

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 856**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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~~An act relating to the Budget Act of 2016. An act to amend Sections 905.2 and 8590.6 of the Government Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 856, as amended, Committee on Budget and Fiscal Review.  
~~Budget Act of 2016. State government: claims: human trafficking.~~

*Existing law with respect to claims against public entities authorizes the "board," as defined, to assess a surcharge to the state entity against which an approved claim was filed in an amount not to exceed 15% of the claim. Existing law requires the surcharge to be deposited into the General Fund and provides that it may be appropriated in support of the board in the annual Budget Act.*

*This bill would specify that the Department of General Services may assess this surcharge, would require the surcharge to be deposited into the Service Revolving Fund, and would specify that the surcharge may be appropriated to the department in the annual Budget Act.*

*Existing law defines a human trafficking caseworker to mean a human trafficking caseworker as defined by the Evidence Code.*

*This bill would expand that definition to include a human trafficking caseworker who is employed by a homeless services provider that serves homeless children or youth and has completed a minimum of 8 hours*

*of training focused on victims of human trafficking from the Runaway and Homeless Youth Training and Technical Assistance Center.*

*This bill would appropriate \$3,000,000 from the Gambling Control Fund to the Department of Justice for the purposes of addressing the backlog in investigations related to card room licensing.*

*This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 905.2 of the Government Code is amended  
2     to read:

3     905.2. (a) This section shall apply to claims against the state  
4     filed with the Department of General Services except as provided  
5     in subparagraph (B) of paragraph (2) of subdivision (b).

6     (b) There shall be presented in accordance with this chapter and  
7     Chapter 2 (commencing with Section 910) all claims for money  
8     or damages against the state:

9         (1) For which no appropriation has been made or for which no  
10        fund is available but the settlement of which has been provided  
11        for by statute or constitutional provision.

12       (2) (A) For which the appropriation made or fund designated  
13       is exhausted.

14       (B) Claims for reissuance of stale, dated, or replacement  
15       warrants shall be filed with the state entity that originally issued  
16       the warrant and, if allowed, shall be paid from the issuing entity's  
17       current appropriation.

18       (3) For money or damages on express contract, or for an injury  
19       for which the state is liable.

20       (4) For which settlement is not otherwise provided for by statute  
21       or constitutional provision.

22       (c) Claimants shall pay a filing fee of twenty-five dollars (\$25)  
23       for filing a claim described in subdivision (b), except for claims  
24       for reissuance of stale, dated, or replacement warrants as described  
25       in subparagraph (B) of paragraph (2) of subdivision (b). This fee  
26       shall be deposited into the Service Revolving Fund and shall only

1 be available for the support of the Department of General Services  
2 upon appropriation by the Legislature.

3 (1) The fee shall not apply to the following persons:

4 (A) Persons who are receiving benefits pursuant to the  
5 Supplemental Security Income (SSI) and State Supplementary  
6 Payment (SSP) programs (Article 5 (commencing with Section  
7 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and  
8 Institutions Code), the California Work Opportunity and  
9 Responsibility to Kids Act (CalWORKs) program (Chapter 2  
10 (commencing with Section 11200) of Part 3 of Division 9 of the  
11 Welfare and Institutions Code), the federal Supplemental Nutrition  
12 Assistance Program (SNAP; 7 U.S.C. Sec. 2011 et seq.), or Section  
13 17000 of the Welfare and Institutions Code.

14 (B) Persons whose monthly income is 125 percent or less of the  
15 current monthly poverty line annually established by the Secretary  
16 of California Health and Human Services pursuant to the federal  
17 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35),  
18 as amended.

19 (C) Persons who are sentenced to imprisonment in a state prison  
20 or confined in a county jail, or who are residents in a state  
21 institution and, within 90 days prior to the date the claim is filed,  
22 have a balance of one hundred dollars (\$100) or less credited to  
23 the inmate's or resident's trust account. A certified copy of the  
24 statement of the account shall be submitted.

25 (2) Any claimant who requests a fee waiver shall attach to the  
26 application a signed affidavit requesting the waiver and verification  
27 of benefits or income and any other required financial information  
28 in support of the request for the waiver.

29 (3) Notwithstanding any other law, an applicant shall not be  
30 entitled to a hearing regarding the denial of a request for a fee  
31 waiver.

32 (d) The time for the Department of General Services to  
33 determine the sufficiency, timeliness, or any other aspect of the  
34 claim shall begin when any of the following occur:

35 (1) The claim is submitted with the filing fee.

36 (2) The fee waiver is granted.

37 (3) The filing fee is paid to the department upon the  
38 department's denial of the fee waiver request, so long as payment  
39 is received within 10 calendar days of the mailing of the notice of  
40 the denial.

(e) Upon approval of the claim by the Department of General Services, the fee shall be reimbursed to the claimant, except that no fee shall be reimbursed if the approved claim was for the payment of an expired warrant. Reimbursement of the filing fee shall be paid by the state entity against which the approved claim was filed. If the claimant was granted a fee waiver pursuant to this section, the amount of the fee shall be paid by the state entity to the department. The reimbursement to the claimant or the payment to the department shall be made at the time the claim is paid by the state entity, or shall be added to the amount appropriated for the claim in an equity claims bill.

(f) ~~The board~~ *Department of General Services* may assess a surcharge to the state entity against which the approved claim was filed in an amount not to exceed 15 percent of the total approved claim. ~~The board~~ *department* shall not include the refunded filing fee in the surcharge calculation. This surcharge shall be deposited into the ~~General Service Revolving~~ *General Service Revolving* Fund and may be appropriated in support of the ~~board as reimbursements to Item 7870-001-0001 of Section 2.00 of~~ *department in* the annual Budget Act.

(1) The surcharge shall not apply to approved claims to reissue expired warrants.

(2) Upon the request of the department in a form prescribed by the Controller, the Controller shall transfer the fees from the state entity's appropriation to the appropriation for the support of the department. However, the department shall not request an amount that shall be submitted for legislative approval pursuant to Section ~~13928.14659.10~~.

(g) The filing fee required by subdivision (c) shall apply to all claims filed after June 30, 2004, or the effective date of this statute. The surcharge authorized by subdivision (f) may be calculated and included in claims paid after June 30, 2004, or the effective date of the statute adding this subdivision.

(h) This section shall not apply to claims made for a violation of the California Whistleblower Protection Act (Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2).

*SEC. 2. Section 8590.6 of the Government Code is amended to read:*

8590.6. For the purposes of this article:

1 (a) “Comprehensive services” means primary services that  
2 include all of the following:

3 (1) Shelter or established referral services for shelter on a 24  
4 hours a day, seven days a week, basis.

5 (2) A 24 hours a day, seven days a week, telephone hotline for  
6 crisis calls.

7 (3) Temporary housing and food facilities.

8 (4) Psychological support and peer counseling provided in  
9 accordance with Section 1038.2 of the Evidence Code.

10 (5) Referrals to existing services in the community.

11 (6) Emergency transportation, as feasible.

12 (b) “Director” means the Director of the Office of Emergency  
13 Services.

14 (c) “Fund” means the Human Trafficking Victims Assistance  
15 Fund.

16 (d) “Human trafficking caseworker” means a human trafficking  
17 caseworker as defined in Section 1038.2 of the Evidence Code.  
18 *Code, or a human trafficking caseworker who is employed by a*  
19 *homeless services provider that serves homeless children or youth*  
20 *and has completed a minimum of eight hours of training focused*  
21 *on victims of human trafficking from the Runaway and Homeless*  
22 *Youth Training and Technical Assistance Center.*

23 (e) “Office” means the Office of Emergency Services.

24 (f) “Qualified nonprofit organization” means a nongovernmental,  
25 nonprofit organization that does both of the following:

26 (1) Employs a minimum of one individual who is a human  
27 trafficking caseworker.

28 (2) Provides services to victims of human trafficking, including,  
29 but not limited to, housing assistance, counseling services, and  
30 social services to victims of human trafficking.

31 (g) “Victim of human trafficking” means any person who is a  
32 trafficking victim as described in Section 236.1 of the Penal Code  
33 and satisfies either of the following conditions:

34 (1) Was trafficked in the state.

35 (2) Fled his or her trafficker to the state.

36 *SEC. 3. The sum of three million dollars (\$3,000,000) is hereby*  
37 *appropriated from the Gambling Control Fund to the Department*  
38 *of Justice for the purposes of Schedule (2) of Item 0820-001-0567*  
39 *of Section 2.00 of the Budget Act of 2016 in order to address the*  
40 *backlog in investigations related to card room licensing*

1     *SEC. 4. This act is a bill providing for appropriations related*  
2     *to the Budget Bill within the meaning of subdivision (e) of Section*  
3     *12 of Article IV of the California Constitution, has been identified*  
4     *as related to the budget in the Budget Bill, and shall take effect*  
5     *immediately.*

6     ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
7     ~~changes, relating to the Budget Act of 2016.~~