



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-
0124
(916) 319-2800
FAX (916) 319-2810

**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
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WALDRON, MARIE

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

Thursday, May 17, 2018
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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ASSEMBLY BILL

2. AB-2036 (Gipson) Relative to the State Capitol: Mervyn M. Dymally bust.

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RESOLUTIONS

3. ACR-226 (Rodriguez) Relative to Emergency Medical Services Week. [Page 18](#)
4. ACR-235 (Arambula) Relative to Trauma-Informed Awareness Day. [Page 21](#)
5. HR-62 (Lackey) Relative to We Card Awareness Month. [Page 28](#)
6. HR-108 (Low) Relative to Harvey Milk Day. [Page 31](#)
7. SCR-97 (Leyva) Relative to Inflammatory Breast Cancer Awareness Day of 2018. [Page 37](#)

REQUEST TO ADD URGENCY CLAUSE

8. SB-452 (Glazer) Relative to The California Beverage Container Recycling and Litter Reduction Act. [Page 40](#)



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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: 5/16/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, SCR 131 has been added to the referrals and ACA 18 has been removed.

REFERRAL OF BILLS TO COMMITTEE

05/17/2018

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

Assembly Bill No.	Committee:
<u>ACA 16</u>	E. & R.
<u>ACA 16</u>	APPR.
<u>ACA 27</u>	HIGHER ED.
<u>ACR 239</u>	RLS.
<u>SB 818</u>	B. & F.
<u>SB 818</u>	JUD.
<u>SB 988</u>	B. & P.
<u>SB 1012</u>	JUD.
<u>SB 1022</u>	P.E.,R., & S.S.
<u>SB 1051</u>	G.O.
<u>SB 1079</u>	NAT. RES.
<u>SB 1085</u>	P.E.,R., & S.S.
<u>SB 1119</u>	TRANS.
<u>SB 1133</u>	E.S. & T.M.
<u>SB 1160</u>	PUB. S.
<u>SB 1163</u>	PUB. S.
<u>SB 1205</u>	U. & E.
<u>SB 1207</u>	L. & E.
<u>SB 1239</u>	E. & R.
<u>SB 1383</u>	ED.
<u>SB 1401</u>	NAT. RES.
<u>SB 1442</u>	B. & P.
<u>SCR 131</u>	RLS.

AMENDED IN ASSEMBLY APRIL 2, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2036

Introduced by Assembly Member Gipson

February 6, 2018

An act to amend Section ~~136.2 of the Penal Code, 14633 of the Government Code~~, relating to ~~protective orders; the State Capitol~~.

LEGISLATIVE COUNSEL’S DIGEST

AB 2036, as amended, Gipson. ~~Criminal law: protective orders. State Capitol: Mervyn M. Dymally bust.~~

Existing law prescribes various duties for the Department of General Services in connection with development and maintenance of the park around the State Capitol Building. Existing law authorizes the Mervyn Dymally Memorial Capitol Foundation, upon establishment, in consultation with the Department of General Services, to plan a bust of Mervyn Dymally to be placed in the State Capitol Building Annex, and assigns that foundation various duties associated with the design, construction, and maintenance of that bust.

This bill would instead provide that authority and related duties to the Mervyn M. Dymally African American Political and Economic Institute.

~~Existing law authorizes a court with jurisdiction over a criminal matter to issue certain protective orders after notice and a hearing.~~

~~This bill would extend that authority to a court with jurisdiction over certain juvenile delinquency matters and would prescribe the maximum effective period for issuing an order to restrain a juvenile, as specified. The bill would require the judicial council to promulgate new protocols~~

and develop new forms to carry out these new provisions on or before January 1, 2020.

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

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

1 SECTION 1. Section 14633 of the Government Code is
2 amended to read:

3 14633. (a) ~~The Mervyn Dymally Memorial Capitol Foundation,~~
4 ~~upon establishment,~~ *M. Dymally African American Political and*
5 *Economic Institute* may, in consultation with the Department of
6 General Services, plan a bust of Mervyn M. Dymally to be placed
7 in the State Capitol Building Annex.

8 (b) The Department of General Services, in consultation with
9 the Mervyn ~~Dymally Memorial Capitol Foundation,~~ *M. Dymally*
10 *African American Political and Economic Institute,* shall
11 accomplish the following goals:

12 (1) Review the preliminary design plans to identify potential
13 maintenance concerns.

14 (2) Ensure Americans with Disabilities Act of 1990 (42 U.S.C.
15 Sec. 12101 et seq.) compliance and other safety concerns.

16 (3) Review and approve proper California Environmental
17 Quality Act (Division 13 (commencing with Section 21000) of
18 the Public Resources Code) documents prepared for work at the
19 designated historic property.

20 (4) Review final construction documents to ensure that all
21 requirements are met.

22 (5) Prepare the right-of-entry permit outlining the final area of
23 work, final construction documents, construction plans, the
24 contractor hired to perform the work, insurance, bonding,
25 provisions for damage to state property, and inspection
26 requirements.

27 (6) Prepare a maintenance agreement outlining the Mervyn
28 ~~Dymally Memorial Capitol Foundation's~~ *M. Dymally African*
29 *American Political and Economic Institute's* responsibility for the
30 long-term maintenance of the bust due to aging, vandalism, or
31 relocation.

(7) Inspect the construction performed by the contractor selected by the Mervyn ~~Dymally Memorial Capitol Foundation~~. *M. Dymally African American Political and Economic Institute*.

(c) If the Mervyn ~~Dymally Memorial Capitol Foundation~~ *M. Dymally African American Political and Economic Institute* undertakes responsibility to construct a bust under this section, it shall, in consultation with the Department of General Services, establish a schedule for the design, construction, and dedication of the bust, implement procedures to solicit designs for the bust, devise a selection process for the choice of the design, and establish a program for the dedication of the bust.

(d) The Department of General Services and the Mervyn ~~Dymally Memorial Capitol Foundation~~ *M. Dymally African American Political and Economic Institute* shall approve the design and any other aspect of the bust.

(e) If the Mervyn ~~Dymally Memorial Capitol Foundation~~ *M. Dymally African American Political and Economic Institute* undertakes responsibility to construct a bust under this section, it shall not begin construction of the bust until the Joint Committee on Rules has approved and adopted the plan for the bust, and only if the Joint Committee on Rules and the Department of Finance have determined that sufficient private funding is available to construct and maintain the bust.

(f) The planning, construction, and maintenance of the bust shall be funded exclusively through private donations to the Mervyn ~~Dymally Memorial Capitol Foundation~~. *M. Dymally African American Political and Economic Institute*.

(g) If the Mervyn ~~Dymally Memorial Capitol Foundation~~ *M. Dymally African American Political and Economic Institute* undertakes responsibility to construct a bust under this section, it shall sign a maintenance agreement with the state, as created under paragraph (6) of subdivision (b), to maintain the bust with private contributions.

SECTION 1. Section 136.2 of the Penal Code is amended to read:

136.2. (a) (1) Upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, a court with jurisdiction over a criminal matter or juvenile delinquency matter may issue orders, including, but not limited to, the following:

1 ~~(A) An order issued pursuant to Section 6320 of the Family~~
2 ~~Code.~~

3 ~~(B) An order that a defendant in a criminal matter or juvenile~~
4 ~~in a juvenile delinquency matter shall not violate any provision of~~
5 ~~Section 136.1.~~

6 ~~(C) An order that a person before the court other than a~~
7 ~~defendant in a criminal matter or juvenile in a juvenile delinquency~~
8 ~~matter, including, but not limited to, a subpoenaed witness or other~~
9 ~~person entering the courtroom of the court, shall not violate any~~
10 ~~provision of Section 136.1.~~

11 ~~(D) An order that a person described in this section shall have~~
12 ~~no communication whatsoever with a specified witness or a victim,~~
13 ~~except through an attorney under reasonable restrictions that the~~
14 ~~court may impose.~~

15 ~~(E) An order calling for a hearing to determine if an order as~~
16 ~~described in subparagraphs (A) to (D), inclusive, should be issued.~~

17 ~~(F) (i) An order that a particular law enforcement agency within~~
18 ~~the jurisdiction of the court provide protection for a victim or a~~
19 ~~witness, or both, or for immediate family members of a victim or~~
20 ~~a witness who reside in the same household as the victim or witness~~
21 ~~or within reasonable proximity of the victim's or witness's~~
22 ~~household, as determined by the court. The order shall not be made~~
23 ~~without the consent of the law enforcement agency except for~~
24 ~~limited and specified periods of time and upon an express finding~~
25 ~~by the court of a clear and present danger of harm to the victim or~~
26 ~~witness or immediate family members of the victim or witness.~~

27 ~~(ii) For purposes of this paragraph, "immediate family members"~~
28 ~~include the spouse, children, or parents of the victim or witness.~~

29 ~~(G) (i) An order protecting a victim or witness of violent crime~~
30 ~~from all contact by a defendant in a criminal matter or juvenile in~~
31 ~~a juvenile delinquency matter, or contact, with the intent to annoy,~~
32 ~~harass, threaten, or commit acts of violence, by the defendant or~~
33 ~~juvenile. The court or its designee shall transmit orders made under~~
34 ~~this paragraph to law enforcement personnel within one business~~
35 ~~day of the issuance, modification, extension, or termination of the~~
36 ~~order, pursuant to subdivision (a) of Section 6380 of the Family~~
37 ~~Code. It is the responsibility of the court to transmit the~~
38 ~~modification, extension, or termination orders made under this~~
39 ~~paragraph to the same agency that entered the original protective~~
40 ~~order into the Domestic Violence Restraining Order System.~~

1 (ii) (I) ~~If a court does not issue an order pursuant to clause (i)~~
2 ~~in a case in which the defendant or juvenile is charged with a crime~~
3 ~~involving domestic violence as defined in Section 13700 or in~~
4 ~~Section 6211 of the Family Code, the court on its own motion shall~~
5 ~~consider issuing a protective order upon a good cause belief that~~
6 ~~harm to, or intimidation or dissuasion of, a victim or witness has~~
7 ~~occurred or is reasonably likely to occur, that provides as follows:~~

8 ~~(ia) The defendant or juvenile shall not own, possess, purchase,~~
9 ~~receive, or attempt to purchase or receive, a firearm while the~~
10 ~~protective order is in effect.~~

11 ~~(ib) The defendant or juvenile shall relinquish any firearms that~~
12 ~~he or she owns or possesses pursuant to Section 527.9 of the Code~~
13 ~~of Civil Procedure.~~

14 ~~(II) Every person who owns, possesses, purchases, or receives,~~
15 ~~or attempts to purchase or receive, a firearm while this protective~~
16 ~~order is in effect is punishable pursuant to Section 29825.~~

17 ~~(iii) An order issued, modified, extended, or terminated by a~~
18 ~~court pursuant to this subparagraph shall be issued on forms~~
19 ~~adopted by the Judicial Council of California that have been~~
20 ~~approved by the Department of Justice pursuant to subdivision (i)~~
21 ~~of Section 6380 of the Family Code. However, the fact that an~~
22 ~~order issued by a court pursuant to this section was not issued on~~
23 ~~forms adopted by the Judicial Council and approved by the~~
24 ~~Department of Justice shall not, in and of itself, make the order~~
25 ~~unenforceable.~~

26 ~~(iv) A protective order issued under this subparagraph may~~
27 ~~require the defendant or juvenile to be placed on electronic~~
28 ~~monitoring if the local government, with the concurrence of the~~
29 ~~county sheriff or the chief probation officer with jurisdiction,~~
30 ~~adopts a policy to authorize electronic monitoring of defendants~~
31 ~~in a criminal matter or juveniles in a juvenile delinquency matter~~
32 ~~and specifies the agency with jurisdiction for this purpose. If the~~
33 ~~court determines that a defendant in a criminal matter or a juvenile~~
34 ~~in a juvenile delinquency matter who has attained the age of 18~~
35 ~~years has the ability to pay for the monitoring program, the court~~
36 ~~shall order the defendant or juvenile to pay for the monitoring. If~~
37 ~~the court determines that the defendant or juvenile does not have~~
38 ~~the ability to pay for the electronic monitoring, the court may order~~
39 ~~electronic monitoring to be paid for by the local government that~~
40 ~~adopted the policy to authorize electronic monitoring. The duration~~

1 of electronic monitoring shall not exceed one year from the date
2 the order is issued. At no time shall the electronic monitoring be
3 in place if the protective order is not in place.

4 (2) For purposes of this subdivision, a minor who was not a
5 victim of, but who was physically present at the time of, an act of
6 domestic violence, is a witness and is deemed to have suffered
7 harm within the meaning of paragraph (1).

8 (b) A person violating an order made pursuant to subparagraphs
9 (A) to (G), inclusive, of paragraph (1) of subdivision (a) may be
10 punished for any substantive offense described in Section 136.1,
11 or for a contempt of the court making the order. A finding of
12 contempt shall not be a bar to prosecution for a violation of Section
13 136.1. However, a person so held in contempt shall be entitled to
14 credit for punishment imposed therein against a sentence imposed
15 upon conviction of an offense described in Section 136.1. A
16 conviction or acquittal for a substantive offense under Section
17 136.1 shall be a bar to a subsequent punishment for contempt
18 arising out of the same act.

19 (c) (1) (A) Notwithstanding subdivision (c), an emergency
20 protective order issued pursuant to Chapter 2 (commencing with
21 Section 6250) of Part 3 of Division 10 of the Family Code or
22 Section 646.91 shall have precedence in enforcement over any
23 other restraining or protective order, provided the emergency
24 protective order meets all of the following requirements:

25 (i) The emergency protective order is issued to protect one or
26 more individuals who are already protected persons under another
27 restraining or protective order.

28 (ii) The emergency protective order restrains the individual who
29 is the restrained person in the other restraining or protective order
30 specified in clause (i).

31 (iii) The provisions of the emergency protective order are more
32 restrictive in relation to the restrained person than are the provisions
33 of the other restraining or protective order specified in clause (i).

34 (B) An emergency protective order that meets the requirements
35 of subparagraph (A) shall have precedence in enforcement over
36 the provisions of any other restraining or protective order only
37 with respect to those provisions of the emergency protective order
38 that are more restrictive in relation to the restrained person.

39 (2) Except as described in paragraph (1), a no-contact order, as
40 described in Section 6320 of the Family Code, shall have

1 precedence in enforcement over any other restraining or protective
2 order.

3 (d) (1) A person subject to a protective order issued under this
4 section shall not own, possess, purchase, or receive, or attempt to
5 purchase or receive, a firearm while the protective order is in effect.

6 (2) The court shall order a person subject to a protective order
7 issued under this section to relinquish any firearms he or she owns
8 or possesses pursuant to Section 527.9 of the Code of Civil
9 Procedure.

10 (3) A person who owns, possesses, purchases, or receives, or
11 attempts to purchase or receive, a firearm while the protective
12 order is in effect is punishable pursuant to Section 29825.

13 (e) (1) In all cases in which the defendant in a criminal matter
14 or juvenile in a juvenile delinquency matter is charged with a crime
15 involving domestic violence, as defined in Section 13700 or in
16 Section 6211 of the Family Code, or a violation of Section 261,
17 261.5, or 262, or any crime that requires the defendant to register
18 pursuant to subdivision (c) of Section 290, or any crime that
19 requires the juvenile to register pursuant to subdivision (c) of
20 Section 290.008, the court shall consider issuing the orders
21 described in this section on its own motion. All interested parties
22 shall receive a copy of those orders. In order to facilitate this, the
23 court's records of all criminal cases or juvenile delinquency matters
24 involving domestic violence or a violation of Section 261, 261.5,
25 or 262, or any crime that requires the defendant to register pursuant
26 to subdivision (c) of Section 290, or any crime that requires the
27 juvenile to register pursuant to subdivision (c) of Section 290.008,
28 shall be marked to clearly alert the court to this issue.

29 (2) In those cases in which a complaint, information, indictment,
30 or petition filed pursuant to Section 602 of the Welfare and
31 Institutions Code, charging a crime involving domestic violence,
32 as defined in Section 13700 or in Section 6211 of the Family Code,
33 or a violation of Section 261, 261.5, or 262, or any crime that
34 requires the defendant to register pursuant to subdivision (c) of
35 Section 290, or any crime that requires a juvenile in a juvenile
36 delinquency matter to register pursuant to subdivision (c) of Section
37 290.008, has been issued, except as described in subdivision (e),
38 a restraining order or protective order against the defendant or
39 juvenile issued by the criminal court or delinquency court in that

1 case has precedence in enforcement over a civil court order against
2 the defendant or juvenile.

3 ~~(3) Custody and visitation with respect to the defendant or~~
4 ~~juvenile and his or her minor children may be ordered by a family~~
5 ~~or juvenile court consistent with the protocol established pursuant~~
6 ~~to subdivision (f), but if ordered after a criminal protective order~~
7 ~~has been issued pursuant to this section, the custody and visitation~~
8 ~~order shall make reference to, and, if there is not an emergency~~
9 ~~protective order that has precedence in enforcement pursuant to~~
10 ~~paragraph (1) of subdivision (c), or a no-contact order, as described~~
11 ~~in Section 6320 of the Family Code, acknowledge the precedence~~
12 ~~of enforcement of, an appropriate criminal protective order.~~

13 ~~(f) On or before January 1, 2020, the Judicial Council shall~~
14 ~~promulgate a protocol, for adoption by each local court in~~
15 ~~substantially similar terms, to provide for the timely coordination~~
16 ~~of all orders against the same defendant in a criminal matter or~~
17 ~~juvenile in a juvenile delinquency matter and in favor of the same~~
18 ~~named victim or victims. The protocol shall include, but shall not~~
19 ~~be limited to, mechanisms for ensuring appropriate communication~~
20 ~~and information sharing between criminal, family, and juvenile~~
21 ~~courts concerning orders and cases that involve the same parties,~~
22 ~~and shall permit a family or juvenile court order to coexist with a~~
23 ~~criminal court or delinquency court protective order subject to the~~
24 ~~following conditions:~~

25 ~~(1) An order that permits contact between the restrained person~~
26 ~~and his or her children shall provide for the safe exchange of the~~
27 ~~children and shall not contain language either printed or~~
28 ~~handwritten that violates a “no-contact order” issued by a criminal~~
29 ~~court.~~

30 ~~(2) The safety of all parties shall be the courts’ paramount~~
31 ~~concern. The family or juvenile court shall specify the time, day,~~
32 ~~place, and manner of transfer of the child, as provided in Section~~
33 ~~3100 of the Family Code.~~

34 ~~(g) On or before January 1, 2020, the Judicial Council shall~~
35 ~~modify the criminal and civil court protective order forms~~
36 ~~consistent with this section. Until the modified protective order~~
37 ~~forms are available, courts may utilize the forms currently in use~~
38 ~~and may modify the current forms by interlineation to allow~~
39 ~~issuance of protective orders consistent with this section.~~

1 ~~(h) (1) In any case in which a complaint, information,~~
2 ~~indictment, or petition filed pursuant to Section 602 of the Welfare~~
3 ~~and Institutions Code, charging a crime involving domestic~~
4 ~~violence, as defined in Section 13700 or in Section 6211 of the~~
5 ~~Family Code, has been filed, the court may consider, in determining~~
6 ~~whether good cause exists to issue an order under subparagraph~~
7 ~~(A) of paragraph (1) of subdivision (a), the underlying nature of~~
8 ~~the offense charged, and the information provided to the court~~
9 ~~pursuant to Section 273.75.~~

10 ~~(2) In any case in which a complaint, information, indictment,~~
11 ~~or petition filed pursuant to Section 602 of the Welfare and~~
12 ~~Institutions Code, charging a violation of Section 261, 261.5, or~~
13 ~~262, any crime that requires the defendant to register pursuant to~~
14 ~~subdivision (c) of Section 290, or any crime that requires the~~
15 ~~juvenile to register pursuant to subdivision (c) of Section 290.008,~~
16 ~~has been filed, the court may consider, in determining whether~~
17 ~~good cause exists to issue an order under paragraph (1) of~~
18 ~~subdivision (a), the underlying nature of the offense charged, the~~
19 ~~defendant's or juvenile's relationship to the victim, the likelihood~~
20 ~~of continuing harm to the victim, any current restraining order or~~
21 ~~protective order issued by any civil or criminal court involving the~~
22 ~~defendant or juvenile, and the defendant's or juvenile's criminal~~
23 ~~history, including, but not limited to, prior convictions or admitted~~
24 ~~or sustained petitions filed pursuant to Section 602 of the Welfare~~
25 ~~and Institutions Code for violations of Section 261, 261.5, or 262,~~
26 ~~a crime that requires the defendant to register pursuant to~~
27 ~~subdivision (c) of Section 290, any crime that requires the juvenile~~
28 ~~to register pursuant to subdivision (c) of Section 290.008, any~~
29 ~~other forms of violence, or any weapons offense.~~

30 ~~(i) (1) In all cases in which a criminal defendant has been~~
31 ~~convicted of a crime involving domestic violence as defined in~~
32 ~~Section 13700 or in Section 6211 of the Family Code, a violation~~
33 ~~of Section 261, 261.5, or 262, a violation of Section 186.22, or a~~
34 ~~crime that requires the defendant to register pursuant to subdivision~~
35 ~~(c) of Section 290, the court, at the time of sentencing, shall~~
36 ~~consider issuing an order restraining the defendant from any contact~~
37 ~~with a victim of the crime. The order may be valid for up to 10~~
38 ~~years, as determined by the court. This protective order may be~~
39 ~~issued by the court regardless of whether the defendant is sentenced~~
40 ~~to the state prison or a county jail or subject to mandatory~~

1 supervision, or whether imposition of sentence is suspended and
2 the defendant is placed on probation. It is the intent of the
3 Legislature in enacting this subdivision that the duration of any
4 restraining order issued by the court be based upon the seriousness
5 of the facts before the court, the probability of future violations,
6 and the safety of a victim and his or her immediate family.

7 (2) In all cases in which a criminal defendant has been convicted
8 of a crime involving domestic violence as defined in Section 13700
9 or in Section 6211 of the Family Code, a violation of Section 261,
10 261.5, or 262, a violation of Section 186.22, or a crime that requires
11 the defendant to register pursuant to subdivision (c) of Section
12 290, the court, at the time of sentencing, shall consider issuing an
13 order restraining the defendant from any contact with a percipient
14 witness to the crime if it can be established by clear and convincing
15 evidence that the witness has been harassed, as defined in paragraph
16 (3) of subdivision (b) of Section 527.6 of the Code of Civil
17 Procedure, by the defendant.

18 (3) An order under this subdivision may include provisions for
19 electronic monitoring if the local government, upon receiving the
20 concurrence of the county sheriff or the chief probation officer
21 with jurisdiction, adopts a policy authorizing electronic monitoring
22 of defendants and specifies the agency with jurisdiction for this
23 purpose. If the court determines that the defendant has the ability
24 to pay for the monitoring program, the court shall order the
25 defendant to pay for the monitoring. If the court determines that
26 the defendant does not have the ability to pay for the electronic
27 monitoring, the court may order the electronic monitoring to be
28 paid for by the local government that adopted the policy authorizing
29 electronic monitoring. The duration of the electronic monitoring
30 shall not exceed one year from the date the order is issued.

31 (j) (1) In all cases in which a juvenile in a delinquency matter
32 has a sustained or admitted petition for a crime involving domestic
33 violence, as defined in Section 6211 or 13700 of the Family Code,
34 a violation of Section 186.22, 261, 261.5, or 262, a crime that
35 requires a defendant to register pursuant to subdivision (c) of
36 Section 290, or any crime that requires the juvenile to register
37 pursuant to subdivision (c) of Section 290.008, the court, at the
38 time of disposition, shall consider issuing an order restraining the
39 juvenile from any contact with the victim. The order may be valid
40 for up to five years or until the juvenile reaches 23 years of age;

1 whichever is longer. The protective order may be issued by the
2 court regardless of the disposition chosen by the court. It is the
3 intent of the Legislature in enacting this subdivision that the
4 duration of any restraining order issued by the court be based upon
5 the seriousness of the facts before the court, the probability of
6 future violations, and the safety of a victim and his or her
7 immediate family.

8 (2) In all cases in which a juvenile in a delinquency matter has
9 a sustained or admitted petition for a crime involving domestic
10 violence, as defined in Section 6211 or 13700 of the Family Code,
11 a violation of Section 186.22, 261, 261.5, or 262, a crime that
12 requires a defendant to register pursuant to subdivision (c) of
13 Section 290, or any crime that requires the juvenile to register
14 pursuant to subdivision (c) of Section 290.008, the court, at the
15 time of disposition, shall consider issuing an order restraining the
16 juvenile from any contact with a percipient witness to the crime
17 if it can be established by clear and convincing evidence that the
18 witness has been harassed, as defined in paragraph (3) of
19 subdivision (b) of Section 527.6 of the Code of Civil Procedure;
20 by the juvenile. The order may be valid for up to five years or until
21 the juvenile reaches 23 years of age, whichever is longer. The
22 protective order may be issued by the court regardless of the
23 disposition chosen by the court.

24 (3) An order issued pursuant to this subdivision may include a
25 requirement for electronic monitoring if the local government,
26 upon receiving the concurrence of the county sheriff or the chief
27 probation officer with jurisdiction, adopts a policy authorizing
28 electronic monitoring of juveniles in delinquency matters and
29 specifies the agency with jurisdiction for this purpose. If the court
30 determines that the juvenile in a delinquency matter who has
31 attained 18 years of age has the ability to pay for the monitoring
32 program, the court shall order that juvenile to pay for the
33 monitoring. If the court determines that a juvenile does not have
34 the ability to pay for the electronic monitoring, the court may order
35 electronic monitoring to be paid for by the local government that
36 adopted the policy to authorize electronic monitoring. The duration
37 of the electronic monitoring shall not exceed one year from the
38 date the order is issued.

- 1 (k) For purposes of this section, “local government” means the
2 county that has jurisdiction over the protective order.

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
AB 2036 (Gipson) – As Amended April 2, 2018

SUBJECT: State Capitol: Mervyn M. Dymally bust

SUMMARY: Authorizes the Mervyn M. Dymally African American Political and Economic Institute (Institute) to assume the existing responsibilities associated with the design, construction, and maintenance of a bust in the State Capitol Building Annex to honor Mervyn M. Dymally. Specifically, **this bill:**

- 1) Provides that the Institute may plan a bust of Mervyn M. Dymally to be placed in the State Capitol Building Annex.
- 2) Requires a maintenance agreement that outlines the Institute's responsibility for the long-term maintenance of the bust due to aging, vandalism, or relocation.
- 3) Requires the Institute to maintain the bust with private contributions pursuant to a signed maintenance agreement.

EXISTING LAW:

- 1) Requires the Department of General Services to be responsible for the planning, construction, and dedication of a bust to honor Mervyn Dymally.
- 2) Requires the Joint Committee on Rules to approve and adopt plans for memorials in the State Capitol Park and statues in the State Capitol Building Annex.
- 3) Requires funds for the planning, construction, and maintenance of the bust be provided through private donations.
- 4) Prohibits construction of the bust until the Joint Committee on Rules has approved and adopted the plan, and the Joint Committee on Rules and the Department of Finance have determined that sufficient private funding is available to construct and maintain the bust.

FISCAL EFFECT: No state costs. All costs related to the bust will be covered by donations.

COMMENTS:

- 1) Purpose of the bill: According to the author, this bill clarifies that the Mervyn M. Dymally African American Political and Economic Institute is responsible for the installation and maintenance of a bust in the State Capitol that will memorialize Mervyn Dymally as the first African American Lieutenant Governor in California. This bust will commemorate his legacy of public service to this state and serve to inspire African Americans and all Californians as a model of community and political leadership.
- 2) Background: Mervyn Dymally was born in Cedros, Trinidad and moved to California when he was 19 years old. Mr. Dymally was elected to the California State Assembly in 1962, becoming the first foreign-born person of African descent to ever hold a state office in

California, and served until 1966. He then served in the California State Senate from 1966 to 1974. Mervyn Dymally served as Lieutenant Governor from 1975-1979, and was California's first African American to hold this statewide office. Mr. Dymally continued his public service as a United States Congressman for 12 years from 1981-1993. He finished his political career in the California State Assembly, serving six years from 2002-2008.

Mr. Dymally is widely recognized as a significant and effective figure in California politics. In fact, throughout his career of public service he was considered the "Dean of Black Politicians."

- 3) Prior legislation: AB 2704 (Chapter 698, Statutes of 2016) authorized the construction and maintenance of a bust in the State Capitol Building Annex to honor Mervyn Dymally. AB 2704 provided the Mervyn Dymally Memorial Capitol Foundation, upon establishment, with various duties and responsibilities associated with the bust.
- 4) Other Bust Locations: A bust of Mervyn Dymally is currently located at the following locations: Charles R. Drew University Dymally School of Nursing; CSU Dominguez Hills, Mervyn M. Dymally African American Political and Economic Institute; Cedros, Trinidad; the African American Museum of California; and, the National African American Museum in Washington D.C.
- 5) Location in the Capitol: AB 2036 does not specify where the bust would be placed in the State Capitol Building Annex. The author has indicated a desire to have it placed in or near the Lieutenant Governor's Office. The location will need final approval from DGS and the Joint Committee on Rules.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY MAY 7, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

Assembly Concurrent Resolution

No. 226

Introduced by Assembly Member Rodriguez

April 26, 2018

Assembly Concurrent Resolution No. 226—Relative to Emergency Medical Services Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 226, as amended, Rodriguez. Emergency Medical Services Week.

This measure would declare the week of May 20, 2018, to May 26, 2018, inclusive, to be Emergency Medical Services Week in California.

Fiscal committee: no.

1 WHEREAS, It is estimated that there are over 840,000
2 emergency medical services personnel in the United States,
3 including over 80,000 in the State of California; and

4 WHEREAS, Emergency medical services are a vital public
5 service and the members of emergency medical services teams are
6 ready to provide life-saving care to those in need 24 hours a day,
7 seven days a week; and

8 WHEREAS, The emergency medical service system consists
9 of emergency physicians, emergency nurses, emergency medical
10 technicians, paramedics, firefighters, educators, administrators,
11 and others; and

12 WHEREAS, The members of emergency medical services teams,
13 whether career or volunteer, engage in thousands of hours of

1 specialized training and continuing education to enhance their
2 life-saving skills; and

3 WHEREAS, Emergency medical service providers are dedicated
4 to saving lives and possess a sense of duty to aid others that is
5 inherent in the profession and that stays with an emergency medical
6 service provider for life; and

7 WHEREAS, Emergency medical service providers have made
8 significant sacrifices in the course of duty, including the loss of
9 life in service of others; and

10 WHEREAS, Approximately 25 to 30 million patients
11 nationwide, and over 2 million patients in California, receive
12 emergency medical services each year; and

13 WHEREAS, Access to quality emergency medical care
14 dramatically improves the survival and recovery rates of those
15 who experience sudden illness or injury; and

16 WHEREAS, The American College of Emergency Physicians
17 was instrumental in establishing National Emergency Medical
18 Services Week to honor the life-saving efforts of emergency
19 medical services personnel; and

20 WHEREAS, President Gerald Ford proclaimed the first National
21 Emergency Medical Services Week in November of 1974; and

22 WHEREAS, This year marks the 44th anniversary of National
23 Emergency Medical Services Week; and

24 WHEREAS, The theme of National Emergency Medical
25 Services Week is “EMS STRONG: ~~Always in Service~~”; *Stronger*
26 *Together*”; and

27 WHEREAS, It is appropriate to recognize the value and
28 accomplishments of emergency medical services personnel by
29 designating Emergency Medical Services Week in California;
30 now, therefore, be it

31 *Resolved by the Assembly of the State of California, the Senate*
32 *thereof concurring*, That the Legislature proclaims the week of
33 May 20, 2018, to May 26, 2018, inclusive, to be Emergency
34 Medical Services Week in California; and be it further

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

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 226 (Rodriguez) – As Amended May 7, 2018

SUBJECT: Emergency Medical Services Week.

SUMMARY: Declares the week of May 20, 2018, to May 26, 2018, inclusive, to be Emergency Medical Services Week in California. Specifically, **this resolution** makes the following legislative findings:

- 1) 2018 is the 44th anniversary of National Emergency Medical Services Week; and, this year's theme is "EMS STRONG: Stronger Together."
- 2) It is estimated that there are over 840,000 emergency medical services personnel in the United States, including over 80,000 in the State of California.
- 3) Emergency medical services are a vital public service and the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week.
- 4) The emergency medical service system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others who engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills.
- 5) Approximately 25 to 30 million patients nationwide, and over 2 million patients in California, receive emergency medical services each year.
- 6) Access to quality emergency medical care dramatically improves the survival and recovery rates of those who experience sudden illness or injury.
- 7) The American College of Emergency Physicians was instrumental in establishing National Emergency Medical Services Week to honor the life-saving efforts of emergency medical services personnel.

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. 235

Introduced by Assembly Member Arambula

May 8, 2018

Assembly Concurrent Resolution No. 235—Relative to Trauma-Informed Awareness Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 235, as introduced, Arambula. Trauma-Informed Awareness Day.

This measure would designate May 22, 2018, as Trauma-Informed Awareness Day in California, in conjunction with National Trauma-Informed Awareness Day, to highlight the impact of trauma and the importance of prevention and community resilience through trauma-informed care.

Fiscal committee: no.

1 WHEREAS, The California Legislature unanimously passed
2 Assembly Concurrent Resolution No. 155 in 2014, urging the
3 Governor to reduce children’s exposure to adverse childhood
4 experiences, address the impacts of those experiences, and build
5 and promote resilience and protective factors, while investing in
6 preventive health care and mental health and wellness
7 interventions; and

8 WHEREAS, Forty-two percent of California children and 61
9 percent of California adults have experienced one or more adverse
10 childhood experiences (ACEs); and

11 WHEREAS, ACEs are stressful or traumatic experiences that
12 include abuse, neglect, racism, and household instability; and

1 WHEREAS, ACEs are recognized as a proxy for toxic stress,
2 which can affect brain and body development, and if not addressed,
3 can lead to mental, emotional, and physical health consequences
4 affecting health and well-being across the lifespan of a person;
5 and

6 WHEREAS, ACEs are determinants of major public health
7 problems in California, such as heart disease, substance abuse, and
8 mental illness. Detrimental effects can be buffered by building
9 resiliency and promoting protective factors in a child's life through
10 early intervention; and

11 WHEREAS, Trauma-informed care is an approach that can
12 bring greater understanding and more effective ways to prevent,
13 identify, and support and serve children, adults, families, and
14 communities affected by ACEs, trauma, adversity, and toxic stress;
15 and

16 WHEREAS, By adopting trauma-informed approaches that
17 build resiliency and promote protective factors in all public, private,
18 and charter schools, workplaces, communities, and government
19 programs, training and licensing can aid in preventing mental,
20 emotional, physical, and social issues for people impacted by
21 ACEs, trauma, adversity, and toxic stress; and

22 WHEREAS, Trauma-informed care has been promoted and
23 established in nearly one-half of California's 58 counties, in both
24 urban and rural communities, including, but not limited to, the
25 following:

26 (1) The County of Los Angeles Trauma and Resiliency-Informed
27 Systems Change Initiative has convened over 100 stakeholders
28 from county systems, philanthropy and community-based
29 organizations, and academia to advance a countywide agenda to
30 embed trauma-informed policies and practices across the county's
31 child and family serving systems.

32 (2) Resilient Sacramento provided education and support to
33 First 5 Sacramento Commission as the agency initiated
34 trauma-informed practices. As a result, the commission
35 incorporated language on the importance of trauma-informed
36 approaches into its 2018 Strategic Plan, and included a contract
37 requirement that all funded partners participate in trauma-informed
38 training throughout the year.

39 (3) The County of Fresno Trauma and Resilience Network has
40 assembled over 80 different organizational leaders that are learning

1 together and working toward being a trauma-informed community,
2 while developing practices that build resilience in kids, families,
3 and neighborhoods. The group is collecting data on individual and
4 community ACEs to have a more accurate awareness of the depth
5 of trauma victims are facing.

6 (4) The Safe Long Beach Violence Prevention Plan (Safe Long
7 Beach) was adopted in May 2014 by the Long Beach City Council
8 to address a broad safety agenda aimed at reducing all forms of
9 violence, including domestic abuse, child abuse, elder abuse, hate
10 crimes, bullying, gang violence, and violent crime. Safe Long
11 Beach draws upon the city's many existing assets to target violence
12 at its root and build a safer Long Beach by 2020. The Trauma
13 Induced Task Force of Long Beach (TITFLB) is an integral part
14 of establishing Long Beach as a trauma-informed city. In its first
15 year, the TITFLB established a framework for acceptance,
16 engagement, and promotion of trauma-informed approaches for
17 the City of Long Beach, and continues to be an integral part of
18 establishing Long Beach as a trauma-informed city.

19 (5) A broad coalition of agencies, nonprofits, and individuals
20 in the County of Del Norte are providing education and training
21 focused on building community resilience and trauma-informed
22 practices. The education committee of the Del Norte Child Abuse
23 Prevention Council is partnering with the Del Norte County Unified
24 School District to provide trauma-informed and resilience practices
25 training for all teachers and administrators.

26 (6) The Healthy Mendocino Project regional childhood trauma
27 action teams are developing local messaging, collaborating on
28 trauma-informed trainings, and creating opportunities for resilience
29 building. The Mendocino County Health and Human Services
30 Agency Community Outreach Unit is collaborating with the
31 University of California at Davis, Champions Project, on a pilot
32 program to provide trauma-informed services to children who have
33 experienced trauma through adulthood. FIRST 5 Mendocino offers
34 agencies, providers, and community members specialized tools
35 and strategies to mitigate the impacts of trauma and by using the
36 Community Resiliency Model and the Trauma Resiliency Model.
37 The County of Mendocino recognizes that those in the helping
38 profession also experience trauma, and are helping those
39 professionals and their employers understand the importance of
40 operationalizing self-care in their work environment; and

1 WHEREAS, The Substance Abuse and Mental Health Services
2 Administration and many other agencies and organizations provide
3 substantial resources to better engage individuals and communities
4 across the United States in order to implement trauma-informed
5 care; now, therefore, be it

6 *Resolved by the Assembly of the State of California, the Senate*
7 *thereof concurring*, That the Legislature designates May 22, 2018,
8 as Trauma-Informed Awareness Day in California, in conjunction
9 with National Trauma-Informed Awareness Day, to highlight the
10 impact of trauma and the importance of prevention and community
11 resilience through trauma-informed care; and be it further

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

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES

Ken Cooley, Chair

ACR 235 (Arambula) – As Introduced May 8, 2018

SUBJECT: Trauma-Informed Awareness Day.

SUMMARY: Designates May 22, 2018, as Trauma-Informed Awareness Day in California to highlight the impact of trauma and the importance of prevention and community resilience through trauma-informed care. Specifically, **this resolution** makes the following legislative findings:

- 1) The California Legislature unanimously passed ACR 155 in 2014, urging the Governor to reduce children's exposure to adverse childhood experiences (ACE), address the impacts of those experiences, and build and promote resilience and protective factors, while investing in preventive health care and mental health and wellness interventions.
- 2) ACEs are stressful or traumatic experiences that include abuse, neglect, racism, and household instability; and forty-two percent of California children and sixty-one percent of California adults have experienced one or more ACEs.
- 3) ACEs are recognized as a proxy for toxic stress, which can affect brain and body development, and if not addressed, can lead to mental, emotional, and physical health consequences affecting health and well-being across the lifespan of a person.
- 4) ACEs are determinants of major public health problems in California, such as heart disease, substance abuse, and mental illness. Detrimental effects can be buffered by building resiliency and promoting protective factors in a child's life through early intervention.
- 5) Trauma-informed care is an approach that can bring greater understanding and more effective ways to prevent, identify, and support and serve children, adults, families, and communities affected by ACEs, trauma, adversity, and toxic stress.
- 6) Trauma-informed care has been promoted and established in nearly one-half of California's 58 counties, in both urban and rural communities.
- 7) By adopting trauma-informed approaches that build resiliency and promote protective factors in all public, private, and charter schools, workplaces, communities, and government programs, training and licensing can aid in preventing mental, emotional, physical, and social issues for people impacted by ACEs, trauma, adversity, and toxic stress.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Children Now

Opposition

None on file

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

May 16, 2018

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

Re: Support ACR 235 (Arambula): Trauma-Informed Awareness Day

Dear Chairman Cooley:

Children Now—California's non-partisan research, policy development and advocacy organization dedicated to improving children's overall well-being—is pleased to sponsor Assembly Concurrent Resolution 235, which designates May 22nd, 2018 as Trauma-Informed Awareness Day.

Fort-two percent of California children and 61 percent of California adults have experienced one more adverse childhood experiences (ACEs), which are stressful or traumatic experiences including abuse, neglect, racism and household instability. Children exposed to ACEs are more likely to develop learning difficulties and other health problems like asthma. They may also have difficulty sitting still in school or controlling emotions in challenging situations. If left untreated, toxic stress can lead to lifelong health problems like cancer. It can also lead to mental health issues such as anxiety, depression or substance abuse.

The good news is the earlier there is in identifying a child who is experiencing ACEs and toxic stress, the sooner children and families can be connected to the services they need to prevent or heal the effects. Trauma-informed care is an approach that can bring greater understanding and more effective ways to prevent, identify and support children and families affected by ACEs and trauma. By adopting trauma-informed approaches that build resiliency and promote protective factors in all public, private, and charter schools and communities, training and licensing can aid in preventing mental, emotional and physical issues for those impacted by ACEs, trauma and toxic stress.

California is on its way to becoming a trauma-informed state, and ACR 235 is taking us one-step closer to achieving that goal. This resolution in conjunction with National Trauma-Informed Awareness Day highlights not only the impact of trauma but also the impact of prevention and community resilience through trauma-informed care.

It is for these reasons that we are very pleased to sponsor ACR 235 and respectfully request your support for this measure.

Sincerely,



Ted Lempert
President

CC: The Honorable Dr. Joaquin Arambula, California State Assemblymember (Author)

AMENDED IN ASSEMBLY JANUARY 16, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

House Resolution

No. 62

Introduced by Assembly Member Lackey

September 5, 2017

House Resolution No. 62—Relative to We Card Awareness Month.

1 WHEREAS, California law prohibits the sale of tobacco
2 products, including smokeless tobacco, and electronic devices that
3 deliver nicotine or other vaporized liquids, including e-cigarettes,
4 to persons under 21 years of age; and

5 WHEREAS, We Card Awareness Month is a retail education
6 and training effort designed to boost California retailers' awareness
7 of, and participation in, responsible retailing efforts to comply
8 with federal, state, and local laws and to identify, prevent, and
9 deny sales of tobacco and other age-restricted products to minors;
10 and

11 WHEREAS, The Year—~~2017~~ 2018 marks the—~~22nd~~ 23rd
12 anniversary year of the national nonprofit organization, The We
13 Card Program, Inc., which provides training and education to the
14 retail community to help retailers comply with age-restricted
15 product laws and serve their communities as responsible retailers;
16 and

17 WHEREAS, We Card in-store training and education materials,
18 its online training program, and its mystery shopping service “ID
19 Check-Up” are available to all California retailers through the We
20 Card Program Internet Web site; and

21 WHEREAS, ~~We Card is endorsed by the California Independent~~
22 ~~Oil Marketers Association~~ and California will benefit from a

1 responsible retailing community that successfully prevents sales
2 of tobacco and other age-restricted products to minors; and

3 WHEREAS, While some California retailers offer their own
4 training programs and sting operations, over 50 percent of
5 convenience stores in the State of California are run by
6 owner-operators of a single-store and they trust and rely on
7 programs such as We Card to remain in compliance and continue
8 to be family businesses integral to their local communities; now,
9 therefore, be it

10 *Resolved by the Assembly of the State of California, That the*
11 ~~California State~~ Assembly proclaims the month of September ~~2017~~
12 ~~2018~~ to be We Card Awareness Month; and be it further

13 *Resolved, That the ~~California State~~ Assembly encourages all*
14 California retailers to participate in “We Card Awareness Month”
15 and to let their customers know that “in California, we don’t sell
16 tobacco and other age-restricted products to kids!”; and be it further

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

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 62 (Lackey) – As Amended January 16, 2018

SUBJECT: We Card Awareness Month

SUMMARY: Proclaims the month of September 2018 to be We Card Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) California law prohibits the sale of tobacco products, including smokeless tobacco, and electric devices that deliver nicotine or other vaporized liquids, including e-cigarettes, to person under 21 years of age.
- 2) The year 2018 marks the 23rd anniversary year of the national nonprofit organization, The We Card Program, Inc., which provides training and education to the retail community to help retailers comply with age-restricted product laws and serve their communities as responsible retailers.
- 3) We Card Awareness Month is a retail education and training effort designed to boost California retailers' awareness of, and participation in, responsible retailing efforts to comply with federal, state, and local laws and to identify, prevent, and deny sales of tobacco and other age-restricted products to minors.
- 4) We Card in-store training and education materials, its online training program, and its mystery shopping service "ID Check-Up" are available to all California retailers through the We Card Program Internet Web site.
- 5) While some California retailers offer their own training programs and sting operations, over 50 percent of convenience stores in the State of California are run by owner-operators of a single-store and they trust and rely on programs such as We Card to remain in compliance and continue to be family businesses integral to their local communities.

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. 108

**Introduced by Assembly Member Low
(Principal coauthors: Assembly Members Cervantes, Eggman, and
Gloria)**

May 8, 2018

House Resolution No. 108—Relative to Harvey Milk Day.

1 WHEREAS, Harvey Bernard Milk was born on May 22, 1930,
2 in Woodmere, New York. He was the first openly gay man to be
3 elected to public office in a major city of the United States. He
4 was assassinated in 1978 at San Francisco’s City Hall by a political
5 rival. Perhaps more than any other modern figure, Harvey Milk’s
6 life and political career embody the rise of the lesbian, gay,
7 bisexual, and transgender (LGBT) civil rights movement in
8 California, across the nation, and throughout the world; and
9 WHEREAS, Harvey Milk graduated from the State University
10 of New York at Albany, in Albany, New York in 1951. Thereafter,
11 he served for a short time in the United States Navy; and
12 WHEREAS, During the 1960s, Harvey Milk lived in New York
13 City, first working on Wall Street as an investment banker and
14 later as a theater producer; and
15 WHEREAS, In 1972, Harvey Milk moved with his partner,
16 Scott Smith, to San Francisco, California and opened a camera
17 shop called Castro Camera; and
18 WHEREAS, Harvey Milk soon emerged as a community leader
19 in the Castro neighborhood of San Francisco, founding the Castro
20 Valley Association of Local Merchants, and representing that
21 association’s interests before city government; and

1 WHEREAS, Harvey Milk unsuccessfully ran for the Board of
2 Supervisors of the City and County of San Francisco in 1973, and
3 unsuccessfully ran for the Assembly in 1975. With each race, he
4 gained more prominence and eventually became known endearingly
5 by his neighbors as the “Mayor of Castro Street”; and

6 WHEREAS, After San Francisco adopted a district election
7 system in 1977, Harvey Milk was elected to the Board of
8 Supervisors of the City and County of San Francisco representing
9 District 5. It was the first time in the history of the United States
10 that an openly gay man was elected to a prominent political office;
11 and

12 WHEREAS, During his term on the board of supervisors, Harvey
13 Milk sponsored and successfully passed a gay rights ordinance;
14 and

15 WHEREAS, Harvey Milk was instrumental in defeating
16 Proposition 6, commonly known as the Briggs Initiative, at the
17 General Election on November 7, 1978, that would have banned
18 gays and lesbians from teaching in the public schools of this state;
19 and

20 WHEREAS, As an openly gay leader, Harvey Milk encouraged
21 LGBT individuals to be visible in society. During the Gay Freedom
22 Day Parade of June 25, 1978, he told the crowd, “Gay people, we
23 will not win their rights by staying quietly in our closets”; and

24 WHEREAS, Harvey Milk was also successful in forging
25 coalitions with San Francisco’s other minority leaders. His message
26 was one of unity against oppression in all its forms. In the same
27 Gay Freedom Day speech, he said, “I call upon all minorities and
28 especially the millions of lesbians and gay men to wake up from
29 their dreams ... to gather on Washington and tell ... their nation:
30 ‘Wake up ... wake up, America ... no more racism, no more sexism,
31 no more ageism, no more hatred ... no more’”; and

32 WHEREAS, In 1978, Dan White, who represented District 8
33 on the Board of Supervisors of the City and County of San
34 Francisco, resigned from his seat due to financial hardship, thus
35 allowing the Mayor of San Francisco, George Moscone, to appoint
36 a successor; and

37 WHEREAS, Dan White later asked Mayor Moscone to be
38 reappointed to his seat. Mayor Moscone declined after having been
39 lobbied by several city leaders, including Harvey Milk, who often
40 clashed with Dan White due to their political differences; and

1 WHEREAS, On November 27, 1978, Dan White went to San
2 Francisco City Hall to meet with Mayor Moscone and make a final
3 plea for reappointment. When the mayor declined the request, Dan
4 White shot and killed Mayor Moscone, then went to Harvey Milk's
5 office and also shot and killed him; and

6 WHEREAS, Dan White subsequently surrendered to the
7 authorities. Though he had carried a gun, 10 extra rounds, and
8 crawled through a window to avoid metal detectors, Dan White
9 denied that the shootings were premeditated; and

10 WHEREAS, Thousands attended a spontaneous candlelight
11 memorial vigil the night of Harvey Milk's funeral; and

12 WHEREAS, Harvey Milk had anticipated the possibility of
13 assassination and had recorded several audio tapes to be played in
14 that event. One of the tapes included his now famous quote, "If a
15 bullet should enter my brain, let that bullet destroy every closet
16 door"; and

17 WHEREAS, Dan White's trial, which began four months after
18 the killings, was one of the most closely watched trials in California
19 at that time. The prosecution claimed that Dan White's motive
20 was revenge. But Dan White's attorney, Douglas Schmidt, claimed
21 that Dan White was a victim of pressure and had been depressed,
22 a state exacerbated by his consuming a large quantity of junk food
23 before the murders, which became known as the "Twinkie
24 Defense"; and

25 WHEREAS, During the trial, the jury also heard Dan White's
26 confession, which was tape recorded the day after the murders.
27 During the confession, Dan White tearfully talked of how Mayor
28 Moscone and Harvey Milk had refused to give him his supervisor's
29 job back; and

30 WHEREAS, Dan White was convicted of voluntary
31 manslaughter on the grounds of diminished capacity and sentenced
32 to seven years and eight months in prison, a sentence widely
33 denounced as lenient and motivated by homophobia. During the
34 jury selection process in the criminal trial, defense attorneys had
35 excluded candidates they deemed "pro-gay"; and

36 WHEREAS, In protest of the lenient sentence, San Francisco's
37 gay community erupted in what came to be known as the "White
38 Night Riots." It began as a peaceful march from the Castro District
39 to city hall, but turned into a riot when marchers clashed with the
40 police force outside of city hall; and

1 WHEREAS, Harvey Milk's legacy as a civil rights leader is still
2 felt today. He was named one of TIME Magazine's most influential
3 people of the 20th century. Many institutions and organizations
4 are named for Harvey Milk, including the Harvey Milk
5 Recreational Arts Center, the Harvey Milk Civil Rights Academy,
6 the Harvey Milk Institute, the Eureka Valley/Harvey Milk
7 Memorial Branch Library, and the Harvey Milk
8 Lesbian/Gay/Bisexual/Transgender Democratic Club in San
9 Francisco; and

10 WHEREAS, Outside of San Francisco, a number of alternative
11 schools in the United States are named for Harvey Milk, including
12 Harvey Milk High School in New York City, and Oakes College
13 at the University of California, Santa Cruz has an oncampus
14 apartment building named for Harvey Milk; and

15 WHEREAS, In February 2007, the City of San Francisco agreed
16 to erect a bust of Harvey Milk in city hall in tribute to his service
17 and to memorialize his life's work. A lengthy process to choose a
18 design took place, and a gala installation event took place in May
19 2008, to coincide with Harvey Milk's birthday; and

20 WHEREAS, Harvey Milk's story as California's first openly
21 gay elected official was the topic of a major motion picture released
22 in 2008, which educated audiences worldwide about Milk's place
23 in history as a trailblazer and civil rights pioneer; and

24 WHEREAS, Harvey Milk's life and social contributions have
25 left an indelible mark on the history of our nation and hold a special
26 meaning for the people of California; now, therefore, be it

27 *Resolved by the Assembly of the State of California*, That the
28 Assembly recognizes the pioneering contributions of Harvey Milk
29 to the cause of gay civil rights and commemorates May 22, 2018,
30 as Harvey Milk Day; and be it further

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

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 108 (Low) – As Introduced May 8, 2018

SUBJECT: Harvey Milk Day.

SUMMARY: Recognizes the pioneering contributions of Harvey Milk and commemorates May 22, 2018, as Harvey Milk Day. Specifically, **this resolution** makes the following legislative findings:

- 1) Harvey Bernard Milk was born on May 22, 1930, in Woodmere, New York. He was the first openly gay man to be elected to public office in a major city of the United States. Perhaps more than any other modern figure, Harvey Milk's life and political career embody the rise of the lesbian, gay, bisexual, and transgender (LGBT) civil rights movement in California, across the nation, and throughout the world.
- 2) In 1972, Harvey Milk moved with his partner, Scott Smith, to San Francisco, California, founding a camera shop called Castro Camera; and, he soon emerged as a community leader in the Castro neighborhood of San Francisco, founding the Castro Valley Association of Local Merchants, and representing that association's interests before city government.
- 3) Harvey Milk unsuccessfully ran for the Board of Supervisors of the City and County of San Francisco in 1973, and unsuccessfully ran for the Assembly in 1975. With each race, he gained more prominence and eventually became known endearingly by his neighbors as the "Mayor of Castro Street."
- 4) After San Francisco adopted a district election system in 1977, Harvey Milk was elected to the Board of Supervisors of the City and County of San Francisco representing District 5. It was the first time in the history of the United States that an openly gay man was elected to a prominent political office; and, during his term on the board of supervisors, Harvey Milk sponsored and successfully passed a gay rights ordinance.
- 5) Harvey Milk was instrumental in defeating Proposition 6, commonly known as the Briggs Initiative, at the General Election on November 7, 1978, that would have banned gays and lesbians from teaching in the public schools of this state.
- 6) Harvey Milk was also successful in forging coalitions with San Francisco's other minority leaders. His message was one of unity against oppression in all its forms. During a Gay Freedom Day speech, he said, "I call upon all minorities and especially the millions of lesbians and gay men to wake up from their dreams ... to gather on Washington and tell ... their nation: 'Wake up ... wake up, America ... no more racism, no more sexism, no more ageism, no more hatred ... no more.'"
- 7) In 1978, Dan White, who represented District 8 on the Board of Supervisors of the City and County of San Francisco, resigned from his seat due to financial hardship, thus allowing the Mayor of San Francisco, George Moscone, to appoint a successor; and, Dan White later asked Mayor Moscone to be reappointed to his seat. Mayor Moscone declined after having

been lobbied by several city leaders, including Harvey Milk, who often clashed with Dan White due to their political differences.

- 8) On November 27, 1978, Dan White went to San Francisco City Hall to meet with Mayor Moscone and make a final plea for reappointment. When the mayor declined the request, Dan White shot and killed Mayor Moscone, then went to Harvey Milk's office and also shot and killed him.
- 9) Thousands attended a spontaneous candlelight memorial vigil the night of Harvey Milk's funeral; and, in anticipation of the possibility of assassination he recorded several audio tapes to be played in that event. One of the tapes included his now famous quote, "If a bullet should enter my brain, let that bullet destroy every closet door."
- 10) Harvey Milk's legacy as a civil rights leader is still felt today. He was named one of TIME Magazine's most influential people of the 20th century. Many institutions and organizations are named for Harvey Milk, including the Harvey Milk Recreational Arts Center, the Harvey Milk Civil Rights Academy, the Harvey Milk Institute, the Eureka Valley/Harvey Milk Memorial Branch Library, and the Harvey Milk Lesbian/Gay/Bisexual/Transgender Democratic Club in San Francisco.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Introduced by Senator Leyva
(Coauthors: Senators Atkins, Bates, Galgiani, and Mitchell)
(Coauthor: Assembly Member Waldron)

February 7, 2018

Senate Concurrent Resolution No. 97—Relative to public health.

LEGISLATIVE COUNSEL’S DIGEST

SCR 97, as introduced, Leyva. Inflammatory Breast Cancer Awareness Day of 2018.

This measure would declare October 3, 2018, as Inflammatory Breast Cancer Awareness Day of 2018, and encourage all Californians to learn about this rare and aggressive type of breast cancer and support all people who are impacted by a diagnosis of inflammatory breast cancer.

Fiscal committee: no.

- 1 WHEREAS, Inflammatory breast cancer is a rare and aggressive
2 type of breast cancer in which the cancer cells block the lymph
3 vessels in the skin of the breast; and
4 WHEREAS, Inflammatory breast cancer is called
5 “inflammatory” because the breast often looks swollen, red, and
6 inflamed, and most inflammatory breast cancers develop from
7 cells that line the milk ducts of the breast and then spread; and
8 WHEREAS, The symptoms and presentation of inflammatory
9 breast cancer are different from other types of more common breast
10 cancer, and therefore can be more difficult to diagnose, such as it
11 does not present as a lump in most cases and thus can be missed
12 by a routine mammogram; and
13 WHEREAS, The difficulty and delay of diagnosing
14 inflammatory breast cancer is especially devastating because the

1 cancer progresses rapidly, often in a matter of weeks or months,
2 resulting in many diagnoses at an advanced stage of the cancer;
3 and

4 WHEREAS, Since inflammatory breast cancer and treatment
5 is incredibly physically disabling, a diagnosis can often mean a
6 patient quickly qualifies for supportive services and benefits; and

7 WHEREAS, Compared with other types of breast cancer,
8 inflammatory breast cancer tends to be diagnosed in women of
9 younger ages, and the ages of women being diagnosed is getting
10 younger and younger; and

11 WHEREAS, As with other types of breast cancer, inflammatory
12 breast cancer can occur in men; and

13 WHEREAS, Many hardworking organizations, such as Fighting
14 4 the Tatas Breast Cancer, Inc., are diligently working to increase
15 awareness of the disease in the public and medical communities;
16 and

17 WHEREAS, All people diagnosed with inflammatory breast
18 cancer need recognition of their condition, compassionate medical
19 treatment, and support for their recovery; now, therefore, be it

20 *Resolved by the Senate of the State of California, the Assembly*
21 *thereof concurring*, That the Legislature hereby declares October
22 3, 2018, as Inflammatory Breast Cancer Awareness Day of 2018,
23 and encourages all Californians to learn about this rare and
24 aggressive type of breast cancer and support all people who are
25 impacted by a diagnosis of inflammatory breast cancer; and be it
26 further

27 *Resolved*, That the Secretary of the Senate transmit copies of
28 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 17, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 97 (Leyva) – As Introduced February 7, 2018

SENATE VOTE: 39-0

SUBJECT: Inflammatory Breast Cancer Awareness Day of 2018.

SUMMARY: Declares October 3, 2018, as Inflammatory Breast Cancer Awareness Day and encourages all Californians to learn about this rare and aggressive type of breast cancer and support all people who are impacted by a diagnosis of inflammatory breast cancer. Specifically, **this resolution** makes the following legislative findings:

- 1) Inflammatory breast cancer is a rare and aggressive type of breast cancer in which the cancer cells block the lymph vessels in the skin of the breast. Inflammatory breast cancer is called “inflammatory” because the breast often looks swollen, red, and inflamed, and most inflammatory breast cancers develop from cells that line the milk ducts of the breast and then spread.
- 2) The symptoms and presentation of inflammatory breast cancer are different from other types of more common breast cancer, and therefore can be more difficult to diagnose, such as it does not present as a lump in most cases and thus can be missed by a routine mammogram.
- 3) The difficulty and delay of diagnosing inflammatory breast cancer is especially devastating because the cancer progresses rapidly, often in a matter of weeks or months, resulting in many diagnoses at an advanced stage of the cancer.
- 4) Compared with other types of breast cancer, inflammatory breast cancer tends to be diagnosed in women of younger ages, and the ages of women being diagnosed is getting younger and younger.
- 5) Since inflammatory breast cancer and treatment is incredibly physically disabling, a diagnosis can often mean a patient quickly qualifies for supportive services and benefits; and, all people diagnosed with inflammatory breast cancer need recognition of their condition, compassionate medical treatment, and support for their recovery.

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 24, 2018

AMENDED IN ASSEMBLY APRIL 9, 2018

SENATE BILL

No. 452

Introduced by Senator Glazer

(Coauthors: Assembly Members Baker and Cunningham)

February 15, 2017

An act to amend Sections 14536, 14571.6, 14571.8, 14581, and 14585 of, to add Sections 14510.7, 14571.65, and 14573.8 to, and to add and repeal Sections 14549.2, 14572.3, and 14575.2 of, the Public Resources Code, relating to beverage containers, *and* making an appropriation ~~therefor, and declaring the urgency thereof, to take effect immediately.~~ *therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 452, as amended, Glazer. The California Beverage Container Recycling and Litter Reduction Act.

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to annually designate convenience zones and requires that at least one certified recycling center that meets certain requirements be located within every convenience zone. Existing law authorizes the department to grant a convenience zone an exemption from certain redemption requirements, including certain dealer and recycling center redemption requirements, based on certain factors. Existing law limits the total number of exemptions that may be granted to 35% of the total number of convenience zones identified as having one or more of those factors applicable.

This bill, if there is a certified recycling center located within one mile of an unserved convenience zone, would require the department

to grant that convenience zone an exemption from the redemption requirements and would increase the total number of exemptions that may be granted otherwise to 50% of the number identified as eligible. The bill would require the department to evaluate and recommend to the Legislature, on or before January 1, 2021, policies, incentives, and standards for ensuring the establishment and maintenance of a network of cost-effective direct redemption opportunities, as defined by the bill, in every community sufficient to support the recycling of not less than 80% of beverage containers sold in the state.

(2) The act requires dealers within a convenience zone where no recycling location has been established, or within a convenience zone that is unserved for 60 days and not exempt from convenience zone requirements, to submit an affidavit to the department stating that the dealer has met specified standards for redemption, including, among others, that the dealer is redeeming all empty beverage container types at all open cash registers or at one designated location on the dealer's premises, during all hours that the dealer is open for business. If the dealer does not submit that affidavit, existing law requires the dealer to pay \$100 per day to the department, for deposit in the California Beverage Container Recycling Fund, a continuously appropriated fund described in (3), until a recycling location is established or until the dealer meets the standards for redemption specified in the affidavit provision.

This bill would revise these convenience zone redemption duties and apply them only to dealers with gross annual sales of \$2,000,000 or more. The bill, until January 1, 2021, would exempt certain dealers from these requirements.

(3) The act establishes the California Beverage Container Recycling Fund and, except for administrative costs, continuously appropriates moneys in the fund to the department for specified purposes, including the amount necessary to pay handling fees to certain types of recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones. The act also continuously appropriates moneys in the fund to the department for expenditure for various purposes relating to beverage container recycling purposes that included, until January 1, 2018, up to \$10,000,000 annually for market development payments for empty plastic beverage containers. The act also continuously appropriates from the fund \$15,000,000 annually for payments for curbside programs and neighborhood dropoff programs

and \$10,500,000 annually for payments to cities and counties for beverage container recycling and litter cleanup activities.

This bill would require the department to offer a handling fee payment from the fund to certain certified recyclers within unserved convenience zones. The bill would make an appropriation by changing the terms and conditions under which the department is authorized to make payments from a continuously appropriated fund. The bill, until July 1, 2021, would require the handling fee to be set at the rate in effect on July 1, 2015. The bill would authorize the department, until July 1, 2021, to annually expend money from the fund for specified supplemental handling fee payments to low-volume recycling centers, and would reinstate the authority to appropriate up to \$10,000,000 annually for market development payments for empty plastic beverage containers until January 1, 2024. By authorizing the expenditure of a continuously appropriated fund for new purposes, this bill would make an appropriation. The bill would require the department to withhold payments for curbside programs and neighborhood dropoff programs and for beverage container recycling and litter cleanup activities in any city, county, or city and county that has restricted or prohibited the siting of a certified recycling center or a supermarket site, respectively, as provided.

(4) Under the act, the department is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer. The department is required to calculate the processing fee in a specified manner, so that the actual processing fee generally equals 65% of the processing payment that the department is required to pay to processors if the scrap value of the container having a refund value pursuant to the act is less than the cost of recycling. The department is required to determine the statewide weighted average cost to recycle each beverage container type by conducting a survey, as specified. The department is required to establish a processing fee account in the continuously appropriated California Beverage Container Recycling Fund for each material type and to deposit processing fees and other amounts in the applicable account.

This bill would, for purposes of calculating processing payments, require the department, until January 1, 2021, to use the actual cost of recycling that was in effect on December 30, 2015, adjusted as specified. The bill would make an appropriation by changing the terms and

conditions under which the department is authorized to make payments from a continuously appropriated fund. The bill would provide that the processing fees established by the department between ~~the effective date of the bill and December 31, 2018, inclusive, January 1, 2019, and December 31, 2019, inclusive~~, shall not be higher than they would be absent these new provisions. The bill would require the department to suspend usage of surveys and calculations of recycling costs until at least January 1, 2020, and would authorize the department to redirect any contract funds for cost surveys and calculations to provide for a specified assessment and to utilize any contract funds available for the development of amendments to be recommended to the Legislature regarding specified provisions of the act.

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 14510.7 is added to the Public Resources
- 2 Code, to read:
- 3 14510.7. "Direct redemption opportunity" means a recycling
- 4 opportunity that meets both of the following conditions:
- 5 (a) Provides reasonable availability for a consumer to redeem
- 6 empty beverage containers and directly receive the redemption
- 7 value for those containers.
- 8 (b) Provides sufficient overall redemption opportunities in the
- 9 state whereby, in conjunction with other collection opportunities,
- 10 not less than 80 percent of beverage containers sold in the state
- 11 can be consistently and sustainably recycled.
- 12 SEC. 2. Section 14536 of the Public Resources Code is
- 13 amended to read:
- 14 14536. (a) Except as provided in subdivision (b), the director
- 15 shall adopt, amend, or repeal all rules and regulations in accordance
- 16 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
- 17 Division 3 of Title 2 of the Government Code.
- 18 (b) (1) The director shall adopt regulations, and may adopt
- 19 emergency regulations, for the purposes of implementing Sections
- 20 14538, 14539, 14541, 14549.1, 14549.2, 14550, 14561, 14571.6,
- 21 14571.65, 14574, 14575, 14585, 14588.1, 14588.2, and 14591.

(2) Any emergency regulations, if adopted, shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, including subdivision (e) of Section 11346.1 of the Government Code, any emergency regulations adopted pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until revised by the director.

SEC. 3. Section 14549.2 is added to the Public Resources Code, to read:

14549.2. (a) For purposes of this section, the following definitions shall apply:

(1) "Certified entity" means a recycling center, processor, or dropoff or collection program certified pursuant to this division.

(2) "Product manufacturer" means a person who manufactures a plastic product in this state.

(b) In order to develop California markets for empty plastic beverage containers collected for recycling in the state, the department may, consistent with Section 14581 and subject to the availability of funds, pay a market development payment to a certified entity or product manufacturer for empty plastic beverage containers collected and managed pursuant to this section.

(c) The department shall make a market development payment to a certified entity or product manufacturer in accordance with this section, only if the plastic beverage container is collected and either recycled or used in manufacturing, in the state, as follows:

(1) The department shall make a market development payment to a certified entity for empty plastic beverage containers that are collected for recycling in the state, that are subsequently washed and processed by a certified entity into a flake, pellet, or other form in the state, and made usable for the manufacture of a plastic product by a product manufacturer.

(2) The department shall make a market development payment to a product manufacturer for empty plastic beverage containers

1 that are collected for recycling in the state, that are subsequently
2 washed and processed into a flake, pellet, or other form in the state,
3 and used by that product manufacturer to manufacture a product
4 in this state.

5 (3) The department shall determine the amount of the market
6 development payment, which may be set at a different level for a
7 certified entity and a product manufacturer, but shall not exceed
8 one hundred fifty dollars (\$150) per ton. In setting the amount of
9 the market development payment for both certified entities and
10 product manufacturers, the department shall consider all of the
11 following:

12 (A) The minimum funding level needed to encourage the in-state
13 washing and processing of empty plastic beverage containers
14 collected for recycling in this state.

15 (B) The minimum funding level needed to encourage the in-state
16 manufacturing that utilizes empty plastic beverage containers
17 collected for recycling in this state.

18 (C) The total amount of funds projected to be available for
19 plastic market development payments and the desire to maintain
20 the minimum funding level needed throughout the year.

21 (4) The department may make a market development payment
22 to both a certified entity and a product manufacturer for the same
23 empty plastic beverage container.

24 (d) This section shall remain in effect only until January 1, 2024,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2024, deletes or extends that date.

27 SEC. 4. Section 14571.6 of the Public Resources Code is
28 amended to read:

29 14571.6. (a) Except as provided in Section 14572.3, in any
30 convenience zone where no recycling location has been established
31 that satisfies the requirements of Section 14571, and in any
32 convenience zone that has exceeded the 60-day period for the
33 establishment of a recycling center pursuant to Section 14571.7,
34 all dealers within that zone shall, until a recycling location has
35 been established in that zone, do one of the following:

36 (1) Submit to the department an affidavit form provided by the
37 department stating that all of the following standards are being
38 met by the dealer:

39 (A) The dealer redeems all empty beverage container types at
40 a minimum of one designated location on the dealer's premises,

1 during all hours that the dealer is open for business. The dealer is
2 not required to redeem more than 24 beverage containers of any
3 one type per consumer per day.

4 (B) The dealer has posted signs that meet the size and location
5 requirements specified in subdivision (b) of Section 14570, and
6 that conform to paragraph (2) of that subdivision.

7 (C) The dealer is delivering, or having delivered, all empty
8 beverage containers received from the public to a certified recycling
9 center or processor for recycling.

10 (2) Pay to the department for deposit in the fund the sum of one
11 hundred dollars (\$100) per day until a recycling location is
12 established or until the standards for redemption specified in
13 paragraph (1) are met.

14 (b) This section shall apply only to a dealer with gross annual
15 sales of two million dollars (\$2,000,000) or more.

16 SEC. 5. Section 14571.65 is added to the Public Resources
17 Code, to read:

18 14571.65. (a) It is the intent of the Legislature that the
19 requirements and incentive payments of the act do all of the
20 following:

21 (1) Provide residents of every community with direct redemption
22 opportunities.

23 (2) Provide sufficient overall redemption opportunities in the
24 state whereby, in conjunction with other collection opportunities,
25 not less than 80 percent of beverage containers sold in the state
26 can be consistently and sustainably recycled.

27 (3) Provide a marketplace and even playing field whereby the
28 businesses that operate facilities that collect empty beverage
29 containers for recycling are as sustainable and profitable, and the
30 workers as fairly compensated, as the businesses and workers that
31 produce and distribute the beverages for consumption.

32 (b) On or before January 1, 2021, the department shall evaluate
33 and recommend to the Legislature policies, incentives, and
34 standards for ensuring the establishment and maintenance of a
35 network of cost-effective direct redemption opportunities in every
36 community sufficient to support the recycling of not less than 80
37 percent of beverage containers sold in the state.

38 (c) When developing recommendations for direct redemption
39 opportunities, the department shall consider all of the following
40 factors:

- 1 (1) Population density.
- 2 (2) Distance between population centers and the recycler or
- 3 other operation that redeems empty beverage containers.
- 4 (3) Total population of the community.
- 5 (4) Rural and nonrural areas.
- 6 (5) Alternative certified redemption opportunities.
- 7 (6) Best practices identified in a department-sponsored
- 8 convenience study.
- 9 (7) The role of dealers, including supermarkets, in providing
- 10 direct redemption opportunities.
- 11 (8) Enforcement mechanisms for ensuring direct redemption
- 12 opportunities.
- 13 (9) The role of local governments to support direct redemption
- 14 opportunities.
- 15 (10) The process for providing exemptions to the direct
- 16 redemption opportunity standards.
- 17 (11) The role of the state in supporting direct redemption
- 18 opportunities and the structure and amount of any payments.
- 19 (12) Any other factors that the department deems appropriate.
- 20 (d) The department shall conduct at least two stakeholder
- 21 meetings to determine the factors to be considered when developing
- 22 recommendations for direct redemption opportunities.
- 23 SEC. 6. Section 14571.8 of the Public Resources Code is
- 24 amended to read:
- 25 14571.8. (a) A lease entered into by a dealer after January 1,
- 26 1987, shall not contain a leasehold restriction that prohibits or
- 27 results in the prohibition of the establishment of a recycling
- 28 location.
- 29 (b) Except as provided in subdivision (h), the director may grant
- 30 an exemption from the requirements of Section 14571 for an
- 31 individual convenience zone only after the department solicits
- 32 public testimony on whether or not to provide an exemption from
- 33 Section 14571. The solicitation process shall be designed by the
- 34 department to ensure that operators of recycling centers, dealers,
- 35 and members of the public in the jurisdiction affected by the
- 36 proposed exemption are aware of the proposed exemption. After
- 37 evaluation of the testimony and any field review conducted, the
- 38 department shall base a decision to exempt a convenience zone
- 39 pursuant to this subdivision on one, or any combination, of the
- 40 following factors:

1 (1) The exemption will not significantly decrease the ability of
2 consumers to conveniently return beverage containers for the
3 refund value to a certified recycling center redeeming all material
4 types.

5 (2) The nearest certified recycling center is within a reasonable
6 distance of the convenience zone being considered from exemption.

7 (3) The convenience zone is in the area of a curbside program
8 that meets the criteria specified in Section 14509.5.

9 (4) The requirements of Section 14571 cannot be met in a
10 particular convenience zone due to local zoning or the dealer's
11 leasehold restrictions for leases in effect on January 1, 1987, and
12 the local zoning or leasehold restrictions are not within the
13 authority of the department and the dealer. However, any lease
14 executed after January 1, 1987, shall meet the requirements
15 specified in subdivision (a).

16 (5) The convenience zone has redeemed less than 60,000
17 containers per month for the prior 12 months.

18 (c) The department shall review each convenience zone in which
19 a certified recycling center was not located on January 1, 1996, to
20 determine the eligibility of the convenience zone under the
21 exemption criteria specified in subdivision (b).

22 (d) The total number of exemptions granted by the director
23 under subdivision (b) shall not exceed 50 percent of the total
24 number of convenience zones identified as eligible pursuant to
25 subdivision (b).

26 (e) The department may, on its own motion, or upon petition
27 by any interested person, revoke a convenience zone exemption,
28 including an exemption granted under subdivision (h), if either of
29 the following occurs:

30 (1) The condition or conditions that caused the convenience
31 zone to be exempt no longer exists, and the department determines
32 that the criteria for an exemption specified in this section are not
33 presently applicable to the convenience zone.

34 (2) The department determines that the convenience zone
35 exemption was granted due to an administrative error.

36 (f) If an exemption is revoked and a recycling center is not
37 certified and operational in the convenience zone, the department
38 shall, within 10 days of the date of the decision to revoke, serve
39 all dealers in the convenience zone with the notice specified in
40 subdivision (a) of Section 14571.7.

(g) An exemption shall not be revoked when a recycling center becomes certified and operational within an exempt convenience zone unless either of the events specified in paragraphs (1) and (2) of subdivision (e) occurs.

(h) If there is a certified recycling center located within one mile of an unserved convenience zone, the department shall grant an exemption from the requirements of Section 14571 for that convenience zone.

SEC. 7. Section 14572.3 is added to the Public Resources Code, to read:

14572.3. (a) A dealer described in subdivision (c) and who is located in a convenience zone described in subdivision (b) shall be exempt from the dealer requirements of Section 14571.6.

(b) Subdivision (a) shall apply only to a dealer that is located in a convenience zone that meets one of the following:

(1) The convenience zone was served by, or exempted because of, a recycling center that closed between January 1, 2016, and December 31, 2017, inclusive, at the initiation of the recycler and not at the initiation of the dealer.

(2) The convenience zone was served by, or exempted because of, a recycling center that closed as a result of an action taken by the department or local government on or after January 1, 2018.

(c) Subdivision (a) shall apply only to a dealer that meets one of the following conditions:

(1) The dealer demonstrates to the department that it has acted in full compliance with the requirements of Section 14571.6.

(2) The department approves the dealer for an exemption described in subdivision (a). The department may approve a dealer that was not in compliance with Section 14571.6 for an exemption only if the dealer pays the department any moneys owed by the dealer under Section 14571.6.

(d) The Legislature finds and declares that the purpose of this section is to temporarily suspend the obligations of dealers described in subdivision (c) to comply with the requirements of Section 14571.6 in order to focus attention and resources on the reestablishment of recycling centers in currently unserved convenience zones. Nothing in this section is intended to reduce the obligation of dealers and the department to site and maintain recycling centers.

1 (e) This section shall remain in effect only until January 1, 2021,
2 and as of that date is repealed.

3 SEC. 8. Section 14573.8 is added to the Public Resources Code,
4 to read:

5 14573.8. (a) It is the intent of the Legislature to maximize the
6 recovery, redemption, and recycling of empty beverage containers
7 generated in this state, including any empty beverage containers
8 that have been deposited by consumers in curbside programs with
9 the expectation that those containers will be recycled and the
10 redemption value and any processing payment allocated to helping
11 to offset the cost of operating those programs.

12 (b) No provision of this division, and no regulation adopted or
13 enforced by the department to carry out this division, shall prevent
14 the department from encouraging, supporting, or certifying entities
15 established to recover, recycle, and redeem empty beverage
16 containers from the curbside stream, including certifying entities
17 that recover, sort, cancel, and claim the refund value and processing
18 payments on any empty beverage containers recovered from the
19 residual generated by a curbside recycling program or material
20 recovery facility.

21 (c) No provision of this division, and no regulation adopted or
22 enforced by the department to carry out this division, shall prevent
23 the department from certifying a processor to recover, sort, cancel,
24 and claim the refund value and processing payments on any empty
25 beverage containers recovered from the residual generated by a
26 curbside recycling program or material recovery facility.

27 SEC. 9. Section 14575.2 is added to the Public Resources Code,
28 to read:

29 14575.2. (a) (1) Notwithstanding Section 14575, for purposes
30 of calculating processing payments, the department shall use the
31 actual costs of recycling that were in effect on December 30, 2015.

32 (2) Consistent with Section 14575, the department shall adjust
33 the recycling costs described in paragraph (1) to reflect changes
34 in the cost of living from December 30, 2015, as measured by the
35 Bureau of Labor Statistics of the United States Department of
36 Labor or a successor agency of the United States government as
37 of ~~the effective date of this section~~ *January 1, 2019*, and at least
38 once annually thereafter.

39 (3) Consistent with Section 2975 of Title 14 of the California
40 Code of Regulations, the department shall adjust the recycling

costs described in paragraph (1) to reflect the fixed reasonable financial returns for urban and rural recycling centers designated for the 2018 processing payment.

(b) Notwithstanding subdivisions (d) and (e) of Section 14575, for processing fees established by the department between ~~the effective date of this section and December 31, 2018;~~ *January 1, 2019, and December 31, 2019, inclusive*, the department shall not impose a processing fee on a beverage manufacturer that is higher than the processing fee that would be imposed without this section.

(c) (1) Notwithstanding subdivision (c) of Section 14575, the department shall suspend usage of surveys and calculations of recycling costs until at least January 1, 2020.

(2) The department may redirect any contract funds already approved for cost surveys and calculations as of ~~the effective date of this section~~ *January 1, 2019*, into an updated contract to utilize data collected for the 2015 processing payment to provide the department with an assessment of variations in the average cost of recycling based on, at a minimum, each of the following:

(A) Recycling location monthly average volume.

(B) Recycling location geographic area.

(C) Recycling location distance to end-use market.

(3) The department may utilize any contract funds available as of ~~the effective date of this section~~ *January 1, 2019*, for the analysis and development of recommendations to the Legislature of amendments to subdivisions (b) and (c) of Section 14575 to satisfy the legislative intent expressed in subdivision (f) of Section 14501 to create and maintain a marketplace where it is profitable to establish sufficient recycling centers and locations to provide consumers with convenient recycling opportunities through the establishment of minimum refund values and processing fees and, through the proper application of these elements, to enhance the profitability of recycling centers, recycling locations, and other beverage container recycling programs.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 10. Section 14581 of the Public Resources Code is amended to read:

14581. (a) Subject to the availability of funds and in accordance with subdivision (b), the department shall expend the

1 moneys set aside in the fund, pursuant to subdivision (c) of Section
2 14580, for the purposes of this section in the following manner:

3 (1) For each fiscal year, the department may expend the amount
4 necessary to make the required handling fee payment pursuant to
5 Section 14585.

6 (2) (A) Fifteen million dollars (\$15,000,000) shall be expended
7 annually for payments for curbside programs and neighborhood
8 dropoff programs pursuant to Section 14549.6.

9 (B) The department shall withhold payments to curbside
10 programs and neighborhood dropoff programs in any city, county,
11 or city and county that has prohibited the siting of a certified
12 recycling center, caused a certified recycling center to close its
13 business, or adopted a land use policy that restricts or prohibits
14 the siting of a certified recycling center within its jurisdiction.

15 (3) (A) Ten million five hundred thousand dollars (\$10,500,000)
16 may be expended annually for payments of five thousand dollars
17 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments
18 to counties for beverage container recycling and litter cleanup
19 activities, or the department may calculate the payments to counties
20 and cities on a per capita basis, and may pay whichever amount
21 is greater, for those activities.

22 (B) Eligible activities for the use of these funds may include,
23 but are not necessarily limited to, support for new or existing
24 curbside programs, neighborhood dropoff programs, public
25 education promoting beverage container recycling, litter prevention,
26 and cleanup, cooperative regional efforts among two or more cities
27 or counties, or both, or other beverage container recycling
28 programs.

29 (C) These funds shall not be used for activities unrelated to
30 beverage container recycling or litter reduction.

31 (D) To receive these funds, a city, county, or city and county
32 shall fill out and return a funding request form to the department.
33 The form shall specify the beverage container recycling or litter
34 reduction activities for which the funds will be used.

35 (E) The department shall annually prepare and distribute a
36 funding request form to each city, county, or city and county. The
37 form shall specify the amount of beverage container recycling and
38 litter cleanup funds for which the jurisdiction is eligible. The form
39 shall not exceed one double-sided page in length, and may be
40 submitted electronically. If a city, county, or city and county does

1 not return the funding request form within 90 days of receipt of
2 the form from the department, the city, county, or city and county
3 is not eligible to receive the funds for that funding cycle.

4 (F) For the purposes of this paragraph, per capita population
5 shall be based on the population of the incorporated area of a city
6 or city and county and the unincorporated area of a county. The
7 department shall withhold payment to any city, county, or city and
8 county that has prohibited the siting of a supermarket site, caused
9 a supermarket site to close its business, or adopted a land use policy
10 that restricts or prohibits the siting of a supermarket site within its
11 jurisdiction.

12 (4) One million five hundred thousand dollars (\$1,500,000) may
13 be expended annually in the form of grants for beverage container
14 recycling and litter reduction programs.

15 (5) (A) The department shall expend the amount necessary to
16 pay the processing payment established pursuant to Section 14575.
17 The department shall establish separate processing fee accounts
18 in the fund for each beverage container material type for which a
19 processing payment and processing fee are calculated pursuant to
20 Section 14575, or for which a processing payment is calculated
21 pursuant to Section 14575 and a voluntary artificial scrap value is
22 calculated pursuant to Section 14575.1, into which account shall
23 be deposited both of the following:

24 (i) All amounts paid as processing fees for each beverage
25 container material type pursuant to Section 14575.

26 (ii) Funds equal to the difference between the amount in clause
27 (i) and the amount of the processing payments established in
28 subdivision (b) of Section 14575, and adjusted pursuant to
29 paragraph (2) of subdivision (c) of, and subdivision (f) of, Section
30 14575, to reduce the processing fee to the level provided in
31 subdivision (e) of Section 14575, or to reflect the agreement by a
32 willing purchaser to pay a voluntary artificial scrap value pursuant
33 to Section 14575.1.

34 (B) Notwithstanding Section 13340 of the Government Code,
35 the moneys in each processing fee account are hereby continuously
36 appropriated to the department for expenditure without regard to
37 fiscal years, for purposes of making processing payments pursuant
38 to Section 14575.

39 (6) Up to five million dollars (\$5,000,000) may be annually
40 expended by the department for the purposes of undertaking a

1 statewide public education and information campaign aimed at
2 promoting increased recycling of beverage containers.

3 (7) Up to ten million dollars (\$10,000,000) may be expended
4 annually by the department for quality incentive payments for
5 empty glass beverage containers pursuant to Section 14549.1.

6 (8) Up to ten million dollars (\$10,000,000), less any amount
7 appropriated in the annual Budget Act, may be expended annually
8 by the department for market development payments for empty
9 plastic beverage containers pursuant to Section 14549.2, until
10 January 1, 2024.

11 (b) (1) If the department determines, pursuant to a review made
12 pursuant to Section 14556, that there may be inadequate funds to
13 pay the payments required by this division, the department shall
14 immediately notify the appropriate policy and fiscal committees
15 of the Legislature regarding the inadequacy.

16 (2) On or before 180 days, but not less than 80 days, after the
17 notice is sent pursuant to paragraph (1), the department may reduce
18 or eliminate expenditures, or both, from the funds as necessary,
19 according to the procedure set forth in subdivision (c).

20 (c) If the department determines that there are insufficient funds
21 to make the payments specified pursuant to this section and Section
22 14575, the department shall reduce all payments proportionally.

23 (d) Before making an expenditure pursuant to paragraph (6) of
24 subdivision (a), the department shall convene an advisory
25 committee consisting of representatives of the beverage industry,
26 beverage container manufacturers, environmental organizations,
27 the recycling industry, nonprofit organizations, and retailers to
28 advise the department on the most cost-effective and efficient
29 method of the expenditure of the funds for that education and
30 information campaign.

31 (e) Subject to the availability of funds, the department shall
32 retroactively pay in full any payments provided in this section that
33 have been proportionally reduced during the period of January 1,
34 2010, through June 30, 2010.

35 SEC. 11. Section 14585 of the Public Resources Code is
36 amended to read:

37 14585. (a) The department shall adopt guidelines and methods
38 for paying handling fees to supermarket sites, nonprofit
39 convenience zone recyclers, or rural region recyclers to provide
40 an incentive for the redemption of empty beverage containers in

1 convenience zones. The guidelines shall include, but not be limited
2 to, all of the following:

3 (1) Handling fees shall be paid on a monthly basis, in the form
4 and manner adopted by the department. The department shall
5 require that claims for the handling fee be filed with the department
6 not later than the first day of the second month following the month
7 for which the handling fee is claimed as a condition of receiving
8 any handling fee.

9 (2) The department shall determine the number of eligible
10 containers per site for which a handling fee will be paid in the
11 following manner:

12 (A) Each eligible site's combined monthly volume of glass and
13 plastic beverage containers shall be divided by the site's total
14 monthly volume of all empty beverage container types.

15 (B) If the quotient determined pursuant to subparagraph (A) is
16 equal to, or more than, 10 percent, the total monthly volume of
17 the site shall be the maximum volume which is eligible for a
18 handling fee for that month.

19 (C) If the quotient determined pursuant to subparagraph (A) is
20 less than 10 percent, the department shall divide the volume of
21 glass and plastic beverage containers by 10 percent. That quotient
22 shall be the maximum volume that is eligible for a handling fee
23 for that month.

24 (3) The department shall pay a handling fee per eligible
25 container in the amount determined pursuant to subdivision (f).

26 (4) If the eligible volume in any given month would result in
27 handling fee payments that exceed the allocation of funds for that
28 month, as provided in subdivision (b), sites with higher eligible
29 monthly volumes shall receive handling fees for their entire eligible
30 monthly volume before sites with lower eligible monthly volumes
31 receive any handling fees.

32 (5) (A) If a dealer where a supermarket site, nonprofit
33 convenience zone recycler, or rural region recycler is located ceases
34 operation for remodeling or for a change of ownership, the operator
35 of that supermarket site, nonprofit convenience zone recycler, or
36 rural region recycler shall be eligible to apply for handling fees
37 for that site for a period of three months following the date of the
38 closure of the dealer.

39 (B) Every supermarket site operator, nonprofit convenience
40 zone recycler, or rural region recycler shall promptly notify the

1 department of the closure of the dealer where the supermarket site,
2 nonprofit convenience zone recycler, or rural region recycler is
3 located.

4 (C) Notwithstanding subparagraph (A), any operator who fails
5 to provide notification to the department pursuant to subparagraph
6 (B) shall not be eligible to apply for handling fees.

7 (b) The department may allocate the amount authorized for
8 expenditure for the payment of handling fees pursuant to paragraph
9 (1) of subdivision (a) of Section 14581 on a monthly basis and
10 may carry over any unexpended monthly allocation to a subsequent
11 month or months. However, unexpended monthly allocations shall
12 not be carried over to a subsequent fiscal year for the purpose of
13 paying handling fees but may be carried over for any other purpose
14 pursuant to Section 14581.

15 (c) (1) The department shall not make handling fee payments
16 to more than one certified recycling center in a convenience zone.
17 If a dealer is located in more than one convenience zone, the
18 department shall offer a single handling fee payment to a
19 supermarket site located at that dealer. This handling fee payment
20 shall not be split between the affected zones. The department shall
21 stop making handling fee payments if another recycling center
22 certifies to operate within the convenience zone without receiving
23 payments pursuant to this section, if the department monitors the
24 performance of the other recycling center for 60 days and
25 determines that the recycling center is in compliance with this
26 division. Any recycling center that locates in a convenience zone,
27 thereby causing a preexisting recycling center to become ineligible
28 to receive handling fee payments, is ineligible to receive any
29 handling fee payments in that convenience zone.

30 (2) The department shall offer a single handling fee payment
31 to a rural region recycler located anywhere inside a convenience
32 zone, if that convenience zone is not served by another certified
33 recycling center and the rural region recycler does either of the
34 following:

35 (A) Operates a minimum of 30 hours per week in one
36 convenience zone.

37 (B) Serves two or more convenience zones, and meets all of the
38 following criteria:

39 (i) Is the only certified recycler within each convenience zone.

1 (ii) Is open and operating at least eight hours per week in each
2 convenience zone and is certified at each location.

3 (iii) Operates at least 30 hours per week in total for all
4 convenience zones served.

5 (3) In a convenience zone that, as of ~~the effective date of the~~
6 ~~measure that added this paragraph~~, *January 1, 2019*, has been
7 continuously unserved by a certified recycling location for at least
8 six months, the department shall offer a handling fee payment to
9 a recycler located within the convenience zone that operates a
10 minimum of 30 hours per week regardless of physical location
11 within that convenience zone and that is certified on or after ~~the~~
12 ~~effective date of that bill~~. *January 1, 2019*.

13 (d) The department may require the operator of a supermarket
14 site, or the operator of a rural region recycler, receiving handling
15 fees to maintain records for each location where beverage
16 containers are redeemed, and may require the supermarket site or
17 rural region recycler to take any other action necessary for the
18 department to determine that the supermarket site or rural region
19 recycler does not receive an excessive handling fee.

20 (e) The department may determine and utilize a standard
21 container per pound rate, for each material type, for the purpose
22 of calculating volumes and making handling fee payments.

23 (f) (1) On or before January 1, 2008, and every two years
24 thereafter, the department shall conduct a survey pursuant to this
25 subdivision of a statistically significant sample of certified
26 recycling centers that receive handling fee payments to determine
27 the actual cost incurred for the redemption of empty beverage
28 containers by those certified recycling centers. The department
29 shall conduct these cost surveys in conjunction with the cost
30 surveys performed by the department pursuant to subdivision (b)
31 of Section 14575 to determine processing payments and processing
32 fees. The department shall include, in determining the actual costs,
33 only those allowable costs contained in the regulations adopted
34 pursuant to this division that are used by the department to conduct
35 cost surveys pursuant to subdivision (b) of Section 14575.

36 (2) Using the information obtained pursuant to paragraph (1),
37 the department shall then determine the statewide weighted average
38 cost incurred for the redemption of empty beverage containers,
39 per empty beverage container, at recycling centers that receive
40 handling fees.

1 (3) The department shall determine the amount of the handling
2 fee to be paid for each empty beverage container by subtracting
3 the amount of the statewide weighted average cost per container
4 to redeem empty beverage containers by recycling centers that do
5 not receive handling fees from the amount of the statewide
6 weighted average cost per container determined pursuant to
7 paragraph (2).

8 (4) The department shall adjust the statewide average cost
9 determined pursuant to paragraph (2) for each beverage container
10 annually to reflect changes in the cost of living, as measured by
11 the Bureau of Labor Statistics of the United States Department of
12 Labor or a successor agency of the United States government.

13 (5) The cost information collected pursuant to this section at
14 recycling centers that receive handling fees shall not be used in
15 the calculation of the processing payments determined pursuant
16 to Section 14575.

17 (6) Notwithstanding paragraphs (2) and (3), for the period from
18 ~~the effective date of the measure that added this paragraph~~ *January*
19 *1, 2019*, to July 1, 2021, inclusive, the handling fee shall be set at
20 the rate in effect on July 1, 2015.

21 (g) The department may update the methodology and scrap
22 values used for calculating the handling fee from the most recent
23 cost survey if it finds that the handling fee resulting from the most
24 recent cost survey does not accurately represent the actual cost
25 incurred for the redemption of empty beverage containers by those
26 certified recycling centers.

27 (h) (1) The department may expend up to three million dollars
28 (\$3,000,000) annually from the fund for supplemental handling
29 fee payments to low-volume recycling centers and recyclers willing
30 to open a recycling center in a convenience zone that has recently
31 become unserved. The department shall allocate the amount
32 authorized for these supplemental handling fee payments into 12
33 equal monthly allotments.

34 (2) Supplemental handling fee payments shall be distributed
35 once per month in equal amounts to recycling centers that are
36 eligible for handling fees pursuant to subdivision (a), subject to
37 all of the following requirements:

38 (A) A recycling center receiving a handling fee pursuant to this
39 subdivision shall have no more than 600,000 beverage containers
40 eligible for handling fees per month.

1 (B) Priority shall be given to recycling centers with the lowest
2 volumes of beverage containers that are located in rural regions.

3 (C) (i) Payments shall be distributed first to no more than 100
4 recycling centers with the lowest volumes of beverage containers
5 that are located in rural regions, in order of lowest volume.

6 (ii) After payments are distributed pursuant to clause (i),
7 payments shall be distributed to other recycling centers with the
8 lowest volumes of beverage containers, in order of lowest volume.

9 (3) No more than 400 recycling centers shall receive
10 supplemental handling fee payments pursuant to this subdivision.

11 (4) The department may make the supplemental handling fee
12 payments authorized pursuant to this subdivision by augmenting
13 handling fee payments received by recyclers pursuant to
14 subdivision (f).

15 (5) This subdivision shall become inoperative on July 1, 2021.

16 ~~SEC. 12. This act is an urgency statute necessary for the~~
17 ~~immediate preservation of the public peace, health, or safety within~~
18 ~~the meaning of Article IV of the California Constitution and shall~~
19 ~~go into immediate effect. The facts constituting the necessity are:~~

20 ~~Because of the unprecedented closures of recycling centers~~
21 ~~statewide, reduced access to redemptions for consumers, declining~~
22 ~~recycling rates, and higher costs associated for grocers and retailers,~~
23 ~~it is necessary for this act to take effect immediately.~~

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STATE CAPITOL
ROOM 4072
SACRAMENTO, CA 95814
TEL (916) 651-4007

DISTRICT OFFICE
51 MORAGA WAY, SUITE 2
ORINDA, CA 94563
TEL (925) 258-1176

SENATOR.GLAZER@SENATE.CA.GOV

California State Senate

SENATOR
STEVEN M. GLAZER
SEVENTH SENATE DISTRICT



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SUBCOMMITTEE
BUDGET SUBCOMMITTEE 4

May 15, 2018

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

Dear Assembly Member Cooley,

I write to respectfully request Assembly Rules Committee approval to add an urgency clause to Senate Bill 452 (Glazer).

California's Beverage Container Recycling Program suffered a significant setback in January 2016 stemming from a reduction in fees paid by the state to recyclers and a precipitous decline in global commodities prices.

This led to the closure of nearly 1,000 recycling centers in the last two years—roughly 38% of the statewide total—leaving consumers in many communities without a local redemption opportunity. There are now 129 California cities and two counties with no operating redemption centers.

Subsequently, recycling rates have dropped, falling below 80% for the first time since 2008, consumers are failing to redeem \$3 million per month in California Redemption Value when compared to 2015, and several thousand beverage dealers—from large grocery stores to small “mom & pop” shops—now face a new obligation to redeem containers in-store or pay a \$100 per day fine.

In order to expedite immediate relief to address the unprecedented closures of recycling centers statewide, reduced access to redemptions for consumers, declining recycling rates, and higher costs associated for grocers and retailers, I respectfully request Assembly Rules Committee approval to add an urgency clause to this measure.

I continue to actively engage in stakeholder meetings to limit unforeseen consequences and the bill currently enjoys no opposition. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Steve Glazer".

STEVEN M. GLAZER
Senator, 7th District