



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

VICE CHAIR
CUNNINGHAM, JORDAN

MEMBERS
CARRILLO, WENDY
CERVANTES, SABRINA
FRIEDMAN, LAURA
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GRAYSON, TIMOTHY S.
MAYES, CHAD
NAZARIAN, ADRIN
SALAS, JR. RUDY
WALDRON, MARIE

FONG, VINCE (R-ALT)
LEVINE, MARC (D-ALT)
REYES, ELOISE GÓMEZ (D-ALT)

Thursday, April 19, 2018
10 minutes prior to Session
State Capitol, Room 3162

AGENDA

CONSENT ITEMS

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

2. HR-94 (O'Donnell) Relative to School bus drivers.
3. HR-101 (Friedman) Relative to Sexual Assault Awareness Month and Denim Day.

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REQUEST TO ADD URGENCY CLAUSE

4. AB-1759 (McCarty) Relative to Public trust lands: City of Sacramento.

[Page 12](#)

REGULAR AGENDA ITEMS

5. AJR-37 (Friedman) Relative to Armenian Genocide.

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VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/18/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, there have been no changes.

REFERRAL OF BILLS TO COMMITTEE

04/19/2018

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 219</u>	PUB. S.
<u>ACR 221</u>	RLS.
<u>HR 98</u>	RLS.
<u>HR 102</u>	RLS.
<u>SB 215</u>	PUB. S.
<u>SB 522</u>	L. GOV.
<u>SB 561</u>	L. GOV.
<u>SB 561</u>	E. & R.
<u>SB 635</u>	J., E.D., & E.
<u>SB 746</u>	PUB. S.
<u>SB 757</u>	PUB. S.
<u>SB 759</u>	E. & R.
<u>SB 760</u>	TRANS.
<u>SB 766</u>	JUD.
<u>SB 783</u>	P.E.,R., & S.S.
<u>SB 795</u>	B. & P.
<u>SB 816</u>	ED.
<u>SB 903</u>	TRANS.
<u>SB 1171</u>	E. & R.
<u>SB 1289</u>	JUD.
<u>SCR 107</u>	HUM. S.
<u>SCR 117</u>	RLS.
<u>SCR 123</u>	RLS.

AMENDED IN ASSEMBLY APRIL 17, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

House Resolution

No. 94

Introduced by Assembly Member O'Donnell

April 2, 2018

House Resolution No. 94—Relative to ~~school bus drivers~~; *Schoolbus Driver Day*.

- 1 WHEREAS, Traditionally, on the fourth Tuesday of April, the
2 people of California recognize all ~~school bus~~ *schoolbus* drivers
3 for their continued and excellent services to the youth of the state,
4 and these drivers are deserving of special public recognition and
5 the highest commendations; and
6 WHEREAS, The California Association of School
7 Transportation Officials is a professional organization that
8 promotes safe pupil transportation and advocates for continued
9 high standards for California's ~~school bus~~ *schoolbus* drivers; and
10 WHEREAS, The safety of our children rests in the hands of
11 trained ~~school bus~~ *schoolbus* drivers for up to six or seven hours
12 each schoolday; and
13 WHEREAS, Personal time and energy are expended by ~~school~~
14 ~~bus~~ *schoolbus* drivers in their initial training, maintaining a current
15 license, perfecting their driving skills, and accruing added
16 knowledge of ~~school bus~~ *schoolbus* laws through continuing
17 education classes; and
18 WHEREAS, ~~School bus~~ *Schoolbus* drivers, through counseling
19 and disciplinary techniques, are sometimes asked to assist pupils
20 in appropriate interactive peer and adult behavior; and

1 WHEREAS, ~~School bus~~ *Schoolbus* drivers often face natural
2 and unexpected hazards in the performance of their duties; and

3 WHEREAS, ~~School bus~~ *Schoolbus* drivers exhibit patience and
4 kindness toward pupils, parents, and school staff in the performance
5 of their duties; and

6 WHEREAS, ~~School bus~~ *Schoolbus* drivers consistently
7 demonstrate an awareness of, and direct attention to, the mechanical
8 maintenance of the ~~school bus~~ *schoolbus* and safety conditions of
9 the ~~school bus~~ *schoolbus* routes; and

10 WHEREAS, Many ~~school bus~~ *schoolbus* drivers perform their
11 services for thousands and thousands of accident-free miles, year
12 after year; now, therefore, be it

13 *Resolved by the Assembly of the State of California, That the*
14 *Assembly recognizes ~~school bus~~ April 24, 2018, as Schoolbus*
15 *Driver Day, and commends schoolbus drivers for their continued*
16 *and excellent services to the youth of the State of California; and*
17 *be it further*

18 *Resolved, That the Chief Clerk of the Assembly transmit copies*
19 *of this resolution to the author for appropriate distribution.*

O

Date of Hearing: April 19, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 94 (O'Donnell) – As Amended April 17, 2018

SUBJECT: Schoolbus Driver Day.

SUMMARY: Recognizes April 24, 2018, as Schoolbus Driver Day, and commends schoolbus drivers for their continued and excellent services to youth of the State of California. Specifically, **this resolution** makes the following legislative findings:

- 1) Traditionally, on the fourth Tuesday of April, the people of California recognize all schoolbus drivers for their continued and excellent services to the youth of the state, and these drivers are deserving of special public recognition and the highest commendations.
- 2) Our children's safety rests in the hands of schoolbus drivers each school day; and, the drivers expend energy and personal time during their initial training, maintaining a current license, perfecting their driving skills, and accruing added knowledge of schoolbus laws through continuing education classes.
- 3) Schoolbus drivers often face natural and unexpected hazards in the performance of their duties; and, through counseling and disciplinary techniques they are sometimes asked to assist pupils in appropriate interactive peer and adult behavior.
- 4) Schoolbus drivers consistently demonstrate an awareness of, and direct attention to, the mechanical maintenance of the schoolbus and safety conditions of the schoolbus routes as well as exhibiting patience and kindness toward the pupils, parents, and school staff in the performance of their duties.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

House Resolution

No. 101

Introduced by Assembly Member Friedman
(Coauthors: Assembly Members Baker, Eggman, Reyes, Rubio,
Waldron, and Weber)

April 11, 2018

House Resolution No. 101—Relative to Sexual Assault Awareness Month and Denim Day.

1 WHEREAS, In 2016, California rape crisis centers provided
2 direct crisis intervention services to 34,279 individuals, 9,740
3 sexual assault forensic examinations, and training services for over
4 23,862 people; and

5 WHEREAS, People of all genders and ages are victims of sexual
6 assault, and it is estimated that nearly one in two women and one
7 in five men experience sexual violence other than rape throughout
8 their lifetime; and

9 WHEREAS, The National Intimate Partner and Sexual Violence
10 Survey reports that there are over 22 million survivors of rape
11 throughout the United States, with two million of those survivors
12 of rape currently living in the State of California; and

13 WHEREAS, Rape and sexual assault impact people of all racial,
14 cultural, and economic backgrounds; and

15 WHEREAS, People of all genders and ages suffer multiple types
16 of sexual violence, including acquaintance rape, stranger rape,
17 sexual assault by an intimate partner, gang rape, incest, serial rape,
18 ritual abuse, sexual harassment, child sexual molestation,
19 prostitution, pornography, and stalking; and

20 WHEREAS, In addition to the immediate physical and emotional
21 costs, sexual assault survivors too frequently suffer from severe

1 and long-lasting consequences such as post-traumatic stress
2 disorder, substance abuse, major depression, homelessness, eating
3 disorders, low self-esteem, and suicide; and

4 WHEREAS, The federal Centers for Disease Control and
5 Prevention have identified sexual assault as a significant, costly,
6 and preventable health issue; and

7 WHEREAS, A coalition of rape crisis centers and their allies,
8 known as the California Coalition Against Sexual Assault, has
9 emerged to directly confront this crisis with the cooperation of law
10 enforcement agencies, health care providers, institutions of higher
11 education, and other allied professionals from California's diverse
12 communities; and

13 WHEREAS, It is our responsibility to support all rape survivors
14 by treating them with dignity, compassion, and respect; and

15 WHEREAS, It is important to recognize the compassion and
16 dedication of the individuals involved in this effort, applaud their
17 commitment to foster healing, and increase public understanding
18 of this significant problem; and

19 WHEREAS, It is important to recognize the strength, courage,
20 and challenges of the victims and survivors of sexual assault and
21 their families and friends as they struggle to cope with the reality
22 of sexual assault; and

23 WHEREAS, It is important to recognize that not all victims of
24 sexual assault survive, either at the time of the assault or later, due
25 to the horrific long-term trauma that sexual assault often inflicts
26 upon victims; and

27 WHEREAS, There are rape prevention and education efforts
28 underway throughout California to challenge the societal myths
29 and behaviors that perpetuate rape and to engage communities in
30 a common goal of ending sexual assault; and

31 WHEREAS, It is crucial to hold perpetrators responsible for
32 sexual attacks, and to prevent sexual violence at every opportunity;
33 and

34 WHEREAS, In 1998, the Italian Supreme Court overturned the
35 conviction of a man who sexually assaulted an 18-year-old woman
36 after the court determined that, "because the victim wore very,
37 very tight jeans, she had to help him remove them, and by removing
38 the jeans it was no longer rape but consensual sex"; and

1 WHEREAS, Enraged by the court decision, within a matter of
2 hours, the women in the Italian Parliament launched into immediate
3 action and protested by wearing jeans to work; and

4 WHEREAS, Nations and states throughout the world have
5 followed the lead of the Italian Parliament by designating their
6 own “Denim Day” to raise public awareness about rape and sexual
7 assault; and

8 WHEREAS, Harmful attitudes about rape and sexual assault
9 allow these crimes to persist and allow survivors to be revictimized
10 through victim-blaming attitudes and sometimes unresponsive
11 government systems; and

12 WHEREAS, California is a national leader in promoting
13 victim-centered approaches within the judicial, criminal justice,
14 medical, rape crisis, and health communities; now, therefore, be
15 it

16 *Resolved by the Assembly of the State of California*, That the
17 month of April 2018 be designated as Sexual Assault Awareness
18 Month; and be it further

19 *Resolved*, That the Assembly recognizes April 25, 2018, as
20 Denim Day in California and encourages everyone to wear jeans
21 on that day to help communicate the message that there is no
22 excuse for, and never an invitation to commit, rape; and be it
23 further

24 *Resolved*, That the Chief Clerk of the Assembly transmit copies
25 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 19, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 101 (Friedman) – As Introduced April 11, 2018

SUBJECT: Sexual Assault Awareness Month and Denim Day.

SUMMARY: Designates the month of April 2018 as Sexual Assault Awareness Month, and recognizes April 25, 2018, as Denim Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) People of all genders and ages suffer multiple types of sexual violence, including acquaintance rape, stranger rape, sexual assault by an intimate partner, gang rape, incest, serial rape, ritual abuse, sexual harassment, child sexual molestation, prostitution, pornography, and stalking.
- 2) It is estimated that nearly one in two women and one in five men experience sexual violence other than rape throughout their lifetime.
- 3) In addition to the immediate physical and emotional costs, sexual assault survivors too frequently suffer from severe and long-lasting consequences, such as post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, low self-esteem, and suicide.
- 4) The National Intimate Partner and Sexual Violence Survey reports that there are over 22 million survivors of rape throughout the United States and 2 million of those rape survivors are currently living in the State of California.
- 5) A coalition of rape crisis centers and their allies, known as the California Coalition Against Sexual Assault, has emerged to directly confront this crisis with the cooperation of law enforcement agencies, health care providers, institutions of higher education, and other allied professionals from California diverse communities.
- 6) It is our responsibility to support all rape survivors by treating them with dignity, compassion, and respect.
- 7) There are rape prevention and education efforts underway throughout California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual assault.
- 8) In 1998, the Italian Supreme Court overturned the conviction of a man who sexually assaulted an 18 year old woman after the court determined that, “because the victim wore very, very tight jeans, she had to help him remove them, and by removing the jeans it was no longer rape but consensual sex.”
- 9) Within a matter of hours, the women in the Italian Parliament, enraged by the court decision, launched into immediate action and protested by wearing jeans to work. Nations and states

throughout the world have followed the lead of the Italian Parliament by designating their own “Denim Day” to raise public awareness about rape and sexual assault.

10) California is a national leader within the judicial, criminal justice, medical, rape crisis, and health communities in promoting victim-centered approaches.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 9, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1759

Introduced by Assembly Member McCarty

January 4, 2018

An act to add Section 65400.5 to the Government Code, and to amend Section 2034 of, and to add Section 2036.5 to, the Streets and Highways Code, relating to state government finance: relating to public trust lands, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1759, as amended, McCarty. ~~General plans: housing element: production report: withholding of transportation funds. Public trust lands: City of Sacramento.~~

Under existing law, known as the public trust doctrine, the state has title as trustee to all tidelands and navigable lakes and streams and is charged with preserving these waterways for navigation, commerce, and fishing, as well as for scientific study, recreation, and as an open space and habitat for birds and marine life. Existing law authorizes the State Lands Commission to enter into an exchange with any person or any private or public entity of filled or reclaimed tide and submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust if the commission determines that certain conditions are met, including that the exchange is for one or more specified purposes. Existing law grants the rights and interests of the state in specified portions of the old bed of the American River to the City of Sacramento, subject to certain conditions and requirements.

This bill would grant in trust the Sacramento Waterfront Parcel and the Sand Cove Parcels, as defined, to the City of Sacramento, to be held

in trust for the benefit of all the people of the state for public trust purposes, as provided. The bill would authorize the city to use the trust lands for the construction, reconstruction, repair, and maintenance of any transportation, utility, or other infrastructure that is incidental, necessary, or convenient to promote or accommodate uses consistent with the public trust doctrine. The bill would require the city to comply with various requirements regarding the use of the trust lands, including that the city submit a trust lands use plan and a trust lands use report to the State Lands Commission. If the commission determines that the city is violating or about to violate the terms of the trust grant or other law relating to its obligations under the public trust doctrine or this bill, the bill would authorize the commission, after providing notice and an opportunity to correct the violation, to bring an action to enforce the rights of the state and people as settlor beneficiary of the public trust doctrine.

By adding to the duties on the City of Sacramento with respect to the use and management of trust lands, this bill would impose a state-mandated local program.

Existing law, the Kapiloff Land Bank Act, creates the Land Bank Fund and continuously appropriates money in the fund, subject to a statutory trust, to the State Lands Commission, acting as the Land Bank Trustee, to acquire real property or any interest in real property for the purposes of public trust settlements.

This bill, on June 30, 2022, and at the end of every third fiscal year thereafter, would require that, of those revenues generated from the trust lands granted to the City of Sacramento pursuant to this bill in excess of \$250,000, 50% be transmitted to the Treasurer for deposit in the General Fund, 25% be transmitted to the Treasurer for deposit in the Land Bank Fund, and 25% be retained by the city to be used consistent with this bill. By providing for the deposit of moneys in a continuously appropriated fund, this bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Sacramento.

~~The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.~~

~~This bill would require the department, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine whether that city or county has met the applicable minimum production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.~~

~~Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Prior to receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified. Existing law requires cities and counties to maintain their existing commitment of local funds for street, road, and~~

highway purposes in order to remain eligible for an allocation or apportionment of these funds.

This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, as described above, in order to remain eligible for an apportionment of these funds. For each city and county that is not in compliance with this requirement, the bill would require the Controller withhold the apportionment of funds that would otherwise be apportioned and distributed to the city or county for the fiscal year and deposit those funds in a separate escrow account for each city or county that is not in compliance. The bill would require the Controller to distribute the funds in the escrow account to the applicable city or county after the city or county is certified to be in compliance and meets other specified requirements. The bill would make other technical and conforming changes.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~no~~yes.

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Since the admission of California into the United States,
- 4 certain tide and submerged lands have been, and are now held,
- 5 in trust by the state for the benefit of all Californians for public
- 6 trust purposes of commercial navigation, fisheries, water-oriented
- 7 recreation and public access, and ecological preservation.
- 8 (2) The state has a trusteeship duty to govern, administer, and
- 9 control those lands for public trust purposes.
- 10 (3) The state is authorized, when the interests of the public will
- 11 benefit, to delegate, grant and convey in trust to local governments,
- 12 limited and defined areas of public trust lands along with the
- 13 authority and responsibility to govern, control, improve, and
- 14 develop those lands in the interests of all of the inhabitants of the
- 15 state for public trust purposes.
- 16 (b) In enacting this act, it is the intent of the Legislature to do
- 17 both of the following:
- 18 (1) To set forth the trust provisions, conditions, uses and
- 19 purposes established for the City of Sacramento's government,

1 *management, and control of the public trust lands along the*
2 *Sacramento River granted under this act.*

3 *(2) To convey in trust to the City of Sacramento the state's right,*
4 *title, and interest to the parcels of land known as the Waterfront*
5 *Parcel and the Sand Cove Parcels.*

6 *SEC. 2. For the purposes of this act, the following definitions*
7 *shall apply:*

8 *(a) "City" means the City of Sacramento, a municipal*
9 *corporation located within the County of Sacramento.*

10 *(b) "Commission" means the State Lands Commission.*

11 *(c) "Public trust doctrine" means the common law doctrine, as*
12 *enunciated by the court in National Audubon Society v. Superior*
13 *Court (1983) 33 Cal.3d 419 and other relevant judicial decisions,*
14 *specifying the state's authority as sovereign to exercise a*
15 *continuous supervision and control over the navigable waters of*
16 *the state, the lands underlying those waters, and nonnavigable*
17 *tributaries to navigable waters, including the protection of*
18 *maritime or water dependent commerce, navigation, and fisheries,*
19 *and the preservation of lands in their natural state for scientific*
20 *study, open space, wildlife habitat, and water-oriented recreation.*

21 *(d) "Public trust purposes" means navigation, fisheries,*
22 *water-oriented recreation, public access, ecological preservation,*
23 *and any other related purpose.*

24 *(e) "Sacramento Waterfront Parcel" means that parcel*
25 *described in Exhibit B of the Sacramento Downtown Railyards*
26 *Title Settlement and Exchange Agreement Recorded in the Official*
27 *Records of Sacramento County on ___ at page ___ of book ___.*

28 *(f) "Sand Cove Parcels" means those parcels described in*
29 *Exhibit C of the Sacramento Downtown Railyards Title Settlement*
30 *and Exchange Agreement Recorded in the Official Records of*
31 *Sacramento County on ___ at page ___ of book ___.*

32 *(g) "State" means the State of California.*

33 *(h) "Trustee" means the city.*

34 *(i) "Trust lands" means the Sacramento Waterfront Parcel and*
35 *the Sand Cove Parcels.*

36 *(j) "Trust revenues" means all revenues received from trust*
37 *lands and trust assets.*

38 *(k) "Trust lands use plan" or "plan" means the trust lands use*
39 *plan required to be submitted by the trustee to the commission*
40 *pursuant to subdivision (d) of Section 4 of this act.*

1 *(l) “Trust lands use report” means the report of the trustee’s*
2 *utilization of the trust lands required to be submitted by the trustee*
3 *pursuant to subdivision (e) of Section 4 of this act.*

4 *SEC. 3. There is hereby granted in trust to the City of*
5 *Sacramento, and to its successors, all of the rights, title, and*
6 *interests of the state, held by the state by virtue of its sovereignty,*
7 *in and to the trust lands.*

8 *SEC. 4. The trust lands granted to the trustee pursuant to*
9 *Section 3 of this act shall be held in trust for the benefit of all the*
10 *people of the state for public trust purposes, as more particularly*
11 *provided in this act. The trustee may use the trust lands for the*
12 *construction, reconstruction, repair, and maintenance of any*
13 *transportation, utility, or other infrastructure that is incidental,*
14 *necessary, or convenient to promote or accommodate uses*
15 *consistent with the public trust doctrine. The trust lands shall be*
16 *held by the trustee, subject to the following conditions:*

17 *(a) (1) The trustee shall not grant, convey, or otherwise alienate*
18 *the trust lands, or any part thereof, to any individual, firm, or*
19 *corporation for any purpose, except as provided in this act.*
20 *However, the trustee may lease the trust lands, or any part thereof,*
21 *for limited periods, not exceeding 49 years, for purposes consistent*
22 *with the trust on which those lands are held. Any lease entered*
23 *into pursuant to this subdivision shall be subject to any terms or*
24 *conditions that may be imposed by the trustee that are deemed to*
25 *be appropriate for public trust purposes. The trustee shall collect*
26 *and retain rents from any lease entered into pursuant to this*
27 *subdivision and expend trust revenues only for those uses and*
28 *purposes that are consistent with the public trust purposes. The*
29 *purpose of this requirement is to provide for the segregation of*
30 *funds derived from the use of the trust lands in order to ensure*
31 *that they are expended only to enhance the trust lands in*
32 *accordance with the trust uses and purposes upon which the trust*
33 *lands are held.*

34 *(2) The Legislature finds and declares that the requirement that*
35 *trust revenues be used only for those purposes that are consistent*
36 *with the public trust purposes is intended to provide for the*
37 *segregation of trust revenues in order to ensure that they are*
38 *expended only to enhance the trust lands in accordance with the*
39 *trust uses and purposes upon which the trust lands are held.*

1 ***(b) (1) In accordance with Section 6306 of the Public Resources***
2 ***Code, on or before December 31 of each year, the trustee shall***
3 ***file with the commission a detailed statement of all trust revenues***
4 ***and expenditures relating to its use of the trust lands and other***
5 ***trust assets, including obligations that have been incurred, but not***
6 ***yet paid, covering the fiscal year preceding submission of the***
7 ***statement. The statement required by this subdivision shall be***
8 ***prepared according to generally accepted accounting principles***
9 ***and may take the form of an annual audit prepared by or for the***
10 ***trustee. Prior to commission approval of a trust lands use plan,***
11 ***the following requirements shall apply:***

12 ***(A) At least 30 days before making a capital expenditure of trust***
13 ***revenues in excess of one hundred thousand (\$100,000), but not***
14 ***more than one million (\$1,000,000), in or on the trust lands, the***
15 ***trustee shall give written notice of that proposed expenditure to***
16 ***the commission. The notice shall set forth the trust purposes for***
17 ***which the proposed expenditure will be made.***

18 ***(B) The trustee shall not make a capital expenditure of trust***
19 ***revenues in excess of one million dollars (\$1,000,000), in or on***
20 ***the trust lands, unless the commission approves the expenditure***
21 ***pursuant to Chapter 2 (commencing with Section 6701) of Part 2***
22 ***of Division 6 of the Public Resources Code.***

23 ***(2) As to the commitment of trust revenues for capital***
24 ***improvements as described in paragraph (1), the commission may***
25 ***request the opinion of the Attorney General on the matter. The***
26 ***commission shall provide a copy of any opinion of the Attorney***
27 ***General pursuant to this paragraph to the trustee with the notice***
28 ***of its determination.***

29 ***(3) If the commission determines that a proposed capital***
30 ***expenditure is not authorized, the trustee shall not disburse any***
31 ***trust revenues for, or in connection with, that capital improvement,***
32 ***unless it is determined to be authorized by a final order or***
33 ***judgment in a civil action filed by the trustee. The trustee may file***
34 ***a civil action against the state, which suit shall have priority over***
35 ***all other civil matters, for purposes of determining whether a***
36 ***proposed capital expenditure is an authorized public trust purpose.***
37 ***Service shall be made upon the executive officer of the commission***
38 ***and the Attorney General, and the Attorney General shall defend***
39 ***the state in that suit. If the trustee prevails, the court shall not***
40 ***award costs.***

1 (c) Any property acquired by the trustee with trust revenues
2 shall become an asset of the trust lands and be subject to the terms
3 and conditions of this act. In addition, the following obligations
4 shall apply to trust revenues:

5 (1) On June 30, 2022, and at the end of every third fiscal year
6 thereafter, that portion of the trustee's trust revenues in excess of
7 two hundred fifty thousand dollars (\$250,000) remaining after
8 current and accrued operating costs and expenditures directly
9 related to the operation or maintenance of trust activities shall be
10 deemed excess revenues; provided, however, that any funds
11 deposited in a reserve fund for future capital expenditures or any
12 funds used to retire bond issues for the improvement or operation
13 of the trust lands shall not be deemed excess revenue. Any reserve
14 fund for future capital expenditure must be for projects that are
15 consistent with the use plan referenced in subdivision (d) and have
16 prior commission approval to be deemed nonexcess revenues.
17 Capital improvements of the trust lands made for purposes
18 authorized by this act may be considered as expenditures for the
19 purpose of determining excess revenues.

20 (2) The excess revenues, as determined pursuant to this section,
21 shall be allocated as follows:

22 (A) 50 percent shall be transmitted to the Treasurer, for deposit
23 in the General Fund.

24 (B) 25 percent shall be transmitted to the Treasurer, for deposit
25 in the Land Bank Fund pursuant to subdivision (c) of Section 8625
26 of the Public Resources Code.

27 (C) 25 percent shall be retained by the trustee and used
28 consistent with this act.

29 (3) Reimbursement for any expenditures by the trustee of
30 nontrust revenues for improvements made to the trust lands shall
31 be approved by the commission in accordance with subdivision
32 (b) in advance of that expenditure. If reimbursement is not
33 approved as provided in this paragraph, the expenditure of the
34 trustee's nontrust revenues shall be deemed a gift to the trust.

35 (d) (1) Upon request of the commission, the trustee shall submit
36 to the commission a trust lands use plan indicating details of
37 intended development, preservation, or other use of the trust lands.
38 The trustee shall thereafter submit to the commission for approval
39 all changes of, amendments to, or extensions of, the trust lands
40 use plan. Any use of the trust lands must be consistent with the

1 trust lands use plan as approved by the commission. Any
2 improvements of the trust land undertaken by the trustee pursuant
3 to a prior lease of the trust land, as authorized by the commission
4 prior to the effective date of this act, shall be deemed an approved
5 component of the trust lands use plan.

6 (2) The commission shall review with reasonable promptness
7 the trust lands use plan submitted by the trustee and any changes
8 or amendments to determine that they are consistent with the public
9 trust purposes and the requirements of this act. Based upon its
10 review, the commission shall either approve or disapprove the
11 trust lands use plan. In the event the commission disapproves the
12 trust lands use plan, the trustee shall submit a revised plan to the
13 commission within 180 days. If the commission determines that
14 the revised trust lands use plan is inconsistent with the public trust
15 doctrine and the requirements of this act, the commission shall
16 report the matter to the Governor and each house of the
17 Legislature.

18 (3) The trust lands use plan may consist of any plan, program,
19 or other document which includes all of the following:

20 (A) A general description of the type of uses planned or
21 proposed for the trust lands, including a map or aerial photograph
22 showing the location of these uses.

23 (B) The projected statewide benefit to be derived from the
24 planned or proposed uses of the trust lands, including, but not
25 limited to, the financial benefit and the furtherance of the public
26 trust purposes.

27 (C) The proposed method of financing the planned or proposed
28 uses of the trust lands, including estimated capital costs, annual
29 operating costs, and anticipated annual trust revenues.

30 (D) Estimated timetable for implementation of the trust lands
31 use plan or any phase of that implementation.

32 (E) A description of how the trustee proposes to protect and
33 preserve natural and manmade resources in connection with the
34 use of the trust lands.

35 (F) Procedures, rules, and regulations to governing the use of
36 or development of any leases of the trust lands developed by the
37 governing body of the city, which shall be subject to approval of
38 the commission. These rules and regulations shall include, but not
39 necessarily be limited to, lease rates, the bases upon which the
40 rates are established, lease terms and conditions, provision for

1 renegotiation of rates and terms and assignments, and such other
2 information as may be required by the commission.

3 (G) All leases or similar agreements with a third party for use
4 of the trust lands proposed, or entered into, by trustee after the
5 effective date of this section shall be consistent with the provisions
6 of the trust lands use plan submitted by the trustee and approved
7 by the commission.

8 (H) Upon request of the commission, the trustee shall submit
9 to the commission a copy of all leases and similar agreements
10 entered into, renewed, or renegotiated for the trust lands.

11 (e) Upon request of the commission, but not earlier than
12 September 30, 2024, the trustee shall submit a trust lands use
13 report of its utilization of the trust lands for each immediately
14 preceding five-calendar-year period ending with June 30 of the
15 calendar year in which the report is required to be submitted. The
16 updated report shall include all of the following:

17 (1) A general description of the uses to which the trust lands
18 have been placed during the period covered by the report.

19 (2) A list of the holders of all leases and permits granted or
20 issued by the trustee for the trust lands, which list shall specify,
21 as to each lease holder:

22 (A) The use to which the trust lands have been placed by the
23 lessee or permittee.

24 (B) The consideration provided for in each lease or permit, and
25 the consideration actually received by the trustee for the lease or
26 permit granted or issued.

27 (C) An enumeration of the restrictions that the trustee has placed
28 on the use of the trust lands and each area thereof for the period
29 covered by the report.

30 (f) The trustee shall reimburse the commission for staff costs
31 related to the review of the trust lands use plan and subsequent
32 report updates described in subdivisions (d) and (e).

33 (g) The trustee shall demonstrate good faith in carrying out the
34 provision of a trust lands use plan approved pursuant to
35 subdivision (d).

36 (h) The commission may, from time to time, institute a formal
37 inquiry to determine that the trustee has complied in good faith
38 with terms and conditions of this act, including any amendments,
39 and with any other applicable law concerning the trust lands.

1 (i) *There is hereby reserved in the people of the State of*
2 *California the right to fish in the waters on and from the trust*
3 *lands with the right of convenient access to those waters for fishing*
4 *purposes.*

5 (j) *The state shall have the right to use, without charge, any*
6 *transportation, landing, or storage improvements, betterments, or*
7 *structures constructed upon the trust lands by trustee for any vessel*
8 *or other watercraft or railroad owned or operated by, or under*
9 *contract to, the state as long as that use is consistent with the*
10 *approved trust lands use plan. The state's use of those facilities*
11 *shall be governed by the trustee's rules and regulations.*

12 (k) *The trust lands granted to the trustee are subject to the*
13 *express reservation and condition that the state may at any time*
14 *in the future use those lands, or any portion thereof, for highway*
15 *purposes without compensation to the trustee, or its successors or*
16 *assignees, or any person, firm, or public or private corporation*
17 *claiming any right to those lands, except that in the event*
18 *improvements have been placed with legal authority upon the*
19 *property taken by the state for highway purposes, compensation*
20 *shall be made to the person entitled to compensation for the value*
21 *of the interest in the improvements taken or the damages to that*
22 *interest.*

23 (l) *The state reserves all rights to any remains or artifacts of*
24 *archaeological or historical significance and to all minerals and*
25 *mineral rights in the trust lands, whether now known to exist or*
26 *hereafter discovered, including, but not limited to, oil and gas and*
27 *rights thereto, together with the sole, exclusive, and the perpetual*
28 *right to explore for, remove, and dispose of those minerals by any*
29 *means or methods suitable to the state or to its successors and*
30 *assignees. Notwithstanding section 6401 of the Public Resources*
31 *Code, any mineral right retained pursuant to this section shall not*
32 *include the right of the state or its successors or assignees in*
33 *connection with any mineral reservation, removal, or disposal*
34 *activity, to do either of the following:*

35 (1) *Enter upon, use, or damage the surface of the trust lands or*
36 *interfere with the use of the surface by the trustee or by the*
37 *trustee's tenants.*

38 (2) *Conduct any mining activities of any nature whatsoever*
39 *above a plane located five hundred feet below the surface of the*
40 *trust lands without permission of the trustee.*

1 (m) In the management, conduct, operation, and control of the
2 trust lands or any improvements, or structures on that land, the
3 trustee shall make no discrimination in rates, tolls, or charges for
4 any use or service in connection therewith, nor shall the trustee
5 discriminate against or unlawfully segregate any person or group
6 of persons on account of sex, race, color, creed, national origin,
7 ancestry, or physical handicap for any use or service in connection
8 herewith.

9 (n) The trust lands shall be improved by the trustee without
10 expense to the state, except that nothing contained in this act shall
11 preclude the trustee from accepting and retaining any grant of
12 funds or subvention from the state or other governmental agencies
13 made available for the purpose of aiding in the development of
14 those trust lands for any public purpose consistent with the
15 promotion and accommodation of commercial navigation, fisheries,
16 water-oriented recreation and public access, or ecological
17 preservation.

18 SEC. 5. (a) If the commission finds that the trustee has violated
19 or is about to violate the terms of its trust grant or any other
20 principle of law relating to its obligation under the public trust
21 doctrine or under this act, the commission shall notify the trustee
22 of the violation.

23 (b) The trustee shall have 30 days from the receipt of a notice
24 of violation to conform to the terms of its grant and the principles
25 of law under the public trust doctrine. If the trustee fails or refuses
26 to take those actions, the commission may bring an action to
27 enforce the rights of the state and people as settlor beneficiary of
28 the public trust doctrine.

29 (c) The Attorney General shall represent the state in all actions
30 or proceedings taken pursuant to this section. If the judgment is
31 given against the state in the action or proceeding, no costs shall
32 be recovered from the state and people.

33 SEC. 6. Lands granted pursuant to this act are the trust lands,
34 as follows:

35 (a) The Sacramento Waterfront Parcel, being that parcel
36 described in Exhibit B of the Sacramento Downtown Railyards
37 Title Settlement and Exchange Agreement Recorded in the Official
38 Records of Sacramento County on ____ at page ____ of book ____.

39 (b) The Sand Cove Parcels, being those parcels described in
40 Exhibit C of the Sacramento Downtown Railyards Title Settlement

1 *and Exchange Agreement Recorded in the Official Records of*
2 *Sacramento County on ____ at page ____ of book ____.*

3 *SEC. 7. The trustee may resolve title and boundaries of the*
4 *trust lands, with the formal concurrence and approval of the*
5 *commission. The trustee may take and hold title, subject to the*
6 *public trust and this statutory trust, to lands exchanged pursuant*
7 *to Section 6307 of the Public Resources Code, with the*
8 *participation and formal approval of the commission.*

9 *SEC. 8. The provisions of this act are severable. If any*
10 *provision of this act or its application is held invalid, that invalidity*
11 *shall not affect other provisions or applications that can be given*
12 *effect without the invalid provision or application.*

13 *SEC. 9. If the Commission on State Mandates determines that*
14 *this act contains costs mandated by the state, reimbursement to*
15 *local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

18 *SEC. 10. The Legislature finds and declares that a special*
19 *statute is necessary and that a general statute cannot be made*
20 *applicable within the meaning of Section 16 of Article IV of the*
21 *California Constitution because of the unique circumstances*
22 *regarding the development of property previously granted to the*
23 *City of Sacramento pursuant to Chapter 519 of the Statutes of*
24 *1868.*

25 ~~SECTION 1. Section 65400.5 is added to the Government~~
26 ~~Code, to read:~~

27 ~~65400.5. (a) For purposes of this section:~~

28 ~~(1) "Department" means the Department of Housing and~~
29 ~~Community Development.~~

30 ~~(2) "Production report" means the information reported by a~~
31 ~~city or county pursuant to subparagraph (H) of paragraph (2) of~~
32 ~~subdivision (a) of Section 65400 as a part of the annual report~~
33 ~~described in Section 65400.~~

34 ~~(b) The department shall, on or before June 30, 2022, and on~~
35 ~~or before June 30 every year thereafter and through and including~~
36 ~~June 30, 2051, review each production report submitted by a city~~
37 ~~or county to determine whether the city or county has met the~~
38 ~~applicable minimum production goal for that reporting period. The~~
39 ~~minimum production goal shall be calculated using the following~~
40 ~~schedule:~~

1 ~~(1) For a production report that covers a reporting period for~~
2 ~~each calendar year commencing January 1, 2022, to January 1,~~
3 ~~2027, inclusive, the minimum production goal means that the~~
4 ~~production report reflects that the number of units of housing~~
5 ~~available in that city or county is at least 20 percent of the city or~~
6 ~~county's share of regional housing needs for each income category.~~

7 ~~(2) For a production report that covers a reporting period for~~
8 ~~each calendar year commencing January 1, 2028, to January 1,~~
9 ~~2032, inclusive, the minimum production goal means that the~~
10 ~~production report reflects that the number of units of housing~~
11 ~~available in that city or county is at least 40 percent of the city or~~
12 ~~county's share of regional housing needs for each income category.~~

13 ~~(3) For a production report that covers a reporting period for~~
14 ~~each calendar year commencing January 1, 2033, to January 1,~~
15 ~~2038, inclusive, the minimum production goal means that the~~
16 ~~production report reflects that the number of units of housing~~
17 ~~available in that city or county is at least 60 percent of the city or~~
18 ~~county's share of regional housing needs for each income category.~~

19 ~~(4) For a production report that covers a reporting period for~~
20 ~~each calendar year commencing January 1, 2039, to January 1,~~
21 ~~2044, inclusive, the minimum production goal means that the~~
22 ~~production report reflects that the number of units of housing~~
23 ~~available in that city or county is at least 80 percent of the city or~~
24 ~~county's share of regional housing needs for each income category.~~

25 ~~(5) For a production report that covers a reporting period for~~
26 ~~each calendar year commencing January 1, 2045, and January 1,~~
27 ~~2050, the minimum production goal means that the production~~
28 ~~report reflects that the number of units of housing available in that~~
29 ~~city or county is 100 percent of the city or county's share of~~
30 ~~regional housing needs for each income category.~~

31 ~~(c) Any calculation made by the department pursuant to~~
32 ~~subdivision (b) that results in a fractional unit shall be rounded~~
33 ~~down.~~

34 ~~(d) If the department determines that a city or county has met~~
35 ~~its applicable minimum production goal for that reporting period~~
36 ~~as described in subdivision (b), the department shall no later than~~
37 ~~June 30 of that year submit a certification of that result to the~~
38 ~~Controller. A certification is valid for the next fiscal year.~~

39 ~~SEC. 2. Section 2034 of the Streets and Highways Code is~~
40 ~~amended to read:~~

2034. ~~(a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (h) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding shall be adopted by resolution by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.~~

~~(2) The commission shall submit an initial report to the Controller that indicates the eligible cities and counties that have submitted a list of projects that meet the requirements of paragraph (1) and that therefore may receive an apportionment of funds under the program for the applicable fiscal year pursuant to paragraph (3). If the commission receives a list of projects from an eligible city or county after it submits its initial report to the Controller, the commission shall submit a subsequent report to the Controller that indicates the eligible cities and counties that submitted a list of projects that meet the requirements of paragraph (1) after the commission submitted its initial report.~~

~~(3) The Controller, upon receipt of the initial report, shall apportion funds to eligible cities and counties included in the initial report.~~

~~(4) (A) For any eligible city or county that is not included in the initial report submitted to the Controller pursuant to paragraph (2), the Controller shall retain the monthly share of funds that would otherwise be apportioned and distributed to the city or county pursuant to paragraph (3).~~

~~(B) If the Controller receives a subsequent report from the commission within 90 days of receiving the initial report from the commission, the Controller shall apportion the funds retained pursuant to subparagraph (A) to any eligible city or county included in the subsequent report.~~

~~(C) The Controller shall reapportion to all eligible cities and counties included in the initial report or a subsequent report from~~

1 the commission pursuant to the formula in clauses (i) and (ii) of
2 subparagraph (C) of paragraph (3) of subdivision (a) of Section
3 2103 any funds that were retained pursuant to subparagraph (A)
4 but that were not apportioned and distributed pursuant to
5 subparagraph (B).

6 (b) For each fiscal year, each eligible city or county receiving
7 an apportionment of funds shall, upon expending program funds,
8 submit documentation to the commission that details the
9 expenditures of all funds under the program, including a description
10 and location of each completed project, the amount of funds
11 expended on the project, the completion date, if applicable, and
12 the estimated useful life of the improvement.

13 (c) Prior to receiving an apportionment of funds under the
14 program pursuant to paragraph (2) of subdivision (h) of Section
15 2032 from the Controller in a fiscal year, an eligible city or county
16 may expend other funds on eligible projects and may reimburse
17 the source of those other funds when it receives its apportionment
18 from the Controller.

19 SEC. 3. Section 2036.5 is added to the Streets and Highways
20 Code, to read:

21 2036.5. (a) Commencing with the 2022–23 fiscal year, and
22 until the 2051–52 fiscal year, in addition to the requirement
23 specified in Section 2036, in order to remain eligible in any fiscal
24 year for an apportionment of funds pursuant to paragraph (2) of
25 subdivision (h) of Section 2032 a city or county shall, in the prior
26 fiscal year, be certified by the Department of Housing and
27 Community Development pursuant to Section 65400.5 of the
28 Government Code.

29 (b) For each city or county that is not in compliance with
30 subdivision (a), the Controller shall withhold the apportionment
31 of funds that would otherwise be apportioned and distributed to
32 that city or county for the fiscal year and shall deposit those funds
33 in a separate escrow account for each city or county that is not in
34 compliance with subdivision (a).

35 (c) The Controller shall distribute the funds held in an escrow
36 account created pursuant to subdivision (b) to the applicable city
37 or county after both of the following occur:

38 (1) The city or county is certified by the Department of Housing
39 and Community Development pursuant to Section 65400.5 of the
40 Government Code in the prior fiscal year.

1 ~~(2) The city or county submits a list of projects proposed to be~~
2 ~~funded with the funds in the escrow account that meet the~~
3 ~~requirements of subdivision (a) of Section 2034 to the commission~~
4 ~~and the commission submits a report to the Controller indicating~~
5 ~~that the list of projects meets those requirements.~~

6 ~~(d) If a city or county whose funds have been withheld complies~~
7 ~~with paragraph (1) of subdivision (c) but does not comply with~~
8 ~~paragraph (2) of subdivision (c), the Controller shall reapportion~~
9 ~~the funds that have been withheld to eligible cities and counties~~
10 ~~pursuant to the formula in clauses (i) and (ii) of subparagraph (C)~~
11 ~~of paragraph (3) of subdivision (a) of Section 2103.~~

12 ~~(e) A city or county that receives an apportionment of funds~~
13 ~~pursuant to this section shall comply with subdivision (b) of Section~~
14 ~~2034 with respect to the expenditure of those funds.~~

O

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Assembly California Legislature



KEVIN McCARTY
CHAIR: BUDGET SUBCOMMITTEE NO. 2 ON EDUCATION FINANCE
ASSEMBLYMEMBER, SEVENTH DISTRICT

ASSEMBLY RULES

2018 APR 17 A 11:01

DISTRICT OFFICE
915 L STREET, SUITE 110
SACRAMENTO, CA 95814
(916) 324-4676
FAX (916) 327-3338

SOCIAL MEDIA
@AsmKevinMcCarty

April 17, 2018

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Cooley:

I am writing to respectfully request that an urgency clause be added to AB 1759 (McCarty).

AB 1759 is a district bill that will facilitate the development of the downtown Sacramento Railyards project, widely acknowledged as the largest infill development project in the United States.

Given the unique characteristics of this project and time sensitive deadlines that must be met for this project to be successful, an urgency clause is appropriate for this legislation.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "Kevin McCarty", with a long horizontal flourish extending to the right.

KEVIN McCARTY
Assemblymember, 7th District

Assembly Joint Resolution

No. 37

Introduced by Assembly Member Friedman
(Coauthor: Assembly Member Nazarian)
(Coauthors: Senators Portantino and Wilk)

March 22, 2018

Assembly Joint Resolution No. 37—Relative to the Armenian Genocide.

LEGISLATIVE COUNSEL’S DIGEST

AJR 37, as introduced, Friedman. Armenian Genocide.

This measure would, among other things, designate the year 2018 as “State of California Year of Commemoration of the Anniversary of the Armenian Genocide of 1915–1923,” would designate April 24, 2018, as “State of California Day of Commemoration of the 103rd Anniversary of the Armenian Genocide of 1915–1923,” and would call upon the President of the United States and the United States Congress to formally and consistently reaffirm the historical truth that the atrocities committed against the Armenian people constituted genocide.

Fiscal committee: no.

1 WHEREAS, Armenians have resided in Asia Minor and the
2 Caucasus for approximately four millennia, and have a long and
3 rich history in the region, including the establishment of many
4 kingdoms, and despite Armenians’ historic presence, stewardship,
5 and autonomy in the region, Turkish rulers of the Ottoman Empire
6 and the Republic of Turkey subjected Armenians to severe and
7 unjust persecution and brutality, including wholesale massacres
8 beginning in the 1890s; and

1 WHEREAS, The Armenian nation was subjected to a systematic
2 and premeditated genocide officially beginning on April 24, 1915,
3 at the hands of the Young Turk Government of the Ottoman Empire
4 from 1915 to 1919, inclusive, and continued at the hands of the
5 Kemalist Movement of Turkey from 1920 to 1923, inclusive,
6 whereby over 1.5 million Armenian men, women, and children
7 were slaughtered or marched to their deaths in an effort to
8 annihilate the Armenian nation in the first genocide of modern
9 times, while thousands of surviving Armenian women and children
10 were forcibly converted and Islamized, and hundreds of thousands
11 more were subjected to ethnic cleansing during the period of the
12 modern Republic of Turkey from 1924 to 1937, inclusive; and

13 WHEREAS, During the genocides of the Christians living in
14 the Ottoman Empire and surrounding regions, which occurred
15 during the first one-half of the 20th century, 1.5 million men,
16 women, and children of Armenian descent, and hundreds of
17 thousands of Assyrians, Greeks, and other Christians, lost their
18 lives at the hands of the Ottoman Turkish Empire and the Republic
19 of Turkey, constituting one of the most atrocious violations of
20 human rights in the history of the world; and

21 WHEREAS, These crimes against humanity also had the
22 consequence of permanently removing all traces of the Armenians
23 and other targeted people from their historic homelands of more
24 than four millennia, and enriching the perpetrators with the lands
25 and other property of the victims of these crimes, including the
26 usurpation of several thousand churches; and

27 WHEREAS, In response to the genocide and at the behest of
28 President Woodrow Wilson and the United States Department of
29 State, the Near East Relief organization was founded, and became
30 the first congressionally sanctioned American philanthropic effort
31 created exclusively to provide humanitarian assistance and rescue
32 to the Armenian nation and other Christian minorities from
33 annihilation, who went on to survive and thrive outside of their
34 ancestral homeland all over the world and specifically in this state;
35 and

36 WHEREAS, Near East Relief succeeded, with the active
37 participation of the citizens from this state, in delivering \$117
38 million in assistance, and saving more than one million refugees,
39 including 132,000 orphans, between 1915 and 1930, by delivering

1 food, clothing, and materials for shelter, setting up refugee camps,
2 clinics, hospitals, and orphanages; and

3 WHEREAS, The Armenian nation survived the genocide despite
4 the attempt by the Ottoman Empire to exterminate it; and

5 WHEREAS, Adolf Hitler, in persuading his army commanders
6 that the merciless persecution and killing of Jews, Poles, and other
7 people would bring no retribution, declared, “Who, after all, speaks
8 today of the annihilation of the Armenians?”; and

9 WHEREAS, On November 4, 1918, immediately after the
10 collapse of the Young Turk regime and before the founding of the
11 Republic of Turkey by Mustafa Kemal Ataturk in 1923, the
12 Ottoman Parliament considered a motion on the crimes committed
13 by the Committee of Union and Progress (CUP) stating: “A
14 population of one million people guilty of nothing except belonging
15 to the Armenian nation were massacred and exterminated,
16 including even women and children.” The Minister of Interior at
17 the time, Fethi Bey, responded by telling the Parliament: “It is the
18 intention of the government to cure every single injustice done up
19 until now, as far as the means allow, to make possible the return
20 to their homes of those sent into exile, and to compensate for their
21 material loss as far as possible”; and

22 WHEREAS, On August 1, 1926, in an interview published in
23 the Los Angeles Examiner, Mustafa Kemal Ataturk admitted:
24 “These left-overs from the former Young Turk Party, who should
25 have been made to account for the lives of millions of our Christian
26 subjects who were ruthlessly driven en masse, from their homes
27 and massacred, have been restive under the Republican rule. They
28 have hitherto lived on plunder, robbery and bribery and become
29 inimical to any idea or suggestion to enlist in useful labor and earn
30 their living by the honest sweat of their brow”; and

31 WHEREAS, The Parliamentary Investigative Committee
32 proceeded to collect relevant documents describing the actions of
33 those responsible for the Armenian mass killings and turned them
34 over to the Turkish Military Tribunal. CUP’s leading figures were
35 found guilty of massacring Armenians and hanged or given lengthy
36 prison sentences. The Turkish Military Tribunal requested that
37 Germany extradite to Turkey the masterminds of the massacres
38 who had fled the country. After German refusal, they were tried
39 in absentia and sentenced to death; and

1 WHEREAS, Unlike other people and governments that have
2 admitted and denounced the abuses and crimes of predecessor
3 regimes, and despite the Turkish government's earlier admissions
4 and the overwhelming proof of genocidal intent, the Republic of
5 Turkey inexplicably and adamantly has denied the occurrence of
6 the crimes against humanity committed by the Ottoman and Young
7 Turk rulers for many years, and continues to do so a full century
8 since the first crimes constituting genocide occurred; and

9 WHEREAS, Those denials compound the grief of the few
10 remaining survivors and deprive the surviving Armenian nation
11 of its individual and collective ancestral lands, property, cultural
12 heritage, financial assets, and population growth; and

13 WHEREAS, The Republic of Turkey has escalated its
14 international campaign of Armenian Genocide denial, maintained
15 its blockade of Armenia, and increased its pressure on the small
16 but growing movement in Turkey acknowledging the Armenian
17 Genocide and seeking justice for this systematic campaign of
18 destruction of millions of Armenians, Greeks, Assyrians, and other
19 Christians upon their biblical-era homelands; and

20 WHEREAS, Those citizens of Turkey, both Armenian and
21 non-Armenian, who continue to speak the truth about the Armenian
22 Genocide, such as human rights activist and journalist Hrant Dink,
23 continue to be silenced by violent means; and

24 WHEREAS, There is continued concern about the welfare of
25 Christians in the Republic of Turkey, their right to worship and
26 practice freely, and the legal status and condition of thousands of
27 ancient Armenian churches, monasteries, cemeteries, and other
28 historical and cultural structures, sites, and antiquities in the
29 Republic of Turkey; and

30 WHEREAS, The United States is on record as having officially
31 recognized the Armenian Genocide in the United States
32 government's May 28, 1951, written statement to the International
33 Court of Justice regarding the Reservations to the Convention on
34 the Prevention and Punishment of the Crime of Genocide, through
35 President Ronald Reagan's April 22, 1981, Proclamation No. 4838,
36 and by congressional legislation including House Joint Resolution
37 148 adopted on April 9, 1975, and House Joint Resolution 247
38 adopted on September 12, 1984; and

39 WHEREAS, Prior to the Convention on the Prevention and
40 Punishment of the Crime of Genocide, the United States had a

1 record of seeking just and constructive means to address the
2 consequences of the Ottoman Empire’s intentional destruction of
3 the Armenian people, including through United States Senate
4 Concurrent Resolution 12 adopted on February 9, 1916, United
5 States Senate Resolution 359 adopted on May 11, 1920, and
6 President Woodrow Wilson’s November 22, 1920, decision titled,
7 “The Frontier between Armenia and Turkey,” which was issued
8 as a binding arbitral award, yet has not been enforced to this date
9 despite its legally binding status; and

10 WHEREAS, President Barack Obama entered office “calling
11 for Turkey’s acknowledgment of the Armenian Genocide” and on
12 April 24, 2013, and similarly on April 24, 2014, he further stated,
13 “A full, frank, and just acknowledgment of the facts is in all of
14 our interests. Peoples and nations grow stronger, and build a more
15 just and tolerant future, by acknowledging and reckoning with
16 painful elements of the past”; and

17 WHEREAS, California is home to the largest Armenian
18 American population in the United States, and Armenians living
19 in California have enriched our state through their leadership and
20 contribution in business, agriculture, academia, government, and
21 the arts, many of whom have family members who experienced
22 firsthand the horror and evil of the Armenian Genocide and its
23 ongoing denial; and

24 WHEREAS, Every person should be made aware and educated
25 about the Armenian Genocide and other crimes against humanity;
26 and

27 WHEREAS, The State of California has been at the forefront
28 of encouraging and promoting a curriculum relating to human
29 rights and genocide in order to empower future generations to
30 prevent the recurrence of genocide; and

31 WHEREAS, April 24, 1915, is globally observed and recognized
32 as the commencement of the Armenian Genocide; and

33 WHEREAS, Armenians in the State of California and throughout
34 the world have not been provided with justice for the crimes
35 perpetrated against the Armenian nation despite the fact that over
36 a century has passed since the crimes were first committed; and

37 WHEREAS, The Armenian people in the State of California
38 and throughout the world remain resolved and their spirit continues
39 to thrive more than a century after their near annihilation; now,
40 therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature hereby designates the year 2018 as “State of California Year of Commemoration of the Anniversary of the Armenian Genocide of 1915–1923” and in doing so, intends, through the enactment of legislation, that the Armenian Genocide is properly commemorated and taught to its citizens and visitors through statewide educational and cultural events; and be it further

Resolved, That the Legislature hereby designates April 24, 2018, as “State of California Day of Commemoration of the 103rd Anniversary of the Armenian Genocide of 1915–1923”; and be it further

Resolved, That the Legislature commends its conscientious educators who teach about human rights and genocide, and intends for them, through the enactment of legislation, to continue to enhance their efforts to educate students at all levels about the experience of the Armenians and other crimes against humanity; and be it further

Resolved, That the Legislature hereby commends the extraordinary service that was delivered by Near East Relief to the survivors of the Armenian Genocide and the Assyrian Genocide, including thousands of direct beneficiaries of American philanthropy who are the parents, grandparents, and great-grandparents of many Californian Armenians and Assyrians, and pledges its intent, through the enactment of legislation, to working with community groups, nonprofit organizations, citizens, state personnel, and the community at large to host statewide educational and cultural events; and be it further

Resolved, That the Legislature deplores the persistent, ongoing efforts by any person, in this country or abroad, to deny the historical fact of the Armenian Genocide; and be it further

Resolved, That the Legislature respectfully calls upon the President of the United States and the United States Congress to formally and consistently reaffirm the historical truth that the atrocities committed against the Armenian people constituted genocide; and be it further

Resolved, That the Legislature calls upon the President of the United States to work toward equitable, constructive, stable, and durable Armenian-Turkish relations; and be it further

1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
2 of this resolution to the President and Vice President of the United
3 States, to the Speaker of the House of Representatives, to the
4 Majority Leader of the Senate, to each Senator and Representative
5 from California in the Congress of the United States, to the
6 Governor of California, to every member of the California State
7 Legislature, and to the Superintendent of Public Instruction.

O

Date of Hearing: April 19, 2018

ASSEMBLY COMMITTEE ON RULES

Ken Cooley, Chair

AJR 37 (Friedman) – As Introduced March 22, 2018

SUBJECT: Armenian Genocide.

SUMMARY: Designates the year of 2018 as "State of California Year of Commemoration of the Anniversary of the Armenian Genocide of 1915-1923," designates April 24, 2018, as "State of California Day of Commemoration of the 103rd Anniversary of the Armenian Genocide of 1915-1923," and calls upon the President of the United States and the United States Congress to formally and consistently reaffirm the historical truth that the atrocities committed against the Armenian people constituted genocide. Specifically, **this resolution** makes the following legislative findings:

- 1) Armenians have resided in Asia Minor and the Caucasus for approximately four millennia, and have a long and rich history in the region, including the establishment of many kingdoms, and despite Armenians' historic presence, stewardship, and autonomy in the region, Turkish rulers of the Ottoman Empire and the Republic of Turkey subjected Armenians to severe and unjust persecution and brutality, including wholesale massacres beginning in the 1890s.
- 2) The Armenian nation was subjected to a systematic and premeditated genocide officially beginning on April 24, 1915, at the hands of the Young Turk Government of the Ottoman Empire from 1915–1919 and continued at the hands of the Kemalist Movement of Turkey from 1920–1923 whereby over 1.5 million Armenian men, women, and children were slaughtered or marched to their deaths in an effort to annihilate the Armenian nation in the first genocide of modern times, while thousands of surviving Armenian women and children were forcibly converted and Islamized, and hundreds of thousands more were subjected to ethnic cleansing during the period of the modern Republic of Turkey from 1924–1937.
- 3) California is home to the largest Armenian American population in the United States, and Armenians living in California have enriched our state through their leadership and contribution in business, agriculture, academia, government, and the arts, many of whom have family members who experienced firsthand the horror and evil of the Armenian Genocide and its ongoing denial.
- 4) The State of California has been at the forefront of encouraging and promoting a curriculum relating to human rights and genocide in order to empower future generations to prevent the recurrence of genocide.
- 5) The Armenian people in the State of California and throughout the world remain resolved and their spirit continues to thrive more than a century after their near annihilation.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Armenian National Committee of America – Western Region
Armenian Youth Federation Western United States

Opposition

Republic of Turkey, Consulate General Los Angeles

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



**Armenian National Committee of America –
Western Region**

April 16, 2018

Honorable Assemblymember Ken Cooley
Chair, Assembly Rules Committee
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0008
Dear Assemblymember Cooley,

On behalf of the Armenian National Committee of America – Western Region, I am writing to express our strong support for AJR-37—introduced by Assemblymembers Laura Friedman and Adrin Nazarian (D-Van Nuys) and Senators Scott Wilk (R-Santa Clarita) and Anthony Portantino (D-La Cañada Flintridge)—which designates April 24th as California’s Day of commemoration of the 103rd Anniversary of the Armenian Genocide.

California has a clear policy of Armenian Genocide recognition, as demonstrated by decades of legislative resolutions and gubernatorial proclamations. Contrary to our state’s policy, the Turkish government fosters the teaching of genocide denial in its public schools, and continues to discriminate against Armenians and other minorities.

In June 2017 with a vote of 67 to 0, the California State Assembly also overwhelmingly voted to adopt Assemblymember Adrin Nazarian’s measure (AB 1597) calling for the divestment of California public funds from Turkish government controlled financial instruments, ensuring taxpayer funds are no longer used in this manner to aid and abet Turkey’s century long obstruction of justice for the Armenian Genocide.

Therefore, we welcome AJR-37 for once again commemorating the Armenian Genocide and recognizing the Near East Relief organization, which became the first US Congress-sanctioned philanthropic effort to rescue Armenians, Assyrians, Greeks, and other Christian minorities, from annihilation at the hands of the Ottoman Turkish Empire.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Friedman", is written over a light blue horizontal line.



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ARMENIAN YOUTH FEDERATION
ARF Youth Organization of the Western United States

April 18, 2018

Honorable Assemblymember Ken Cooley
Chair, Assembly Rules Committee
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0043

Dear Assemblymember Cooley,

On behalf of the Armenian Youth Federation Western United States, I am writing to express our strong support for AJR-37—introduced by Assemblymember Laura Friedman and co-authored by Assemblymember Adrin Nazarian (D-Van Nuys) and Senators Scott Wilk (R-Santa Clarita) and Anthony Portantino (D-La Cañada Flintridge)—which designates April 24th as California's Day of Commemoration of the 103rd Anniversary of the Armenian Genocide.

The Armenian Genocide (1915-1923) was the Ottoman Turkish government's systematic extermination of its peaceful Christian Armenian subjects from their historic homeland within the territory constituting the present-day Republic of Turkey to promote its pan-Turkic plans of uniting all Turkic peoples in the Near East and Asia. In addition to the overwhelming documentation by historians, over 25 countries and 48 US States including California have recognized the Armenian Genocide.

We appreciate the State of California having a clear stance on genocide recognition and encouraging genocide education through enacted legislation. It is extremely critical to have dedicated educators teach about human rights, genocide, and other crimes against humanities in order to prevent similar atrocities from repeating.

Therefore, we welcome AJR-37 for commemorating the Armenian Genocide and also recognizing the service of the Near East Relief to the survivors of the Armenian Genocide.

Sincerely,
Raffi Senekeremian
Chairperson
Armenian Youth Federation Western United States

104 North Belmont Street • Suite 313 • Glendale, CA 91206 • Tel: (818) 507-1933 • Fax: (818) 240-3442

W W W . A Y F W E S T . O R G



Honorable Laura Friedman
Member, California State Assembly
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0043

March 30, 2018

Dear Assemblymember Friedman,

I am writing to convey Turkey's reaction to AJR-37, which you introduced on March 22, 2018. Turkey's views on the Ottoman-Armenian historical controversy have been well documented and were also shared by my predecessor in a letter addressed to you on January 6, 2017 following your introduction of AJR-3, the text of which is almost identical to AJR-37.

Like AJR-3, AJR-37 is an attempt to impose a biased and unsubstantiated point of view on a genuine historical controversy by legislative fiat.

"Genocide" is a very narrow legal concept and denotes a clearly defined crime that is required to be proven with solid and unequivocal evidence. There is no judgment of a competent court ascertaining the events of 1915 as genocide. To the contrary, the existing jurisprudence in European law, confirms that the issue is a subject of legitimate debate.

In the absence of any applicable international legal norms, legislative bodies should refrain from assuming the role of international tribunals and taking a stand on historical controversies.

AJR-37 also fails to recognize Turkey's statements and actions reflecting on these century-old events. Each year since 2014, Turkey has been paying its respects to the Ottoman Armenians who lost their lives under the harsh conditions of the First World War and the President of Turkey has repeatedly conveyed his condolences to their descendants.

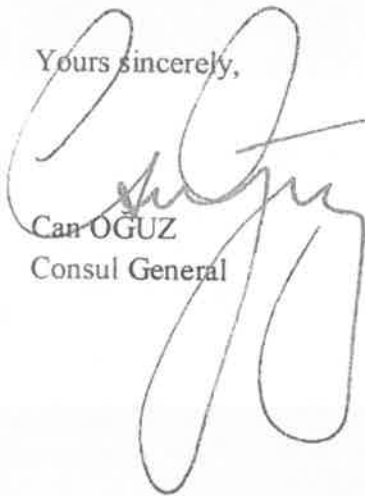
Turkey acknowledges and appreciates the great contributions of the Armenian community had made to the Ottoman Empire as well as to the Republic of Turkey. As two ancient nations of the region, Turks and Armenians share a common history and culture, which go back thousands of years. Unfortunately, AJR-37 makes no mention of Turkey's sincere and public views on this common past or of Turkey's efforts to preserve Armenian sites within its borders, which it considers part of its cultural patrimony.

Moreover, bills like AJR-37 cause animosity toward and intimidate Turkish Americans, whose views should be represented in a body, the fundamental duty of which is to serve and give voice to all its constituents. The confrontational tone of the bill creates an incendiary environment, which can easily be exploited, and renders the Turkish American community vulnerable to security risks. In California, as you may recall, three Turkish diplomats have been murdered since 1973. Regrettably, the California Assembly has never memorialized their deaths.

Lastly, AJR-37 undermines the reconciliation efforts between Turks and Armenians, which serve the interests of not only these two nations, but also that of the United States.

I sincerely believe that third parties who are interested in taking a position on this complex issue should adopt a balanced approach that helps bring the two sides together rather than advocate a distorted narrative of a single constituency.

Yours sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Can OGUZ', is written over the typed name and title.

Can OGUZ
Consul General