



Agenda

Monday, April 12, 2021

10:30 A.M. – State Capitol, Assembly Chamber

Due to the ongoing COVID-19 safety considerations, including guidance on physical distancing, seating for this hearing will be very limited for the press and for the public. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://assembly.ca.gov/todayevents>.

We encourage the public to provide written testimony before the hearing. Please send your written testimony to: AsmBudget@asm.ca.gov. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.

*A moderated telephone line will be available to assist with public participation. The public may provide comment by calling the following toll-free number: **877-692-8957, access code: 24 26 237.***

Informational Hearing

1. Call to Order
2. Introductory Comments from Chair and Vice Chair
3. Consideration of the Early Action Budget and Wildfire Package
 - a. **SB 85** (Senate Committee on Budget and Fiscal Review): Amendment to the 2020-21 Budget Act / Wildfire and Forest Resiliency (AB 79 is identical to this bill in the Senate)
 - b. **SB 86** (Senate Committee on Budget and Fiscal Review): Golden State Stimulus SSI/SSP Issuance (AB 213 is identical to this bill in the Senate)
 - c. **SB 92** (Senate Committee on Budget and Fiscal Review): Juvenile Justice Realignment
 - d. **SB 93** (Senate Committee on Budget and Fiscal Review): Hospitality Workers: Right-to-Return

Panelists:

- Erika Li, Department of Finance
- Chas Alamo, Legislative Analyst's Office

- David Balter, Department of Industrial Relations

4. Committee Member Questions

5. Public Comment

6. Adjournment

2021 Budget Trailer Bill Analyses Packet
Assembly Budget Committee Hearing
Monday, April 12, 2021

Bill Number	Topic	Page
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SB 93	Hospitality Workers: Right-to-Return	11

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SUMMARY

Amends the 2020 Budget Act to provide additional funds to address wildfires and early action items.

Major Provisions

- 1) Provides \$536.4 million total funding (\$411 million General Fund and \$125.3 million Greenhouse Gas Reduction Fund) for wildfire prevention, natural resources, and forest resiliency efforts including:
 - a. \$ 346.5 million to CalFire for the following purposes:
 - i. \$155.1 million for the CalFire for forest health;
 - ii. \$123 million for fire prevention grants;
 - iii. \$15 million for prescribed fire and hand crews;
 - iv. \$10 million for urban forestry;
 - v. \$10 million for CalFire Unit Fire Prevention Projects;
 - vi. \$10 million for the Forest Improvement Program for Small Landowners;
 - vii. \$8 million for the Forest Legacy and Reforestation Nursery;
 - viii. \$5.3 million for workforce development;
 - ix. \$4.1 million for home hardening;
 - x. \$3 million for ecological monitoring, research, and adaptation management;
 - xi. \$2 million for defensible space inspectors;
 - xii. \$1 million of tribal engagement;
 - b. \$50 million for the Department of Conservation for fuel reduction and vegetation management activities;
 - c. \$21.9 million to the Office of Emergency Services to assist low income and disadvantaged homeowners with home-hardening;
 - d. \$20 million for the Sierra Nevada Conservancy;
 - e. \$16 million for the Climate Catalyst Revolving Loan Fund
 - f. \$15 million for the Department of Fish and Wildlife for biodiversity conservation;
 - g. \$15 million for the Department of Parks and Recreation for forest health, fuel reduction and vegetation management;
 - h. \$12 million for the Santa Monica Mountains Conservancy;
 - i. \$12 million for the San Diego River Conservancy;
 - j. \$12 million for the San Gabriel and Lower LA Rivers and Mountains Conservancy;
 - k. \$12 million for the State Coastal Conservancy
 - l. \$3 million for the Office of Planning and Research to conduct market research in the wood industry;
 - m. \$1 million for the California Tahoe Conservancy;
- 2) Reappropriates unspent Greenhouse Gas Reduction Funds allocated to the Department of Community Services and Development in 2017 for energy efficiency for low income individuals in disadvantaged communities;
- 3) Appropriates \$38.3 million (\$33.5 million General Fund) to the Department of Social Services for Child Welfare Services Support for Resource Families impacted by the COVID-19 pandemic;

- 4) Includes provisional language to allow Child Care Bridge program providers to receive the \$525 stipend provided to other state child care providers;
- 5) Increase the state loan authority to the In Home Supportive Services from \$450 million to \$1 billion;
- 6) Provides \$270,000 and includes language to reflect a temporary expansion of federal eligibility for the Extended Foster Care program to allow certain youth over age 21 to re-enter the foster care system;
- 7) Makes various non-substantive technical changes to the Department of Education budget items;
- 8) Provides \$800,000 to fund the lunch and library program and the California State Library; and
- 9) Appropriates \$3.35 million to the Department of Food and Agriculture to provide technical assistance to underserved agricultural workers and farmers to help them access available state and federal funding.

COMMENTS

This bill amends the 2020-21 Budget Act SB 74 (Mitchell, Chapter 6 of 2020) to include an early action budget package to address wildfires and forest reliance. It also makes additional technical changes to other provisions of the budget.

According to the Author

This bill provides essential funding for wildfire and forest resiliency as part of an April 2021 early action budget package.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This amendment to the budget act results in \$701.4 million (\$466 million General Fund) in additional expenditures beyond the amount appropriated in the 2020 budget act.

VOTES

SENATE FLOOR: 22-2-15

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Hertzberg, Laird, Leyva, McGuire, Newman, Pan, Portantino, Roth, Rubio, Umberg, Wieckowski, Wiener

NO: Nielsen, Wilk

ABS, ABST OR NV: Bates, Borgeas, Dahle, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Limón, Melendez, Min, Ochoa Bogh, Skinner, Stern

UPDATED

VERSION: April 8, 2021

CONSULTANT: Christian Griffith / BUDGET / (916) 319-2099

FN:

SUMMARY

Makes necessary statutory changes related to human services needed to implement the April 2021 early action budget package.

Major Provisions

- 1) Clarifies existing statute relating to the issuance of the Golden State Grant \$600 one-time payment for individuals receiving either Supplemental Security Income/State Supplementary Program (SSI/SSP) or the Cash Assistance Program for Aged, Blind and Disabled Legal Immigrants (CAPI) to facilitate the issuance of the stimulus payment;
- 2) Continues current program flexibility to allow recipients of the CAPI program to satisfy eligibility verification for the program verbally for the duration of the COVID-19 emergency;
- 3) Allow the Department of Social Services to share information regarding public health and education programs with current public social recipients;
- 4) Extends current flexibility on the payment of the state and federal share for certain emergency caregiver foster care payments until June 30, 2021; and
- 5) Provides \$1.2 million for the Department of Social Services to implement the provisions of this bill to support foster care placements during the COVID-19 Emergency.

COMMENTS

This bill makes technical changes to allow SSI/SSP and CAPI recipients to receive a one-time \$600 Golden State Grant program, which was adopted in SB 88 (Senate Budget and Fiscal Review, Chapter 8 of 2021). The Department of Social Services intends to use a third-party vendor to issue this supplemental check to this population, and this statutory language clarifies authority to allow for data sharing with the federal Social Security Administration to facilitate this arrangement.

This bill also includes provisions to extend certain program flexibilities provided due to the COVID-19 pandemic in Foster Care and CAPI and allows the department to continue to share information with clients about other programs.

According to the Author

This bill makes necessary technical changes to allow Golden State Grant payments to reach SSI/SSP and CAPI recipients.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill is estimated to cost \$1.2 million, which is included as an appropriation in the bill.

VOTES

SENATE FLOOR: 25-1-13

YES: Allen, Archuleta, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Hertzberg, Laird, Leyva, McGuire, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Umberg, Wieckowski, Wiener

NO: Wilk

ABS, ABST OR NV: Bates, Dahle, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Limón, Melendez, Min, Skinner, Stern

UPDATED

VERSION: April 8, 2021

CONSULTANT: Christian Griffith / BUDGET / (916) 319-2099

FN:

SUMMARY

Makes various technical changes to effectuate the realignment of the Division of Juvenile Justice (DJJ) to the counties which was included in the 2020 Budget Act. Specifically, this bill:

Major Provisions

- 1) Closes DJJ on June 30, 2023 and requires the Director of DJJ to develop a plan by January 2, 2022, for the transfer of jurisdiction of any remaining youth in DJJ who are unable to be discharged or otherwise moved.
- 2) Allows counties to establish secure youth treatment facilities for certain youth who are 14 years of age or older and found to be a ward of the court based on an offense that would have resulted in a commitment to DJJ.
- 3) Requires the court to set a maximum term of confinement for the youth in a secure treatment facility and requires the submission of a rehabilitation plan to the court from the probation department and any other entity that is designated by the court to develop the plan.
- 4) Requires the court to hold regular progress review hearings for youth who are in a secure youth treatment facility and allows for probation or the youth to make a motion to the court for transfer to a less restrictive program.
- 5) Requires the Judicial Council to develop and adopt a matrix of offense-based classifications.
- 6) Makes other various technical and conforming changes to implement the realignment of youth from DJJ to county-based custody.

COMMENTS

This is a budget trailer bill within the overall 2020-21 budget package with technical changes necessary to implement the realignment of the Division of Juvenile Justice that was included in the 2020 Budget Act.

According to the Author

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This trailer bill provides \$50,000 General Fund to the Adult Reentry Grant administered by the Board of State and Community Corrections to support rental assistance programs.

VOTES

SENATE FLOOR: 22-2-15

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Hertzberg, Laird, Leyva, McGuire, Newman, Pan, Portantino, Roth, Rubio, Umberg, Wieckowski, Wiener

NO: Nielsen, Wilk

ABS, ABST OR NV: Bates, Borgeas, Dahle, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Limón, Melendez, Min, Ochoa Bogh, Skinner, Stern

UPDATED

VERSION: April 8, 2021

CONSULTANT: Jennifer Kim / BUDGET / (916) 319-2099

FN:

SUMMARY

Makes necessary statutory changes to implement the April 2021 early action budget package related to the return rights of hospitality workers impacted by the COVID-19 pandemic.

Major Provisions

1. Requires an employer 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;
2. Specifies that a laid off-employee is qualified for a position if the employee held the same or similar position at the time of the employee's most recent separation from active service with the employer;
3. 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 the preference, the employer must offer the position to the laid-off employee with the greatest length of service.
4. Provides that a laid-off employee who is offered a position shall have five business days to accept or decline the offer and authorizes the employer to make simultaneous, conditional offers of employment to laid-off employees, with a final offer conditioned on applying the priority system, as specified.
5. 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 identifying those hired in lieu of that recall, along with reasons for the decision.
6. 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 state of emergency.
 - b. The form of organization of the employer changed after the 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.
7. Specifies that no employer shall refuse to employ, terminate, reduce in compensation, or take any adverse action against any person for seeking to enforce their rights under these provisions, as specified, including an employee who mistakenly, but in good faith, alleges noncompliance.
8. Authorizes an employee or eligible employee to enforce their rights of recall and retention by filing a complaint with the Department of Industrial Relations Division of Labor Standards and Enforcement against the employer.
9. Provides that the remedies for violation of an employee's recall and retention rights may include any or all of the following:
 - a. Hiring and reinstatement rights, as specified.
 - b. Front pay or back pay for each day during which the violation continues, to be calculated as specified.
 - c. Value of the benefits the employee or eligible employee would have received under the employer or successor employer's benefit plan.
10. Specifies that no criminal penalties shall be imposed for violations.
11. Specifies a civil penalty of up \$100 per day for each employee whose rights under these provisions that were violated and an additional \$500 per employee for liquidated damages, with damages paid to the Labor and Workforce Development Fund;
12. Authorizes the Department of Industrial Relations to promulgate and enforce rules and regulations, and issue determinations and interpretations, consistent with and necessary for the implementation of the recall and retention provisions.
13. 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 these provisions.
14. 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. "Building service" means janitorial, building maintenance, or security services;
 - c. "Eligible employee" means any individual (i) whose primary place of employment is at an enterprise subject to a change in control, (ii) who is employed directly by the incumbent employer, or by an employer who has contracted with the incumbent

employer, and (iii) who has worked for the incumbent employer for at least one month prior to the execution of the transfer document. “Eligible employee” does not include a managerial, supervisory, or confidential employee;

- 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. “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;
- f. “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;
- g. “Laid-off employee” means any employee who was employed by the employer for 6 months or more in the 12 months preceding the state of emergency, and whose most recent separation was due to a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason;

15. 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;

16. 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;

17. Specifies that these provisions would remain in effect until December 31, 2024; and

18. Appropriates \$6 million from the Labor and Workforce Development Fund for enforcement activities.

COMMENTS

This budget trailer bill accompanies an April 2021 early action budget package that is intended to respond to immediate impacts of the COVID-19 pandemic.

The bill would be exclusively enforced by the Division of Labor Standards Enforcement, as opposed to through a private right of action or claim filed under the Private Attorneys General Act.

According to the Author

This bill provides important workplace protections to hospitality workers that have been impacted by layoffs due to the COVID-19 pandemic.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill includes a \$6 million appropriation from the Labor and Workforce Development Fund.

VOTES

SENATE FLOOR: 22-2-15

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Hertzberg, Laird, Leyva, McGuire, Newman, Pan, Portantino, Roth, Rubio, Umberg, Wieckowski, Wiener

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