



# Legislative Bulletin

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*A Publication of the County Executive Office/Legislative Affairs*

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December 9, 2008  
Item No. 37  
Vol. XIV, No. 27

## **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 June 3, 2003, staff recommendations for formal County positions on legislation will be agendized 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 2009 Legislative Platform was adopted by Board of Supervisors' Minute Order dated November 25, 2008. On December 9, 2008, the Board of Supervisors approved the following actions:

### **RECOMMENDED ACTIONS**

1. Support and Adopt Resolution – Ryan White HIV/AIDS Treatment Modernization Act Extension
2. Receive and File Legislative Bulletin

## **SACRAMENTO LEGISLATIVE REPORT**

### **SACRAMENTO UPDATE**

On December 1, 2008, Governor Schwarzenegger signed three proclamations in order to address the State's economy: Prop 58 Special Session Proclamation, Special Session Proclamation, and Fiscal Emergency Proclamation.

Part of his press release reads:

"After the previous legislature's inaction in both addressing the state's \$11.2 billion current year revenue shortfall and enacting economic stimulus in the last legislative special session, Governor Arnold Schwarzenegger today declared a fiscal emergency for the state of California, allowing him to call a Proposition 58 legislative special session to address this emergency. The

Governor also called a second legislative special session to address the state's economy. The Governor reiterated his call for a combination of difficult spending cuts and new revenues to solve the state's revenue shortfall - and also reiterated his call for the legislature to enact plans previously outlined by the Governor to stimulate job creation, address the mortgage crisis and fix the state's Unemployment Insurance Fund.

"Without immediate action our state is headed for a fiscal disaster and that is why with more than two dozen new legislators sworn in today - I am wasting no time in calling a fiscal emergency special session," Governor Schwarzenegger. "We must act now to address the current year revenue shortfall of \$11.2 billion and we must implement an economic stimulus package to help retain and create jobs, keep Californians in their homes and fix the state's Unemployment Insurance Fund."

On December 1, 2008, ten new State Senators and 28 new Assembly members were sworn into office. This will give Democrats control of 51 seats in the Assembly -- only three shy of a two-thirds majority; and 24 members in the Senate, also three shy of a two-thirds. Sen. Darrell Steinberg officially became the new president pro tem of the Senate.

#### **ACTION ITEMS**

None

### **WASHINGTON LEGISLATIVE REPORT**

#### **WASHINGTON UPDATE**

#### **ECONOMIC STIMULUS PROPOSALS**

Three major economic stimulus bills were introduced this fall [H.R. 7110 – Obey (D-WI); S. 3604 – Reid (D-NV)/Byrd (D-WV); and S. 3689 – Reid/Byrd]. These proposals are expected to be the starting point for economic stimulus legislation that is likely to be enacted in January. Funding for the following programs is included in at least one of the three the stimulus proposals:

#### **Department of Transportation**

- Airport Improvement Program (AIP) – Airport Improvement Program (AIP) – Congress proposed increase funding for the FAA's AIP. The distribution system for AIP grants is complex. It is based on a combination of formula grants and discretionary funds. Formula grants are apportioned to specific airports or types of airports (primary airports, cargo service airports, general aviation airports, and Alaska airports), and/or to state departments of transportation. discretionary grants are approved by the FAA based on project priority and other selection criteria, including earmarks in appropriations legislation.

- Federal-Aid-Highways – There are six core programs in which the Federal Highway Administration allocates federal road funding. The formula to distribute funding is different for each of the six "core" programs. Certain program formulas take into consideration a variety of factors including lane miles, vehicle miles traveled, and contributions to the highway account of the Highway Trust Fund. Alternatively, other program formulas are based on a single factor such as the relative state share of

total cost to repair or replace deficient bridges (Highway Bridge And Bridge Maintenance program) or weighted non-attainment and maintenance area population under the Clean Air Act (CMAQ program).

- Transit Capital Assistance – Congress proposed increased funding for the Federal Transit Administration's Section 5307 program. Section 5307 is distributed by formula to Metropolitan Planning Organizations nationwide.

Staff is working actively with County Departments to have projects packaged for inclusion in economic stimulus legislation. Emphasis is placed upon the speed with which projects can be implemented and on the number of people employed by the project.

## **ACTION ITEMS**

### **SUPPORT AND ADOPT RESOLUTION – Ryan White HIV/AIDS Treatment Modernization Act Extension**

The Orange County Board of Supervisors is being asked to adopt a resolution requesting that all members of the Orange County Congressional delegation support the Ryan White HIV/AIDS Treatment Modernization Act Extension. Orange County is a Transitional Grant Area under the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Ryan White Act) and receives approximately \$7 million annually to support health care and related support services to people living with HIV/AIDS. The Ryan White Act is set to sunset in 2009 and state and national efforts are underway to promote extension of the Act.

#### Background on Orange County Funding

In 2008-09, Orange County received \$5.026 million in Ryan White HIV/AIDS Treatment Modernization Act – Part A funding, \$691,000 in Part B funding, \$710,000 in Part C funding, and \$307,000 in Minority AIDS Initiative funding to serve over 6,200 County residents living with HIV and AIDS. In addition, County residents living with HIV and AIDS can also take advantage of AIDS Drug Assistance Program and Health Insurance Premium Payment services provided by the California Department of Public Health through Part B funding. The federal Ryan White HIV/AIDS Treatment Modernization Act authorizing this program will be repealed on September 30, 2009 unless Congress extends the law.

The original Ryan White Comprehensive AIDS Resources Emergency (CARE) Act was enacted in 1990 to improve the quality and availability of care for people with HIV/AIDS and their families. The CARE Act was reauthorized in May 1996 and again in 2000. The most recently enacted Ryan White HIV/AIDS Treatment Modernization Act of 2006 provided more flexibility to respond effectively to evolving treatment regimens. The 2006 reauthorization placed an emphasis on providing life-saving and life-extending services for people living with HIV/AIDS.

The federal Health Resources and Services Administration's (HRSA) Ryan White HIV/AIDS Program funds primary care and support services for individuals living with HIV disease who lack health insurance and financial resources for their care. To address these goals, funding goes to local and state programs that provide primary medical care and support services, health care provider training, and technical assistance to help funded programs address implementation and emerging HIV care issues. Orange County benefits from several programmatic "parts."

- Through Part A, HRSA provides funding to Eligible Metropolitan Areas and Transitional Grant Areas at the city/county level that are hardest hit by the HIV/AIDS epidemic for a wide range of community-based services such as outpatient health care and support and case management services.

- Through Part B, HRSA provides formula funding to States to improve the quality, availability, and organization of health care delivery and support services for people with HIV disease, including a specific earmark for funds to support pharmaceutical treatments through the AIDS Drug Assistance Program.
- Through Part C, HRSA provides funding to public and private nonprofit primary care providers for outpatient early intervention services, and organizational capacity-building.
- Through the Minority AIDS Initiative, HRSA provides funding for activities to evaluate and address the disproportionate impact of HIV/AIDS on racial and ethnic minorities such as disparities in access, treatment, care, and health outcomes.

#### Statewide Efforts on Extending the Ryan White Act

Action is underway right now to support extending the Ryan White HIV/AIDS Treatment Modernization Act programs and continuing federal funding around HIV/AIDS. This includes reevaluating systems of care to ensure that they are integrated, comprehensive, effective and efficient programs targeting prevention and treatment for persons living with HIV and AIDS. Extending the Ryan White Act beyond its statutory sunset in September 2009 will protect existing systems of care, treatment and services for people living with HIV/AIDS while all stakeholders participate in developing a national plan for HIV/AIDS. Extension must be the continued federal appropriation of funding to meet increasing demand for care, treatment and other services.

The critical issue of assuring a fully implemented and accurate HIV surveillance system across the entire country in the current HIV/AIDS Treatment Modernization Act would be addressed through extending the Act to 2012. The value of using HIV case counts as the means of assessing the impact of the epidemic has been recognized in California prompting legislation making HIV reportable by name in the State starting in April 2006. However, in California and several other states with large HIV case counts, the systems for collecting this HIV data are not yet fully mature. The firm cutoff dates within the current Ryan White HIV/AIDS Treatment Modernization Act should be extended to 2012, including the deadline for states to have fully mature names-based HIV case reporting systems. These extensions will allow HIV surveillance data to more accurately reflect the status of the epidemic and will allow policies to be decided based on facts and the impact of those cases. Extension of the cutoff dates will also assure that California and Orange County are receiving our fair share of federal dollars for HIV/AIDS prevention and treatment when HIV surveillance data is fully representative of HIV in our community, and can be equitably compared with other jurisdictions when that data becomes a major factor in allocating resources.

#### *CEO Legislative Affairs Comments*

CEO/Legislative Affairs, Health Care Agency, and the Orange County HIV Planning Council (Council) are requesting the Honorable Board of Supervisors to continue to support the Ryan White HIV/AIDS Treatment Modernization Act and adopt a resolution to be sent to our congressional delegation to enlist their support for the extension of the Act to assure continuity of services (Attachment 1).

A copy of the 2009 County of Orange Legislative Platform will be available at: <http://www.oc.ca.gov/> under OC Links.

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Bruce Matthias, at 714.834.7010.

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA

Xxx, xx, xxxx

**WHEREAS**, the Ryan White CARE Act was first enacted in 1990 to provide emergency relief and funding for HIV care and services in local communities for low income and uninsured people with HIV and AIDS; and

**WHEREAS**, the CARE Act was reauthorized as the Ryan White HIV/AIDS Treatment Modernization Act of 2006 with an emphasis on providing life-saving and life-extending services for people living with HIV/AIDS across this country.

**WHEREAS**, the evolving HIV epidemic continues to impact new communities while also becoming more entrenched in those populations that were hardest hit in the early days of the HIV epidemic; and

**WHEREAS**, local systems of care continue to be over-extended and unable to absorb a growing caseload of people with greater needs and increasingly complex treatment protocols; and

**WHEREAS**, the Ryan White HIV/AIDS Treatment Modernization Act of 2006 reaches over 500,000 people each year, making it the federal government's largest program specifically for people living with HIV; and

**WHEREAS**, effective on September 30, 2009, the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.)) is repealed unless reauthorized by Congress; and

**WHEREAS**, the Ryan White HIV/AIDS Treatment Modernization Act of 2006 provides care and services to thousands of people each year in Orange County and sends more than \$8 million in direct funding to this area, in addition to a prescription benefit that helps uninsured and low income people maintain and stabilize their health by providing access to life-extending HIV medications; and

1           **WHEREAS**, the Ryan White HIV/AIDS Treatment Modernization Act of 2006 is a lifeline of  
2 HIV care and services for people living with HIV who do not have access to other healthcare benefits  
3 and would not otherwise be able to access primary HIV care and prescription medications.

4           **NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Supervisors  
5 requests that all members of the Orange County Congressional delegation support the extension of the  
6 Ryan White HIV/AIDS Treatment Modernization Act of 2006 and further requests that they provide  
7 appropriations for the Ryan White HIV/AIDS Treatment Modernization Act of 2006 that are sufficient  
8 to address the needs of people living with HIV in local communities.

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APPROVED AS TO FORM  
OFFICE OF THE COUNTY COUNSEL  
ORANGE COUNTY, CALIFORNIA  
By: Christopher J. Miller  
Deputy  
Date: 12/3/08