



Legislative Bulletin

DRAFT

A Publication of the County Executive Office/Legislative Affairs

March 8, 2022
Item No. 35

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on December 10, 2019, staff recommendations for formal County positions on legislation will be agendaized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2021-2022 Legislative Platform was adopted by the Board of Supervisors on December 5, 2020.

On March 8, 2022, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

1. **SUPPORT – AB 1598 (Davies): Controlled substances: paraphernalia: fentanyl testing**
2. **SUPPORT – AB 1628 (Ramos): Online platforms: electronic content management: controlled substances**
3. **SUPPORT – AB 1673 (Seyarto & Petrie-Norris): California Fentanyl Abuse Task Force**
4. **Receive and File Legislative Bulletin**

INFORMATIONAL ITEMS

1. **County Position Matrix: CEO-LA**
2. **Sacramento Legislative Report**
3. **Washington DC Legislative Report**

RECOMMENDED ACTIONS

1. SUPPORT – AB 1598 (Davies): Controlled substances: paraphernalia: fentanyl testing

CEO/Office of Legislative Affairs **Bill Analysis**



BILL NUMBER:	Assembly Bill (AB) 1598	INTRODUCED/AMENDED DATE:	<u>Introduced:</u> January 3, 2022
AUTHOR:	<u>Author(s):</u> Assembly Member Davies (R-Laguna Niguel) <u>Co-Author(s):</u> Assembly Member Ward (D-San Diego)		
SUBJECT:	Controlled substances: paraphernalia: fentanyl testing		
BILL SPONSOR:			
STATUS:	Assembly Public Safety Committee		
REQUESTING DEPARTMENT/AGENCY:	CEO Legislative Affairs		
DEPARTMENT/AGENCY RECOMMENDED POSITION:	SUPPORT		
CEO RECOMMENDED POSITION:	SUPPORT		

<u>Current Law and Background:</u>	Under the California Uniform Controlled Substances Act, fentanyl is classified as a Schedule II drug. Existing law prohibits the possession or purchase of fentanyl for sale, as well as the manufacture, sale, and possession, as specified, of drug paraphernalia. Existing law specifies that the definition of "drug paraphernalia" includes, among others, testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances; kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances; and scales and balances designed for use or
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	marketed for use in weighing or measuring controlled substances.
<u>Proposed Law:</u>	AB 1598 would exclude from the definition of “drug paraphernalia” any testing equipment that is designed to be used to analyze a substance for the presence of fentanyl or any analog of fentanyl.
<u>Prior Legislative Votes:</u>	N/A
<u>Vote Threshold:</u>	Majority
<u>State Mandated Local Program:</u>	No
<u>Fiscal Committee:</u>	No
<u>Support and Opposition:</u>	<u>Support:</u> <ul style="list-style-type: none"> • None on File <u>Opposition:</u> <ul style="list-style-type: none"> • None on File
<u>Impact on Orange County:</u>	<p>Fentanyl is officially the deadliest drug in America, according to a recent study by the Center for Disease Control (CDC). This Schedule II controlled substance has been found pressed into counterfeit pills, and/or disguised as other synthetic opioids or drugs, then sold on the street to users who are unaware that fentanyl is a key ingredient. Users who unknowingly ingest these substances believing they are taking a less powerful drug are much more susceptible to overdose or even death. Additionally, adults or children, who may be inadvertently exposed to fentanyl by breathing in airborne particles or simply touching it, could suffer an overdose and possibly death.</p> <p>According to the author’s office, currently 32 states, including California, have drug paraphernalia laws that include testing equipment related to controlled substances. States such as Colorado, Virginia and Maryland have amended their paraphernalia their laws to specifically exclude fentanyl test strips. Additionally, a 2019 study conducted by RTI International found that 43% of drug users reconsidered their drug use after finding amounts of fentanyl in their products using fentanyl test strips, which are disposable, single-use tests that can detect the presence of fentanyl or fentanyl analogs in a substance.</p> <p>The Orange County Sheriff’s Department is supportive of this legislation and notes that the potency of fentanyl and the potential for it to be masked as other substances has contributed to the ongoing increases in fentanyl-related deaths.</p>

<i>Mandates:</i>	This bill does not create a state-mandated local program.	
<i>Operations:</i>	N/A	
<i>Costs:</i>	No identified costs.	
<i>Revenues:</i>	No impact on revenue.	
<u>Impact on Department Area of Responsibility:</u>	By permitting the legal purchasing of fentanyl testing equipment, such as fentanyl test strips, this legislation would promote public health by enabling chemical analysis of drugs by purchasers to determine if they contain any substances or chemicals, including fentanyl or fentanyl analogs, to prevent the mistaken ingestion of fentanyl.	
<u>Policy Platform References:</u>	<u>Opioid Epidemic</u> : "Support efforts to address the illicit use of opioids and hold accountable those who illegally sell and distribute them." (p. 16)	

2. SUPPORT – AB 1628 (Ramos): Online platforms: electronic content management: controlled substances

CEO/Office of Legislative Affairs
Bill Analysis



BILL NUMBER:	Assembly Bill (AB) 1628	INTRODUCED/AMENDED DATE:	<u>Introduced:</u> January 11, 2022
AUTHOR:	<u>Author(s)</u> : Assembly Member Ramos (D-Highland) <u>Principal Co-Author(s)</u> : Senator Ochoa Bogh (R-Yucaipa)		
SUBJECT:	Online platforms: electronic content management: controlled substances		
BILL SPONSOR:			
STATUS:	Assembly Privacy and Consumer Protection Committee		
REQUESTING DEPARTMENT/AGENCY:	CEO Legislative Affairs		

DEPARTMENT/AGENCY RECOMMENDED POSITION:	SUPPORT
CEO RECOMMENDED POSITION:	SUPPORT

<u>Current Law and Background:</u>	<p>Under existing law, an operator of a commercial internet website or online service that collects personally identifiable information about individual consumers residing in California who use or visit its commercial website or online service is required to conspicuously post its privacy policy on its internet website.</p> <p>Existing law also limits advertising by an operator of an internet website, online service, online application, or mobile application directed to minors.</p>
<u>Proposed Law:</u>	<p>AB 1628 would require online platforms operating in California to create and publicly post a policy statement in a manner that is conspicuous to all its users. The policy statement must include:</p> <ul style="list-style-type: none"> • An explicit prohibition on the use of the online platform to illegally distribute a controlled substance; • A description of the online platform's moderation practices that are employed to prevent users from posting or sharing electronic content pertaining to the illegal distribution of a controlled substance; and • Guidance to mental health resources for users. <p>The bill would also require persons or entities operating an online platform in the State to partner with nonprofits, safety partners, and people in recovery from addiction to assist in developing and supporting the policy statement and submit the policy to the Attorney General.</p>
<u>Prior Legislative Votes:</u>	N/A
<u>Vote Threshold:</u>	Majority
<u>State Mandated Local Program:</u>	No
<u>Fiscal Committee:</u>	No
<u>Support and Opposition:</u>	<p><u>Support:</u></p> <ul style="list-style-type: none"> • None on File <p><u>Opposition:</u></p> <ul style="list-style-type: none"> • None on File
<u>Impact on Orange County:</u>	According to the US Drug Enforcement Agency's 2020 National Drug Threat Assessment, illicit fentanyl is one of the primary drugs fueling the epidemic of overdose deaths

		<p>in the United States. According to the author's office, the powerful and cheaply produced synthetic opioid has become both a larger share of the opioid market, competing directly with heroin, and a popular adulterant for other more costly drugs. While social media companies have introduced new policies to address drug distribution through their platforms, this practice is not overseen by the state's regulatory bodies.</p> <p>In Orange County, fentanyl-related deaths have increased nearly 1100% from 37 in 2016 to 432 in 2020. In 2021, there were 512 fentanyl-related deaths in the County with 402 cases pending toxicology. The Orange County Sheriff's Department is supportive of this bill as a tool for addressing the prevalence of illicit fentanyl sales. As social media platforms have served as an opportunity for the drug cartels to have easy access to new customers, mainly our youth, AB 1628 would be an initial step toward compelling social media companies to better regulate the activity on their sites.</p>
<i>Mandates:</i>	N/A	
<i>Operations:</i>	None.	
<i>Costs:</i>	N/A	
<i>Revenues:</i>	N/A	
<u>Impact on Department Area of Responsibility:</u>		This legislation would require social media platforms to submit policies preventing illegal activity to the Attorney General's office.
<u>Policy Platform References:</u>		<p><u>Opioid Epidemic:</u> "Support efforts to address the illicit use of opioids and hold accountable those who illegally sell and distribute them." (p. 16)</p> <p><u>Substance Use Disorder and Mental Health Services:</u> "Support efforts to increase accessibility and funding for quality substance abuse and/or mental health services for children, adults, families, and incarcerated individuals." (p. 19)</p>

3. SUPPORT – AB 1673 (Seyarto & Petrie-Norris): California Fentanyl Abuse Task Force

CEO/Office of Legislative Affairs
Bill Analysis



BILL NUMBER:	Assembly Bill (AB) 1673	INTRODUCED/AMENDED DATE:	<u>Introduced:</u> January 20, 2022
AUTHOR:	<u>Author(s):</u> Assembly Members Seyarto (R-Murrieta) and Petrie-Norris (D-Laguna Beach) <u>Principal Co-Author(s):</u> Assembly Members Choi (R-Irvine) and Flora (R-Ripon)		
SUBJECT:	California Fentanyl Abuse Task Force		
BILL SPONSOR:			
STATUS:	Assembly Health Committee		
REQUESTING DEPARTMENT/AGENCY:	CEO Legislative Affairs		
DEPARTMENT/AGENCY RECOMMENDED POSITION:	SUPPORT		
CEO RECOMMENDED POSITION:	SUPPORT		

<u>Current Law and Background:</u>	<p>Under the California Uniform Controlled Substances Act, fentanyl is classified as a Schedule II drug. Existing law prohibits the possession or purchase of fentanyl for sale and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation. Existing law establishes the Department of Justice under the direction and control of the Attorney General and authorizes the Attorney General, in conformity with the State Civil Service Act, to employ agents and other employees that are necessary for the conduct of the affairs of the Department of Justice in carrying out its responsibilities specified in the act.</p> <p><u>Prior Legislation:</u> 2020: SB 1395 (Bates)- No action by Senate Public Safety.</p>
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<u>Proposed Law:</u>	This bill would establish the Anti-Fentanyl Abuse Task Force, which shall be chaired by a designee of the Attorney General. Specified duties to be conducted by the Anti-Fentanyl Abuse Task Force include, among others, collecting and organizing data on the nature and extent of fentanyl abuse in California, evaluating approaches to increase public awareness of fentanyl abuse, and analyzing existing state criminal statutes for their adequacy in addressing fentanyl abuse. The bill would require task force members, as specified, to meet no later than March 1, 2023, and report findings and recommendations to the Attorney General, the Governor, and the Legislature by July 1, 2024. The bill's provisions would be repealed on January 1, 2025.
<u>Prior Legislative Votes:</u>	N/A
<u>Vote Threshold:</u>	Majority
<u>State Mandated Local Program:</u>	No
<u>Fiscal Committee:</u>	Yes
<u>Support and Opposition:</u>	<u>Support:</u> <ul style="list-style-type: none"> • None on File <u>Opposition:</u> <ul style="list-style-type: none"> • None on File
<u>Impact on Orange County:</u>	<p>State trends show fentanyl's proliferation, as the California Department of Public Health reported that statewide fentanyl deaths increased 1441% from 104 in 2014 to 1,603 in 2019.</p> <p>According to the author's office, California experienced close to 4,000 deaths related to fentanyl overdose in 2020 and fentanyl overdose became recognized as the leading cause of death of Americans aged 18 to 45 in 2021.</p> <p>AB 1673 would improve coordination between state and local agencies, as well as current approaches to responding to the opioid epidemic. The Orange County Sheriff's Department is supportive of this measure.</p>
<i>Mandates:</i>	This bill does not create a state-mandated local program.
<i>Operations:</i>	No direct impact on operations.
<i>Costs:</i>	Any potential costs associated with efforts to support Task Force activities would be minor and absorbable.
<i>Revenues:</i>	No impact on revenue.

<p><u>Impact on Department Area of Responsibility:</u></p>	<p>This legislation would help strengthen state and local efforts to prevent fentanyl abuse, protect and assist victims of fentanyl abuse, and prosecute individuals involved in the illegal sale and trafficking of fentanyl.</p>
<p><u>Policy Platform References:</u></p>	<p><u>Opioid Epidemic</u>: “Support efforts to address the illicit use of opioids and hold accountable those who illegally sell and distribute them.” (p. 16)</p>

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list the active bills the Board of Supervisors has taken positions on in the 2021-22 legislative session.

State Legislation


As of Thursday, March 3, 2022

Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>AB 988</u>	<u>Bauer-Kahan</u>	Mental Health: 988 Crisis Hotline	Support	8.24.21	Senate Energy, Utilities and Communications Committee – 2 Year Bill
<u>AB 989</u>	<u>Gabriel</u>	Housing Accountability Act: Appeals	Oppose	9.2.21	Senate Floor – Inactive
<u>AB 1051</u>	<u>Bennett</u>	Medi-Cal: Specialty Mental Health: Foster Youth	Support	7.13.21	Senate Floor – Inactive
<u>AB 1595</u>	<u>Quirk-Silva</u>	Veterans Cemetery: County of Orange	Sponsor	1.11.22	Assembly Military and Veterans Affairs
<u>SB 12</u>	<u>McGuire</u>	Local Government: Planning and Zoning: Wildfires	Oppose	7.13.21	Assembly Housing and Community Development – Failed Passage
<u>SB 43</u>	Umberg	Veterans Cemetery: County of Orange	Oppose Unless Amended	7.5.21	Assembly Military and Veterans Affairs – 2 Year Bill
<u>SB 454</u>	<u>Bates</u>	Child Support: Enforcement	Sponsor	3.9.21	Assembly Appropriations – Failed Passage
<u>SB 1342</u>	<u>Bates</u>	Aging Multidisciplinary Personnel Teams	Sponsor	1.11.22	Senate Rules

Federal Legislation

As of Thursday, March 3, 2022

Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>HR 1368</u>	Porter	Mental Health Justice Act of 2021	Support	7.13.21.	House Subcommittee on Crime, Terrorism and Homeland Security
<u>HR 2367</u>	Levin	The Studying Outcomes and Benchmarks for Effective Recovery (SOBER) Homes Act	Support	5.11.21	House Committee on Energy and Commerce – Subcommittee on Health
<u>S. 339</u>	Portman/ Manchin	Federal Initiative to Guarantee Health by Targeting (FIGHT) Fentanyl Act	Support	3.23.21	Senate Committee on Judiciary

 Highlighted sections symbolize a status change

2. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

Sexually Violent Predators

This year, there are a number of legislative proposals aimed at addressing the placement of sexually violent predators (SVP) back into the community. Some are aimed at prohibiting placement near daycare facilities and bus stops, while others are more focused on prohibiting placements across county boundaries.

Current law classifies an SVP as a person convicted of a sexually violent offense and has been diagnosed with a mental disorder making the person a danger to the health and safety of others with a high likelihood of reoffending in a sexually violent manner. Upon completing their sentence, an SVP can petition to be recommended for the Forensic Conditional Release Program (CONREP), a step-down program between in-patient commitment and unconditional release, intended to facilitate a safe transition back to the community. If the court approves an SVP's participation in CONREP, the Department of State Hospitals (DSH) is responsible for notifying the county where the SVP resided prior to incarceration, coordinating their placement into the community, and overseeing continued treatment.

Finding placement for an SVP has become increasingly difficult, with some county boards voting to oppose any further placements of SVPs within their county boundaries. While CONREP is tasked with upholding public safety by following relevant placement guidelines in law, such as Jessica's Law prohibiting registered sex offenders from living within 2,000 feet from a school or park, only the minimum standards are considered. Future efforts to release SVPs into the community will continue to face public opposition unless current law is reformed.

Last year, Assemblymember Jim Cooper (D-Elk Grove) introduced [AB 821](#) which would have clarified the definition of "extraordinary circumstances" related to the placement of an SVP in a county different from their original place of residence. Additionally, the bill would have required a 90-day notice (instead of the current 30-day notice) to the new county prior to a placement different from their original domicile. AB 821 was not heard in the Assembly Public Safety committee and failed to move forward in last year's legislative cycle.

Below is a list of current legislative proposals aimed at addressing the placement of SVPs.

[AB 1641 \(Maienschein\)](#) would prohibit any SVP released from CONREP, regardless of the underlying offense, from being placed within 1/4 mile of a school, daycare, park, or community center that hosts youth activities, while requiring local law enforcement agencies to be consulted prior to the selection of a placement. Additionally, AB 1641 would change the minimum term of CONREP from one year to at least one year, granting the court further flexibility, and require all SVPs to be monitored by GPS while participating in a CONREP.

[AB 1835 \(Lackey\)](#) would require the SVP placement process to consider locations with access to reentry services, public transportation, and health and mental health services, unless placement within that location would pose a risk to the victim or victim's next of kin.

[SB 841 \(Jones\)](#) would establish the Sexually Violent Predator Accountability, Fairness, and Enforcement Act (SAFE Act) overseeing the placement of SVPs upon their release. The SAFE Act would make public safety the highest criteria of any potential placement, require DSH to approve placements before a contracted vendor could sign any leases for placement locations, and establish a limit on placements of SVPs within a county to no more than 40% in any one supervisorial district.

Additionally, this bill would mandate the director of DSH to publicly report annually the number of SVPs in each county broken down by supervisorial district, and require DSH, the Department of Corrections and Rehabilitation, and the Department of Forestry and Fire Protection (CAL FIRE) to assess all land under their control and report to the governor and Legislature any inventory of facilities that could be used to house SVPs, as previous administrations have done. SB 841 has an urgency clause dictating that if it is signed by the governor, it would take effect immediately.

SB 1333 (Bates) would require full disclosure whenever a county attempts to place an SVP into another county, require the DSH to provide a 60-day notice before placing an SVP in another county, and allow a county to seek an appellate court's review if they are ordered to find a placement for an SVP that comes from another county. Additionally, this bill would prohibit an SVP from being placed near any preschool or daycare licensed by the state, as well as school bus stops or facilities that provide congregate care to foster youth or dependent adults; require DSH to review a county's inventory of available property before placing an SVP in their jurisdiction; and require an SVP's treatment or performance in a CONREP to be shared with local authorities if they are facing revocation.

LAO Reports: Medi-Cal Budget Proposals

In February, the Legislative Analyst's Office (LAO) released their analysis on the governor's [Medi-Cal](#) 2022-23 budget proposals. Below is a summary of the LAO's comments and recommendations.

Medi-Cal Caseload: Prior to the pandemic, Medi-Cal covered approximately 12.5 million Californians, growing to about 14.2 million between March 2020 and October 2021. The governor's budget proposal assumes continued growth to a peak of 15.1 million June 2023.

LAO Comments: The administration's growth estimates are likely overstated. Assuming the Public Health Emergency (PHE) is extended to July 2022, the LAO estimates that Medi-Cal costs would be about \$300 million lower than projected across 2021-22 and 2022-23.

Managed Care Organization (MCO) Tax: The governor's budget does not include reauthorization of the MCO tax as the reprocurement of Medi-Cal managed care plans complicates the renewal under the existing structure. This will increase General Fund costs for Medi-Cal by about \$1.6 billion annually.

LAO Comments: Although the reprocurement could complicate renewal of the MCO tax, the LAO states that the complication is temporary and can be overcome. The existing model could be extended for one year, a modified model could be reauthorized, or the existing model could be allowed to lapse and then renewed after managed care reprocurement is completed.

Proposition 56 Supplemental Provider Payments: The budget proposal backfills \$176 million in Medi-Cal supplemental payments normally covered by Prop 56 revenues. Prop 56 revenues have declined as a result of a decline in tobacco purchases. Supplemental payments are directed to a number of providers including women's health services, dental and physician services, and developmental and trauma screenings among others.

LAO Comments: The steep decline in Prop 56 payments is contingent on a policy change banning the sale of flavored tobacco products. The policy established through SB 793, Chapter 34, Statutes of 2020 is dependent upon voter approval of the policy in November. If voters do not approve the policy change, Prop 56 revenues will be higher than projected by about \$120 million.

California Advancing and Innovating Medi-Cal (CalAIM): Included in the budget proposal is \$1.2 billion (\$435.5 million General Fund) in 2021-22, \$2.8 billion (\$982.6 million General Fund) in 2022-23, \$2.4 billion (\$876.4 million General Fund) in 2023-24, and \$1.6 billion (\$500 million General Fund) in 2024-25 for CalAIM.

LAO Comments: Two components of CalAIM are still pending federal approval - providing services to justice involved individuals 90 days prior to release from lock-up and reimbursement of costs for

traditional healers and natural helpers for American Indians and Alaska Natives. If the federal government does not approve the components and the State implements them, costs are estimated at \$123 million annually.

Medi-Cal Provider Equity Payments: \$400 million (\$200 million General Fund) one-time for provider payments to advance equity and improve quality in children's preventive, maternity, and integrated behavioral health care is included in the proposal.

LAO Comments: This proposal addresses a gap in quality and equity efforts within Medi-Cal, however a more comprehensive review of current performance on quality and equity measures would be necessary to determine whether additional measures are necessary. The LAO recommends that the Legislature do further analysis before approving the proposal as well as focus on future oversight.

Provider Rate Reductions Rescinded: \$20.2 million (\$9 million General Fund) in 2022-23 and \$24 million (\$10.7 million General Fund) is included in the budget proposal to rescind [AB 97 \(Chapter 3, Statutes of 2011\)](#) provider rate reductions for nurses, alternative birthing centers, audiologists and hearing aid dispensers, respiratory care providers, select durable medical equipment providers, chronic dialysis clinics, non-emergency medical transportation providers, and emergency medical air transportation providers.

LAO Comments: It's unclear why some reductions were proposed for rescission and others were not. Additionally, this rescission would impact both fee-for-service provider and managed care payment rates, however, the cost of managed care payment rates is not included in estimates and fee-for-service providers only serve about 20% of Medi-Cal enrollees.

Upcoming Hearings

To view hearings after they take place, you may access them in the [Assembly](#) or [Senate](#) media archives where they are generally available within a few hours of committee adjournment.

Monday, March 7, 2:30 p.m. – [livestream](#)

[Assembly Budget Subcommittee No. 1 on Health and Human Services](#)

Adult Behavioral Health, Department of Health Care Access and Information, Department of Managed Health Care, Department of Health Care Services, Department of State Hospitals, Mental Health Services Oversight and Accountability Commission

Monday, March 7, 2:30 p.m. – [livestream](#)

[Assembly Budget Subcommittee No. 5 on Public Safety](#)

Judicial Branch, Office of Emergency Services

Monday, March 7, 2:30 p.m. – [livestream](#)

[Assembly Select Committee on Urban Development to Combat Climate Change](#)

Informational Hearing: Building a Sustainable California Community by Community.

Tuesday, March 8, 9:00 a.m. – [livestream](#)

[Assembly Budget Subcommittee No. 2 on Education Finance](#)

Early Childhood Education, Transitional Kindergarten, and Childcare

Tuesday, March 8, 9:00 a.m. – [livestream](#)

[Senate Joint Hearing Transportation](#) and [Senate Budget and Fiscal Review Subcommittee No. 5 on Corrections, Public Safety, Judiciary, Labor, and Transportation](#)

Informational Hearing: Review of the California High-Speed Rail Authority Draft 2022 Business Plan

Tuesday, March 8, 1:30 p.m. – [livestream](#)

[Assembly Budget Subcommittee No. 4 on State Administration](#)

Business, Consumer Services, and Housing Agency, Department of Housing and Community Development, Department of Fair Employment and Housing, Commission on State Mandates, Commission on Status of Women and Girls, State Treasurer, Alternative Energy and Advanced Transportation Financing Authority, CA Achieving a Better Life Experience Act Board, Tax Credit Allocation Committee, Department of Financial Protection and Innovation, CalSavers, California Debt Limit Allocation Committee

Tuesday, March 8, 2:00 p.m. – [livestream](#)

[Assembly Budget Subcommittee No. 3 on Climate Crisis, Resources, Energy, and Transportation](#)

Informational Hearing: Pesticide Regulation in California: Protecting Our People and Environment

Wednesday, March 9, 9:30 a.m. – [livestream](#)

[Assembly Budget Subcommittee No. 3 on Climate Crisis, Resources, Energy, and Transportation](#)

Energy Resources Conservation and Development Commission, Department of Water Resources, California Air Resources Board, California Public Utilities Commission

Wednesday, March 9, 10:00 a.m. to 12 noon – [livestream](#)

[Assembly Joint Hearing Assembly Public Employment and Retirement](#) and [Senate Labor, Public Employment, and Retirement](#)

Informational Hearing: California Public Employee Retirement Systems: Upcoming Challenges and Opportunities

Wednesday, March 9, 1:00 p.m. – [livestream](#)

[Senate Joint Hearing Health](#) and [Special Committee on Pandemic Emergency Response](#)

Informational Hearing: The Long Haul: Preparing for the Impacts of Long Covid

Wednesday, March 9, 1:30 p.m. – [livestream](#)

[Assembly Budget Subcommittee No. 1 on Health and Human Services](#)

Child Welfare/Child Protection, Foster Care, and Connections Between Child Development and Maternal Health

Governor's Press Releases

Below is a list of the governor's press releases beginning February 23.

March 1: [Governor Newsom Statement on 2022 State of the Union Address](#)

March 1: [Governor Newsom Announces Nearly \\$300 Million in Clean California Grants](#)

March 1: [Governor Newsom Releases 2021 Judicial Appointment Data](#)

March 1: [Governor Newsom Calls for State Sanctions on Russia](#)

March 1: [Following New Health Guidance, Governor Newsom Signs Order to Update Workplace Safety Rules](#)

February 28: [Governor Newsom Announces Appointments](#) - California Housing Finance Agency Board of Directors, State Board of Education, and the California Horse Racing Board.

February 28: [Governor Newsom Statement on the Passing of UC Regent Richard Blum](#)

February 28: [Governors Newsom, Brown and Inslee Announce Updated Health Guidance](#)

February 27: [Governor Newsom Statement on Death of Salinas Police Officer](#)

February 26: [Governor Newsom Statement on Death of Riverside County Sheriff's Department Correctional Lieutenant](#)

February 25: [Governor Newsom Announces Appointments](#) - San Francisco Bay Area Water Emergency Transportation Authority Board of Directors, Contractors State License Board, and the Associate Degree for Transfer Intersegmental Implementation Committee.

February 25: [As California Enters Next Phase of Pandemic Response, Governor Newsom Continues to Wind Down Executive Orders While Maintaining State's Preparedness and Flexibility](#)

February 25: [California Leads the Nation's ZEV Market, Surpassing 1 Million Electric Vehicles Sold](#)

February 25: [Governor Newsom Announces Appointments](#) - Chief Deputy at the Department of Resources Recycling and Recovery (CalRecycle), President at the Central Valley Flood Protection Board, Central Valley Flood Protection Board, and the California Building Standards Commission.

February 24: [Governor Newsom Awards \\$50 Million to Local Communities to Tackle Encampments](#)

February 24: [First Partner Siebel Newsom Releases Report to Expand Access to Farm to School Across California](#)

February 23: [Governor Newsom Announces Appointments](#) - Committee to Review the Operations and Structure of the Commission on Judicial Performance.

February 23: [Governor Newsom Statement on Woman Killed in San Francisco Encampment Fire](#)

3. Washington DC Legislative Report

Prepared by Van Scoyoc Associates

LEGISLATIVE BRANCH ACTIVITY

FY22 Appropriations Outlook

The War in Ukraine has reinforced the need for Congress to pass its twelve FY22 appropriations bills quickly. Congress is poised to bundle the 12 bills into a single omnibus appropriations bill, and negotiations on that bill are going smoothly. President Biden requested \$6.4 billion in military and humanitarian aid be included. But there is a disagreement between Republicans and Democrats regarding how much of that emergency aid for Ukraine falls under or is separate from the topline agreement reached weeks ago for the Omnibus appropriations bill. There is also some disagreement whether previously appropriated dollars to build the wall on the US-Mexico border can be rescinded and repurposed elsewhere.

Unless these topics are resolved quickly, it is unlikely the House and Senate can pass their massive FY22 appropriations bill by the March 11th deadline. That would require another short-term continuing resolution to avoid a government shutdown.

Regardless, the political desire to finish this important bill is very strong, and according to leaders of both parties, they will indeed pass the Omnibus bill soon.

Build Back Better Bill Revived in State of the Union Speech

In President Biden's State of the Union speech, he laid out a number of domestic priorities which he hopes to be included in a major package. Though unnamed, the president is clearly pushing to rename and repackage the stalled Build Back Better legislation. In his speech he mentioned the need to address inflation by taking the following steps:

- Capping insulin costs at \$35 per month
- Allowing Medicare to negotiate drug prices with manufacturers
- Invest in weatherization and clean energy solutions
- Cap child-care costs at 7% of a family's income
- Long-term care facility investments
- Pre-Kindergarten investments
- Affordable housing investments

Many of these components were key provisions of the Build Back Better. Of course, Senator Joe Manchin (D-WV) objected to some of them. Following the State of the Union speech, Manchin described the terms he would need to support such a plan. He wants to repeal some of the 2017 Trump tax cuts on top earners and corporations, with half the revenue generated being dedicated to deficit reduction, and the other half directed at key spending priorities (with a 10-year sunset). Of course, Senator Kyrsten Sinema (D-AZ) has opposed repealing the 2017 tax cuts, which leaves one to wonder if the new Build Back Better can make any more progress than the original one.

Senate Prepares for Supreme Court Nomination

President Biden announced his nomination of Judge Ketanji Brown Jackson of the DC Circuit Court of Appeals to serve as an associate justice on the Supreme Court. The Senate Judiciary Committee announced it will hold Jackson's confirmation process will begin March 21st, starting with an introductory hearing, two days of questioning, and a day of witness testimony. In the coming weeks, Judge Jackson will meet with senators of both parties to address her confirmation. Any time a Supreme Court nomination occurs, all of Capitol Hill focuses on those hearings, and other work slows down. We expect this time to be no different.

Legislation Introduced by Orange County Delegation

Senator Alex Padilla:

- Introduced the [Housing for All Act of 2022](#) which:
 - “Addressing the affordable housing shortage by investing in the National Housing Trust Fund, the HOME Investment Partnerships program, the Section 202 Supportive Housing for the Elderly Program, and the Section 811 Supportive Housing for People with Disabilities.
 - Addressing the homelessness crisis by investing in Housing Choice Vouchers, Project-Based Rental Assistance, the emergency solutions grant program (which helps with street outreach, rapid re-housing assistance, emergency shelter, and homelessness prevention), and Continuums of Care.
 - Supporting innovative, locally developed approaches to these crises by investing in hotel and motel conversions to permanent supportive housing with supportive services; investing in the Eviction Protection Grant Program; investing in mobile crisis intervention teams to help those with medical or psychological needs avoid the criminal justice system; investing in libraries that support people experiencing homelessness; investing in programs that offer a safe place to park overnight and facilitate access to rehousing services and essential services; and investing in inclusive, transit-oriented development and infill development.”

Rep. Katie Porter:

- Introduced the [Patients Before Profits Act](#) which would “prevent insurers from renegotiating contracts or decreasing reimbursement rates for doctors and other health care workers while a pandemic is ongoing.”
- Introduced the [Supporting Americans with Lower Taxes \(SALT\) Act](#) which “fully restores the state and local tax deduction for Americans making less than \$400,000 a year, while phasing out the deduction for those making more than \$400,000. It would apply the revenue raised over a decade to strengthen Medicare with new vision and hearing coverage.”

EXECUTIVE BRANCH ACTIVITY

FEMA Extends 100% Federal Funding for COVID-19 Expenses

The Federal Emergency Management Agency announced they are extending through July 1st the authority for the agency to fund 100% of its Public Assistance Category B payments to state and local governments without a local match. Without that announcement, such claims would have reverted to a 75% federal/25% local split beginning April 1st.

CDC Eases Mask Guidance

The Centers for Disease Control and Prevention eased mask recommendations for the vast majority of the country. Rather than use positive case data alone as the basis for its masking recommendations, the CDC is now suggesting officials also weigh metrics such as hospital capacity and coronavirus admissions.

Under the new approach, many parts of the country previously categorized as having “high” or “substantial” virus levels have been reclassified as having “low” to “medium” levels of covid-19 disease. The CDC recommends mask wearing indoors in public settings like schools only in communities with high levels of disease.

The updated CDC mask guidance can be found [here](#).

EPA Local Government Advisory Committee Adopts Infrastructure Recommendations

The Environmental Protection Agency’s (EPA) Local Government Advisory Committee (LGAC) has adopted recommendations to present to EPA Administrator Michael S. Regan on the agency’s implementation of the Bipartisan Infrastructure Law (BIL). The committee was asked for input on how to implement BIL programs in a way that both achieves the Biden Administration’s climate and environmental justice goals and also meets the needs of local governments.

Key recommendations include:

- Expanding the technical assistance available to help local governments access funding, upgrade their infrastructure, and ensure climate and equity are incorporated into their projects.
- Providing training and education at every level of government on environmental justice and encouraging the use of available tools and data to make informed, equitable decisions.
- Issuing guidance to encourage infrastructure projects that do not contribute to climate pollution.
- Encouraging state partners to engage with communities, solicit project ideas from local governments, and include them in decision-making processes.
- Adding flexibility in allowable costs to enable investments in workforce development, community outreach, and the development of regional partnerships.

More information on LGAC and the full set of recommendations can be found [here](#).

FEMA Transfers \$450 Million to Flood Risk Capital Markets

The Federal Emergency Management Agency (FEMA) announced it continues to expand its reinsurance program while also transferring an additional \$450 million to flood risk capital markets to help strengthen the National Flood Insurance Program’s (NFIP) financial framework for the 2022 hurricane season.

As part of the three-year reinsurance agreement, FEMA will pay \$61.23 million in premiums for the first year of reinsurance coverage. Additionally, the agreement will cover the following losses for any single flood event:

- 2.5% of losses between \$6 and \$7 billion.
- 5% of losses between \$7 and \$9 billion.
- 32.5% of losses between \$9 and \$10 billion.

Combined with the other outstanding bonds, FEMA says it has transferred \$2.664 billion of the NFIP’s flood risk to the private sector ahead of the 2022 hurricane season.

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.