



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

KEN COOLEY
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VICE CHAIR
CUNNINGHAM, JORDAN

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SALAS, JR. RUDY
WALDRON, MARIE

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

Monday, April 2, 2018
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals [Page 2](#)
2. Bill Re-referrals [Page 4](#)

RESOLUTIONS

3. ACR-203 (Quirk-Silva) Relative to Donate Life/DMV Partnership Month. [Page 6](#)
4. ACR-204 (Baker) Relative to Equal Pay Day. [Page 10](#)

REQUEST TO ADD URGENCY CLAUSE

5. AB-2396 (Bigelow) Relative to Public contracting: conflicts of interest: exemption. [Page 15](#)



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RUDY SALAS
MARIE WALDRON

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

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 3/29/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, AB 3039 has been added to the referrals.

REFERRAL OF BILLS TO COMMITTEE

04/02/2018

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

Assembly Bill No.	Committee:
<u>AB 1923</u>	INS.
<u>AB 2363</u>	TRANS.
<u>AB 2517</u>	HEALTH
<u>AB 2621</u>	HIGHER ED.
<u>AB 2633</u>	L. GOV.
<u>AB 2767</u>	HIGHER ED.
<u>AB 2782</u>	NAT. RES.
<u>AB 2845</u>	PUB. S.
<u>AB 2933</u>	HUM. S.
<u>AB 2933</u>	HIGHER ED.
<u>AB 2960</u>	ED.
<u>AB 2960</u>	HUM. S.
<u>AB 2986</u>	C. & C.
<u>AB 2986</u>	PUB. S.
<u>AB 3039</u>	HUM. S.
<u>AB 3217</u>	JUD.
<u>AB 3257</u>	NAT. RES.
<u>AB 3258</u>	E. & R.
<u>AB 3259</u>	E. & R.
<u>AB 3260</u>	AGRI.
<u>ACR 207</u>	RLS.
<u>AJR 36</u>	JUD.
<u>AJR 37</u>	RLS.
<u>HR 90</u>	RLS.
<u>HR 91</u>	RLS.
<u>SCR 97</u>	RLS.
<u>SCR 98</u>	V.A.
<u>SCR 103</u>	RLS.
<u>SCR 104</u>	RLS.
<u>SCR 106</u>	RLS.
<u>SCR 113</u>	RLS.
<u>SJR 19</u>	ED.



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VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 3/29/18
Re: Consent Bill Re-Referrals

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

RE-REFERRAL OF BILLS

04/02/2018

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.	Committee:
<u>AB 1983</u>	ED.
<u>AB 2267</u>	NAT. RES.
<u>AB 2411</u>	NAT. RES.
<u>AB 2934</u>	E.S. & T.M.

Assembly Concurrent Resolution

No. 203

Introduced by Assembly Member Quirk-Silva

March 14, 2018

Assembly Concurrent Resolution No. 203—Relative to organ and tissue donation.

LEGISLATIVE COUNSEL’S DIGEST

ACR 203, as introduced, Quirk-Silva. Donate Life/DMV Partnership Month.

This measure would proclaim the month of April 2018 as Donate Life/DMV Partnership Month in California and would encourage all Californians to register with the Donate Life California Organ and Tissue Donor Registry.

Fiscal committee: no.

- 1 WHEREAS, The Legislature has established an official state
2 organ and tissue donor registry that has become the largest in the
3 world, with over 14 million people signed up to save and heal the
4 lives of others after death; and
5 WHEREAS, The 12-year official partnership between Donate
6 Life California and the Department of Motor Vehicles (DMV) has
7 produced 95 percent of donors on the registry through the DMV
8 with a simple check box; and
9 WHEREAS, The Legislature has approved the innovative Living
10 Donation California information and referral tool to encourage
11 living kidney donation; and
12 WHEREAS, The Superintendent of Public Instruction has
13 recognized Donate Life California’s high school education

1 program, which has educated students about organ, eye, and tissue
2 donation for the past seven years; and

3 WHEREAS, California has the greatest need for transplantation
4 in the nation, with over 21,000 residents waiting for a second
5 chance at life, representing one in five on the national waiting list;
6 and

7 WHEREAS, In 2017, the DMV was nationally recognized as
8 the state agency with the greatest increase in donor designation in
9 the country. This continuing increase in the registration of donors
10 through the driver's license and state identification card application
11 and renewal process continues to save more lives each year in
12 California and around the country; and

13 WHEREAS, Nine hundred fifty-eight Californians became organ
14 donors in 2017 and 3,859 lifesaving transplants were performed
15 in the state that year. Tragically, 975 people died while waiting
16 due to the shortage of available organs; and

17 WHEREAS, Sadly, in 2017, California had the longest waiting
18 time in the nation for kidney transplants, and the most deaths while
19 waiting; and

20 WHEREAS, Only 46 percent of Californians sign up as donors,
21 which is below the national average of 56 percent; now, therefore,
22 be it

23 *Resolved by the Assembly of the State of California, the Senate*
24 *thereof concurring*, That in recognition of the month of April as
25 National Donate Life Month, the Legislature proclaims the month
26 of April 2018 as Donate Life/DMV Partnership Month in the State
27 of California; and be it further

28 *Resolved*, That in doing so, the Legislature encourages all
29 Californians to register with the Donate Life California Organ and
30 Tissue Donor Registry by checking "YES!" for organ and tissue
31 donation when applying for or renewing a driver's license or
32 identification card, or by signing up at
33 www.donateLIFecalifornia.org or www.doneVIDAcalifornia.org;
34 and be it further

35 *Resolved*, That the Legislature underscores its renewed efforts
36 to save more lives through donor registration and calls on all
37 Members of the Legislature to consider how to share information
38 about the cause, and how to better help their constituents in need;
39 and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

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Date of Hearing: April 2, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 203 (Quirk-Silva) – As Introduced March 14, 2018

SUBJECT: Donate Life/DMV Partnership Month.

SUMMARY: Proclaims the month of April 2018 as Donate Life/DMV Partnership Month in the State of California and encourages all Californians to register with the Donate Life California Organ and Tissue Donor Registry. Specifically, **this resolution** makes the following legislative findings:

- 1) The Legislature has established an official state organ and tissue donor registry that has become the largest in the world, with 14 million people signed up to save and heal the lives of others after death.
- 2) The 12-year official partnership between Donate Life California and the Department of Motor Vehicles (DMV) has produced 95 percent of donors on the registry through the DMV with a simple check box.
- 3) The Superintendent of Public Instruction has recognized Donate Life California's high school education program, which has educated students about organ, eye, and tissue donation for the past seven years.
- 4) California has the greatest need for transplantation in the nation with over 21,000 residents waiting for a second chance at life, representing one in five on the national waiting list.
- 5) In 2017, the DMV was nationally recognized as the state agency with the greatest increase in donor designation in the country. This continuing increase in the registration of donors through the driver's license and state identification card application and renewal process continues to save more lives each year in California and around the country.
- 6) In 2017, 958 Californians became organ donors and 3,859 lifesaving transplants were performed in our state. Tragically, 975 people died while waiting due to the shortage of available organs.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Assembly Concurrent Resolution

No. 204

Introduced by Assembly Member Baker

March 15, 2018

Assembly Concurrent Resolution No. 204—Relative to Equal Pay Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 204, as introduced, Baker. Equal Pay Day.

This measure would proclaim Tuesday, April 10, 2018, as Equal Pay Day in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

Fiscal committee: no.

1 WHEREAS, More than 50 years after the passage of the federal
2 Equal Pay Act, women, especially minority women, continue to
3 suffer the consequences of unequal pay; and
4 WHEREAS, According to the 2017 Report on the Status of
5 Women and Girls in California by Mount Saint Mary’s University,
6 the gender wage gap for full-time, year-round workers in California
7 is \$0.86 on the dollar, resulting in California women earning
8 approximately \$7,000 a year less than men; both African American
9 women and Latinas earn close to what African American men and
10 Latinos earn. However, full-time working women of color earn
11 less than White women and markedly less than White men. The
12 median salary of full-time working White men is \$71,164; African
13 American women earn 63 percent and Latinas earn 43 percent of
14 what White men earn. California women who work full time earn

1 less than men in each of the five broadest occupational categories
2 reported by the United States Census Bureau; and

3 WHEREAS, According to a report by the National Partnership
4 for Women & Families, women in California earned a median of
5 \$0.84 for each dollar earned by men as of October 2014; and

6 WHEREAS, As reported by the United States Census Bureau,
7 women working full time, year round in 2013, typically earned 78
8 percent of what men earned, indicating little change or progress
9 in pay equity; and

10 WHEREAS, According to “The Simple Truth about the Gender
11 Pay Gap,” a report by the American Association of University
12 Women (AAUW), the gender pay gap is even larger for women
13 of color, where African American women earned 63 percent and
14 Latina women earned 54 percent of what men earned in 2014; and

15 WHEREAS, According to “Graduating to a Pay Gap,” a 2012
16 research report by the AAUW, the gender pay gap is evident one
17 year after college graduation, even after controlling for factors
18 known to affect earnings, such as occupation, hours worked, and
19 college major; and

20 WHEREAS, In 2011, the Georgetown University Center on
21 Education and the Workforce found that college-educated women
22 working full time earn \$650,000 less than their male peers do over
23 the course of a lifetime; and

24 WHEREAS, In 2009, the federal Lilly Ledbetter Fair Pay Act
25 was signed into law, which gives back to employees their day in
26 court to challenge an unlawful pay gap, now we must pass federal
27 legislation to amend the federal Equal Pay Act to close loopholes
28 and improve that act’s effectiveness; and

29 WHEREAS, In 2015, the California Legislature passed Senate
30 Bill 358, known as the California Fair Pay Act, strengthening the
31 state’s existing Equal Pay Act by eliminating loopholes that
32 prevented effective enforcement of gender-based discrimination
33 and empowering employees to discuss pay without fear of
34 retaliation, providing one more tool to tackle the problem; and

35 WHEREAS, Almost two-thirds of women in California are
36 employed and nearly four in 10 mothers are primary breadwinners
37 in their households. Two-thirds of mothers are primary or
38 significant earners, making pay equity critical to families’
39 economic security; and

1 WHEREAS, A lifetime of lower pay means women have less
2 income to save for retirement and less income counted in a social
3 security or pension benefit formula; and

4 WHEREAS, Fair pay equity policies can be implemented simply
5 and without undue costs or hardship in both the public and private
6 sectors as evidenced by the work of this state's Commission on
7 the Status of Women and Girls; and

8 WHEREAS, Fair pay strengthens the security of families today
9 and eases future retirement costs while enhancing the American
10 economy; and

11 WHEREAS, Tuesday, April 10, symbolizes the time in 2018
12 when the wages paid to American women catch up to the wages
13 paid to men from the previous year; now, therefore, be it

14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislature proclaims Tuesday, April
16 10, 2018, as Equal Pay Day in recognition of the need to eliminate
17 the gender gap in earnings by women and to promote policies to
18 ensure equal pay for all; and be it further

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

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Date of Hearing: April 2, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 204 (Baker) – As Introduced March 15, 2018

SUBJECT: Equal Pay Day.

SUMMARY: Proclaims Tuesday, April 10, 2018, as Equal Pay Day in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all. Specifically, **this resolution** makes the following legislative findings:

- 1) More than 50 years after the passage of the federal Equal Pay Act, women, especially minority women, continue to suffer the consequences of unequal pay.
- 2) In 2009, the federal Lilly Ledbetter Fair Pay Act was signed into law, which gives back to employees their day in court to challenge an unlawful pay gap. Now, we must pass federal legislation to amend the federal Equal Pay Act to close loopholes and improve the act's effectiveness.
- 3) In 2015, the California Legislature passed SB 358, which enacted the California Fair Pay Act, strengthening the state's existing Equal Pay Act by eliminating loopholes that prevented effective enforcement of gender-based discrimination and empowering employees to discuss pay without fear of retaliation, providing one more tool to tackle the problem.
- 4) According to the 2017 Report on the Status of Women and Girls in California by Mount Saint Mary's University, the gender wage gap for full-time, year-round workers in California is \$0.86 on the dollar, resulting in California women earning approximately \$7,000 a year less than men; both African American women and Latinas earn close to what African American men and Latinos earn. However, full-time working women of color earn less than White women and markedly less than White men. The median salary of full-time working White men is \$71,164; African American women earn 63 percent and Latinas earn 43 percent of what White men earn. California women who work full time earn less than men in each of the five broadest occupational categories reported by the United States Census Bureau.
- 5) Almost two-thirds of women in California are employed and nearly four in 10 mothers are primary breadwinners in their households. Two-thirds of mothers are primary or significant earners, making pay equity critical to families' economic security.
- 6) A lifetime of lower pay means women have less income to save for retirement and less income counted in a social security or pension benefit formula.
- 7) Fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors as evidenced by the work of the California Commission on the Status of Women and Girls.

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 MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2396

Introduced by Assembly Member Bigelow

February 14, 2018

An act to ~~amend Section 10430 of~~ *add Section 10413* to the Public Contract Code, relating to public contracting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, as amended, Bigelow. Public contracting: ~~exemption: regional center contracts; conflicts of interest; exemption.~~

Existing law regulates the acquisition by the state of goods or services by contract. A provision of that existing law prohibits an officer or employee in the state civil service or other appointed state official, for compensation or with a personal financial interest, to engage in any employment, activity, or enterprise that is funded, or sponsored and funded, by any state agency or department through or by a state contract, unless required to do so as a condition of the officer's or employee's regular state employment.

This bill would exempt an employee of a district agricultural association from that conflict of interest prohibition for purposes of contracting with another district agricultural association, subject to the approval of the board of directors of the association of which the person is an employee.

~~Existing law provides that specified contracts entered into by any state agency for goods, services, or other specified activities, whether awarded through competitive bidding or not, are void unless and until approved by the Department of General Services, and requires denial of approval if the contract does not meet the required specifications of~~

the bidding process. Under existing law, certain transactions, contracts, and persons are exempt from that law.

This bill would additionally exempt an officer or employee of a district agricultural association, except as otherwise provided in existing law and subject to the approval of the board of directors of the association.

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

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

1 SECTION 1. Section 10413 is added to the Public Contract
2 Code, to read:

3 10413. Notwithstanding Section 10410, an employee of a
4 district agricultural association pursuant to Part 3 (commencing
5 with Section 3801) of Division 3 of the Food and Agricultural
6 Code, subject to the approval of the board of directors of that
7 association, may receive compensation or have a financial interest
8 as described in Section 10410 for purposes of contracting with
9 another district agricultural association.

10 SECTION 1. ~~Section 10430 of the Public Contract Code is~~
11 ~~amended to read:~~

12 ~~10430. This chapter does not apply to any of the following:~~

13 ~~(a) The Regents of the University of California and the Trustees~~
14 ~~of the California State University, except that Article 9~~
15 ~~(commencing with Section 10420) shall apply to the Trustees of~~
16 ~~the California State University.~~

17 ~~(b) (1) Transactions covered under Chapter 3 (commencing~~
18 ~~with Section 12100), except that Sections 10365.5, 10410, and~~
19 ~~10411 shall apply to all transactions under that chapter.~~

20 ~~(2) Notwithstanding paragraph (1), Section 10365.5 shall not~~
21 ~~apply to incidental advice or suggestions made outside of the scope~~
22 ~~of a consulting services contract.~~

23 ~~(3) (A) Notwithstanding paragraph (1), Section 10365.5 shall~~
24 ~~not apply to a contract that is part of a single competitive~~
25 ~~procurement conducted in more than one stage for information~~
26 ~~technology goods or services, when the Director of the Department~~
27 ~~of General Services and the Chief Information Officer determine~~
28 ~~that there is no conflict of interest under Section 10365.5 and that~~
29 ~~it is in the best interest of the state to utilize this procurement~~

1 method. Nothing in this section shall preclude the applicability of
2 Section 12112 to this procurement method.

3 (B) The Department of General Services shall annually submit
4 a report on its Internet Web site describing each determination
5 granted pursuant to subparagraph (A), listing the basis for the
6 determination, and disclosing the total amount of money paid or
7 to be paid to the contractor under the contract that was the subject
8 of the determination. The department shall provide notice to the
9 Joint Legislative Budget Committee within 30 days of the posting
10 of the report.

11 (C) For purposes of this paragraph, “information technology”
12 means information technology goods or services, or both, as
13 appropriate.

14 (e) Except as otherwise provided in this chapter, any entity
15 exempted from Section 10295. However, the Board of Governors
16 of the California Community Colleges shall be governed by this
17 chapter, except as provided in Sections 10295, 10335, and 10389.
18 The Department of Water Resources shall be governed by this
19 chapter, except as provided in Sections 10295.6, 10304.1, 10335,
20 and 10340.

21 (d) Transactions covered under Chapter 10 (commencing with
22 Section 4525) of Division 5 of Title 1 of the Government Code.

23 (e) Except as provided for in subdivision (c), members of boards
24 or commissions who receive no payment other than payment for
25 each meeting of the board or commission, payment for preparatory
26 time, and payment for per diem.

27 (f) The emergency purchase of protective vests for correctional
28 peace officers whose duties require routine contact with state prison
29 inmates. This subdivision shall remain operative only until January
30 1, 1987.

31 (g) Spouses of state officers or employees and individuals and
32 entities that employ spouses of state officers and employees, that
33 are vendored to provide services to regional center clients pursuant
34 to Section 4648 of the Welfare and Institutions Code if the vendor
35 of services, in that capacity, does not receive any material financial
36 benefit, distinguishable from the benefit to the public generally,
37 from any governmental decision made by the state officer or
38 employee.

39 (h) Subject to the approval of the Director of Developmental
40 Services, or his or her designee, a state employee of the department

1 who is qualified to provide necessary services for regional center
2 consumers and has entered into a contract with a regional center
3 for the purpose of developing regional center services. The state
4 employee shall terminate employment with any state agency or
5 department before providing services funded by the state, as
6 specified in Section 10410, to one or more regional center
7 consumers. A contract entered into by a regional center and a state
8 employee, in his or her capacity as a private citizen, to develop
9 regional center services does not constitute a state contract within
10 the meaning of Section 1090 of the Government Code.
11 Accordingly, the state employee has no financial interest in a state
12 contract under these circumstances.

13 (i) Except as otherwise provided in this chapter and subject to
14 the approval of the board of directors of the association, an officer
15 or employee of a district agricultural association pursuant to Part
16 3 (commencing with Section 3801) of Division 3 of the Food and
17 Agricultural Code. Nothing in this section shall preclude the
18 applicability of Section 1090, 18000, or 19990 of the Government
19 Code to an officer or employee of a district agricultural association.

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COMMITTEES

VICE CHAIR: APPROPRIATIONS
VICE CHAIR: GOVERNMENTAL
ORGANIZATION
INSURANCE
WATER, PARKS AND WILDLIFE

**Assembly
California Legislature**



FRANK BIGELOW
ASSISTANT REPUBLICAN LEADER
ASSEMBLYMEMBER, FIFTH DISTRICT

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March 12, 2018

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

RE: AB 2396 (Bigelow): Request to Add an Urgency Clause

Dear Chairman Cooley:

I would like to request that an Urgency Clause be added to Assembly Bill 2396. Provided it is signed by the Governor, this measure would add officers or employees of a District Agricultural Association to the list of state employees eligible to work for multiple state agencies

Many of the small District Agricultural Associations rely on the expertise of staff from a neighboring Association during fair time. This practice has become more popular as a result of limited funding and the need to be more efficient with resources. However, this practice is not currently allowed by the Public Contracts Code. Adding District Agricultural Associations to the Public Contract Code Section 10430 would resolve the issue. An urgency clause would be most valuable in mitigating this issue as soon as possible.

Thank you in advance for your consideration.

Sincerely,


Frank Bigelow
5th Assembly District