

COVID-19 and the State Legislature

By Stephanie Goldman

At midnight on January 1, 2020, crowds around the globe went wild for what we hoped would be the start of a Gatsby-esque decade. Instead of speakeasies and all that jazz, 2020 played out like a poorly written dystopian novel. From a global pandemic and record unemployment to murder hornets, Tiger Kings, tragic police brutality, and out-of-control wildfires, this year has been nothing short of bizarre.

In Sacramento, the Legislature and Governor normally spend most of the year hard at work negotiating the state budget and establishing public policy.

Typically in the spring the Capitol is buzzing with activity. Members and lobbyists spend their days rushing between policy and budget hearings trying to avoid the crowds of tourists and fourth graders. Activists swarm the outside of the building protesting the issue of the day while advocates huddle in offices and hallways discussing bills with Legislative staff. Beginning in March, that all changed; 2020 turned out to be widely unpredictable.

The Senate and Assembly took an extended recess in response to the COVID-19 pandemic. When they returned in May, members were allowed only one staffer per office, masks were required on the floor and in the building, and most of public testimony and comment was done through a complicated phone system. Both houses cancelled the bulk of their hearings, leadership asked members to kill around 80 percent of their bills, especially those not pertaining to COVID-19, and they raced to finish the 2020-21 budget by the constitutional deadline of June 30. This condensed calendar was further complicated by the fact that the surplus predicted in January had become a \$54 billion shortfall.

The Legislature and Governor successfully passed a balanced budget on time, but it came with numerous caveats. Social programs saw significant cuts, and schools and community colleges suffered deferments. The budget also relied heavily on sufficient help from the federal government that would likely never come.

The Legislature returned to their districts again in early July for a shortened summer recess. This was then extended by two weeks when Assembly Members Autumn Burke of Los Angeles and Tom Lackey of Santa Clarita announced they had contracted COVID-19.

When we finally reached August, the Legislative calendar had to be condensed even further and members killed off more of their bills. Among the sacrificial bills was CFT sponsored and FACCC co-sponsored AB 897 (Medina), which would have raised the cap on part-time teaching hours from 67 percent to 80/85 percent.

Despite this loss, it seemed the two-year session would come to a close without a special session or revise to the state budget, and those of us who work in and around the Capitol became COVID-19 complacent. Yes, we still worked from home and wore our masks, but we became boldly comfortable with the idea that the session would glide to a smooth close on August 31.

That was a mistake. On Wednesday, August 26, just as the finish line was coming into view, the Senate came to a screeching halt. I was anxiously awaiting the start of the Senate floor session where they would eventually take up and vote on FACCC sponsored AB 2884 (Berman), a bill to expand restricted lottery funding uses to include support for basic needs, when things took a wild turn yet again.

Normally, when a bill is ready to be taken up on the floor my concerns center around whether our vote count was correct or whether a more controversial bill will commandeer the day and throw off the schedule. Both concerns were moot because the Senate didn't meet.

That day, Senator Brian Jones of San Diego had announced he tested positive for COVID-19. While all of the Senators holed up in their offices until given permission to go home, the Assembly was still going strong on the other side of the building debating hot-button issues in their respective committees.

The Senate ultimately missed two days of desperately needed time on the floor before many of them were allowed to return on Friday. All of the Republicans, except Senator Jim Nielsen of Yuba County, were asked to stay home as they had been exposed to Senator Jones at a lunch the Republican Caucus hosted earlier in the week. In lieu of in-person voting, the Republicans voted remotely from their homes, leading to a number of technical challenges and at least one Senator inadvertently mouthing a not-so-polite word while he tried to unmute himself.

AB 2884 (Berman) was taken up on the floor that morning by Senator Ben Allen and passed the floor with a 32-7-1 vote count. The Senate broke for lunch and was supposed to reconvene at 3:30 p.m.; however, by 4:30 p.m. Senator Melissa Melendez of Riverside County took to Twitter to report the Senate wouldn't be convening until the following day because of an anticipated Black Lives Matter protest.

The last three days of session were rushed with days starting in the late morning and concluding close to midnight. The 2020 roller coaster session finally came to an end on September 1 at 1:30 a.m.

It's difficult to predict what the next Legislative session will bring. We expect Legislators to revive many of the bills that had become unintended casualties of COVID-19 and we also expect the significant budget deficit to continue. Whether the Legislature will be able to meet in-person with a full staff or whether virtual comments at committee hearings will become the new normal remains to be seen. We only hope the coming year includes more of Gatsby's roaring '20s fun, and less of the turbulence.

During the 2019-2020 two-year session, FACCC sponsored three bills and cosponsored an additional five bills, including an audit.

AB 706 (Low) – Sponsor – 2019 Signed by the Governor – Eliminates limits on the time during which an employee of one school year or more is entitled to transfer the employee's accrued leave.

AB 595 (Medina) – Sponsor – 2019 Signed by the Governor – Authorizes a student enrolled in a community college class or classes pursuant to an apprenticeship training program or an internship training program, as defined, who does not have a Social Security number to use an individual tax identification number for purposes of any background check required by the class or program.

AB 943 (Chiu) – Cosponsor – 2019 Signed by Governor – Authorizes the use of funding for the Student Equity and Achievement Program for the provision of emergency student financial assistance to eligible students to overcome unforeseen financial challenges that would directly impact a student's ability to persist in the student's course of study.

AB 500 (Gonzalez) – Cosponsor – Vetoed – 2019 Would have required school districts, charter schools, and community college districts to provide at least 6 weeks of a leave of absence with full pay for a certificated employee, or an academic employee, who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions.

AB 897 (Medina) – Cosponsor – Two-year bill – Killed in 2020 Would have raised the 67 percent full-time equivalency load to 80-85 percent for part-time faculty.

SB 777 (Rubio) – Cosponsor – Two-year bill – Killed in 2020 Would have required districts with less than 75 percent of their hours of credit instruction taught by full-time instructors apply a portion of their program improvement allocation, as provided, to reaching the 75 percent standard.

Calbright Audit (Medina) – Cosponsor – 2020 Passed. Audit began in July 2020.

AB 2884 (Berman) – Sponsor – 2020 Passed Senate and Assembly – Awaits Governor's decision. Would allow districts to use restricted lottery funds for basic needs support.