



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

VICE CHAIR
LING LING CHANG

MEMBERS
JOAQUIN ARAMBULA
WILLIAM P. BROUGH
KEN COOLEY
JIMMY GOMEZ
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BILL QUIRK
FREDDIE RODRIGUEZ
MARIE WALDRON

PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Thursday, May 19, 2016
8:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

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

Resolutions

3. ACR 184 (Salas) Relative to Portuguese National Heritage Month. [Page 6](#)
4. HR 50 (Medina) Relative to Lupus Awareness Month. [Page 10](#)
5. SCR 136 (Leyva) Relative to Better Hearing and Speech Month. [Page 14](#)

Requests to Add Urgency Clause

6. AB 1924 (Bigelow) Relative to Pen registers: track and trace devices: orders. [Page 17](#)
7. AB 2444 (Eduardo Gar..)Relative to California Parks, Water, Climate, and Coastal Protection and Outdoor..... [Page 29](#)
8. SB 683 (Wolk) Relative to Alcoholic beverage licenses: nonprofit sales license. [Page 49](#)

REFERRAL OF BILLS TO COMMITTEE

05/19/2016

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

Assembly Bill No.	Committee:
ACR 186	RLS.
ACR 187	RLS.
AJR 3	J., E.D. & E.
SB 866	H. & C.D.
SB 866	V.A.
SB 875	JUD.
SB 944	H. & C.D.
SB 944	JUD.
SB 957	L. GOV.
SB 1007	JUD.
SB 1044	B. & P.
SB 1070	PUB. S.
SB 1076	HEALTH
SB 1078	JUD.
SB 1085	B. & P.
SB 1106	H. & C.D.
SB 1106	JUD.
SB 1108	E. & R.
SB 1108	L. GOV.
SB 1138	G.O.
SB 1158	JUD.
SB 1179	JUD.
SB 1179	L. GOV.
SB 1265	JUD.
SB 1386	NAT. RES.
SB 1478	B. & P.
SB 1479	B. & P.
SCR 94	JUD.
SCR 117	HEALTH
SCR 135	RLS.



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Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 5/18/2016
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, ACR 187 has been added.



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RE-REFERRAL OF BILLS

05/19/2016

RE-REFERRAL OF BILLS

Assembly Bill No.

[SB 482](#)

Committee:

BUSINESS AND PROFESSIONS



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JAY OBERNOLTE (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 5/18/2016
Re: Consent Bill Re-Referrals

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



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AMENDED IN ASSEMBLY MAY 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

Assembly Concurrent Resolution

No. 184

Introduced by Assembly Member ~~Arambula~~ Salas

(Principal coauthor: Senator Vidak)

(Coauthors: Assembly Members Arambula, Gray, and Olsen)

***(Coauthors: Senators Berryhill, Cannella, Fuller, Galgiani, and
Mendoza)***

May 10, 2016

Assembly Concurrent Resolution No. 184—Relative to Portuguese
National Heritage Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 184, as amended, ~~Arambula~~ Salas. Portuguese National Heritage
Month.

This bill would recognize the month of June 2016 as Portuguese
National Heritage Month.

Fiscal committee: no.

1 WHEREAS, In September of 1542, Portuguese explorer Juan
2 Rodriguez Cabrillo sailed a ship into San Diego Bay and became
3 the first European to explore the land now known as California.
4 Cabrillo explored the California coast, and is credited with
5 numerous coastal discoveries; and

6 WHEREAS, The first Portuguese settlers came to California
7 from the Azores Islands in the early 19th century. The largest wave
8 of Azorean immigrants moved to California just before and after
9 the turn of the 20th century. Each wave contributed substantially

1 to setting up agricultural operations, especially dairy, vegetable,
2 and fruit farms; and

3 WHEREAS, Throughout most of the 20th century, as many as
4 one-half of all Portuguese Californians owned or operated a dairy
5 farm, worked on a dairy farm, or worked in a dairy-related industry.
6 Applying the Portuguese belief in hard work and thriftiness, along
7 with additional labor from family members, a Portuguese settler
8 could earn enough to reinvest in his business, and buy more land
9 and cattle; and

10 WHEREAS, Historically, California has been a popular
11 destination for immigrants from the Azores Islands, creating strong
12 cultural ties between the two regions; currently there are ~~over~~ *more*
13 *than* 381,000 persons of Portuguese heritage living in California,
14 approximately 90 percent of whom have either come directly from
15 the Azores Islands or are of Azorean parentage; and

16 WHEREAS, In 1979, the Center for Portuguese Studies at the
17 University of California, Santa Barbara, was founded for the
18 purpose of promoting and developing Portuguese studies in
19 California and in the United States; and

20 WHEREAS, In 1994, the University of California, Berkeley,
21 established ~~The~~ *the* Portuguese Studies Program. Included among
22 the many goals of the program is the goal “to spotlight the crucial
23 and complex but often overlooked experience and contributions
24 of the Portuguese-American community”; and

25 WHEREAS, In 1999, the Center for Portuguese Studies at the
26 California State University, Stanislaus, was established to promote
27 the study of the Portuguese-speaking world’s language, history,
28 culture, and influence. ~~The Center~~ *center* works to enrich the
29 connections ~~between~~ *among* the local Portuguese community and
30 its cultural and linguistic heritage and to forge new connections
31 between countries of the Portuguese-speaking world and
32 California’s central valley; and

33 WHEREAS, Among the great Portuguese Americans who have
34 contributed significantly to this country are: composer John Philip
35 Sousa, best known for composing “Stars and Stripes Forever”;
36 poet Emma Lazarus, best known for her sonnet about the Statue
37 of Liberty, “The New Colossus”; architect William L. Pereira, best
38 known for designing the Transamerica Pyramid in San Francisco;
39 and singer and actress Carmen Miranda. Many Portuguese
40 Americans have also served with distinction in local, state, and

1 federal office, and have served proudly in this country's military;
2 and

3 WHEREAS, Portuguese Americans have made valuable and
4 substantial contributions to every facet of California life including
5 the entertainment industry, the most notable of whom are Mary
6 Astor, Tom Hanks, Joe Perry, and James Franco; and

7 WHEREAS, Portuguese Americans continue to thrive in
8 agricultural communities of the San Joaquin Valley, including
9 Hanford and Lemoore in Kings County and Shafter, Wasco, and
10 Bakersfield in Kern County; they have contributed greatly to
11 making market milk the leading agricultural product by value in
12 both ~~Kings and Kern Counties~~; *the Counties of Kings and Kern*;
13 and

14 WHEREAS, The Portuguese Heritage Society of California
15 built the Portuguese Historical Museum to serve as a center for
16 the display of Portuguese heritage and culture. In addition to its
17 permanent exhibits, it will house and host exhibits and cultural
18 programs from various organizations and the many Portuguese
19 communities in the United States and around the world; and

20 WHEREAS, The Portuguese Heritage Society of California
21 designated the second Saturday of June as a day to celebrate
22 Portuguese culture through music, dance, art, cooking, parades,
23 and other festivities; now, therefore, be it

24 *Resolved by the Assembly of the State of California, the Senate*
25 *thereof concurring*, That the Legislature hereby declares the month
26 of June 2016 as Portuguese National Heritage Month; and be it
27 further

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

O

Date of Hearing: May 19, 2016

ASSEMBLY COMMITTEE ON RULES
Richard S. Gordon, Chair
ACR 184 (Salas) – As Amended May 16, 2016

SUBJECT: Portuguese National Heritage Month

SUMMARY: Recognizes the month of June 2016 as Portuguese National Heritage Month. Specifically, **this resolution** makes the following legislative findings:

- 1) In the early 19th century, the first Portuguese settlers came to California from the Azores Islands. The largest wave of Azorean immigrants moved to California just before and after the turn of the 20th century and industriously set up agricultural operations, especially dairy, vegetable, and fruit farms.
- 2) Historically, California has been a popular destination for immigrants from the Azores Islands, creating strong cultural ties between two regions: currently there are more than 381,000 persons of Portuguese heritage living in California.
- 3) In 1994, The University of California, Berkeley, established the Portuguese Studies Program with the goal "to spotlight the crucial and complex but often overlooked experience and contributions of the Portuguese-American Community."
- 4) Portuguese Americans continue to thrive in agricultural communities of the San Joaquin Valley, including Hanford and Lemoore in Kings County and Shafter, Wasco, and Bakersfield in Kern County; they have contributed greatly to making market milk the leading agricultural product by value in both the Counties of Kings and Kern.
- 5) The Portuguese Heritage Society has designated the second Saturday of June as a day to celebrate Portuguese culture through music, dance, art, cooking, parades, and other festivities.

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. 50

Introduced by Assembly Member Medina

April 27, 2016

House Resolution No. 50—Relative to Lupus Awareness Month.

1 WHEREAS, Lupus is a disease that affects more people than
2 AIDS, cerebral palsy, sickle cell anemia, and multiple sclerosis
3 combined. One of out every 185 Americans has lupus. Lupus is
4 hard to diagnose, mimics other diseases, and its sufferers usually
5 do not get treatment until they have suffered with the symptoms
6 for many years; and

7 WHEREAS, Lupus affects approximately 1.4 million Americans,
8 90 percent of people diagnosed with the disease are women, 80
9 percent develop the disease between 15 and 45 years of age, and
10 the disease is two to three times more prevalent among people of
11 color, including African Americans, Hispanics, Asians, and Native
12 Americans; and

13 WHEREAS, Understanding lupus will help us better understand
14 infections in general, allergies, cancer, and even AIDS. Medical
15 students are often told if they know lupus then they know medicine;
16 lupus is the paradigm of autoimmunity, as lupus can affect every
17 part of the body; and

18 WHEREAS, At least nine states have declared the month of
19 May as Lupus Awareness Month — California, Colorado,
20 Minnesota, North Carolina, North Dakota, New York, Oregon,
21 Virginia, and Wisconsin; and

1 WHEREAS, Lupus is an autoimmune disease that can affect
2 any part of the body, including internal organs, the skin, and joints.
3 The disease also has many different symptoms and, because of
4 that, affects each person differently. Because of its unpredictable
5 nature, people with lupus often have many questions about the
6 disease; and

7 WHEREAS, Each person with lupus has different symptoms
8 that can range from mild to severe and may come and go over
9 time. Lupus is not to be taken lightly; it can affect many parts of
10 the body, including, but not limited to, the kidneys, lungs, central
11 nervous system, blood vessels, blood, heart, and skin; and

12 WHEREAS, The State Department of ~~Health Care Services~~
13 *Public Health* concluded in its 2008 Lupus Data/Statistics report
14 that death rates from lupus increased nearly 70 percent among
15 black women between 45 and 64 years of age. Possible reasons
16 include an increasing incidence of systemic lupus erythematosus,
17 later diagnosis, less access to health care, less-effective treatments,
18 and poorer compliance with treatment recommendations. Each
19 year during the study period, death rates were more than five times
20 higher for women than for men; and

21 WHEREAS, Existing public information and programs about
22 lupus in California remain inadequately disseminated and
23 insufficient in addressing the needs of specific diverse populations
24 and other underserved groups; and

25 WHEREAS, Educating the public and the health care community
26 throughout the state about this devastating disease is of paramount
27 importance and is in every respect in the public interest and to the
28 benefit of all residents of the State of California; and

29 WHEREAS, Many other organizations strive to educate the
30 community about lupus and how to manage the disease and also
31 to bring more awareness through advocacy and education while
32 providing support and resources to families that are affected by
33 the disease; and

34 WHEREAS, Advocates around the country have joined together
35 to advocate for lupus awareness, support, and a better future
36 through research, diagnosis, education, and treatment; now,
37 therefore, be it

38 *Resolved by the Assembly of the State of California*, That the
39 Assembly observes the month of May 2016 as Lupus Awareness
40 Month; and be it further

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

O

Date of Hearing: May 19, 2016

ASSEMBLY COMMITTEE ON RULES
Richard S. Gordon, Chair
HR 50 (Medina) – As Introduced April 27, 2016

SUBJECT: Lupus Awareness Month

SUMMARY: Observes the month of May 2016 as Lupus Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Lupus is a disease that affects more people than AIDS, cerebral palsy, sickle cell anemia, and multiple sclerosis combined. One out of every 185 Americans has lupus. Lupus is hard to diagnose, mimics other diseases, and its sufferers usually do not get treatment until they have suffered with the symptoms for many years.
- 2) Understanding lupus will help us better understand infections in general, allergies, cancer, and even AIDS. Medical students are often told if they know lupus then they know medicine; lupus is the paradigm of autoimmunity, as lupus can affect every part of the body.
- 3) Lupus is an autoimmune disease that can affect any part of the body, including internal organs, the skin, and joints. The disease also has many different symptoms and, because of that, affects each person differently. Because of its unpredictable nature, people with lupus often have many questions about the disease.
- 4) Educating the public and the health care community throughout the state about this devastating disease is of paramount importance and is in every respect in the public interest and to the benefit of all residents of the State of California.

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 Block, De León, Fuller, Galgiani, Hall,
Jackson, Mendoza, Pan, Pavley, Roth, and Wolk)

April 27, 2016

Senate Concurrent Resolution No. 136—Relative to Better Hearing and Speech Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 136, as introduced, Leyva. Better Hearing and Speech Month.
This measure would recognize May 2016 as Better Hearing and Speech Month.

Fiscal committee: no.

1 WHEREAS, An estimated 40 million Americans have some
2 type of communication and swallowing disorder, costing the United
3 States approximately \$154 to \$186 billion annually due to lost
4 work productivity, special education, and medical treatment; and
5 WHEREAS, Those citizens of California who have overcome
6 their communication and swallowing disabilities through the
7 services of dedicated audiologists and speech-language pathologists
8 should be recognized; and
9 WHEREAS, California also recognizes and values the efforts
10 of all audiologists and speech-language pathologists throughout
11 our nation who work to help these individuals with communication
12 and swallowing disorders to lead independent, productive, and
13 fulfilling lives; and
14 WHEREAS, California is proud and honored to have
15 audiologists and speech-language pathologists offering quality
16 education and health care services to its citizens; and

1 WHEREAS, audiologists and speech-language pathologists in
2 California annually observe and celebrate Better Hearing and
3 Speech Month during the month of May; now, therefore, be it
4 *Resolved by the Senate of the State of California, the Assembly*
5 *thereof concurring*, That the Legislature proclaims the month of
6 May 2016 as Better Hearing and Speech Month and encourages
7 all citizens to recognize the achievements of audiologists and
8 speech-language pathologists in improving the quality of life for
9 people with communication and swallowing disorders; and be it
10 further
11 *Resolved*, That the Secretary of the Senate transmit copies of
12 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 19, 2016

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 136 (Leyva) – As Introduced April 27, 2016

SENATE VOTE: 38-0

SUBJECT: Better Hearing and Speech Month

SUMMARY: Recognizes the month of May 2016 as Better Hearing and Speech Month. Specifically, **this resolution** makes the following legislative findings:

- 1) An estimated 40 million Americans have some type of communication and swallowing disorder, costing the United States approximately \$154 to \$186 billion annually due to lost work productivity, special education, and medical treatment.
- 2) Those citizens of California who have overcome their communication and swallowing disabilities through the services of dedicated audiologists and speech-language pathologists should be recognized.
- 3) California also recognizes and values the efforts of all audiologists and speech-language pathologists throughout our nation who work to help these individuals with communication and swallowing disorders to lead independent, productive, and fulfilling lives.

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 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1924

Introduced by Assembly Members Bigelow and Low

February 11, 2016

An act to amend Sections 638.52 and 1546.1 ~~of~~ *of*, and to add Section 638.55 to, the Penal Code, relating to privacy.

LEGISLATIVE COUNSEL’S DIGEST

AB 1924, as amended, Bigelow. Pen registers: track and trace devices: orders.

(1) Existing law generally makes it a crime to install or use a pen register or trap and trace device without court approval. Existing law allows a peace officer to make an application to a magistrate for an order authorizing or approving the installation and use of a pen register or trap and trace device and requires a provider of wire or electronic communication service, landlord, custodian, or other person, upon presentation of an order, to provide the peace officer with all information, facilities, and technical assistance necessary to accomplish the installation, as specified, if the assistance is directed by the order. *Under existing law, an order or extension order authorizing or approving the installation and use of a pen register or a trap and trace device is required to direct that the order be sealed until otherwise ordered by the magistrate who issued the order, or a judge of the superior court, and that the person owning or leasing the line to which the pen register or trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence*

of the investigation to the listed subscriber or to any other person, except as specified.

This bill would instead require an order or extension order authorizing or approving the installation and use of a pen register or a trap and trace device direct that the order be sealed until the order, including any extensions, expires, and would require that the order or extension direct that the person owning or leasing the line to which the pen register or trap and trace device is attached not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber or to any other person. The bill would require the requesting peace officer's law enforcement agency to compensate a provider of a wire or electronic communication service, landlord, custodian, or other person who provides facilities or technical assistance pursuant to these provisions for the reasonable expenses incurred in providing the facilities and assistance.

(2) Existing law ~~only permits~~ authorizes a government entity to compel the production of, or access to, electronic communication from a service provider or access to electronic device information only pursuant to a warrant, wiretap order, order for electronic reader records, or subpoena.

This bill would additionally ~~allow~~ authorize a government entity to compel production of the above communications and information pursuant to an order for a pen register or trap and trace device.

(3) Existing law authorizes a government entity to access electronic device information by means of physical interaction or electronic communication with the device only in specified circumstances, including, among others, pursuant to a warrant or wiretap order, or with the specific consent of the authorized possessor of the device.

This bill would additionally authorize a government entity to access electronic device information by means of physical interaction or electronic communication with the device pursuant to an order for a pen register or trap and trace device.

(4) The California Constitution provides for the Right to Truth in Evidence, which requires a 2/3 vote of the Legislature to enact a statute that would exclude any relevant evidence from any criminal proceeding, as specified.

This bill would authorize any person in a trial, hearing, or proceeding to move to suppress wire or electronic information obtained or retained in violation of the 4th Amendment to the United States Constitution or of the pen register and trap and trace device provisions described above,

as specified, and would authorize the Attorney General to commence a civil action to compel any government entity to comply with those provisions. The bill would also authorize an individual whose information is targeted by a warrant, order, or other legal process that is inconsistent with those provisions, the California Constitution, or the United States Constitution, or a service provider or any other recipient of the warrant, order, or other legal process to petition the issuing court to void or modify the warrant, order, or process, or to order the destruction of any information obtained in violation of those provisions, the California Constitution, or the United States Constitution. Because this bill would authorize the exclusion of relevant evidence obtained or retained in violation of those pen register and trap and trace device provisions in a criminal proceeding, it requires a 2/3 vote of the Legislature.

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

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

- 1 SECTION 1. Section 638.52 of the Penal Code is amended to
- 2 read:
- 3 638.52. (a) A peace officer may make an application to a
- 4 magistrate for an order or an extension of an order authorizing or
- 5 approving the installation and use of a pen register or a trap and
- 6 trace device. The application shall be in writing under oath or
- 7 equivalent affirmation, and shall include the identity of the peace
- 8 officer making the application and the identity of the law
- 9 enforcement agency conducting the investigation. The applicant
- 10 shall certify that the information likely to be obtained is relevant
- 11 to an ongoing criminal investigation and shall include a statement
- 12 of the offense to which the information likely to be obtained by
- 13 the pen register or trap and trace device relates.
- 14 (b) The magistrate shall enter an ex parte order authorizing the
- 15 installation and use of a pen register or a trap and trace device if
- 16 he or she finds that the information likely to be obtained by the
- 17 installation and use of a pen register or a trap and trace device is
- 18 relevant to an ongoing investigation and that there is probable
- 19 cause to believe that the pen register or trap and trace device will
- 20 lead to any of the following:
- 21 (1) Recovery of stolen or embezzled property.

1 (2) Property or things used as the means of committing a felony.

2 (3) Property or things in the possession of a person with the
3 intent to use them as a means of committing a public offense, or
4 in the possession of another to whom he or she may have delivered
5 them for the purpose of concealing them or preventing them from
6 being discovered.

7 (4) Evidence that tends to show a felony has been committed,
8 or tends to show that a particular person has committed or is
9 committing a felony.

10 (5) Evidence that tends to show that sexual exploitation of a
11 child, in violation of Section 311.3, or possession of matter
12 depicting sexual conduct of a person under 18 years of age, in
13 violation of Section 311.11, has occurred or is occurring.

14 (6) The location of a person who is unlawfully restrained or
15 reasonably believed to be a witness in a criminal investigation or
16 for whose arrest there is probable cause.

17 (7) Evidence that tends to show a violation of Section 3700.5
18 of the Labor Code, or tends to show that a particular person has
19 violated Section 3700.5 of the Labor Code.

20 (8) Evidence that does any of the following:

21 (A) Tends to show that a felony, a misdemeanor violation of
22 the Fish and Game Code, or a misdemeanor violation of the Public
23 Resources Code, has been committed or is being committed.

24 (B) Tends to show that a particular person has committed or is
25 committing a felony, a misdemeanor violation of the Fish and
26 Game Code, or a misdemeanor violation of the Public Resources
27 Code.

28 (C) Will assist in locating an individual who has committed or
29 is committing a felony, a misdemeanor violation of the Fish and
30 Game Code, or a misdemeanor violation of the Public Resources
31 Code.

32 (c) Information acquired solely pursuant to the authority for a
33 pen register or a trap and trace device shall not include any
34 information that may disclose the physical location of the
35 subscriber, except to the extent that the location may be determined
36 from the telephone number. Upon the request of the person seeking
37 the pen register or trap and trace device, the magistrate may seal
38 portions of the application pursuant to *People v. Hobbs* (1994) 7
39 Cal.4th 948, and Sections 1040, 1041, and 1042 of the Evidence
40 Code.

(d) An order issued pursuant to subdivision (b) shall specify all of the following:

(1) The identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached.

(2) The identity, if known, of the person who is the subject of the criminal investigation.

(3) The number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order.

(4) A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

(5) The order shall direct, if the applicant has requested, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device.

(e) An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed 60 days.

(f) Extensions of the original order may be granted upon a new application for an order under subdivisions (a) and (b) if the officer shows that there is a continued probable cause that the information or items sought under this subdivision are likely to be obtained under the extension. The period of an extension shall not exceed 60 days.

(g) An order or extension order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that the order be sealed until ~~otherwise ordered by the magistrate who issued the order, or a judge of the superior court, the order, including any extensions, expires,~~ and that the person owning or leasing the line to which the pen register or trap and trace device is attached, ~~or who has been ordered by the court to provide assistance to the applicant, attached~~ not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber or to any other person, ~~unless or until otherwise ordered by the magistrate or a judge of the superior court, or for compliance with Sections 1054.1 and 1054.7.~~ *person.*

(h) Upon the presentation of an order, entered under subdivisions (b) or (f), by a peace officer authorized to install and use a pen register, a provider of wire or electronic communication service, landlord, custodian, or other person shall immediately provide the peace officer all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services provided to the party with respect to whom the installation and use is to take place, if the assistance is directed by the order.

(i) Upon the request of a peace officer authorized to receive the results of a trap and trace device, a provider of a wire or electronic communication service, landlord, custodian, or other person shall immediately install the device on the appropriate line and provide the peace officer all information, facilities, and technical assistance, including installation and operation of the device unobtrusively and with a minimum of interference with the services provided to the party with respect to whom the installation and use is to take place, if the installation and assistance is directed by the order.

(j) A provider of a wire or electronic communication service, landlord, custodian, or other person who provides facilities or technical assistance pursuant to this section shall be reasonably compensated by the requesting peace officer's law enforcement agency for the reasonable expenses incurred in providing the facilities and assistance.

(k) Unless otherwise ordered by the magistrate, the results of the pen register or trap and trace device shall be provided to the peace officer at reasonable intervals during regular business hours for the duration of the order.

(l) The magistrate, before issuing the order pursuant to subdivision (b), may examine on oath the person seeking the pen register or the trap and trace device, and any witnesses the person may produce, and shall take his or her affidavit or their affidavits in writing, and cause the affidavit or affidavits to be subscribed by the parties making them.

SEC. 2. Section 638.55 is added to the Penal Code, immediately following Section 638.53, to read:

638.55. (a) Any person in a trial, hearing, or proceeding may move to suppress wire or electronic information obtained or retained in violation of the Fourth Amendment to the United States Constitution or of this chapter. The motion shall be made,

1 *determined, and be subject to review in accordance with the*
2 *procedures set forth in subdivisions (b) to (q), inclusive, of Section*
3 *1538.5.*

4 *(b) The Attorney General may commence a civil action to compel*
5 *any government entity to comply with the provisions of this chapter.*

6 *(c) An individual whose information is targeted by a warrant,*
7 *order, or other legal process that is not in compliance with this*
8 *chapter, the California Constitution, or the United States*
9 *Constitution, or a service provider or any other recipient of the*
10 *warrant, order, or other legal process may petition the issuing*
11 *court to void or modify the warrant, order, or process, or to order*
12 *the destruction of any information obtained in violation of this*
13 *chapter, the California Constitution, or the United States*
14 *Constitution.*

15 ~~SEC. 2.~~

16 *SEC. 3.* Section 1546.1 of the Penal Code is amended to read:

17 1546.1. (a) Except as provided in this section, a government
18 entity shall not do any of the following:

19 (1) Compel the production of or access to electronic
20 communication information from a service provider.

21 (2) Compel the production of or access to electronic device
22 information from any person or entity other than the authorized
23 possessor of the device.

24 (3) Access electronic device information by means of physical
25 interaction or electronic communication with the electronic device.
26 This section does not prohibit the intended recipient of an electronic
27 communication from voluntarily disclosing electronic
28 communication information concerning that communication to a
29 government entity.

30 (b) A government entity may compel the production of or access
31 to electronic communication information from a service provider,
32 or compel the production of or access to electronic device
33 information from any person or entity other than the authorized
34 possessor of the device only under the following circumstances:

35 (1) Pursuant to a warrant issued pursuant to Chapter 3
36 (commencing with Section 1523) and subject to subdivision (d).

37 (2) Pursuant to a wiretap order issued pursuant to Chapter 1.4
38 (commencing with Section 629.50) of Title 15 of Part 1.

39 (3) Pursuant to an order for electronic reader records issued
40 pursuant to Section 1798.90 of the Civil Code.

(4) Pursuant to a subpoena issued pursuant to existing state law, provided that the information is not sought for the purpose of investigating or prosecuting a criminal offense, and compelling the production of or access to the information via the subpoena is not otherwise prohibited by state or federal law. Nothing in this paragraph shall be construed to expand any authority under state law to compel the production of or access to electronic information.

(5) Pursuant to an order for a pen register or trap and trace device, or both, issued pursuant to ~~Sections 638.50 to 638.53, inclusive, and subject to subdivision (d): Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1.~~

(c) A government entity may access electronic device information by means of physical interaction or electronic communication with the device only as follows:

(1) Pursuant to a warrant issued pursuant to Chapter 3 (commencing with Section 1523) and subject to subdivision (d).

(2) Pursuant to a wiretap order issued pursuant to Chapter 1.4 (commencing with Section 629.50) of Title 15 of Part 1.

(3) With the specific consent of the authorized possessor of the device.

(4) With the specific consent of the owner of the device, only when the device has been reported as lost or stolen.

(5) If the government entity, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires access to the electronic device information.

(6) If the government entity, in good faith, believes the device to be lost, stolen, or abandoned, provided that the entity shall only access electronic device information in order to attempt to identify, verify, or contact the owner or authorized possessor of the device.

(7) Except where prohibited by state or federal law, if the device is seized from an inmate's possession or found in an area of a correctional facility under the jurisdiction of the Department of Corrections and Rehabilitation where inmates have access and the device is not in the possession of an individual and the device is not known or believed to be the possession of an authorized visitor. Nothing in this paragraph shall be construed to supersede or override Section 4576.

(8) Pursuant to an order for a pen register or trap and trace device, or both, issued pursuant to Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1.

1 (d) Any warrant for electronic information shall comply with
2 the following:

3 (1) The warrant shall describe with particularity the information
4 to be seized by specifying the time periods covered and, as
5 appropriate and reasonable, the target individuals or accounts, the
6 applications or services covered, and the types of information
7 sought.

8 (2) The warrant shall require that any information obtained
9 through the execution of the warrant that is unrelated to the
10 objective of the warrant shall be sealed and not subject to further
11 review, use, or disclosure without a court order. A court shall issue
12 such an order upon a finding that there is probable cause to believe
13 that the information is relevant to an active investigation, or review,
14 use, or disclosure is required by state or federal law.

15 (3) The warrant shall comply with all other provisions of
16 California and federal law, including any provisions prohibiting,
17 limiting, or imposing additional requirements on the use of search
18 warrants. If directed to a service provider, the warrant shall be
19 accompanied by an order requiring the service provider to verify
20 the authenticity of electronic information that it produces by
21 providing an affidavit that complies with the requirements set forth
22 in Section 1561 of the Evidence Code. Admission of that
23 information into evidence shall be subject to Section 1562 of the
24 Evidence Code.

25 (e) When issuing any warrant or order for electronic information,
26 or upon the petition from the target or recipient of the warrant or
27 order, a court may, at its discretion, do any or all of the following:

28 (1) Appoint a special master, as described in subdivision (d) of
29 Section 1524, charged with ensuring that only information
30 necessary to achieve the objective of the warrant or order is
31 produced or accessed.

32 (2) Require that any information obtained through the execution
33 of the warrant or order that is unrelated to the objective of the
34 warrant be destroyed as soon as feasible after the termination of
35 the current investigation and any related investigations or
36 proceedings.

37 (f) A service provider may voluntarily disclose electronic
38 communication information or subscriber information when that
39 disclosure is not otherwise prohibited by state or federal law.

1 (g) If a government entity receives electronic communication
2 information voluntarily provided pursuant to subdivision (f), it
3 shall destroy that information within 90 days unless one or more
4 of the following circumstances apply:

5 (1) The entity has or obtains the specific consent of the sender
6 or recipient of the electronic communications about which
7 information was disclosed.

8 (2) The entity obtains a court order authorizing the retention of
9 the information. A court shall issue a retention order upon a finding
10 that the conditions justifying the initial voluntary disclosure persist,
11 in which case the court shall authorize the retention of the
12 information only for so long as those conditions persist, or there
13 is probable cause to believe that the information constitutes
14 evidence that a crime has been committed.

15 (3) The entity reasonably believes that the information relates
16 to child pornography and the information is retained as part of a
17 multiagency database used in the investigation of child
18 pornography and related crimes.

19 (h) If a government entity obtains electronic information
20 pursuant to an emergency involving danger of death or serious
21 physical injury to a person, that requires access to the electronic
22 information without delay, the entity shall, within three days after
23 obtaining the electronic information, file with the appropriate court
24 an application for a warrant or order authorizing obtaining the
25 electronic information or a motion seeking approval of the
26 emergency disclosures that shall set forth the facts giving rise to
27 the emergency, and if applicable, a request supported by a sworn
28 affidavit for an order delaying notification under paragraph (1) of
29 subdivision (b) of Section 1546.2. The court shall promptly rule
30 on the application or motion and shall order the immediate
31 destruction of all information obtained, and immediate notification
32 pursuant to subdivision (a) of Section 1546.2 if such notice has
33 not already been given, upon a finding that the facts did not give
34 rise to an emergency or upon rejecting the warrant or order
35 application on any other ground.

36 (i) This section does not limit the authority of a government
37 entity to use an administrative, grand jury, trial, or civil discovery
38 subpoena to do any of the following:

- 1 (1) Require an originator, addressee, or intended recipient of
2 an electronic communication to disclose any electronic
3 communication information associated with that communication.
- 4 (2) Require an entity that provides electronic communications
5 services to its officers, directors, employees, or agents for the
6 purpose of carrying out their duties, to disclose electronic
7 communication information associated with an electronic
8 communication to or from an officer, director, employee, or agent
9 of the entity.
- 10 (3) Require a service provider to provide subscriber information.

O

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

Assembly California Legislature



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ASSEMBLY RULES
2016 MAY 16 A 9:18

Assemblyman Rich Gordon
Chair of the Assembly Rules Committee
Chair, Assembly Rules Committee
California State Capitol Room 3016

Re: Request for an Urgency to AB 1924

Dear Assemblyman Gordon,

I am writing to respectfully request an urgency be added to AB 1924 (Bigelow & Low). This bill clarifies that law enforcement agencies have the authority to seek and use and order for a pen register/trap and trace-device, which are telephone surveillance devices used to record incoming and outgoing phone numbers, for up to 60 days instead of 10 days.


Last year's SB 178 (Leno) created the California Electronic Communications Privacy Act (CECPA), which generally requires law enforcement entities to obtain a search warrant before accessing data on an electronic device or from an online service provider. The ECPA requires law enforcement to seek a search warrant in order to obtain a pen register; however, these warrants are valid for 10 days, whereas pen register/trap and trap device orders are valid for 60 days under federal law and AB 929.

AB 1924 provides clarity that these devices can be utilized for up to 60 days once a search warrant is obtained. We believe an urgency clause will allow departments to be in compliance, and allow them to utilize last year's AB 929.

AB 1924 has enjoyed unanimous, bipartisan support in Assembly Public Safety Committee, Assembly Privacy and Consumer Protection Committee, and the Assembly Appropriations Committee.

Thank you, and I look forward to your support of this request.

Sincerely,


Frank Bigelow
Assemblyman, 5th District
[Back to Agenda](#)

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Eduardo Garcia

February 19, 2016

An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to a parks, water, climate, and coastal protection and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as amended, Eduardo Garcia. California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would enact the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016, which, if approved by the voters, would authorize the issuance of bonds in ~~an unspecified~~ *the amount of \$2,985,000,000* pursuant to the State General Obligation Bond Law to finance a parks, water, climate, and coastal protection and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the November 8, 2016, statewide general election.

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

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

1 SECTION 1. Chapter 14 (commencing with Section 5880) is
2 added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 14. CALIFORNIA PARKS, WATER, CLIMATE, AND
5 COASTAL PROTECTION AND OUTDOOR ACCESS FOR ALL ACT OF
6 2016

7
8 Article 1. General Provisions
9

10 5880. (a) The people of California find and declare all of the
11 following:

12 (1) From California's beautiful rivers, streams, coastal
13 shorelines, and other waterways, to our federal, state, local, and
14 regional parks and outdoor settings, to our vast network of trails
15 connecting people with natural landscapes, Californians value the
16 rich diversity of outdoor experiences afforded to this state and its
17 citizens.

18 (2) There has not been a "true" park and outdoors bond approved
19 by the voters of this state since 2002.

20 (3) Demand for local parks has exceeded available funding by
21 a factor of 8 to 1, with particularly high demand in urban,
22 disadvantaged communities.

23 (4) Many Californians across the state lack access to safe parks,
24 trails, and recreation areas, which limits their ability to experience
25 the outdoors, improve their physical and emotional health, exercise,
26 and connect with their communities.

27 (5) Investments to create and improve parks and recreation
28 areas, and to create trail networks that provide access from
29 neighborhoods to parks and recreational opportunities, will help
30 ensure all Californians have access to safe places to exercise and
31 enjoy recreational activities.

32 (6) The California Center for Public Health Advocacy estimates
33 that inactivity and obesity cost California over forty billion dollars

1 (\$40,000,000,000) annually, through increased health care costs
2 and lost productivity due to obesity-related illnesses, and that even
3 modest increases in physical activity would result in significant
4 savings. Investments in infrastructure improvements such as biking
5 and walking trails and pathways, whether in urban or natural areas,
6 are cost-effective ways to promote physical activity.

7 (7) Continued investments in the state's parks, trails, and natural
8 resources, and greening urban areas will mitigate the effects of
9 climate change, making cities more livable, and will protect
10 California's natural resources for future generations.

11 (8) California's outdoor recreation economy represents an
12 eighty-seven-billion-dollar (\$87,000,000,000) industry, providing
13 over 700,000 jobs and billions of dollars in local and state revenues.

14 (9) California's state, local, and regional park system
15 infrastructure and national park system infrastructure is aging out
16 and a significant infusion of capital is required to protect this
17 investment.

18 (10) There has been a historic underinvestment in parks, trails,
19 and outdoor infrastructure in disadvantaged areas and many
20 communities throughout California.

21 (11) Tourism is a growing industry in California and remains
22 an economic driver for the more rural parts of the state.

23 (b) It is the intent of the people of California that all of the
24 following shall occur in the implementation of this chapter:

25 (1) The investment of public funds pursuant to this chapter will
26 result in public benefits that address the most critical statewide
27 needs and priorities for public funding.

28 (2) In the appropriation and expenditure of funding authorized
29 by this chapter, priority will be given to projects that leverage
30 private, federal, or local funding or produce the greatest public
31 benefit.

32 (3) The funding authorized by this chapter will support
33 implementation of the recommendations contained in the Parks
34 Forward Commission Plan released in February 2015.

35 (4) To the extent practicable, a project that receives moneys
36 pursuant to this chapter will include signage informing the public
37 that the project received funds from the California Parks, Water,
38 Climate, and Coastal Protection and Outdoor Access For All Act
39 of 2016.

(5) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

5880.01. The following definitions govern the construction of this chapter:

(a) “Committee” means the California Parks, Water, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 5889.02.

(b) “Department” means the Department of Parks and Recreation.

(c) “Disadvantaged community” has the same meaning set forth in subdivision (g) of Section 75005.

(d) “District” means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780), or an authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, “district” also means any other entity that is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation director, offers year-round park and recreation services on land and facilities owned by the entity, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

(e) “Fund” means the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Fund, created by Section 5880.08.

(f) “Severely disadvantaged community” has the same meaning set forth in subdivision (g) of Section 75005.

5880.02. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this chapter may be used to pay the administrative costs of that program.

5880.03. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this chapter

1 may be expended for planning and monitoring necessary for the
2 successful design, selection, and implementation of the projects
3 authorized under that program. This section shall not otherwise
4 restrict funds ordinarily used by an agency for “preliminary plans,”
5 “working drawings,” and “construction” as defined in the annual
6 Budget Act for a capital outlay project or grant project. Planning
7 may include feasibility studies for environmental site cleanup that
8 would further the purpose of a project that is eligible for funding
9 under this chapter.

10 (b) Funds used for planning projects that benefit disadvantaged
11 communities may exceed 10 percent of the funds allocated if the
12 state agency administering the moneys determines that there is a
13 need for the additional funding.

14 5880.04. (a) At least 10 percent of the funds available pursuant
15 to each article of this chapter shall be allocated for projects serving
16 severely disadvantaged communities.

17 (b) Except as provided in subdivision (c), up to 10 percent of
18 the funds available pursuant to each article of this chapter may be
19 allocated for technical assistance to disadvantaged communities.
20 The agency administering the moneys shall operate a
21 multidisciplinary technical assistance program for small
22 disadvantaged communities.

23 (c) Funds used for providing technical assistance to
24 disadvantaged communities may exceed 10 percent of the funds
25 allocated if the state agency administering the moneys determines
26 that there is a need for the additional funding.

27 5880.05. Before disbursing grants pursuant to this chapter,
28 each state agency that receives funding to administer a competitive
29 grant program under this chapter shall do the following:

30 (a) Develop and adopt project solicitation and evaluation
31 guidelines. The guidelines shall include monitoring and reporting
32 requirements and may include a limitation on the dollar amount
33 of grants to be awarded. If the state agency has previously
34 developed and adopted project solicitation and evaluation
35 guidelines that comply with the requirements of this subdivision,
36 it may use those guidelines.

37 (b) Conduct three public meetings to consider public comments
38 before finalizing the guidelines. The state agency shall publish the
39 draft solicitation and evaluation guidelines on its Internet Web site
40 at least 30 days before the public meetings. One meeting shall be

1 conducted at a location in northern California, one meeting shall
2 be conducted at a location in the central valley of California, and
3 one meeting shall be conducted at a location in southern California.

4 (c) Submit the guidelines to the Secretary of the Natural
5 Resources Agency. The Secretary of the Natural Resources Agency
6 shall verify that the guidelines are consistent with applicable
7 statutes and for all the purposes enumerated in this chapter. The
8 Secretary of the Natural Resources Agency shall post an electronic
9 form of the guidelines submitted by state agencies and the
10 subsequent verifications on the Natural Resources Agency's
11 Internet Web site.

12 (d) Upon adoption, transmit copies of the guidelines to the fiscal
13 committees and the appropriate policy committees of the
14 Legislature.

15 5880.06. (a) The Department of Finance shall provide for an
16 independent audit of expenditures pursuant to this chapter. The
17 Secretary of the Natural Resources Agency shall publish a list of
18 all program and project expenditures pursuant to this chapter not
19 less than annually, in written form, and shall post an electronic
20 form of the list on the agency's Internet Web site.

21 (b) If an audit, required by statute, of any entity that receives
22 funding authorized by this chapter is conducted pursuant to state
23 law and reveals any impropriety, the California State Auditor or
24 the Controller may conduct a full audit of any or all of the activities
25 of that entity.

26 (c) The state agency issuing any grant with funding authorized
27 by this chapter shall require adequate reporting of the expenditures
28 of the funding from the grant.

29 5880.07. A project whose application includes the use of
30 services of the California Conservation Corps or certified
31 community conservation corps, as defined in Section 14507.5,
32 shall be given preference for receipt of a grant under this chapter.

33 5880.075. A project that includes water efficiencies, stormwater
34 capture, or carbon sequestration features in the project design may
35 be given priority for grant funding under this chapter.

36 5880.08. (a) The proceeds of bonds issued and sold pursuant
37 to this chapter shall be deposited in the California Parks, Water,
38 Climate, and Coastal Protection and Outdoor Access For All Fund,
39 which is hereby created in the State Treasury.

1 (b) *Proceeds of bonds issued and sold pursuant to this chapter*
2 *shall be allocated according to the following schedule:*

3 (1) *Nine hundred ninety-five million dollars (\$995,000,000) for*
4 *purposes of Article 2 (commencing with Section 5881).*

5 (2) *Nine hundred ninety-five million dollars (\$995,000,000) for*
6 *purposes of Article 3 (commencing with Section 5882), Article 4*
7 *(commencing with Section 5883), Article 5 (commencing with*
8 *Section 5884), and Article 6 (commencing with Section 5885).*

9 (3) *Nine hundred ninety-five million dollars (\$995,000,000) for*
10 *purposes of Article 7 (commencing with Section 5886), Article 7.5*
11 *(commencing with Section 5887), and Article 8 (commencing with*
12 *Section 5888).*

13 5880.09. The Legislature may enact legislation necessary to
14 implement programs funded by this chapter.

15
16 Article 2. Investments in Environmental and Social Equity,
17 Enhancing California's Disadvantaged Communities
18

19 5881. (a) ~~The Pursuant to Section 5880.08, the sum of _____~~
20 *nine hundred ninety-five million dollars (\$_____)* (\$995,000,000)
21 shall be available to the department, upon appropriation by the
22 Legislature, for the creation and expansion of safe neighborhood
23 parks in park-poor neighborhoods in accordance with the Statewide
24 Park Development and Community Revitalization Act of 2008's
25 competitive grant program described in Chapter 3.3 (commencing
26 with Section 5640).

27 (b) When developing or revising criteria or guidelines for the
28 grant program, the department may consider the population
29 densities of an applicant in relation to countywide populations,
30 comparative income levels, and other poverty-related factors that
31 are relative to regionwide statistics.

32
33 Article 3. Investments in Protecting, Enhancing, and Accessing
34 California's Local and Regional Outdoor Spaces
35

36 5882. (a) ~~The Pursuant to Section 5880.08, the sum of _____~~
37 dollars (\$_____) shall be available to the department, upon
38 appropriation by the Legislature, for local park rehabilitation and
39 improvement grants to local governments on a per capita basis.
40 Grant recipients shall be encouraged to utilize awards to rehabilitate

1 existing infrastructure and to address deficiencies in neighborhoods
2 lacking access to the outdoors.

3 (b) Unless the entity has been identified as a disadvantaged
4 community, an entity that receives an award pursuant to this section
5 shall be required to provide a match of 20 percent as a local share.

6 5882.02. (a) (1) The department shall allocate 60 percent of
7 the funds available pursuant to subdivision (a) of Section 5882 to
8 cities and districts, other than a regional park district, regional park
9 and open-space district, or regional open-space district. Each city's
10 and district's allocation shall be in the same ratio as the city's or
11 district's population is to the combined total of the state's
12 population that is included in incorporated areas and unincorporated
13 areas within the district, except that each city or district shall be
14 entitled to a minimum allocation of _____ dollars (\$_____). If the
15 boundary of a city overlaps the boundary of a district, the
16 population in the overlapping area shall be attributed to each
17 jurisdiction in proportion to the extent to which each operates and
18 manages parks and recreational areas and facilities for that
19 population. If the boundary of a city overlaps the boundary of a
20 district, and in the area of overlap the city does not operate and
21 manage parks and recreational areas and facilities, all grant funds
22 for that area shall be allocated to the district.

23 (2) On or before April 1, 2018, a city and a district that are
24 subject to paragraph (1), and whose boundaries overlap, shall
25 collaboratively develop and submit to the department a specific
26 plan for allocating the grant funds in accordance with the formula
27 specified in paragraph (1). If, by that date, the plan has not been
28 developed and submitted to the department, the director shall
29 determine the allocation of the grant funds between the affected
30 jurisdiction.

31 (b) (1) The department shall allocate 40 percent of the funds
32 available pursuant to subdivision (a) of Section 5882 to counties
33 and regional park districts, regional park and open-space districts,
34 and regional open-space districts formed pursuant to Article 3
35 (commencing with Section 5500) of Chapter 3.

36 (2) Each county's allocation under paragraph (1) shall be in the
37 same ratio that the county's population is to the total state
38 population, except that each county shall be entitled to a minimum
39 allocation of _____ dollars (\$_____).

1 (3) In any county that embraces all or part of the territory of a
2 regional park district, regional park and open-space district, or
3 regional open-space district, and whose board of directors is not
4 the county board of supervisors, the amount allocated to the county
5 shall be apportioned between that district and the county in
6 proportion to the population of the county that is included within
7 the territory of the district and the population of the county that is
8 outside the territory of the district.

9 (c) For the purpose of making the calculations required by this
10 section, population shall be determined by the department, in
11 cooperation with the Department of Finance, on the basis of the
12 most recent verifiable census data and other verifiable population
13 data that the department may require to be furnished by the
14 applicant city, county, or district.

15 (d) The Legislature intends all recipients of funds pursuant to
16 subdivision (a) of Section 5882 to use those funds to supplement
17 local revenues in existence on the effective date of the act adding
18 this chapter. To receive an allocation pursuant to subdivision (a)
19 of Section 5882, the recipient shall not reduce the amount of
20 funding otherwise available to be spent on parks or other projects
21 eligible for funds under this chapter in its jurisdiction. A one-time
22 allocation of other funding that has been expended for parks or
23 other projects, but which is not available on an ongoing basis, shall
24 not be considered when calculating a recipient's annual
25 expenditures. For purposes of this subdivision, the Controller may
26 request fiscal data from recipients for the preceding three fiscal
27 years. Each recipient shall furnish the data to the Controller no
28 later than 120 days after receiving the request from the Controller.

29 5882.04. (a) The director of the department shall prepare and
30 adopt criteria and procedures for evaluating applications for grants
31 allocated pursuant to subdivision (a) of Section 5882. The
32 application shall be accompanied by certification that the project
33 is consistent with the park and recreation element of the applicable
34 city or county general plan or the district park recreation plan, as
35 the case may be.

36 (b) To utilize available grant funds as effectively as possible,
37 overlapping and adjoining jurisdictions and applicants with similar
38 objectives are encouraged to combine projects and submit a joint
39 application. A recipient may allocate all or a portion of its per
40 capita share for a regional or state project.

(c) The director of the department shall annually forward a statement of the total amount to be appropriated each fiscal year for projects approved for grants pursuant to this article to the Director of Finance for inclusion in the annual Budget Act. A list of eligible jurisdictions and the amount of grant funds to be allocated to each jurisdiction shall also be made available by the department.

(d) Funds appropriated pursuant to this article shall be encumbered by the recipient within three years from the date the appropriation is effective. Regardless of the date of encumbrance of the granted funds, the recipient is expected to complete all funded projects within eight years of the effective date of the appropriation.

5882.06. ~~The~~ Pursuant to Section 5880.08, the sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, open-space districts, open-space authorities, and eligible nonprofit organizations on a competitive grant basis to expand, rehabilitate, or restore parks and park facilities, including trails, that facilitate new or enhanced use and enhanced user experiences.

Article 4. Restoring California's Natural, Historic, and Cultural Legacy

5883. (a) ~~The~~ Pursuant to Section 5880.08, the sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for restoration and preservation of existing state park facilities and units to preserve and increase public access to those facilities and units and to protect the natural, cultural, and historic resources of those facilities and units.

(b) Of the amount made available pursuant to this section, not less than 80 percent shall be available for capital improvements that address the department's backlog of deferred maintenance.

(c) The amount made available pursuant to subdivision (a), less the amount made available for capital improvements pursuant to subdivision (b), shall be allocated as follows:

(1) The sum of _____ dollars (\$_____) shall be available to the department for enterprise projects that facilitate new or enhanced

1 park use and user experiences and increase revenue generation to
2 support operations of the department.

3 (2) The sum of ____ dollars (\$____) shall be available to the
4 department for grants to local agencies that operate a unit of the
5 state park system.

6
7 Article 5. Trails and Waterfront Greenway Investment
8

9 5884. (a) ~~The Pursuant to Section 5880.08, the~~ sum of ____
10 dollars (\$____) shall be available to the Natural Resources
11 Agency, upon appropriation by the Legislature, for competitive
12 grants to local agencies, state conservancies, federally recognized
13 Native American tribes, nonfederally recognized California Native
14 American tribes listed on the California Tribal Consultation List
15 maintained by the Native American Heritage Commission, and
16 nonprofit organizations to provide nonmotorized infrastructure
17 development and enhancements that promote new or alternate
18 access to parks, waterways, outdoor recreational pursuits, and
19 forested or other natural environments to encourage health-related
20 commuting and opportunities for Californians to reconnect with
21 nature.

22 (b) Of the amount made available pursuant to this section, up
23 to 25 percent may be made available to communities for innovative
24 transportation programs that provide new and expanded outdoor
25 experiences to disadvantaged youth.

26 (c) Alignment, development, and improvement of nonmotorized
27 infrastructure and trails that lead to safer interconnectivity between
28 parks, waterways, and natural areas may be encouraged.

29 (d) The Natural Resources Agency is encouraged, when
30 designing guidelines, for grants awarded under this article, to utilize
31 existing program guidelines including, if applicable, guidelines
32 that have been established for the California Recreational Trails
33 Act (Article 6 (commencing with Section 5070) of Chapter 1) and
34 the Active Transportation Program (Chapter 8 (commencing with
35 Section 2380) of Division 3 of the Streets and Highway Code).

Article 6. Rural Recreation, Tourism, and Economic Enrichment
Investment

5885. (a) ~~The~~*Pursuant to Section 5880.08, the* sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, as defined in subdivision (e) of Section 5621, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)). In awarding the grants, the department may consider the following factors:

(1) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.

(2) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

(3) Whether the project includes collaboration between public and nonprofit organizations, including, but not limited to, nonprofit land trusts, to facilitate public access to privately-owned lands for regional trail development for wildlife viewing, recreation, or outdoor experiences for youth.

(b) Unless the entity has been identified as a disadvantaged community, an entity that receives an award under this article shall be required to provide a match of 20 percent.

Article 7. California Clean Water, Coastal, and Watershed
Cobenefit Program

5886. (a) ~~The~~*Pursuant to Section 5880.08, the* sum of _____ dollars (\$_____) shall be available to the Natural Resources Agency, upon appropriation by the Legislature, for grants pursuant to the California River Parkway Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(b) Unless the entity has been identified as a disadvantaged community, an entity that receives an award under this article shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts.

(d) Not less than ___ percent of the amount made available pursuant to this section shall be allocated for project grants to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048 of the Water Code, and its tributaries, pursuant to Division 22.8 (commencing with Section 32600), Division 23 (commencing with Section 33000), and Section 79508 of the Water Code. *Money allocated pursuant to this subdivision shall be equally divided between projects in areas described in Division 22.8 (commencing with Section 32600) and projects in areas described in Division 23 (commencing with Section 33000).*

Article 7.5. State Conservancy Funding

5887. ~~The~~ Pursuant to Section 5880.08, the sum of _____ dollars (\$_____) shall be available, upon appropriation by the Legislature, in accordance with the following schedule, to fulfill the purposes of the specified entity:

- (a) Baldwin Hills Conservancy, _____ dollars (\$_____).
- (b) California Tahoe Conservancy, _____ dollars (\$_____).
- (c) Coachella Mountains Conservancy, _____ dollars (\$_____).
- (d) Sacramento-San Joaquin Delta Conservancy, _____ dollars (\$_____).
- (e) Salton Sea Authority, _____ dollars (\$_____).
- (f) San Diego River Conservancy, _____ dollars (\$_____).
- (g) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, _____ dollars (\$_____).
- (h) San Joaquin River Conservancy, _____ dollars (\$_____).
- (i) Santa Monica Mountains Conservancy, _____ dollars (\$_____).
- (j) Sierra Nevada Conservancy, _____ dollars (\$_____).
- (k) State Coastal Conservancy, _____ dollars (\$_____). Of this amount, not less than 40 percent shall go toward the San Francisco

1 Bay Area Conservancy Program (Chapter 4.5 (commencing with
2 Section 31160) of Division 21).

3 5887.02. The Legislature shall strive to consider population
4 size, land mass, and natural resource significance as factors when
5 determining the amount of any other funds to be given to an entity
6 described in Section 5887.

7

8 Article 8. Climate Preparedness and Habitat Resiliency

9

10 5888. ~~The Pursuant to Section 5880.08, the~~ sum of _____
11 dollars (\$_____) shall be available to plan, develop, and implement
12 climate adaptation and resiliency projects that improve a
13 community's ability to adapt to the unavoidable impacts of climate
14 change. Projects shall improve and protect coastal and rural
15 economies, agricultural viability, wildlife corridors, or habitat,
16 develop future recreational opportunities, or enhance drought
17 tolerance and water retention, in accordance with the following
18 schedule:

19 (a) _____ dollars (\$_____) shall be available to the Wildlife
20 Conservation Board for grants for the protection and expansion of
21 wildlife corridors, including projects to improve connectivity
22 between habitat areas, for projects to improve climate adaptation
23 and resilience of natural systems, and for projects to protect and
24 improve existing open-space corridors and trail linkages related
25 to utility or transportation infrastructure that provide habitat
26 connectivity and public access or trails.

27 (b) _____ dollars (\$_____) shall be available for deposit into the
28 California Climate Resilience Account, established pursuant to
29 Section 31012, for projects that assist coastal communities,
30 especially those reliant on commercial fisheries, with adaptation
31 to climate change, including projects that address ocean
32 acidification, sea level rise, or the protection of habitat associated
33 with the Pacific Flyway.

34 (c) _____ dollars (\$_____) shall be available for projects that
35 improve agricultural and open-space soil health, to improve carbon
36 soil sequestration, water quality, and water retention, or projects
37 that replace inefficient groundwater pumps.

38 (d) _____ dollars (\$_____) shall be available for projects that
39 reduce fire risk, improve forest health, and provide feedstock for
40 compost, energy, or alternative fuels facilities.

(e) _____ dollars (\$_____) shall be available to the California Conservation Corps for projects to rehabilitate or improve parks and restore watersheds, including regional and community fuel load reduction projects on public lands, and stream and river restoration projects. Not less than 50 percent of these funds shall be in the form of grants to certified local community conservation corps, as defined in Section 14507.5.

Article 9. Fiscal Provisions

5889. (a) Bonds in the total amount of _____ two billion nine hundred eighty-five million dollars (~~\$_____~~), (\$2,985,000,000), not including the amount of any refunding bonds issued in accordance with Section 5889.12, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

5889.01. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter.

5889.02. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this chapter, the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Finance Committee is hereby created. For purposes of this chapter, the California Parks,

1 Water, Climate, and Coastal Protection and Outdoor Access For
2 All Finance Committee is the “committee” as that term is used in
3 the State General Obligation Bond Law.

4 (b) The committee consists of the Director of Finance, the
5 Treasurer, and the Controller. Notwithstanding any other provision
6 of law, any member may designate a representative to act as that
7 member in his or her place for all purposes, as though the member
8 were personally present.

9 (c) The Treasurer shall serve as the chair of the committee.

10 (d) A majority of the committee may act for the committee.

11 5889.03. The committee shall determine whether or not it is
12 necessary or desirable to issue bonds authorized by this chapter in
13 order to carry out the actions specified in this chapter and, if so,
14 the amount of bonds to be issued and sold. Successive issues of
15 bonds may be authorized and sold to carry out those actions
16 progressively, and it is not necessary that all of the bonds
17 authorized to be issued be sold at any one time.

18 5889.04. For purposes of the State General Obligation Bond
19 Law, “board,” as defined in Section 16722 of the Government
20 Code, means the Secretary of the Natural Resources Agency.

21 5889.05. There shall be collected each year and in the same
22 manner and at the same time as other state revenue is collected,
23 in addition to the ordinary revenues of the state, a sum in an amount
24 required to pay the principal of, and interest on, the bonds each
25 year. It is the duty of all officers charged by law with any duty in
26 regard to the collection of the revenue to do and perform each and
27 every act that is necessary to collect that additional sum.

28 5889.06. Notwithstanding Section 13340 of the Government
29 Code, there is hereby appropriated from the General Fund in the
30 State Treasury, for the purposes of this chapter, an amount that
31 will equal the total of the following:

32 (a) The sum annually necessary to pay the principal of, and
33 interest on, bonds issued and sold pursuant to this chapter, as the
34 principal and interest become due and payable.

35 (b) The sum that is necessary to carry out the provisions of
36 Section 5889.09, appropriated without regard to fiscal years.

37 5889.07. The board may request the Pooled Money Investment
38 Board to make a loan from the Pooled Money Investment Account
39 in accordance with Section 16312 of the Government Code for the
40 purpose of carrying out this chapter less any amount withdrawn

1 pursuant to Section 5889.09. The amount of the request shall not
2 exceed the amount of the unsold bonds that the committee has, by
3 resolution, authorized to be sold for the purpose of carrying out
4 this chapter. The board shall execute those documents required by
5 the Pooled Money Investment Board to obtain and repay the loan.
6 Any amounts loaned shall be deposited in the fund to be allocated
7 in accordance with this chapter.

8 5889.08. Notwithstanding any other provision of this chapter,
9 or of the State General Obligation Bond Law, if the Treasurer sells
10 bonds that include a bond counsel opinion to the effect that the
11 interest on the bonds is excluded from gross income for federal
12 tax purposes under designated conditions or is otherwise entitled
13 to any federal tax advantage, the Treasurer may maintain separate
14 accounts for the bond proceeds invested and for the investment
15 earnings on those proceeds, and may use or direct the use of those
16 proceeds or earnings to pay any rebate, penalty, or other payment
17 required under federal law or take any other action with respect
18 to the investment and use of those bond proceeds, as may be
19 required or desirable under federal law in order to maintain the
20 tax-exempt status of those bonds and to obtain any other advantage
21 under federal law on behalf of the funds of this state.

22 5889.09. For the purposes of carrying out this chapter, the
23 Director of Finance may authorize the withdrawal from the General
24 Fund of an amount or amounts not to exceed the amount of the
25 unsold bonds that have been authorized by the committee to be
26 sold for the purpose of carrying out this chapter less any amount
27 borrowed pursuant to Section 5889.09. Any amounts withdrawn
28 shall be deposited in the fund. Any moneys made available under
29 this section shall be returned to the General Fund, with interest at
30 the rate earned by the moneys in the Pooled Money Investment
31 Account, from proceeds received from the sale of bonds for the
32 purpose of carrying out this chapter.

33 5889.10. All moneys deposited in the fund that are derived
34 from premium and accrued interest on bonds sold pursuant to this
35 chapter shall be reserved in the fund and shall be available for
36 transfer to the General Fund as a credit to expenditures for bond
37 interest, except that amounts derived from premiums may be
38 reserved and used to pay the cost of bond issuance prior to any
39 transfer to the General Fund.

1 5889.11. Pursuant to Chapter 4 (commencing with Section
2 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
3 the cost of bond issuance shall be paid out of the bond proceeds,
4 including premiums, if any. To the extent the cost of bond issuance
5 is not paid from premiums received from the sale of bonds, these
6 costs shall be shared proportionately by each program funded
7 through this chapter by the applicable bond sale.

8 5889.12. The bonds issued and sold pursuant to this chapter
9 may be refunded in accordance with Article 6 (commencing with
10 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
11 the Government Code, which is a part of the State General
12 Obligation Bond Law. Approval by the voters of the state for the
13 issuance of the bonds under this chapter shall include approval of
14 the issuance of any bonds issued to refund any bonds originally
15 issued under this chapter or any previously issued refunding bonds.

16 5889.13. The proceeds from the sale of bonds authorized by
17 this chapter are not “proceeds of taxes” as that term is used in
18 Article XIII B of the California Constitution, and the disbursement
19 of these proceeds is not subject to the limitations imposed by that
20 article.

21 SEC. 2. (a) Notwithstanding the requirements of Sections
22 9040, 9043, 9044, 9061, and 9082 of the Elections Code, or any
23 other law, the Secretary of State shall submit this act to the voters
24 at the November 8, 2016, statewide general election.

25 (b) The Secretary of State shall include in the ballot pamphlets
26 mailed pursuant to Section 9094 of the Elections Code the
27 information specified in Section 9084 of the Elections Code
28 regarding the bond act contained in this act. If that inclusion is not
29 possible, the Secretary of State shall publish a supplemental ballot
30 pamphlet regarding this act to be mailed with the ballot pamphlet.
31 If the supplemental ballot pamphlet cannot be mailed with the
32 ballot pamphlet, the supplemental ballot pamphlet shall be mailed
33 separately.

34 (c) Notwithstanding Section 9054 of the Elections Code or any
35 other law, the translations of the ballot title and the condensed
36 statement of the ballot title required pursuant to Section 9054 of
37 the Elections Code may be made available for public examination
38 at a later date than the start of the public examination period for
39 the ballot pamphlet, provided that the translations of the ballot title

1 and the condensed statement of the ballot title must remain
2 available for public examination for eight days.

3 (d) Notwithstanding Section 13282 of the Elections Code or
4 any other law, the public shall be permitted to examine the
5 condensed statement of the ballot title for not more than eight days.
6 Any voter may seek a writ of mandate for the purpose of requiring
7 the condensed statement of the ballot title, or portion thereof, to
8 be amended or deleted only within that eight-day period.

9 SEC. 3. This act shall take effect upon approval by the voters
10 of the California Parks, Water, Climate, and Coastal Protection
11 and Outdoor Access For All Act, as set forth in Section 1 of this
12 act.

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Assembly California Legislature



EDUARDO GARCIA
CHAIR: ASSEMBLY COMMITTEE ON
JOBS, ECONOMIC DEVELOPMENT, AND THE ECONOMY
ASSEMBLYMEMBER, FIFTY-SIXTH DISTRICT

COMMITTEES
APPROPRIATIONS
GOVERNMENTAL ORGANIZATION
TRANSPORTATION

SELECT COMMITTEES
CHAIR: RENEWABLE ENERGY
DEVELOPMENT AND RESTORATION OF
THE SALTON SEA
CALIFORNIA-MEXICO BI-NATIONAL AFFAIRS
CIVIC ENGAGEMENT
DIGITAL DIVIDE IN RURAL CALIFORNIA
STATUS OF GIRLS AND WOMEN OF COLOR
WORKFORCE AND VOCATIONAL
DEVELOPMENT

May 17th, 2016

The Honorable Richard Gordon
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, California 95814

Dear Assemblymember Gordon:

I respectfully request that an urgency clause be added to AB 2444 - The California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016 - so that it may be eligible to be placed on the 2016 ballot this November.

Thank you for your prompt response to my request. Please contact Mark Rossow at 916.319.2056 should any questions arise.

Sincerely,

Eduardo Garcia
Assemblymember, 56th District

AMENDED IN ASSEMBLY APRIL 20, 2016
AMENDED IN ASSEMBLY JANUARY 5, 2016
AMENDED IN ASSEMBLY JUNE 11, 2015

SENATE BILL

No. 683

Introduced by Senator Wolk

February 27, 2015

An act to add Section ~~23320.2~~ 23786 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 683, as amended, Wolk. Alcoholic beverage licenses: nonprofit ~~organizations~~ *sales license*.

Existing law, the Alcoholic Beverage Control Act, regulates the application for, the issuance of, the suspension of, and the conditions imposed upon, various alcoholic beverage licenses pursuant to which the licensees may exercise specified privileges in the state. Existing law authorizes the specified licenses to nonprofit organizations, as provided. *Existing law also provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued.*

This bill would authorize the Department of Alcoholic Beverage Control to issue ~~an onsale or offsale retail license to a nonprofit organization~~ *a special nonprofit sales license to a nonprofit mutual benefit corporation, as described, that would authorize the licensee to, among other things, accept the transfer of, and take title to, alcoholic beverages produced by the public university, as described, and sell transferred, donated, and bequeathed alcoholic beverages to consumers and licensees, as provided. The bill would impose an original fee and*

an annual renewal fee for the license, which would be deposited in the Alcohol Beverage Control Fund.

This bill would make legislative findings and declarations as to the necessity of a special statute for a county of the 28th class.

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

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

1 *SECTION 1. Section 23786 is added to the Business and*
2 *Professions Code, to read:*

3 23786. (a) *The department may issue a special nonprofit sales*
4 *license to a nonprofit mutual benefit corporation, as described in*
5 *Section 23701a of the Revenue and Taxation Code, that has a*
6 *board membership composed of the Dean of the College of*
7 *Agricultural and Environmental Sciences, or his or her designee,*
8 *the Chair of the Department of Viticulture and Enology, or his or*
9 *her designee, and the Chair of the Department of Food Science*
10 *and Technology, or his or her designee, of the public university*
11 *located within the county of the 28th class that includes courses*
12 *in viticulture, enology, brewing, and distilling in its curriculum.*

13 (b) *A special nonprofit sales license authorizes the licensee to*
14 *do all of the following:*

15 (1) *Accept the transfer of, and take title to, alcoholic beverages*
16 *produced by the public university described in subdivision (a),*
17 *notwithstanding that the public university does not hold any license*
18 *issued pursuant to this division. For purposes of this section,*
19 *“produced” includes alcoholic beverages donated to, or purchased*
20 *by, the public university for educational or experimental purposes*
21 *and that are thereafter treated or processed by the public*
22 *university.*

23 (2) *Accept donations or bequests of bottled alcoholic beverages*
24 *from any unlicensed person.*

25 (3) *Sell alcoholic beverages received pursuant to paragraphs*
26 *(1) and (2) to consumers for consumption off the licensed premises*
27 *or to other licensees authorized to sell the alcoholic beverages*
28 *sold. A bottle of an alcoholic beverage sold by the licensee shall*
29 *have a permanently affixed label stating that the alcoholic beverage*
30 *was donated or bequeathed to the licensee by an unlicensed person*
31 *or was received from a public university.*

1 (4) Accept donations of services and products, excluding
2 alcoholic beverages, from any licensee. The donating licensee may
3 donate services and products notwithstanding any other provision
4 of this division.

5 (5) Give licensees samples of the alcoholic beverages it sells,
6 subject to the limitations in subdivision (a) of Section 23386 and
7 any department regulations.

8 (c) The special nonprofit sales license does not authorize the
9 licensee to purchase or otherwise obtain alcoholic beverages from
10 a licensee or other manufacturer or seller of alcoholic beverages,
11 except as specified in this section.

12 (d) (1) An unlicensed person may donate or bequeath alcoholic
13 beverages to a special nonprofit sales licensee.

14 (2) A public university, as described in subdivision (a), may
15 transfer alcoholic beverages produced by the public university to
16 a special nonprofit sales licensee.

17 (e) The original fee for the special nonprofit sales license shall
18 be five hundred dollars (\$500) and the annual renewal fee shall
19 be one hundred dollars (\$100). The original and annual renewal
20 fee may be adjusted pursuant to subdivisions (b) and (c) of Section
21 23320.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique conditions in a county of the
26 28th class.

27 ~~SECTION 1. Section 23320.2 is added to the Business and~~
28 ~~Professions Code, to read:~~

29 ~~23320.2. In addition to the licenses specified in Section 23320,~~
30 ~~the department may issue an onsale or offsale retail license to a~~
31 ~~nonprofit organization.~~

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MEMBERS
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California Legislature

SENATE SELECT COMMITTEE ON CALIFORNIA'S WINE INDUSTRY

LOIS WOLK
CHAIR



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May 16, 2016

The Honorable Richard S. Gordon, Chair
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Mr. Chair,

I respectfully request to add an urgency clause to SB 683 (Wolk)-UC Davis College of Agriculture and Environmental Sciences.

In order for the UC Davis College of Agriculture and Environmental Sciences to have an environmentally friendly alternatives for disposing wine and other alcoholic beverages made through their curriculum during this school year, this legislation needs to be enacted immediately.

Thank you for your expeditious response to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lois Wolk", written over the printed name.

LOIS WOLK
Senator, Third District

[Back to Agenda](#)