print, we understand that they would specify that Proposition 98 funds would not be used to pay for any rate increase negotiated above the current statutory formula, and that any increase would not be added to the Proposition 98 base.

County Counsel is reviewing SB 697 to determine its impact on the County.

**SB 1534 (Ortiz and Alarcon)**, which would affirm the rights of cities and counties to provide non-emergency health services to undocumented persons, passed the Assembly Health Committee on August 28, 2006 by a vote of 9 to 2, and now proceeds to the Assembly Floor.

We will continue to keep you advised.

DEJ:GK  
MAL:JF:IGR:cc

c: All Department Heads  
Legislative Strategist  
Local 660  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants