



# 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE

PHIL TING, CHAIR

ROOM 4202  
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**GENERAL  
GOVERNMENT &  
PUBLIC SAFETY**



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**STAFF COMMENTS**

## ISSUE 1: HOUSING AND HOMELESSNESS

### Business, Consumer Services and Housing Agency Department of Housing and Community Development

#### ASSEMBLY

#### SENATE

- 
- Assembly Plan provides one-time General Fund investment of \$1.6 billion in 2018-19. The funding concentrates on Emergency Aid Block Grants for local governments.
  - Senate plan invests \$4 Billion (General Fund) over four years. For 2018-19, the Senate provides \$1 billion (General Fund) in various programs including Multi-Family Housing Program, Emergency Aid Block Grants, and Housing for Healthy California.

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**GOVERNOR:** The Governor's budget invests \$359 million (General Fund) in one-time funding. The majority funds are provided for the Emergency Aid Block Grants.

**STAFF COMMENTS**

# ISSUE 1: HOUSING AND HOMELESSNESS (CONT.)



## Major Actions on Housing and Homelessness

### General Fund Except Where Noted (In Millions)

Program	Senate			Assembly		
	2018-19	2019-20 Through 2021-22	Total	2018-19	2019-20 Through 2021-22	Total
Multifamily Housing Program	\$410.0	\$1,500.0	\$1,910.0	—	—	—
Housing for a Healthy California <sup>a</sup>	125.0	885.0	1,000.0	\$62.5	—	\$62.5
Emergency Homeless Aid Block Grants	328.2	121.2	449.4	1,500.0	—	1,500.0
State Low Income Housing Tax Credit	50.0	150.0	200.0	—	—	—
Domestic Violence Shelters and Services	50.0	150.0	200.0	10.0	—	10.0
CalWorks Housing Support	24.2	144.9	169.1	24.2	\$144.9	169.1
Calworks Homeless Assistance Program	8.1	45.9	54.0	25.9	144.9	170.8
California Emergency Solutions Grant Program <sup>a</sup>	62.5	—	62.5	62.5	—	62.5
Homeless Mental Illness Program	50.0	—	50.0	50.0	—	50.0
Home Safe	15.0	—	15.0	15.0	—	15.0
Homeless Coordinating Council Staff	1.0	3.0	4.0	0.5	1.5	2.0
Homeless Youth Program	1.0	—	1.0	1.0	—	1.0
<b>Totals, All Funds</b>	<b>\$1,125.0</b>	<b>\$3,000.0</b>	<b>\$4,115.0</b>	<b>\$1,751.6</b>	<b>\$291.3</b>	<b>\$2,043.0</b>
General Fund	\$1,000.0	\$3,000.0	\$4,000.0	\$1,626.6	\$291.3	\$1,918.0
SB 2 Funds	125.0	—	125.0	125.0	—	125.0

<sup>a</sup> Both the Senate and Assembly provide \$62.5 million from SB 2 funds for Housing for a Healthy California and California Emergency Solutions Grant Program in 2018-19.

**STAFF COMMENTS**

# ISSUE 1: HOUSING AND HOMELESSNESS (CONT.)



## Differences on Housing and Homelessness

### Total Funding Allocated (In Millions)

Issue	Senate	Assembly	Description
Emergency Homeless Aid Block Grants	\$328.2	\$1,500.0	Creates a new block grant program to provide local governments one-time funding for a variety of homeless services. In addition to funding amounts, the houses differ on certain aspects of program design, such as whether funds should be set aside for youth homelessness.
Multifamily Housing Program	410.0	—	The Multifamily Housing Program is the state's core program for providing funding for the construction and rehabilitation of low-income affordable housing.
Housing for a Healthy California	125.0	62.5	Housing for a Healthy California provides funding for construction and operation of supportive housing for those who are homeless. Both houses allocate \$62.5 million in revenues raised under SB 2 (Atkins, 2017) for Housing for a Healthy California. The Senate allocates an additional \$62.5 million from the General Fund for the program.
State Low Income Housing Tax Credit	50.0	—	The state Low Income Housing Tax Credit (LIHTC) funds low-income affordable housing by providing supplemental funding to projects that have already received a federal LIHTC. The Assembly adopted language to make changes to the state LIHTC that make it easier for some taxpayers to benefit from the credit. Franchise Tax Board estimates these changes cost \$6.5 million per year.
Domestic Violence Shelters and Services	50.0	10.0	Provides funding to local domestic violence service providers to pay for shelter and housing services.
CalWORKs Homeless Assistance Program	8.1	25.9	The Senate adopted the May Revision proposal to increase the Homeless Assistance payment for a family of four from \$65 to \$85 per day, for a cost of \$8.1 million. The Assembly includes an additional \$17.8 million to allow this assistance to be provided for up to 16 days across a year, as opposed to 16 consecutive days once per year.
No Place Like Home Trailer Bill Language	Approved Placeholder	No Action	The May Revision proposed trailer bill language that would ask the voters to approve the No Place Like Home program at the November 2018 election. This would speed up the implementation of this program.
Office of Migrant Services Trailer Bill Language	No Action	Approved With Change	The May Revision proposed trailer bill language to make various changes to requirements for state-funded farmworker housing. The Assembly adopted the May Revision language but removed a provision allowing farmworker housing to be operated by for-profit entities.

**STAFF COMMENTS**



**Major Actions on Tax Provisions**

*Total Change in General Fund Revenue in 2018-19 (Dollars in Millions)*

Issue	Senate	Assembly	Description
<b>Child Care Credit</b>	—	-\$26.00	The state Child and Dependent Care Expenses Credit is based on a percentage of out-of-pocket child care expenses for families earning less than \$100,000. The credit is not currently refundable. The Assembly adopted language to make the credit refundable.
<b>Renter's Credit</b>	-\$44.00	—	The Renter's Credit—\$60 for single filers, \$120 for joint filers—may be claimed by taxpayers who rent their principal residence. The Senate adopted language to increase the amount of the credit and to adjust the credit annually for inflation. (New credit would be \$178 for filers with one or more dependents.)
<b>California Hiring Credit</b>	-14.00	—	The Senate adopted language—based on the Governor's proposal—that would create a new credit for employers that hire individuals facing barriers to employment. The Assembly rejected the administration's proposal and adopted language to extend the existing credit for five years.
<b>Earned Income Tax Credit (EITC)</b>	-60.00	-104.00	The state EITC helps low-income working households. Both houses expanded the EITC to certain taxpayers who were previously ineligible due to their age and adjusted the credit to compensate for a rising minimum wage. The Assembly adopted language that would further expand the EITC to cover low-income working immigrant families, who are currently ineligible.
<b>COIN Program</b>	-1.20	—	The California Organized Investment Network (COIN), which allocates tax credits to investors in community development financial institutions, sunset on January 1, 2017. The Senate adopted language to reinstate COIN.
<b>Teacher Tax Deduction</b>	-0.10	—	Many teachers pay out-of-pocket costs for professional education induction programs. The Senate approved language that would allow teachers to claim a tax deduction for these costs.
<b>Tribal Income Exemption</b>	-1.10	—	Members of a federally recognized Native American tribe who reside on their tribe's land are exempt from state income tax on earnings from that specific tribe. However, they are not exempt from state income tax on income they earn within any other tribal lands in California. The Senate adopted language to exempt these earnings from state income tax.
<b>State Wildlife Area Payments In Lieu of Taxes</b>	—	—	When the state acquires private property for state controlled wildlife management areas, the state is not required to offset the loss of county property tax revenue. The Senate adopted language to make these offsets mandatory in such cases.

LEGISLATIVE ANALYST'S OFFICE

**STAFF COMMENTS**

## ISSUE 3: CANNABIS

### Various Departments

#### ASSEMBLY

#### SENATE

- 
- **Assembly Additions for Local Law Enforcement.** The Assembly approved \$25 million from a General Fund loan to be repaid from the Cannabis Tax Fund to fund a grant program for local law enforcement administered by the Board of State and Community Corrections.
  - Funds the Department of Justice's proposal related to cannabis-related enforcement from the General Fund.
- **Senate Additions for Equity Program.** The Senate added \$483,000 from the Cannabis Control Fund and four positions for the Bureau of Cannabis Control to provide technical assistance to equity applicants (those disproportionately harmed by past drug policies). The Senate also added \$10 million from the General Fund for the Governor's Office of Business and Economic Development (GO-Biz) to provide low cost loans and grants for equity applicants.
  - Funds the Department of Justice's proposal related to cannabis-related enforcement from the General Fund.

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**GOVERNOR:** The Governor's May Revision included an additional \$133 million in 2018-19 for various activities related to cannabis across 14 departments. Both houses adopted the Governor's proposed funding amounts.

Funds the Department of Justice's proposal related to cannabis-related enforcement from the Cannabis Tax Fund.

**STAFF COMMENTS**

## ISSUE 3: CANNABIS (CONT.)

### Various Departments

#### Additional Cannabis-Related Funding Proposed in 2018-19 (In Millions)

Entity	Governor	Assembly	Senate
Bureau of Cannabis Control	43.9	43.9	44.4
Food and Agriculture	28.3	28.3	28.3
Justice	14.0	14.0	14.0
General Services	13.0	13.0	13.0
Public Health	10.6	10.6	10.6
GO-Biz	10.0	10.0	20.0
Employment Development	3.7	3.7	3.7
Highway Patrol	3.0	3.0	3.0
Tax and Fee Administration	2.3	2.3	2.3
University of California	2.0	2.0	2.0
Cannabis Control Appeals Panel	1.4	1.4	1.4
Secretary of State	0.4	0.4	0.4
Department of Finance	0.4	0.4	0.4
Franchise Tax Board	0.2	0.2	0.2
State and Community Corrections	-	25.0	-
<b>Total</b>	<b>133.3</b>	<b>158.3</b>	<b>143.7</b>

**STAFF COMMENTS**

## ISSUE 4: YOUTH REINVESTMENT FUND, ADULT REENTRY AND DIVERSION

### Various Departments

#### ASSEMBLY

#### SENATE

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- The Assembly approved \$100 million (GF) to establish the Youth Reinvestment Fund and trailer bill language to specify the use of the funds.
    - \$75 million to divert at-risk youth away from incarceration for minor offenses like truancy and petty theft and into counseling, education programs, and mental health services.
    - \$15 million to provide social workers in Public Defender offices for juvenile cases.
    - \$10 million to support specialized diversion programs of Native American youth.
  - The Assembly approved \$50 million (GF) to establish a Reentry Fund and trailer bill language to specify the use of funds.
    - \$50 million to community based organizations for reentry housing.
- The Senate approved \$100 million (GF) for a youth and adult reentry and diversion package that includes:
    - \$50 million to community based organizations for reentry housing efforts.
    - \$35 million for diversion and reentry efforts, including but not limited to, adequate legal representation for parolees and education
    - \$15 million to provide social workers in Public Defender offices for juvenile cases.
    - Trailer bill language that improves reentry outcomes and diverts low level offenders from jail and prison, including but not limited to, record sealing of crimes committed between the ages of 14-17 where the minor was charged as an adult and establishing an earned compliance credit program for state parolees.

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**GOVERNOR:** No proposal.

**STAFF COMMENTS**

## ISSUE 4: YOUTH REINVESTMENT FUND, ADULT REENTRY AND DIVERSION (CONT.)



### One-Time Funding for Diversion and Reentry Programs

#### *General Fund (In Millions)*

Program	Senate	Assembly
General diversion and reentry programs	\$35	—
Targeted diversion programs for at-risk youth	—	\$75
Targeted diversion programs for Native American youth	—	10
Reentry programs that provide housing services	50	50
Social workers for youth in public defender's offices	15	15
<b>Totals</b>	<b>\$100</b>	<b>\$150</b>

- Diversion programs generally provide treatment to individuals in lieu of punishment (such as jail). Reentry programs provide services to individuals who are approaching release or have recently been released from jail or prison in order to help them transition to the community.
- Both houses approved one-time funding for diversion and reentry programs. Specifically, the Senate provides \$100 million to the Governor's Office of Emergency Services and the Assembly provides \$150 million to the Board of State and Community Corrections (BSCC). Houses also differ in how funds are allocated among different programs, including the targeting of funds to specific populations.
- Both houses approved placeholder trailer bill language related to reentry and diversion. The Senate also approved trailer bill language regarding the sealing of records of certain offenders.

**STAFF COMMENTS**



## **One-Time Funding for Diversion and Reentry Programs**

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### **LAO Comments**

- The Legislature will want to consider the extent to which funding for diversion and reentry programs should be targeted to specific populations or specific types of services, as well as which state entity should administer the programs. We note that BSCC has administered grants for diversion and reentry programs in the past.
- At this time, it is unclear how the proposed funding for the different programs would be allocated. The Legislature will want to consider whether funds should be allocated on a competitive basis, as well as the specific criteria that should be considered in allocating the funds.
- While some specific types of diversion and reentry programs and services have been shown to be effective, many of them have not been evaluated. Accordingly, the Legislature could consider requiring that programs that receive funds be evaluated. This would help determine whether the programs are effective and help guide funding decisions for diversion and reentry programs.

**STAFF COMMENTS**

## ISSUE 5: DISCRETIONARY FUNDING AND COURT REPORTERS IN FAMILY COURT

### Judicial Branch

#### ASSEMBLY

#### SENATE

- 
- The Assembly approved \$47.9 million for underfunded trial courts. The Assembly also approved \$75 million (GF) and adopted budget bill and trailer bill language to reflect the following breakdown:
    - \$15 million for court reporters in family court.
    - \$30 million to trial courts via the Workload Allocation Funding Methodology (WAFM) that was modified and approved by the Judicial Council on January 12, 2018.
    - \$30 million to the Judicial Council for discretionary purposes.
  - The Senate approved \$47.9 million for underfunded trial courts. The Senate also approved \$75 million (GF) and adopted budgeted bill language to reflect the following:
    - Distribute the funding to trial courts via the Workload Allocation Funding Methodology (WAFM) that was modified and approved by the Judicial Council on January 12, 2018.
    - Direct the Legislative Analyst's Office and the Department of Finance to reevaluate WAFM with technical assistance from the Judicial Branch and provide recommendations for any changes by November 1, 2019.
  - The Senate approved the following for court reporters in family court and adopted trailer bill language:
    - A budget of \$10 million (GF) in 2018-19, growing to \$20 million (GF) in 2019-20, growing to 30 million (GF) in 2020-21, and ongoing.

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**GOVERNOR:** The Governor provided \$47.9 million for underfunded trial courts and \$75 million (GF) in ongoing discretionary funding to the Judicial Council.

**STAFF COMMENTS**



## **Background on Workload Allocation Funding Methodology (WAFM)**

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- WAFM Developed in 2013 to Allocate Trial Court Funding.*** In April 2013, the Judicial Council approved a methodology—known as WAFM—to (1) identify trial court funding needs and (2) distribute funding to trial courts. WAFM, which distributes funding based on workload, is intended to replace the historic approach, which distributed funds based on each court's share of the statewide budget for the trial courts.
  
- Allocation of Funding Under WAFM.*** Under WAFM, new general purpose funding provided for trial court operations is first allocated to the 15 smallest courts to fully fund their WAFM-identified costs. Up to 50 percent of any remaining new funds is allocated to courts with below average funding levels. The remaining amount is then allocated to all trial courts based on workload. We note that this allocation process reflects changes to WAFM that were adopted by the Judicial Council in January 2018. (Previously, WAFM redistributed funding among trial courts.)

**STAFF COMMENTS**

## ISSUE 5: DISCRETIONARY FUNDING AND COURT REPORTERS IN FAMILY COURT (CONT.)



### Major General Fund Proposals for Trial Court Operations

**2018-19 (In Millions)**

	Governor	Senate	Assembly	LAO Compromise
Equalization of trial court funding levels	\$47.8	\$47.8	\$47.8	\$47.8
Discretionary funding for Judicial Council priorities	75.0	—	30.0	—
Funding allocated based on WAFM	—	75.0	30.0	60.0
Court reporters in family law proceedings	—	10.0 <sup>a</sup>	15.0	15.0
<b>Totals</b>	<b>\$122.8</b>	<b>\$132.8</b>	<b>\$122.8</b>	<b>\$122.8</b>

<sup>a</sup> Provides \$10 million in 2018-19, \$20 million in 2019-20, and \$30 million in 2020-21 and ongoing.  
WAFM = Workload Allocation Funding Methodology.

- Senate approved trailer bill language generally requiring court reporters in family law proceedings and specifying what types of cases have priority if insufficient funds are provided to the judicial branch.
- Senate also approved budget bill language requiring the Legislative Analyst’s Office and the Department of Finance to evaluate WAFM.

**STAFF COMMENTS**

## ISSUE 5: DISCRETIONARY FUNDING AND COURT REPORTERS IN FAMILY COURT (CONT.)



### LAO Compromise

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- Provides \$122.8 million in total ongoing funding—the same level proposed by the Assembly and Governor.
- Specifies funding for legislative priorities, rather than giving Judicial Council complete discretion.
- Includes Senate's budget bill and trailer bill language, which would increase legislative oversight over trial court funding. For example, the required evaluation would help the Legislature determine whether WAFM accurately identifies trial court funding needs.

**STAFF COMMENTS**

## ISSUE 6: TRIAL COURT CONSTRUCTION PROJECTS (CAPITAL OUTLAY)

### Judicial Branch

#### ASSEMBLY

#### SENATE

- 
- The Assembly approved \$1.3 billion in lease revenue bonds backed by the GF for trial court construction projects and adopted budget bill and trailer bill language that includes the following:
    - Reject the identified ten trial court construction projects.
    - Requires Judicial Council to review the immediate, critical, and high priority trial court construction projects with additional criteria.
    - Authorizes the Legislature to make the final selection of courthouse projects.
  - The Senate approved the proposal and adopted trailer bill language that includes the following:
    - Requires Judicial Council to submit long-term fund condition statements every time a capital outlay proposal is submitted.
    - Requires an updated assessment of trial court facility needs to determine future trial court construction projects.
- 

**GOVERNOR:** The Governor provided \$1.3 billion in lease revenue bonds backed by the General Fund to complete the construction of ten courthouse projects: Imperial, Riverside/Indio, Shasta, Siskiyou, and Tuolumne to begin in 2018-19 and Glenn, Riverside/Mid-County, Sacramento, Sonoma, and Stanislaus to begin in 2019-20.

**STAFF COMMENTS**



## **Current Status of Trial Court Construction Program**

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- Continued Decline in Fine and Fee Revenue for Court Construction**
  - The major sources of revenue that support the state's trial court construction is civil and criminal fines and fees.
  - The amount of such revenue has declined over the past ten years and is expected to decline in the future.
  
- Insufficient Revenue to Pay Existing Debt Service for Completed Projects**
  - Absent any changes in revenues or existing ongoing expenditures from the state's construction accounts, there is likely to be insufficient revenue to pay existing debt service for the 26 court projects that have been completed to date.
  - Accordingly, additional General Fund resources—potentially ranging from \$90 million to \$140 million annually for about 15 years—will likely be needed to pay this debt service.
  
- No Long-Term Plan for Funding 139 Remaining Planned Projects**
  - The judicial branch originally planned on completing 27 additional projects. Due to a lack of revenue, 11 of these projects were never initiated and 16 projects have been put on hold. In addition, there are 112 other projects that were identified by the Judicial Council as of 2008 but were never initiated.
  - Currently, it is unclear how future projects will be funded.

**STAFF COMMENTS**

## ISSUE 6: TRIAL COURT CONSTRUCTION PROJECTS (CAPITAL OUTLAY) (CONT.)



### Remaining 139 Trial Court Projects by Priority Need

County	Immediate	Critical	High	Medium	Low	Total
Alameda			1		1	2
Colusa					1	1
Contra Costa	1					1
Del Norte			1			1
El Dorado		1				1
Fresno	3			2		5
Glenn		1				1
Humboldt			1	3		4
Imperial	1	1				2
Inyo		2				2
Kern	2	2	2			6
Lake	1	1				2
Los Angeles	3	2	7	12	4	28
Marin				1		1
Mariposa			1			1
Mendocino		1				1
Merced				1		1
Modoc			1			1
Mono			1			1
Monterey	1		1		1	3
Napa				1		1
Nevada		1	1			2
Orange				1	1	2
Placer	1			1	1	3
Plumas		1				1
Riverside	3	3	2	2	2	12
Sacramento	1	1			2	4
San Bernardino	1	1	2	1		5
San Diego		2	2	1	1	6
San Francisco			1		2	3
San Joaquin	1					1
San Luis Obispo		1	1			2
San Mateo				2	1	3

**STAFF COMMENTS**

## ISSUE 6: TRIAL COURT CONSTRUCTION PROJECTS (CAPITAL OUTLAY) (CONT.)



### Remaining 139 Trial Court Projects by Priority Need *(Continued)*

County	Immediate	Critical	High	Medium	Low	Total
Santa Barbara	1	2	1	1		5
Santa Clara		1	1	1		3
Santa Cruz			1			1
Shasta	1					1
Sierra		1				1
Siskiyou				1		1
Solano		2	1			3
Sonoma	2	1				3
Stanislaus	1	1	2			4
Trinity				1		1
Tulare	1				1	2
Tuolumne		1				1
Ventura	1			1		2
Yuba			1			1
Totals	26	30	32	33	18	139

**STAFF COMMENTS**

## ISSUE 6: TRIAL COURT CONSTRUCTION PROJECTS (CAPITAL OUTLAY) (CONT.)



### Governor's Proposal

*(In Millions)*

Courthouse Project	Amount Spent to Date on Pre-Construction Activities	Construction Cost
Glenn—Renovation and Addition to Willows Courthouse	\$6.0	\$38.3
Imperial—New El Centro Courthouse	6.0	41.9
Riverside—New Indio Juvenile and Family Courthouse	7.2	45.3
Riverside—New Mid-County Civil Courthouse	4.1	75.8
Sacramento—New Sacramento County Courthouse	23.3	459.8
Shasta—New Redding Courthouse	15.4	138.8
Siskiyou—New Yreka Courthouse	8.3	59.2
Sonoma—New Santa Rosa Criminal Courthouse	10.8	160.7
Stanislaus—New Modesto Courthouse	16.2	237.2
Tuolumne—New Sonora Courthouse	5.6	57.7
<b>Totals</b>	<b>\$103.0</b>	<b>\$1,314.8</b>



***\$1.3 Billion in Lease Revenue Bonds Backed by General Fund.*** The administration proposes selling \$1.3 billion in lease revenue bonds backed by the General Fund instead of the trial court construction funds to finance the construction of ten specific projects. The annual debt service on these bonds is estimated to total about \$102 million annually for nearly 25 years for a cumulative total of \$2.4 billion.



***\$32.2 Million From Construction Accounts.*** The administration proposes \$32.2 million from the trial court construction accounts for three projects to complete pre-construction design activities so that they can move into construction in 2019-20.

**STAFF COMMENTS**



## Senate and Assembly Plans

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- Both Houses Approved Governor's Funding Level.*** Both houses approved \$1.3 billion in lease revenue bonds backed by the General Fund and \$32.2 million from the trial court construction account for pre-construction design activities, as proposed by the Governor.
  
- Senate Funds Specific Projects, Assembly Requires Reassessment Prior to Funding Specific Projects.*** The Senate approved the ten projects identified by the administration. However, the Assembly provides funding for unspecified projects which the Legislature would select after a reassessment of immediate, critical, and high-need projects, based on more evaluation criteria than previously used by the Judicial Council.
  
- Senate Plan Requires Broader Assessment and Fund Condition Statements.*** The Senate also adopted trailer bill language that requires Judicial Council to submit a reassessment of *all* trial court facility needs (immediate, critical, high, medium, and low need) in the future. The Senate Plan also requires the submission of a long-term fund condition statement every time a capital outlay proposal is submitted to the Legislature.

**STAFF COMMENTS**



## **LAO Compromise**

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- Approve the overall funding level of \$1.3 billion in lease revenue bonds that both houses adopted.
- Approve Assembly's approach to require a reassessment of the immediate, critical, and high-need projects before the Legislature allocates funds to specific projects, in order to ensure that high priority projects are funded.
- Approve Senate's trailer bill language related to requiring long-term fund condition statements, as this would help ensure sufficient funds are available before new projects are approved.
- Modify Senate's trailer bill language to require a reassessment of only the medium and low need projects in the future, given our above recommendation to adopt the Assembly's reassessment of the immediate, critical, and high-need projects.